

ing 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),¹ 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.

(4) UNIVERSAL CHANGING STATIONS.—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 universal changing station (as defined in section 47107(y)) 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 ter-

¹ See References in Text note below.

minal 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 for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsections (c)(1) and (c)(2).

(c) AVAILABILITY OF AMOUNTS.—In a fiscal year, the Secretary may make available—

(1) to a sponsor of a primary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(c)(1) of this title to pay project costs allowable under subsection (a);

(2) on approval of the Secretary, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discretionary fund established under section 47115 of this title—

(A) to a sponsor of a nonprimary commercial service airport to pay project costs allowable under subsection (a); and

(B) to a sponsor of a reliever airport for the types of project costs allowable under subsection (a), including project costs allowable for a commercial service airport that each year does not have more than .05 percent of the total boardings in the United States;

(3) for use by a primary airport that each year does not have more than .05 percent of the total boardings in the United States, any part of amounts that may be distributed for the fiscal year from the discretionary fund and small airport fund to pay project costs allowable under subsection (a);

(4) not more than \$25,000,000 to pay project costs allowable for the fiscal year under subsection (a) for projects at commercial service airports that were not eligible for assistance for terminal development during the fiscal year ending September 30, 1980, under section 20(b) of the Airport and Airway Development Act of 1970;

(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under sections 47114(c) and 47114(d)(2)(A) for project costs allowable under subsection (a); or

(6) not more than \$20,000,000 of the amount that may be distributed for the fiscal year from the discretionary fund established under section 47115, to the sponsor of a nonprimary airport to pay costs allowable under subsection (a) for terminal development projects,

if the Secretary determines (which may be based on actual and projected enplanement trends, as well as completion of an air service development study, demonstrated commitment by airlines to provide commercial service accommodating at least 10,000 annual enplanements, the documented commitment of a sponsor to providing the remaining funding to complete the proposed project, and a favorable environmental finding (including all required permits) in support of the proposed project) that the status of the nonprimary airport is reasonably expected to change to primary status based on enplanements for the third calendar year after the issuance of the discretionary grant.

(d) NONHUB AIRPORTS.—With respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the amounts described in subsection (a) notwithstanding the requirements of sections 47107(a)(17), 47112, and 47113.

(e) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.

(f) Limitation on Discretionary Funds.—The Secretary may distribute not more than \$30,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).¹

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 103-305, title I, §117, Aug. 23, 1994, 108 Stat. 1579; Pub. L. 103-429, §6(69), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 106-181, title I, §152(b), Apr. 5, 2000, 114 Stat. 87; Pub. L. 108-176, title I, §§149(d), 166, Dec. 12, 2003, 117 Stat. 2505, 2514; Pub. L. 112-95, title I, §152(b), Feb. 14, 2012, 126 Stat. 33; Pub. L. 115-254, div. B, title I, §§132(b), 138, Oct. 5, 2018, 132 Stat. 3206, 3210; Pub. L. 118-63, title VII, §§718, 774(b), May 16, 2024, 138 Stat. 1260, 1298.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47119(a)	49 App.:2212(b)(4).	Sept. 3, 1982, Pub. L. 97-248, §513(b)(4), 96 Stat. 690; Dec. 30, 1987, Pub. L. 100-223, §106(b)(5)(B), 101 Stat. 1498.
47119(b)	49 App.:2212(b)(2).	Sept. 3, 1982, Pub. L. 97-248, §513(b)(2), 96 Stat. 690; Dec. 30, 1987, Pub. L. 100-223, §106(b)(5)(A), 111(a)(1), 101 Stat. 1498, 1503.
	49 App.:2212(b)(3).	Sept. 3, 1982, Pub. L. 97-248, §513(b)(3), 96 Stat. 690.

