

**Editorial Notes****AMENDMENTS**

2024—Subsec. (b). Pub. L. 118–63, §716(1), added pars. (1) to (3) and struck out former pars. (1) and (2) which read as follows:

“(1) one-seventh for grants for projects at small hub airports; and

“(2) the remaining amounts based on the following:

“(A) one-third for grants to sponsors of public-use airports (except commercial service airports).

“(B) two-thirds for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year.”

Subsec. (d)(2), (3). Pub. L. 118–63, §716(2), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “In making grants to sponsors described in subsection (b), the Secretary shall give priority consideration to mass grading and associated structural support (including access road, duct banks, and other related infrastructure) at mountaintop airports, provided that the airport would not otherwise have sufficient surface area for—

“(A) eligible and justified airport development projects; or

“(B) additional hangar space.”

Subsecs. (e), (f). Pub. L. 118–63, §716(3), added subsec. (e) and struck out former subsecs. (e) and (f) which read as follows:

“(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of \$15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.

“(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.”

2018—Subsec. (d)(2). Pub. L. 115–254, §154, amended par. (2) generally. Prior to amendment, text read as follows: “In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent.”

Subsec. (d)(3). Pub. L. 115–254, §152, added par. (3).

2003—Subsec. (b)(1). Pub. L. 108–176 struck out “(as defined in section 41731 of this title)” after “small hub airports”.

2000—Subsec. (d). Pub. L. 106–181, §128(c), designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

Subsec. (e). Pub. L. 106–181, §128(a), added subsec. (e).

Subsec. (f). Pub. L. 106–181, §128(b), added subsec. (f).

1999—Subsec. (a). Pub. L. 106–6, §8(b)(1), substituted “87.5” for “75”.

Subsec. (b). Pub. L. 106–6, §8(b)(2), added pars. (1) and (2) and redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (2).

1996—Subsec. (d). Pub. L. 104–264 added subsec. (d).

**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 AMENDMENT**

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.

**§ 47117. Use of apportioned amounts**

(a) GRANT PURPOSE.—Except as provided in this section, an amount apportioned under section 47114(c)(1) or (d)(2) of this title is available for making grants for any purpose for which amounts are made available under section 48103 of this title.

(b) PERIOD OF AVAILABILITY.—

(1) IN GENERAL.—An amount apportioned under section 47114 of this title is available to be obligated for grants under the apportionment only during the fiscal year for which the amount was apportioned and the 2 fiscal years immediately after that year or the 3 fiscal years immediately following that year in the case of a nonhub airport or any airport that is not a commercial service airport. Except as provided in paragraph (2), if the amount is not obligated under the apportionment within that time, it shall be added to the discretionary fund.

(2) EXPIRED AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an amount apportioned under section 47114(d) is not obligated within the time specified in paragraph (1), that amount shall be added to the discretionary fund under section 47115 of this title, provided that—

(i) amounts made available under paragraph (2)(A) shall be used for grants for projects in accordance with section 47115(d)(2) at airports eligible to receive an apportionment under section 47114(d)(2); and

(ii) amounts made available under paragraph (2)(A) that are not obligated by July 1 of the fiscal year in which the funds will expire shall be made available for all projects in accordance with section 47115(d)(2).

(B) STATE BLOCK GRANT PROGRAM.—If an amount apportioned to an airport under section 47114(d)(2)(A) is not obligated within the time specified in paragraph (1), and the airport is located in a State participating in the State block grant program under section 47128, the amount shall be made available to that State under the same conditions as if the State had been apportioned the amount under section 47114(d)(2)(B).

(c) PRIMARY AIRPORTS.—(1) An amount apportioned to a sponsor of a primary airport under section 47114(c)(1) of this title is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of

Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(2)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.

(d) STATE USE.—An amount apportioned to a State under—

(1) section 47114(d)(2)(B)(i) is available for grants for airports located in the State; and

(2) section 47114(d)(2)(B)(ii) or (iii) is available for grants for airports described in section 47114(d)(2)(B)(ii) or (iii) and located in the State.

