§ 47109. United States Government’s share of project costs

(a) General.— Except as provided in subsection (b) or subsection (c) of this section, the United States Government’s share of allowable project costs is—

(1) 75 percent for a project at a primary airport having at least .25 percent of the total number of passenger boardings each year at all commercial service airports;

(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;

(3) 90 percent for a project at any other airport;

(4) 70 percent for a project funded by the Administrator from the discretionary fund under section 47115 at an airport receiving an exemption under section 47134; and

(5) for fiscal year 2002, 100 percent for a project described in section 47102 (3)(J), 47102 (3)(K), or 47102 (3)(L).¹

(b) Increased Government Share.— If, under subsection (a) of this section, the Government’s share of allowable costs of a project in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970, the Government’s share under subsection (a) of this section shall be increased by the lesser of—

(1) 25 percent;

(2) one-half of the percentage that the area of unappropriated and unreserved public lands and nontaxable Indian lands in the State is of the total area of the State; or

(3) the percentage necessary to increase the Government’s share to the percentage that applied on June 30, 1975, under section 17(b) of the Act.

(c) Grandfather Rule.—

(1) In general.— In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government’s share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

(B) the application under subsection (b), does not increase the Government’s share of allowable costs of the project.

(2) Limitation.— The Government’s share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).

(d) Special Rule for Privately Owned Reliever Airports.— If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the
current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.

Footnotes

1 See References in Text note below.


Historical and Revision Notes

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In subsection (a), before clause (1), the words “Except as provided in subsections (b) and (c) of this section” are substituted for “Except as otherwise provided in this chapter” because subsections (b) and (c) restate the only parts of the chapter that provide exceptions to the general rule stated in subsection (a). In clauses (1) and (2), the words “for a project” are substituted for “payable on account of any project contained in an approved project grant application submitted in accordance with this chapter” in 49 App.:2209(a) and “payable on account of any project contained in an approved project grant application” in 49 App.:2209(b) for consistency in this chapter and to eliminate unnecessary words. A project cost is allowable only if it is incurred under a grant agreement made under the chapter, and a grant agreement may be made only if the project grant application is approved. In clause (1), the words “number of passenger boardings” are substituted for “enplaning . . . of the . . . passengers enplaned” because of the definition of “passenger boardings” in section 47102 of the revised title.

In subsection (b), the words “If, under subsection (a) of this section, the Government’s share of allowable costs . . . is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970” and “(3) the percentage necessary to increase the Government’s share to the percentage that applied on June 30, 1975, under section 17(b) of the Act” are substituted for 49 App.:2209(c) (last sentence) for clarity. The words “of the total of all lands therein” are omitted as surplus.

In subsection (c), the words “Notwithstanding subsections (a) and (b) of this section” are substituted for “Notwithstanding any other provision of this chapter” because subsections (a) and (b) are the only other parts of the chapter that specify the United States Government’s share of allowable project costs.

References in Text

Subpars. (J), (K), and (L) of section 47102 (3), referred to in subsec. (a)(5), were repealed and new subpars. (J), (K), and (L) were added or designated, by Pub. L. 108–176, title I, § 159(b)(1), Dec. 12, 2003, 117 Stat. 2510.

Section 17(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (b), is section 17(b) of Pub. L. 91–258, which was classified to section 1717(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, § 162(b), substituted “Except as provided in subsection (b) or subsection (c)” for “Except as provided in subsection (b)” in introductory provisions.
Subsec. (a)(4). Pub. L. 108–176, § 163, substituted “70 percent” for “40 percent”.
Subsecs. (c), (d). Pub. L. 108–176, § 162(a), added subsec. (c) and redesignated former subsec. (c) as (d).


2000—Subsec. (a)(2) to (4). Pub. L. 106–181 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.


1994—Subsec. (a). Pub. L. 103–305, § 114(1), substituted “subsection (b)” for “subsections (b) and (c)”.
Subsec. (c). Pub. L. 103–305, § 114(2), struck out subsec. (c) which read as follows: “(c) Limitation.—Notwithstanding subsections (a) and (b) of this section, the Government’s share of project costs allowable under section 47110 (d) of this title may not be more than 75 percent, except that the Government’s share shall be 85 percent for a project at a commercial service airport that does not have more than .05 percent of the total annual passenger boardings in the United States.”

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


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.

Temporary Increase in Government Share of Certain AIP Project Costs
