

107TH CONGRESS  
1ST SESSION

# H. R. 3347

To provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 2001

Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.

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 “General Aviation In-  
5 dustry Reparations Act of 2001”.

1 **SEC. 2. GENERAL AVIATION INDUSTRY REPARATIONS.**

2 (a) IN GENERAL.—Notwithstanding any other provi-  
3 sion of law, the President shall take the following actions  
4 to compensate general aviation entities for losses incurred  
5 by such entities as a result of the terrorist attacks on the  
6 United States that occurred on September 11, 2001:

7 (1) Subject to such terms and conditions as the  
8 President deems necessary, issue Federal credit in-  
9 struments to such entities that do not, in the aggre-  
10 gate, exceed \$5,000,000,000 and provide the subsidy  
11 amounts necessary for such instruments in accord-  
12 ance with the provisions of the Federal Credit Re-  
13 form Act of 1990 (2 U.S.C. 661 et seq.).

14 (2) Compensate such entities in an aggregate  
15 amount equal to \$2,500,000,000 for—

16 (A) direct losses incurred beginning on  
17 September 11, 2001, by such entities as a re-  
18 sult of any Federal ground stop order issued by  
19 the Secretary of Transportation or any subse-  
20 quent order which continues or renews such a  
21 stoppage; and

22 (B) the incremental losses incurred begin-  
23 ning September 11, 2001, and ending Decem-  
24 ber 31, 2001, by such entities as a direct result  
25 of such attacks.

1           (b) EMERGENCY DESIGNATION.—Congress des-  
2 ignates the amount of new budget authority and outlays  
3 in all fiscal years resulting from this Act as an emergency  
4 requirement pursuant to section 252(e) of the Balanced  
5 Budget and Emergency Deficit Control Act of 1985 (2  
6 U.S.C. 901(e)). Such amount shall be available only to the  
7 extent that a request, that includes designation of such  
8 amount as an emergency requirement as defined in such  
9 Act, is transmitted by the President to Congress.

10 **SEC. 3. STABILIZATION BOARD.**

11           (a) FEDERAL CREDIT INSTRUMENTS.—The Air  
12 Transportation Stabilization Board, established under sec-  
13 tion 102(b) of the Air Transportation Safety System Sta-  
14 bilization Act (49 U.S.C. 40101 note; 115 Stat. 231), in  
15 consultation with the Small Business Administration, may  
16 enter into agreements with 1 or more obligors to issue  
17 Federal credit instruments under section 2(a)(1) if the  
18 Board determines, in its discretion, that—

19                   (1) the obligor is a general aviation entity for  
20           which credit is not reasonably available at the time  
21           of the transaction; and

22                   (2) the intended obligation by the obligor is  
23           prudently incurred.

24           (b) TERMS AND LIMITATIONS.—

1           (1) FORMS; TERMS AND CONDITIONS.—A Fed-  
2       eral credit instrument shall be issued under section  
3       2(a)(1) in such form and on such terms and condi-  
4       tions and contain such covenants, representations,  
5       warranties, and requirements (including require-  
6       ments for audits) as the Board determines appro-  
7       priate.

8           (2) PROCEDURES.—Not later than 14 days  
9       after the date of enactment of this Act, the Director  
10      of the Office of Management and Budget shall issue  
11      regulations setting forth procedures for application  
12      and minimum requirements, which may be supple-  
13      mented by the Board in its discretion, for the  
14      issuance of Federal credit instruments under section  
15      2(a)(1).

16 **SEC. 4. SPECIAL RULES FOR COMPENSATION.**

17       (a) LIMITATION ON AMOUNT OF COMPENSATION.—

18           (1) DOCUMENTATION.—Subject to subsection  
19       (b), the amount of compensation payable under sec-  
20       tion 2(a)(2) to a general aviation entity may not ex-  
21       ceed the amount of losses described in such section  
22       that such entity demonstrates to the satisfaction of  
23       the President, using sworn financial statements or  
24       other appropriate data, that such entity incurred.

1           (2) AUDITS.—The Secretary of Transportation  
2           and the Comptroller General of the United States  
3           may audit statements referred to in paragraph (1)  
4           and may request any information that the Secretary  
5           and the Comptroller General deem necessary to con-  
6           duct such audit.

7           (b) PRIORITY.—The President shall give priority for  
8           compensation to a general aviation entity—

9           (1) based on the length of time that the entity  
10          has been unable to operate as a result of the ter-  
11          rorist attacks on the United States that occurred on  
12          September 11, 2001; and

13          (2) if the entity is a small business concern (as  
14          defined under section 3 of the Small Business Ad-  
15          ministration Act (15 U.S.C. 632(a))).

16          (c) PAYMENTS.—The President may provide com-  
17          pensation under section 2(a)(2) to general aviation entities  
18          in 1 or more payments up to the amount authorized by  
19          this Act.

20       **SEC. 5. DOMESTIC INSURANCE AND REIMBURSEMENT OF**  
21                               **INSURANCE COSTS.**

22          Section 44302 of title 49, United States Code, is  
23          amended—

24          (1) in each of subsections (b), (c), and (d) by  
25          inserting “or general aviation entity (as defined in

1 section 3 of the General Aviation Industry Repara-  
2 tions Act of 2001)” after “air carrier”; and

3 (2) in subsection (b)(4) by inserting “and gen-  
4 eral aviation entities” after “air carriers”.

5 **SEC. 6. DEFINITIONS.**

6 In this Act, the following definitions apply:

7 (1) FEDERAL CREDIT INSTRUMENT.—The term  
8 “Federal credit instrument” means any guarantee or  
9 other pledge by the Air Transportation Stabilization  
10 Board issued under section 2(a)(1) of this Act to  
11 pledge the full faith and credit of the United States  
12 to pay all or part of any of the principal of and in-  
13 terest on a loan or other debt obligation issued by  
14 an obligor and funded by a lender.

15 (2) GENERAL AVIATION ENTITY.—The term  
16 “general aviation entity” means any person (other  
17 than an air carrier) that operates nonmilitary air-  
18 craft or provides aviation services directly related to  
19 nonmilitary aircraft or nonmilitary airport oper-  
20 ations or relies on direct or indirect access to United  
21 States airspace under part 91 of title 14 of the Code  
22 of Federal Regulations to conduct its primary busi-  
23 ness as determined by the Secretary of Transpor-  
24 tation. Such term includes fixed based operators,  
25 flight schools, manufacturers of general aviation

1 products, and persons engaged in nonscheduled com-  
2 mercial aviation enterprises.

3 (3) INCREMENTAL LOSS.—The term “incre-  
4 mental loss” does not include any loss that the  
5 President determines would have been incurred if  
6 the terrorist attacks on the United States that oc-  
7 curred on September 11, 2001, had not occurred.

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