(e) SPECIAL APPORTIONMENT CATEGORIES.—(1) The Secretary shall use amounts available to the discretionary fund under section 47115 of this title for each fiscal year as follows:

(A) At least 35 percent, but not more than \$200,000,000, for grants for airport noise compatibility planning under section 47505(a)(2), for carrying out noise compatibility programs under section 47504(c), for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for airport development described in subparagraphs (O), (P), (Q), and (W) of section 47102(3), for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title. The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not the requirements of the preceding sentence are being met in that fiscal year. The Secretary shall provide not less than two-thirds of amounts under this subparagraph and paragraph (3) for grants to sponsors of small hub, medium hub, and large hub airports.

(B) At least 4 percent to sponsors of current or former military airports designated by the Secretary under section 47118(a) of this title for grants for developing current and former military airports to improve the capacity of the national air transportation system and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed \$30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant.

(2) If the Secretary decides that an amount required to be used for grants under paragraph (1) of this subsection cannot be used for a fiscal year because there are insufficient qualified grant applications, the amount the Secretary determines cannot be used is available during the fiscal year for grants for other airports or

for other purposes for which amounts are authorized for grants under section 48103 of this title.

(3) SPECIAL RULE.—Beginning in fiscal year 2026, if the amount made available under paragraph (1)(A) was not equal to or greater than \$150,000,000 in the preceding fiscal year, the Secretary shall issue grants for projects eligible under paragraph (1)(A) from apportionment funds made available under section 47114 that are not required during the fiscal year pursuant to subsection (b)(1) in an amount that is not less than—

(A) \$150,000,000; minus

(B) the amount made available under paragraph (1)(A) in the preceding fiscal year.

(f) DISCRETIONARY USE OF APPORTIONMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

(2) RESTORATION OF APPORTIONMENTS.—

(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

(3) NEWLY AVAILABLE AMOUNTS.—

(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.

(g) LIMITING AUTHORITY OF SECRETARY.—The authority of the Secretary to make grants during a fiscal year from amounts that were apportioned for a prior fiscal year and remain available for approved airport development project grants under subsection (b) of this section may be impaired only by a law enacted after September 3, 1982, that expressly limits that authority.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1271; Pub. L. 103–305, title I, §116(a), Aug. 23, 1994, 108 Stat. 1579; Pub. L. 103–429, §6(68), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 104–264, title I, §§123, 124(d), Oct. 9, 1996, 110 Stat. 3219, 3220; Pub. L. 104–287, §5(82), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105–102, §3(c)(1), (2), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106–6, §7, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, §6002(d), May 21, 1999, 113 Stat. 113; Pub. L. 106–181, title I, §§104(e)–(g), 129, title II, §231(f), Apr. 5, 2000, 114 Stat. 70, 77, 114; Pub. L. 108–176, title I, §§149(c), 150, 151, Dec. 12, 2003, 117 Stat. 2505, 2506; Pub. L. 112–95, title I, §145, Feb. 14, 2012, 126 Stat. 30; Pub. L. 115–254, div. B, title I, §§155, 192(b), title V, §539(p), Oct. 5, 2018, 132 Stat. 3217, 3241, 3371; Pub. L. 118–63, title VII, §717, May 16, 2024, 138 Stat. 1259.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47117(a) .....	49 App.:2207(b)(1) (related to purposes for which funds may be used).	Sept. 3, 1982, Pub. L. 97–248, §506(e)(4), 508(b), 96 Stat. 679, 681.
	49 App.:2207(c) (1st sentence related to purposes for which funds are available).	Sept. 3, 1982, Pub. L. 97–248, §508(c), 96 Stat. 682; Dec. 30, 1987, Pub. L. 100–223, §106(b)(2)(C), 101 Stat. 1498.
47117(b) .....	49 App.:2207(a).	Sept. 3, 1982, Pub. L. 97–248, §508(a), 96 Stat. 681; Dec. 30, 1987, Pub. L. 100–223, §106(b)(2)(A), (B), 101 Stat. 1497.
47117(c)(1) ..	49 App.:2207(b)(1) (related to airports at which funds may be used).	
47117(c)(2) ..	49 App.:2207(b)(2).	
47117(d) .....	49 App.:2207(c) (1st sentence related to airports at which funds are available, last sentence).	
47117(e) .....	49 App.:2202(a)(11).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(11), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
	49 App.:2207(d).	Sept. 3, 1982, Pub. L. 97–248, §508(d), 96 Stat. 682; Dec. 30, 1987, Pub. L. 100–223, §106(b)(2)(D), 107, 101 Stat. 1498; Nov. 5, 1990, Pub. L. 101–508, §9109(b), 104 Stat. 1388–356; Oct. 31, 1992, Pub. L. 102–581, §§107(a), 108, 106 Stat. 4878, 4879.