In subsection (a), before clause (1), the words “(within the meaning of section 11(1) of the Airport and Airway Development Act of 1970 [49 App. U.S.C. 1711(1)] as in effect immediately before September 3, 1982)” are omitted because of the definition of “air carrier airport” in section 47102 of the revised title. The words “after June 30, 1970” are substituted for “on or after July 1, 1970” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words “to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title” are substituted for “for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which would be allowable under paragraph (1) of this subsection” for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words “In a fiscal year” are added for clarity. In clause (2), the words “from the discretionary fund” are substituted for “sums to be distributed at the discretion of the Secretary under section 2206(c) of this Appendix” for clarity and consistency in this chapter. In clause (3), the words “for projects” are added for clarity.

PUB. L. 103-429

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47119(b)	49 App.:2212(b)(2).	Sept. 3, 1982, Pub. L. 97-248, § 513(b)(2), as amended May 26, 1994, Pub. L. 103-260, § 107, 108 Stat. 700.

In subsection (b)(3), the words “from the discretionary fund and small airport fund” are substituted for “sums to be distributed at the discretion of the Secretary under section 2206(c) and 2206(d) of this Appendix” for clarity and consistency in this chapter.

Editorial Notes

REFERENCES IN TEXT

Section 47108(e)(3), referred to in subssecs. (a)(2)(A) and (f), was redesignated section 47108(d)(3) of this title by Pub. L. 118-63, title VII, § 707(4), May 16, 2024, 138 Stat. 1251.

Section 20(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (c)(4), is section 20(b) of Pub. L. 91-258, which was classified to section 1720(b) of former Title 49, Transportation, prior to repeal by Pub. L. 97-248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695.

AMENDMENTS

Subsec. (a)(4). Pub. L. 118-63, § 774(b), added par. (4).
 Subsec. (c)(5). Pub. L. 118-63, § 718(a)(2)(A), substituted “sections 47114(c) and 47114(d)(2)(A)” for “section 47114(d)(3)(A)”.

Subsec. (c)(6). Pub. L. 118-63, § 718(a)(1), (2)(B), (3), added par. (6).

Subsec. (f). Pub. L. 118-63, § 718(b), substituted “\$30,000,000” for “\$20,000,000”.

2018—Subsec. (a)(1)(B). Pub. L. 115-254, § 138, substituted “directly related to—” for “directly related to”, inserted cl. (i) designation before “moving passengers and”, substituted “; or” for “; and”, and added cl. (ii). Amendments were executed to this section to reflect the probable intent of Congress, notwithstanding directory language amending section 47119(a)(1)(B), without specifying the Code title to be amended.

Subsec. (a)(3). Pub. L. 115-254, § 132(b), added par. (3).
 2012—Subsec. (a). Pub. L. 112-95, § 152(b)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 112-95, § 152(b)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (b)(3), (4)(A). Pub. L. 112-95, § 152(b)(4), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (b)(4)(B). Pub. L. 112-95, § 152(b)(3), substituted “Secretary” for “Secretary of Transportation”.

Subsec. (b)(5). Pub. L. 112-95, § 152(b)(5), substituted “subsections (c)(1) and (c)(2)” for “subsection (b)(1) and (2)”.

Subsec. (c). Pub. L. 112-95, § 152(b)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1), (2)(A). Pub. L. 112-95, § 152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(2)(B). Pub. L. 112-95, § 152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (c)(3), (4). Pub. L. 112-95, § 152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(5). Pub. L. 112-95, § 152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsecs. (d), (e). Pub. L. 112-95, § 152(b)(1), redesignated subssecs. (c) and (d) as (d) and (e), respectively.

Subsec. (f). Pub. L. 112-95, § 152(b)(8), added subsec. (f).

2003—Subsec. (a). Pub. L. 108-176, § 166, amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “An amount apportioned under section 47114 of this title and made available to the sponsor of an air carrier airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title if they had been incurred after September 3, 1982. An amount is available for a grant under this subsection—

“(1) only if—

“(A) the sponsor submits the certification required under section 47110(d) of this title;

“(B) the Secretary of Transportation 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 for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money; and

“(2) subject to the limitations in subsection (b)(1) and (2) of this section.”

Subsec. (b)(5). Pub. L. 108-176, § 149(d), added par. (5).
 2000—Subsec. (d). Pub. L. 106-181 added subsec. (d).

