

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3935  
OFFERED BY MR. MOLINARO OF NEW YORK**

At the end of title VII, add the following:

1 **SEC. \_\_\_\_ . SPECIAL RULE FOR RECLASSIFICATION OF**  
2 **CERTAIN UNCLASSIFIED AIRPORTS.**

3 (a) **REQUEST FOR RECLASSIFICATION.—**

4 (1) **IN GENERAL.—**Not later than September  
5 30, 2024, a privately owned reliever airport (as de-  
6 fined in section 47102 of title 49, United States  
7 Code) that is identified as unclassified in the Na-  
8 tional Plan of Integrated Airport Systems, 2021–  
9 2025 (as published under section 47103 of title 49,  
10 United States Code) may submit to the Secretary of  
11 Transportation a request to reclassify the airport ac-  
12 cording to the criteria used to classify a publicly  
13 owned airport.

14 (2) **REQUIRED INFORMATION.—**In submitting a  
15 request under paragraph (1), the privately owned re-  
16 liever airport shall include the following information:

17 (A) A sworn statement and accompanying  
18 documentation that demonstrates how the air-  
19 port would satisfy the requirements of Federal

1 Aviation Administration Order 5090.5, titled  
2 “Formulation of the NPLAS and ACIP”, (or  
3 any successor guidance) to be classified as  
4 “Local” or “Basic” if the airport was publicly  
5 owned.

6 (B) A report that—

7 (i) identifies the role of the airport to  
8 the aviation system; and

9 (ii) describes the long-term fiscal via-  
10 bility of the airport based on demonstrated  
11 aeronautical activity and associated reve-  
12 nues relative to ongoing operating and  
13 maintenance costs.

14 (b) ELIGIBILITY REVIEW.—

15 (1) IN GENERAL.—Not later than 60 days after  
16 receiving a request from a privately owned reliever  
17 airport under subsection (a), the Secretary of Trans-  
18 portation shall perform an eligibility review with re-  
19 spect to the airport, including an assessment of the  
20 airport’s safety, security, capacity, access, compli-  
21 ance with Federal grant assurances, and protection  
22 of natural resources and the quality of the environ-  
23 ment, as prescribed by the Secretary.

1           (2) PUBLIC SPONSOR.—In performing the eligi-  
2           bility review under paragraph (1), the Secretary of  
3           Transportation—

4                   (A) may require the airport requesting re-  
5                   classification to provide information regarding  
6                   the outlook (whether positive or negative) for  
7                   obtaining a public sponsor; and

8                   (B) may not require the airport to obtain  
9                   a public sponsor.

10          (c) RECLASSIFICATION BY THE SECRETARY.—

11           (1) IN GENERAL.—Not later than 60 days after  
12           receiving a request from a privately owned reliever  
13           airport under subsection (a)(1), the Secretary of  
14           Transportation shall grant such request if the fol-  
15           lowing criteria are met:

16                   (A) The request includes the required in-  
17                   formation under subsection (a)(2).

18                   (B) The privately owned reliever airport, to  
19                   the satisfaction of the Secretary—

20                           (i) passes the eligibility review per-  
21                           formed under subsection (b); or

22                           (ii) submits a corrective action plan in  
23                           accordance with paragraph (2).

24          (2) CORRECTIVE ACTION PLAN.—With respect  
25          to a privately owned reliever airport that does not,

1 to the satisfaction of the Secretary, pass the eligi-  
2 bility review performed under subsection (b), such  
3 airport may resubmit to the Secretary a reclassifica-  
4 tion request along with a corrective action plan  
5 that—

6 (A) resolves any shortcomings identified in  
7 such eligibility review; and

8 (B) proves that any necessary corrective  
9 action has been completed by the airport.

10 (d) EFFECTIVE DATE.—The reclassification of any  
11 privately owned reliever airport under this section shall  
12 take effect not later than—

13 (1) fiscal year 2025 for any request granted  
14 under subsection (c)(1); and

15 (2) fiscal year 2026 for any request granted  
16 after the submission of a corrective action plan  
17 under subsection (c)(2).