HISTORICAL AND REVISION NOTES—CONTINUED  
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47117(f) .....	49 App.:2206(b)(5)(D).	Sept. 3, 1982, Pub. L. 97–248, §507(b)(5)(D), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, §426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, §106(a), 101 Stat. 1496.
47117(g) .....	49 App.:2207(e)(1).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §508(e)(1); added Oct. 2, 1982, Pub. L. 97–276, §167, 96 Stat. 1204; Dec. 30, 1987, Pub. L. 100–223, §106(b)(2)(E), 101 Stat. 1498.
	49 App.:2207(e)(2).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §508(e)(2); added Oct. 2, 1982, Pub. L. 97–276, §167, 96 Stat. 1205.
47117(h) .....	49 App.:2205(e)(4).	

In subsection (b), the words “for grants” are added, and the word “apportioned” is substituted for “first authorized to be obligated”, for clarity. The words “established by section 2206(c) of this Appendix” are omitted as surplus.

In subsection (c)(2), the word “if” is substituted for “on the condition that” to eliminate unnecessary words. The word “in” is substituted for “which is a part of” for clarity.

Subsection (d) is substituted for 49 App.:2207(c) (1st sentence related to airports at which funds are available) for clarity. The text of 49 App.:2207(c) (last sentence) is omitted as surplus because of section 47105(a) of the revised title.

In subsection (e)(1), the words “The Secretary shall use . . . (A) . . . for grants . . . (B) . . . for grants . . . (C) . . . for grants . . . (D) . . . for . . . grants . . . (E) . . . for grants” are substituted for “shall be distributed” and “shall be obligated” for clarity and consistency in the revised title. Clause (C)(ii) is substituted for 49 App.:2207(d)(3)(B) and (C) to eliminate unnecessary words. In clause (E), the references to fiscal years 1991 and 1992 are omitted as obsolete.

In subsection (e)(2), the words “for each fiscal year” are omitted as surplus.

In subsection (e)(3), the words “an amount required to be used for grants under paragraph (1) of this subsection cannot be used” are substituted for “he will not be able to distribute the amount of funds required to be distributed under paragraph (1), (2), (3), or (4) of this subsection” for consistency. The words “submitted in compliance with this chapter” are omitted as surplus. The words “cannot be used” are substituted for “will not be distributed” for consistency. The words “for which amounts are” are added for clarity and consistency in this chapter.

Subsection (f) is substituted for 49 App.:2206(b)(5)(D) for clarity and consistency in the revised title.

In subsection (g)(1), the words “and (3)” are omitted because 49 App.:2207(e)(3) has expired. The words “at his discretion” are omitted as surplus.

In subsection (g)(2)(A), the words “made available” are substituted for “authorized” for clarity.

