

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”.

#### 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) 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 section 47110(d).

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

(A) the sponsor submits the certification required under section 47110(d);

(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 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 subsection (b)(1) and (2).

(b) 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 section 47110(d) of this title;

(2) on approval of the Secretary, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discre-

tionary fund established under section 47115 of this title—

(A) to a sponsor of a nonprimary commercial service airport to pay project costs allowable under section 47110(d) of this title; and

(B) to a sponsor of a reliever airport for the types of project costs allowable under section 47110(d), 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 section 47110(d) of this title;

(4) not more than \$25,000,000 to pay project costs allowable for the fiscal year under section 47110(d) of this title 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; or

(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).

(c) 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.

(d) 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.

(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.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47119(b) .....	49 App.:2212(b)(2).  49 App.:2212(b)(3).	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. 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

REFERENCES IN TEXT

Section 20(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (b)(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

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).

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

AMENDMENTS

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

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47121(a) .....	49 App.:2217(a) (1st sentence).	Sept. 3, 1982, Pub. L. 97-248, §518, 96 Stat. 693.
47121(b) .....	49 App.:2217(b) (1st sentence).	
47121(c) .....	49 App.:2217(c).	
47121(d) .....	49 App.:2217(b) (last sentence).	
47121(e) .....	49 App.:2217(a) (last sentence).	
47121(f) .....	49 App.:2217(d).	

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