

AMENDMENT TO
RULES COMMITTEE PRINT 118–11
OFFERED BY MR. SMITH OF WASHINGTON

At the end of title VIII, add the following:

1 **SEC. ____ . SOUND INSULATION REPAIR AND REPLACEMENT**
2 **PROJECTS.**

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

6 “(g) SPECIAL RULE FOR SOUND INSULATION RE-
7 PAIR AND REPLACEMENT.—With respect to a project to
8 carry out sound insulation that is granted a waiver under
9 section 47110(l), the allowable project cost for such
10 project shall be calculated without consideration of any
11 costs that 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 further amended by adding at the
15 end the following:

16 “(l) SPECIAL RULE FOR SOUND INSULATION TREAT-
17 MENT REPAIR AND REPLACEMENT PROJECTS.—

18 “(1) IN GENERAL.—The Secretary shall provide
19 a one-time waiver of the requirement of subsection

1 (b)(4) for a qualifying airport as applied to projects
2 to carry out repair and replacement of sound insula-
3 tion for a residential building for which the airport
4 previously received Federal assistance or federally
5 authorized airport assistance under this subchapter
6 if—

7 “(A) the Secretary determines that the ad-
8 ditional assistance is justified due to—

9 “(i) increased aircraft noise, as deter-
10 mined by the Administrator of the Federal
11 Aviation Administration; or

12 “(ii) the residence containing sound
13 insulation treatments or other type of
14 sound proofing material previously in-
15 stalled under this subchapter that is deter-
16 mined to be eligible pursuant to paragraph
17 (2); and

18 “(B) the building or other structure—

19 “(i) falls within the Day Night Level
20 (DNL) 65 standard according to the most
21 recent noise exposure map, as such term is
22 defined in section 150.7 of title 14, Code
23 of Federal Regulations; or

24 “(ii) fell within such standard at the
25 time the initial noise mitigation was car-

1 ried out and an FAA compliant noise audi-
2 tor has determined that—

3 “(I) such sound insulation treat-
4 ment caused physical damage the resi-
5 dence; or

6 “(II) the materials used for
7 sound insulation treatment were of
8 low quality and have deteriorated,
9 broken, or otherwise no longer func-
10 tion as intended.

11 “(2) ELIGIBILITY DETERMINATION.—To be eli-
12 gible for waiver under this subsection for repair or
13 replacement of sound insulation treatment projects,
14 an applicant shall—

15 “(A) ensure that the applicant and the
16 property owner exhaust any amounts available
17 through warranties, insurance coverage, and
18 legal remedies for the sound insulation treat-
19 ment previously installed on the eligible resi-
20 dence; and

21 “(B) demonstrate that an FAA compliant
22 noise auditor conducted an inspection of the
23 residences and determined that—

24 “(i) the sound insulation for which
25 Federal assistance was previously provided

1 has resulted in structural deterioration
2 that was not caused by failure of the prop-
3 erty owner to repair or adequately main-
4 tain the residential building or through the
5 negligence of the applicant or the property
6 owner; and

7 “(ii) the condition of sound insulation
8 treatment described in subparagraph (A) is
9 not attributed to actions taken by an
10 owner or occupant of the residence.

11 “(3) ADDITIONAL AUTHORITY FOR PERIODIC
12 SURVEYS.—Notwithstanding any other of provision
13 of law, the Secretary shall consider a cost allowable
14 under this subchapter for an airport to conduct peri-
15 odic surveys of properties in which repair and re-
16 placement of sound insulation was carried out under
17 as described in paragraph (1) and for which the air-
18 port previously received Federal assistance or feder-
19 ally authorized airport assistance under this sub-
20 chapter. Such surveys shall be carried out to identify
21 any properties described in the preceding sentence
22 that are eligible for funds under this subsection.”.

