

117TH CONGRESS  
1ST SESSION

# S. 2053

To amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 2021

Mr. YOUNG (for himself, Ms. SINEMA, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expedited Delivery of  
5 Airport Infrastructure Act of 2021”.

6 **SEC. 2. ALLOWABLE COST STANDARDS FOR AIRPORT DE-**  
7 **VELOPMENT PROJECTS.**

8 (a) IN GENERAL.—Section 47110(b)(1) of title 49,  
9 United States Code, is amended—

1 (1) by striking “(1) if the cost necessarily” and  
2 inserting “(1)(A) if the cost necessarily”;

3 (2) by striking the semicolon at the end and in-  
4 serting “; or”; and

5 (3) by adding at the end the following:

6 “(B) is an incentive payment incurred in car-  
7 rying out the project described in subparagraph (A)  
8 that is to be provided to a contractor upon early  
9 completion of a project, if—

10 “(i) such payment does not exceed the less-  
11 er of 5 percent of the initial construction con-  
12 tract amount or \$1,000,000;

13 “(ii) the level of contractor’s control of, or  
14 access to, the worksite necessary to shorten the  
15 duration of the project does not negatively im-  
16 pact the operation of the airport;

17 “(iii) the contract specifies application of  
18 the incentive structure in the event of unfore-  
19 seeable, non-weather delays beyond the control  
20 of the contractor;

21 “(iv) nothing in any agreement with the  
22 contractor prevents the airport operator from  
23 retaining responsibility for the safety, efficiency,  
24 and capacity of the airport during the execution  
25 of the grant agreement; and

1           “(v) the Secretary determines that the use  
2           of an incentive payment is likely to increase air-  
3           port capacity or efficiency or result in cost sav-  
4           ings as a result of shortening the project’s du-  
5           ration;”.

6           (b) TECHNICAL CORRECTION.—Section 47110(e)(7)  
7           of title 49, United States Code, is amended by striking  
8           “(7) PARTNERSHIP PROGRAM AIRPORTS.—” and insert-  
9           ing “(7) PARTNERSHIP PROGRAM AIRPORTS.—”.

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