1994—Subsec. (a). Pub. L. 103-305, § 117(1), inserted “or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992,” after “July 12, 1976.”

Subsec. (b)(2). Pub. L. 103-429, § 6(69)(B), added par. (2) and struck out former par. (2) which read as follows: “to a sponsor of a nonprimary commercial service airport, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discretionary fund to pay project costs allowable under section 47110(d) of this title; or”.

Subsec. (b)(3). Pub. L. 103-429, § 6(69)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 103-429, § 6(69)(A), redesignated par. (3) as (4).

Subsec. (c). Pub. L. 103-305, § 117(2), added subsec. (c).

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.

§ 47120. Grant priority

(a) IN GENERAL.—In making a grant under this subchapter, the Secretary of Transportation may give priority to a project that is consistent with an integrated airport system plan.

(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 106-181, title I, §162, Apr. 5, 2000, 114 Stat. 91.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47120, 49 App.:2208(b)(9), Sept. 3, 1982, Pub. L. 97-248, §509(b)(9), 96 Stat. 685.

The words "In making a grant under this subchapter" are substituted for "In establishing priorities for distribution of funds available pursuant to section 2206 of this Appendix" for consistency in this chapter and to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 47121. Records and audits

(a) RECORDS.—A sponsor shall keep the records the Secretary of Transportation requires. The Secretary may require records—

- (1) that disclose— (A) the amount and disposition by the sponsor of the proceeds of the grant; (B) the total cost of the plan or program for which the grant is given or used; and (C) the amounts and kinds of costs of the plan or program provided by other sources; and

- (2) that make it easier to carry out an audit.

(b) AUDITS AND EXAMINATIONS.—The Secretary and the Comptroller General may audit and examine records of a sponsor that are related to a grant made under this subchapter.

(c) AUTHORITY OF COMPTROLLER GENERAL.—When an independent audit is made of the accounts of a sponsor under this subchapter related to the disposition of the proceeds of the grant or related to the plan or program for

which the grant was given or used, the sponsor shall submit a certified copy of the audit to the Secretary not more than 6 months after the end of the fiscal year for which the audit was made. The Comptroller General may report to Congress describing the results of each audit conducted or reviewed by the Comptroller General under this section during the prior fiscal year.

(d) AUDIT REQUIREMENT.—The Secretary may require a sponsor to conduct an appropriate audit as a condition for receiving a grant under this subchapter.

(e) ANNUAL REVIEW.—The Secretary shall review annually the recordkeeping and reporting requirements under this subchapter to ensure that they are the minimum necessary to carry out this subchapter.

(f) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary or the Comptroller General to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 104-316, title I, §127(f), Oct. 19, 1996, 110 Stat. 3840.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1-6: 47121(a)-(f) with corresponding U.S. Code and Statutes at Large references.

In subsections (a)–(d), the word "sponsor" is substituted for "recipient of a grant under this chapter" and "recipient" for clarity.

In subsection (a), before clause (1), the words "The Secretary may require records" are substituted for "including records" for clarity. In clause (1), before subclause (A), the word "fully" is omitted as surplus.

In subsection (b), the words "or any of their duly authorized representatives" are omitted as surplus because of 49:322(b) and 31:711. The words "may audit and examine" are substituted for "shall have access for the purpose of audit and examination" to eliminate unnecessary words. The words "books, documents, papers" are omitted as being included in "records".

In subsection (e), the words "minimum necessary to carry out" are substituted for "that such requirements are kept to the minimum level necessary for the proper administration of" to eliminate unnecessary words.

In subsection (f), the words "or any officer or employee under the control of either of them" are omitted as surplus because of 49:322(b) and 31:711.

Editorial Notes

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-316, in first sentence, substituted "Secretary" for "Comptroller General", in second sentence, substituted "The Comptroller General may" for "Not later than April 15 of each year, the Comptroller General shall", and struck out at end "The Comptroller General shall prescribe regulations necessary to carry out this subsection."

§ 47122. Administrative

(a) GENERAL.—The Secretary of Transportation may take action the Secretary considers