

technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

(c) **MATCHING SHARE.**—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

(d) **TERMS AND CONDITIONS.**—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

(e) **ADMINISTRATION.**—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.

(f) **ELIGIBLE SPONSOR DEFINED.**—In this section, the term “eligible sponsor” means a non-profit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than \$5,000,000 for the purpose of carrying out this section.

(Added Pub. L. 106–181, title I, §134(a), Apr. 5, 2000, 114 Stat. 83; amended Pub. L. 108–176, title I, §157, Dec. 12, 2003, 117 Stat. 2508.)

#### Editorial Notes

##### AMENDMENTS

2003—Subsecs. (e) to (g). Pub. L. 108–176 added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

#### 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

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

#### § 47138. Pilot program for purchase of airport development rights

(a) **IN GENERAL.**—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

#### (b) GRANT REQUIREMENTS.—

(1) **IN GENERAL.**—The Secretary may not make a grant under subsection (a) unless the grant is made—

(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

(2) **MATCHING REQUIREMENT.**—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

(c) **GRANT STANDARDS.**—The Secretary shall prescribe standards for grants under subsection (a), including—

(1) grant application and approval procedures; and

(2) requirements for the content of the instrument recording the purchase of the development rights.

(d) **RELEASE OF PURCHASED RIGHTS AND COVENANT.**—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

(e) **LIMITATION.**—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.

(Added Pub. L. 108–176, title I, §152(a), Dec. 12, 2003, 117 Stat. 2506.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section 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 an Effective Date of 2003 Amendment note under section 106 of this title.

#### § 47139. Emission credits for air quality projects

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors may receive appropriate emission reduction credits for carrying out projects, including projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following considerations:

(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

(2) Credits generated by the emissions reductions are kept by the airport sponsor, including for an airport outside of a nonattainment area or maintenance area, and may be used for purposes of any current or future general conformity determination under the Clean Air Act, as offsets under the Environmental Pro-

tection Agency's new source review program for projects on the airport or associated with the airport, or as part of a State implementation plan.

(3) Credits are calculated and provided to airports on a consistent basis nationwide.

(4) Credits are provided to airport sponsors in a timely manner.

(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

(b) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).

(Added Pub. L. 108-176, title I, §158(a), Dec. 12, 2003, 117 Stat. 2508; amended Pub. L. 112-95, title I, §§111(c)(2)(A)(v), 152(d), Feb. 14, 2012, 126 Stat. 18, 34; Pub. L. 115-254, div. B, title I, §166(b)(2), Oct. 5, 2018, 132 Stat. 3226; Pub. L. 118-63, title VII, §782, May 16, 2024, 138 Stat. 1302.)

### Editorial Notes

#### REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a)(1), (2), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

#### AMENDMENTS

2024—Subsec. (a). Pub. L. 118-63, §782(1)(A), substituted “airport sponsors may receive” for “airport sponsors receive”, “carrying out projects, including projects” for “carrying out projects”, and “considerations” for “conditions” in introductory provisions.

Subsec. (a)(2). Pub. L. 118-63, §782(1)(B), substituted “airport sponsor, including for an airport outside of a nonattainment area or maintenance area,” for “airport sponsor”, “, as offsets” for “or as offsets”, and “, or as part of a State implementation plan.” for period at end and struck out “only” after “may”.

Subsecs. (b), (c). Pub. L. 118-63, §782(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility charge for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.”

2018—Subsecs. (c), (d). Pub. L. 115-254 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).”

2012—Subsec. (a). Pub. L. 112-95, §152(d)(1), struck out “47102(3)(F),” after “40117(a)(3)(G),” in introductory provisions.

Subsec. (b). Pub. L. 112-95, §152(d)(2), struck out “47102(3)(F),” after “grant for a project described in section” and “47103(3)(F),” after “40117(a)(3)(G),”.

Pub. L. 112-95, §111(c)(2)(A)(v), substituted “charge” for “fee”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section 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 an Effective Date of 2003 Amendment note under section 106 of this title.

#### § 47140. Meeting current and future energy power demand

(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall—

(1) encourage the sponsor of each public-use airport to—

(A) conduct airport planning that assesses the airport's—

(i) current and future energy power requirements, including—

(I) heating and cooling;

(II) on-road airport vehicles and ground support equipment;

(III) gate electrification;

(IV) electric aircraft charging; and

(V) vehicles and equipment used to transport passengers and employees between the airport and—

(aa) nearby facilities owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(bb) an intermodal surface transportation facility adjacent to the airport; and

(ii) existing energy infrastructure condition, location, and capacity, including base load and backup power, to meet the current and future electrical power demand as identified in this subparagraph; and

(B) conduct airport development to improve energy efficiency, increase peak load savings at the airport, and meet future electrical power demands as identified in subparagraph (A); and

(2) reimburse the airport sponsor for the costs incurred in conducting the assessment under paragraph (1)(A).

(b) GRANTS.—The Secretary shall make grants to airport sponsors from amounts made available under section 48103 to assist such sponsors that have completed the assessment described in subsection (a)(1)—

(1) to acquire or construct equipment that will improve energy efficiency at the airport; and

(2) to pursue an airport development project described in subsection (a)(1)(B).

(c) APPLICATION.—To be eligible for a grant under paragraph (1),<sup>1</sup> the sponsor of a public-use airport shall submit an application, including a certification that no safety projects are being deferred by requesting a grant under this section, to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Added Pub. L. 112-95, title V, §512(a), Feb. 14, 2012, 126 Stat. 109, §47140a; renumbered §47140

<sup>1</sup> So in original. Probably should be “subsection (b)”.