In subsection (h), the words “to make grants” are substituted for “to obligate to an airport by grant agreement” for consistency in the revised title and to eliminate unnecessary words. The words “the unobligated balance of” are omitted as surplus. The words “limits that authority” are substituted for “limits the application of this paragraph” for clarity. The words “in addition to the amounts authorized for that fiscal year by section 2204 of this Appendix” are omitted as surplus.

## PUB. L. 103-429

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47117(e) .....	49 App.:2207(d).	Sept. 3, 1982, Pub. L. 97-248, § 508(d), as amended May 26, 1994, Pub. L. 103-260, § 105, 108 Stat. 699.

## PUB. L. 104-287, § 5(82)(A)

This amends 49:47117(e)(1)(B) because of the redesignation of 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) by section 6(71)(C) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4387).

## PUB. L. 104-287, § 5(82)(B)

This amends 49:47117(g)(1) because of the redesignation of 49:47105(e) as 49:47105(f) by section 107(a)(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1572).

## Editorial Notes

## REFERENCES IN TEXT

The Act of June 30, 1948, referred to in subsec. (e)(1)(A), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, known as the Federal Water Pollution Control Act, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

## AMENDMENTS

2024—Subsec. (b)(2)(A)(i). Pub. L. 118-63, § 717(1)(A), struck out “or (3)(A), whichever is applicable” after “section 47114(d)(2)”.

Subsec. (b)(2)(B). Pub. L. 118-63, § 717(1)(B), substituted “section 47114(d)(2)(A)” for “section 47114(d)(3)(A)” and “section 47114(d)(2)(B)” for “section 47114(d)(3)(B)”.

Subsec. (c)(2). Pub. L. 118-63, § 717(2), substituted “47114(d)(2)(A)” for “47114(d)(3)(A)”.

Subsec. (d)(1). Pub. L. 118-63, § 717(3)(A), substituted “section 47114(d)(2)(B)(i)” for “section 47114(d)(2)(A) of this title”.

Subsec. (d)(2). Pub. L. 118-63, § 717(3)(B), substituted “section 47114(d)(2)(B)(ii) or (iii)” for “section 47114(d)(2)(B) or (C)” in two places and struck out “of this title” before “is available”.

Subsec. (e)(1)(A). Pub. L. 118-63, § 717(4)(A)(i), substituted “\$200,000,000” for “\$300,000,000” and “subparagraphs (O), (P), (Q), and (W) of section 47102(3)” for “section 47102(3)(Q)”, struck out “for compatible land use planning and projects carried out by State and local governments under section 47141,” after “under this title,” and “to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)” after “for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L)”, and inserted “The Secretary shall provide not less than two-thirds of amounts under this subparagraph and paragraph (3) for grants to sponsors of small hub, medium hub, and large hub airports.” after “being met in that fiscal year.”

Subsec. (e)(1)(C). Pub. L. 118-63, § 717(4)(A)(ii), struck out subpar. (C) which read as follows: “In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, at least two-thirds of 1 percent for grants to sponsors of reliever airports which have—

- “(i) more than 75,000 annual operations;
- “(ii) a runway with a minimum usable landing distance of 5,000 feet;
- “(iii) a precision instrument landing procedure;
- “(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and
- “(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual

delays in commercial passenger aircraft takeoffs and landings.”

Subsec. (e)(3). Pub. L. 118-63, § 717(4)(B), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

- “(A) Chicago O’Hare International Airport;
- “(B) LaGuardia Airport;
- “(C) John F. Kennedy International Airport; and
- “(D) Ronald Reagan Washington National Airport.”

2018—Subsec. (b). Pub. L. 115-254, § 155, designated existing provisions as par. (1), inserted heading, substituted “Except as provided in paragraph (2), if the amount” for “If the amount”, and added par. (2).

Subsec. (e)(1)(A). Pub. L. 115-254, § 192(b), inserted “for airport development described in section 47102(3)(Q),” after “under section 47141.”

