

118TH CONGRESS  
1ST SESSION

# S. 1167

To amend title 49, United States Code, to allow additional funds to be provided under the airport improvement program for certain noise mitigation projects, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 2023

Mrs. MURRAY 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 allow additional funds to be provided under the airport improvement program for certain noise mitigation projects, and for other purposes.

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 “Sound Insulation  
5 Treatment Repair and Replacement Program Act”.

1 **SEC. 2. 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 “(h) 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(j), 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 amended by adding at the end the  
 15 following:

16 “(j) 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  
 20 (b)(4) for a qualifying airport as applied to projects  
 21 to carry out repair and replacement of sound insula-  
 22 tion for a residential building for which the airport  
 23 previously received Federal assistance or federally  
 24 authorized airport assistance under this subchapter  
 25 if—

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

3                   “(i) increased aircraft noise, as deter-  
4                   mined by the Administrator of the Federal  
5                   Aviation Administration; or

6                   “(ii) the residence containing any  
7                   sound insulation treatment or other type of  
8                   sound proofing material previously in-  
9                   stalled under this subchapter that is deter-  
10                  mined to be eligible pursuant to paragraph  
11                  (2); and

12           “(B) the building or other structure—

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

18                   “(ii) fell within such standard at the  
19                   time the initial noise mitigation was car-  
20                   ried out and an FAA-compliant noise audi-  
21                   tor has determined that—

22                           “(I) such sound insulation treat-  
23                           ment caused physical damage to the  
24                           residence; or

1                   “(II) the materials used for  
2                   sound insulation treatment were of  
3                   low quality and have deteriorated,  
4                   broken, or otherwise no longer func-  
5                   tion as intended.

6                   “(2) ELIGIBILITY DETERMINATION.—To be eli-  
7                   gible for waiver under this subsection for repair or  
8                   replacement of sound insulation treatment projects,  
9                   an applicant shall—

10                   “(A) ensure that the applicant and the  
11                   property owner exhaust any amounts available  
12                   through warranties, insurance coverage, and  
13                   legal remedies for the sound insulation treat-  
14                   ment previously installed on the residence; and

15                   “(B) demonstrate that an FAA-compliant  
16                   noise auditor conducted an inspection of the  
17                   residence and determined that—

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

1                   “(ii) the condition of the sound insula-  
2                   tion treatment described in subparagraph  
3                   (A) is not attributed to actions taken by  
4                   an owner or occupant of the residence.

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

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