

Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

§ 47118. Designating current and former military airports

(a) **GENERAL REQUIREMENTS.**—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title. The maximum number of airports bearing such designation at any time is 15. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

(1) the airport is a former military installation closed or realigned under—

(A) section 2687 of title 10;

(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note);

(2) the airport is a military installation with both military and civil aircraft operations; or

(3) the airport is—

(A) a former military installation that, at any time after December 31, 1965, was owned and operated by the Department of Defense; and

(B) a nonhub primary airport.

(b) **SURVEY.**—Not later than September 30, 1991, the Secretary shall complete a survey of current and former military airports to identify which airports have the greatest potential to improve the capacity of the national air transportation system. The survey shall identify the capital development needs of those airports to make them part of the system and which of those qualify for grants under section 47104 of this title.

(c) **CONSIDERATIONS.**—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings;

(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays; or

(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

(A) within United States jurisdiction or control; and

(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.

(d) **GRANTS.**—Grants under section 47117(e)(1)(B) of this title may be made for an airport designated under subsection (a) of this section for the 5 fiscal years following the designation, and for subsequent periods, each not to exceed 5 fiscal years, if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent period.

(e) **TERMINAL BUILDING FACILITIES.**—From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair a terminal building facility, including terminal gates used for revenue passengers getting on or off aircraft. A gate constructed, improved, or repaired under this subsection—

(1) may not be leased for more than 10 years; and

(2) is not subject to majority in interest clauses.

(f) **PARKING LOTS, FUEL FARMS, UTILITIES, HANGARS, AND AIR CARGO TERMINALS.**—

(1) **CONSTRUCTION.**—From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair airport surface parking lots, fuel farms, utilities, and hangars and air cargo terminals of an area that is 50,000 square feet or less.

(2) **REIMBURSEMENT.**—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47115 or 47117(e)(1)(B), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).

(g) **DESIGNATION OF GENERAL AVIATION AIRPORTS.**—Notwithstanding any other provision of this section, 3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).

(h) **SAFETY-CRITICAL AIRPORTS.**—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—

(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1273; Pub. L. 103-305, title I, §116(b)-(d), Aug. 23, 1994, 108 Stat. 1579; Pub. L. 104-264, title I, §124(a)-(c), Oct. 9, 1996, 110 Stat. 3219, 3220; Pub. L. 104-287, §5(83), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 106-181, title I, §130, Apr. 5, 2000, 114 Stat. 78; Pub. L. 108-176, title I, §153, Dec. 12, 2003, 117 Stat. 2507; Pub. L. 112-95, title I, §146, Feb. 14, 2012, 126 Stat. 30; Pub. L. 115-254, div. B, title I, §137, Oct. 5, 2018, 132 Stat. 3210.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47118(a)	49 App.:2207(f)(1).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 508(f)(1); added Nov. 5, 1990, Pub. L. 101-508, § 9109(c), 104 Stat. 1388-356; Oct. 31, 1992, Pub. L. 102-581, § 107(b), 106 Stat. 4878.
47118(b)	49 App.:2207(f)(2).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 508(f)(2)-(5); added Nov. 5, 1990, Pub. L. 101-508, § 9109(c), 104 Stat. 1388-356.
47118(c)	49 App.:2207(f)(3).	
47118(d)	49 App.:2207(f)(4).	
47118(e)	49 App.:2207(f)(5).	
47118(f)	49 App.:2207(f)(6).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 508(f)(6); added Oct. 31, 1992, Pub. L. 102-581, § 107(c)(1), 106 Stat. 4878.

In subsection (d), the word “Grants” is substituted for “to participate in the program”, and the word “grants” is substituted for “participation in the program”, for clarity and consistency and to eliminate unnecessary words.

In subsection (e), before clause (1), the words “at the discretion” and “with Federal funding” are omitted as surplus.

PUB. L. 104-287, § 5(83)(A)

This sets out the date of enactment of 49:47118(a) (last sentence).

PUB. L. 104-287, § 5(83)(B)

This makes a clarifying amendment to 49:47118(e) because 49:47109(c) was struck by section 114(b) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1579).

Editorial Notes

REFERENCES IN TEXT

Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (a)(1)(B), is section 201 of Pub. L. 100-526, which is set out in a note under section 2687 of Title 10, Armed Forces.

Section 2905 of the Defense Base Closure and Realignment Act of 1990, referred to in subsec. (a)(1)(C), is section 2905 of Pub. L. 101-510, which is set out in a note under section 2687 of Title 10.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115-254 added par. (3).

2012—Subsec. (c)(3). Pub. L. 112-95, § 146(a), added par. (3).

Subsec. (g). Pub. L. 112-95, § 146(b), substituted “Airports” for “Airport” in heading and “3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations” for “one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation” in text.

Subsec. (h). Pub. L. 112-95, § 146(c), added subsec. (h).