Subsec. (e)(1)(B). Pub. L. 115-254, § 539(p), which directed substitution of “At least” for “at least” in section 47117(e)(1)(B), without specifying the Code title to be amended, was executed by making the substitution in subsec. (e)(1)(B) of this section, to reflect the probable intent of Congress.

2012—Subsec. (e)(1)(A). Pub. L. 112-95 substituted “At least 35 percent, but not more than \$300,000,000,” for “At least 35 percent”, “et seq.”, and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title,” for “et seq.”, and “the requirements of the preceding sentence are” for “such 35 percent requirement is” and struck out “and” after “47141.”

2003—Subsec. (b). Pub. L. 108-176, § 150, substituted “nonhub airport or any airport that is not a commercial service airport” for “primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year”.

Subsec. (c)(2). Pub. L. 108-176, § 149(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “A sponsor of a primary airport may make an agreement with the Secretary of Transportation waiving any part of the amount apportioned for the airport under section 47114(c)(1) of this title if the Secretary makes the waived amount available for a grant for another public-use airport in the same State or geographical area as the primary airport.”

Subsec. (e)(1)(A). Pub. L. 108-176, § 151, substituted “At least 35 percent” for “At least 34 percent”, “section 47505(a)(2),” for “section 47505(a)(2) of this title and”, “”, for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)” for “of this title”, and “35 percent requirement” for “34 percent requirement”.

2000—Subsec. (e)(1)(A). Pub. L. 106-181, § 104(e), substituted “34 percent” for “31 percent” in two places.

Subsec. (e)(1)(C). Pub. L. 106-181, § 104(f), added subpar. (C).

Subsec. (e)(3). Pub. L. 106-181, § 231(f), added par. (3). Subsec. (f). Pub. L. 106-181, § 129, amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

“(f) DISCRETIONARY USE OF APPORTIONMENTS.—(1) Subject to paragraph (2) of this subsection, if the Secretary finds, based on the notices the Secretary receives under section 47105(f) of this title or otherwise, that an amount apportioned under section 47114 of this title will not be used for grants during a fiscal year, the Secretary may use an equal amount for grants during that fiscal year for any of the purposes for which amounts are authorized for grants under section 48103 of this title.

“(2) The Secretary may make a grant under paragraph (1) of this subsection only if the Secretary decides that—

“(A) the total amount used for grants for the fiscal year under section 48103 of this title will not be more than the amount made available under section 48103 for that fiscal year; and

“(B) the amounts authorized for grants under section 48103 of this title for later fiscal years are sufficient for grants of the apportioned amounts that were not used for grants under the apportionment during the fiscal year and that remain available under subsection (b) of this section.”

Pub. L. 106-181, §104(g), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f). Text read as follows: “The Secretary may not make a grant for a commercial service airport in Alaska of more than 110 percent of the amount apportioned for the airport for a fiscal year under section 47114(e) of this title.”

Subsecs. (g), (h). Pub. L. 106-181, §104(g), redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1999—Subsec. (e)(1)(B). Pub. L. 106-31 struck out “for each of fiscal years 1997 and 1998” after “4 percent”.

Pub. L. 106-6 made amendment identical to that made by Pub. L. 105-102, §3(c)(2). See 1997 Amendment note below.

1997—Subsec. (e)(1)(A). Pub. L. 105-102, §3(c)(1)(B), added Pub. L. 104-264, §123(d). See 1996 Amendment note below.

Subsec. (e)(1)(B). Pub. L. 105-102, §3(c)(2), repealed Pub. L. 104-264, §124(d). See 1996 Amendment note below.

Pub. L. 105-102, §3(c)(1)(A), amended Pub. L. 104-264, §123(b)(6). See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104-264, §123(a), inserted “or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year” before period at end of first sentence.

Subsec. (e)(1). Pub. L. 104-264, §123(b)(1), substituted “available to the discretionary fund under section 47115” for “made available under section 48103” in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 104-264, §123(d), as added by Pub. L. 105-102, §3(c)(1)(B), substituted “47504(c)” for “47504(c)(1)”.

