

AMENDMENT TO RULES
COMMITTEE PRINT 119–8
OFFERED BY MR. SMITH OF WASHINGTON

At the end of title XVII, insert the following new section:

1 **SEC. 17____. PILOT PROGRAM FOR SOUND INSULATION RE-**
2 **PAIR AND REPLACEMENT.**

3 (a) GOVERNMENT SHARE.—Section 47109 of title
4 49, United States Code, is amended by adding at the end
5 the following:

6 “(i) SPECIAL RULE FOR SOUND INSULATION REPAIR
7 AND REPLACEMENT.—With respect to a project to carry
8 out sound insulation that is granted a waiver under sec-
9 tion 47110(j), the allowable project cost for such project
10 shall be calculated without consideration of any costs that
11 were previously paid by the Government.”.

12 (b) SOUND INSULATION TREATMENT REPAIR AND
13 REPLACEMENT PROJECTS.—Section 47110 of title 49,
14 United States Code, is amended by adding at the end the
15 following:

16 “(j) PILOT PROGRAM FOR SOUND INSULATION RE-
17 PAIR AND REPLACEMENTS.—

1 “(1) IN GENERAL.—Not later than 120 days
2 after the date of enactment of this subsection, the
3 Administrator of the Federal Aviation Administra-
4 tion shall establish a pilot program at up to 4 large
5 hub public-use airports for local airport operators
6 that have established a local program to fund sec-
7 ondary noise using non-aeronautical revenue that
8 provides a one-time waiver of the requirement of
9 subsection (b)(4) for a qualifying airport as applied
10 to projects to carry out repair and replacement of
11 sound insulation for a residential building for which
12 the airport previously received Federal assistance or
13 Federally authorized airport assistance under this
14 subchapter if—

15 “(A) the Secretary determines that the ad-
16 ditional assistance is justified due to the resi-
17 dence containing any sound insulation treat-
18 ment or other type of sound proofing material
19 previously installed under this subchapter that
20 is determined to be eligible pursuant to para-
21 graph (2); and

22 “(B) the residence—

23 “(i) falls within the Day Night Level
24 (DNL) of 65 to 75 decibel (dB) noise con-
25 tours, according to the most recent noise

1 exposure map (as such term is defined in
2 section 150.7 of title 14, Code of Federal
3 Regulations) available as of the date of en-
4 actment of this subsection;

5 “(ii) fell within such noise contours at
6 the time the initial sound insulation treat-
7 ment was installed, but a qualified noise
8 auditor has determined that—

9 “(I) such sound insulation treat-
10 ment caused physical damage to the
11 residence; or

12 “(II) the materials used for
13 sound insulation treatment were of
14 low quality and have deteriorated,
15 broken, or otherwise no longer func-
16 tion as intended; and

17 “(iii) is shown through testing that
18 current interior noise levels exceed DNL
19 45 dB, and the new insulation would have
20 the ability to achieve a 5 dB noise reduc-
21 tion;

22 “(2) ELIGIBILITY DETERMINATION.—To be eli-
23 gible for waiver under this subsection for repair or
24 replacement of sound insulation treatment projects,
25 an applicant shall—

1 “(A) ensure that the applicant and the
2 property owner have made a good faith effort to
3 exhaust any amounts available through warran-
4 ties, insurance coverage, and legal remedies for
5 the sound insulation treatment previously in-
6 stalled on the eligible residence;

7 “(B) verify the sound insulation treatment
8 for which Federal assistance was previously
9 provided was installed prior to the year 2002;
10 and

11 “(C) demonstrate that a qualified noise
12 auditor, based on an inspection of the residence,
13 determined that—

14 “(i) the sound insulation treatment
15 for which Federal assistance was pre-
16 viously provided has resulted in structural
17 deterioration that was not caused by fail-
18 ure of the property owner to repair or ade-
19 quately maintain the residential building or
20 through the negligence of the applicant or
21 the property owner; and

22 “(ii) the condition of the sound insula-
23 tion treatment described in subparagraph
24 (A) is not attributed to actions taken by
25 an owner or occupant of the residence.

1 “(3) ADDITIONAL AUTHORITY FOR SURVEYS.—
2 Notwithstanding any other provision of law, the Sec-
3 retary shall consider a cost allowable under this sub-
4 chapter for an airport to conduct periodic surveys of
5 properties in which repair and replacement of sound
6 insulation treatment was carried out as described in
7 paragraph (1) and for which the airport previously
8 received Federal assistance or Federally authorized
9 airport assistance under this subchapter. The sur-
10 veys shall be conducted only for those properties for
11 which the airport has identified a property owner
12 who is interested in having a survey be undertaken
13 to assess the current effectiveness of the sound insu-
14 lation treatment. Such surveys shall be carried out
15 to identify any properties described in the preceding
16 sentence that are eligible for funds under this sub-
17 section.”.