2003—Subsec. (e). Pub. L. 108-176, § 153(1), substituted “From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is available” for “Not more than \$7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available” in introductory provisions.

Subsec. (f). Pub. L. 108-176, § 153(2), (3), inserted par. (1) designation and heading, substituted “From amounts the Secretary distributes to an airport under section 47115, \$10,000,000 for each of fiscal years 2004 and 2005, and \$7,000,000 for each fiscal year thereafter, is

available” for “Not more than a total of \$7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available”, and added par. (2).

2000—Subsec. (a). Pub. L. 106-181, § 130(a)(1)(A), substituted “15” for “12” in introductory provisions.

Subsec. (a)(2). Pub. L. 106-181, § 130(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows: “the Secretary finds that such grants would—

“(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

“(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.”

Subsec. (c). Pub. L. 106-181, § 130(a)(2), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “In carrying out this section, the Secretary shall consider only current or former military airports that, when at least partly converted to civilian commercial or reliever airports as part of the national air transportation system, will enhance airport and air traffic control system capacity in major metropolitan areas and reduce current and projected flight delays.”

Subsec. (d). Pub. L. 106-181, § 130(a)(3), substituted “47117(e)(1)(B)” for “47117(e)(1)(E)”, “periods, each not to exceed 5 fiscal years,” for “5-fiscal-year periods”, and “each such subsequent period” for “each such subsequent 5-fiscal-year period”.

Subsec. (e). Pub. L. 106-181, § 130(b), substituted “\$7,000,000” for “\$5,000,000”.

Subsec. (f). Pub. L. 106-181, § 130(c), in heading, substituted “Hangars, and Air Cargo Terminals” for “and Hangars” and, in text, substituted “\$7,000,000” for “\$4,000,000” and inserted “and air cargo terminals of an area that is 50,000 square feet or less” before period at end.

Subsec. (g). Pub. L. 106-181, § 130(a)(4), added subsec. (g).

1996—Subsec. (a). Pub. L. 104-287, § 5(83)(A), which directed amendment of subsec. (a) by substituting “before August 24, 1994” for “on or before the date of the enactment of this sentence”, could not be executed because the phrase to be amended did not appear subsequent to amendment by Pub. L. 104-264, § 124(a). See below.

Pub. L. 104-264, § 124(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate not more than 15 current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title. The Secretary may only designate an airport for such grants (other than an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.”

Subsec. (d). Pub. L. 104-264, § 124(b), substituted “designation, and for subsequent 5-fiscal-year periods if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.” for “designation.”

Subsec. (e). Pub. L. 104-287, § 5(83)(B), substituted “Not” for “Notwithstanding section 47109(c) of this title, not”.

Subsec. (f). Pub. L. 104-264, § 124(c), amended subsec. (f) by substituting “Utilities, and Hangars” for “and Utilities” in heading and “for fiscal years beginning after September 30, 1992,” for “for the fiscal years ending September 30, 1993-1996,” and “utilities, and hangars” for “and utilities” in text.

1994—Subsec. (a). Pub. L. 103-305, § 116(b), substituted “15” for “12” and inserted at end “The Secretary may only designate an airport for such grants (other than

an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.”

Subsec. (d). Pub. L. 103-305, §116(c), struck out at end “If an airport does not have a level of passengers getting on aircraft during that 5-year period that qualifies the airport as a small hub airport (as defined on January 1, 1990) or reliever airport, the Secretary may redesignate the airport for grants for additional fiscal years that the Secretary decides.”

Subsec. (f). Pub. L. 103-305, §116(d), substituted “September 30, 1993-1996” for “September 30, 1993-1995”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by section 5(83)(A) of Pub. L. 104-287 effective Sept. 30, 1998, see section 8(2) of Pub. L. 104-287, as amended, set out as a note under section 47117 of this title.

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

§ 47119. Terminal development costs

(a) TERMINAL DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

(i) all the safety equipment required for certification of the airport under section 44706;

(ii) all the security equipment required by regulation; and

(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

(B) if the cost is directly related to—

(i) moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; or

(ii) installing security cameras in the public area of the interior and exterior of the terminal; and

(C) under terms necessary to protect the interests of the Government.

(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In

making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a non-revenue-producing parking lot if—

(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary’s approval.

(3) LACTATION AREAS.—In addition to the projects described in paragraph (1), the Secretary may approve a project for terminal development for the construction or installation of a lactation area (as defined in section 47107(w)) at a commercial service airport.

(b) REPAYING BORROWED MONEY.—

(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—

An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—

An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

(B) that is a designated airport under section 47118 in fiscal year 2003; and

(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under subsection (a).

(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

(A) the sponsor submits the certification required under subsection (a);

(B) the Secretary decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

(C) amounts available for airport development under this subchapter will not be used