Pub. L. 104-264, §123(b)(4), (5), substituted “At least 31” for “at least 12.5” and inserted at end “The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.”

Pub. L. 104-264, §123(b)(2), (3), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “at least 5 percent for grants for reliever airports.”

Subsec. (e)(1)(B). Pub. L. 104-287, §5(82)(A), which directed the amendment of subpar. (B) by substituting “47504(c)” for “47504(c)(1)”, could not be executed because “47504(c)(1)” did not appear in text of subpar. (B) subsequent to amendment by Pub. L. 104-264. See below.

Pub. L. 104-264, §124(d), which directed the amendment of subpar. (B) by substituting “1996, 1997, and 1998” for “and 1996”, was repealed by Pub. L. 105-102, §3(c)(2).

Pub. L. 104-264, §123(b)(6), as amended by Pub. L. 105-102, §3(c)(1)(A), substituted “at least 4 percent for each of fiscal years 1997 and 1998” for “at least 2.25 percent for the fiscal year ending September 30, 1993, and at least 2.5 percent for each of the fiscal years ending September 30, 1994, 1995, and 1996.”

Pub. L. 104-264, §123(b)(3), (7), redesignated subpar. (E) as (B) and inserted before period at end “and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed \$30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base,

and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant”. Former subpar. (B) redesignated (A).

Subsec. (e)(1)(C), (D). Pub. L. 104-264, §123(b)(2), struck out subpars. (C) and (D) which read as follows:

“(C) at least 1.5 percent for grants for—

“(i) nonprimary commercial service airports; and

“(ii) public airports (except commercial service airports) that were eligible for United States Government assistance from amounts apportioned under section 15(a)(3) of the Airport and Airway Development Act of 1970, and to which section 15(a)(3)(A)(I) or (II) of the Act applied during the fiscal year that ended September 30, 1981.

“(D) at least .75 percent for integrated airport system planning grants to planning agencies designated by the Secretary and authorized by the laws of a State or political subdivision of a State to do planning for an area of the State or subdivision in which a grant under this chapter is to be used.”

Subsec. (e)(1)(E). Pub. L. 104-264, §123(b)(3), redesignated subpar. (E) as (B).

Subsec. (e)(2), (3). Pub. L. 104-264, §123(c), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “A grant from the amount apportioned under section 47114(e) of this title may not be included as part of the 1.5 percent required to be used for grants under paragraph (1)(C) of this subsection.”

Subsec. (g)(1). Pub. L. 104-287, §5(82)(B), substituted “47105(f)” for “47105(e)”.

1994—Subsec. (e)(1)(A). Pub. L. 103-429, §6(68)(A), substituted “5 percent” for “10 percent”.

Subsec. (e)(1)(C). Pub. L. 103-429, §6(68)(B), substituted “1.5 percent” for “2.5 percent” in introductory provisions.

Subsec. (e)(1)(D). Pub. L. 103-429, §6(68)(C), substituted “.75 percent” for “.5 percent”.

Subsec. (e)(1)(E). Pub. L. 103-305 substituted “, 1995, and 1996” for “, and 1995”.

Subsec. (e)(2). Pub. L. 103-429, §6(68)(D), substituted “.15 percent” for “.25 percent”.

#### 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 1997 AMENDMENT

Pub. L. 105-102, §3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(1)(B) is effective Oct. 9, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

##### EFFECTIVE DATE OF 1996 AMENDMENTS

Section 8(2) of Pub. L. 104-287, as amended by Pub. L. 105-102, §3(d)(2)(B), Nov. 20, 1997, 111 Stat. 2215, provided that: “The amendments made by section 5(81)(B), (82)(A), and (83)(A) [amending this section and sections 47115 and 47118 of this title] shall take effect on September 30, 1998.”

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.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF  
TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and 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 des-

ignation, 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;