§ 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 ); or

(2) the airport is a military installation with both military and civil aircraft operations.

(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; or

(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.

(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 designation, 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 Airport.**— Notwithstanding any other provision of this section, one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation closed or realigned under a section referred to in subsection (a)(1).


**Historical and Revision Notes**

**Pub. L. 103–272**

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In subsection (d), the word “Grants” is substituted for “to participate in the program”, and the word “grants” is substituted for “participation in the program”, for clarity and consistency and to eliminate unnecessary words.

In subsection (e), before clause (1), the words “at the discretion” and “with Federal funding” are omitted as surplus.


This sets out the date of enactment of 49:47118(a) (last sentence).


This makes a clarifying amendment to 49:47118(e) because 49:47109(c) was struck by section 114(b) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1579).
References in Text

Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (a)(1)(B), is section 201 of Pub. L. 100–526, which is set out in a note under section 2687 of Title 10, Armed Forces.


Amendments

2003—Subsec. (e). Pub. L. 108–176, § 153(1), substituted “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” for “Not more than $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available” in introductory provisions.

Subsec. (f). Pub. L. 108–176, § 153(2), (3), inserted par. (1) designation and heading, substituted “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” for “Not more than a total of $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available”, and added par. (2).


Subsec. (a)(2). Pub. L. 106–181, § 130(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows: “the Secretary finds that such grants would—

“(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

“(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.”

Subsec. (c). Pub. L. 106–181, § 130(a)(2), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “In carrying out this section, the Secretary shall consider only current or former military airports that, when at least partly converted to civilian commercial or reliever airports as part of the national air transportation system, will enhance airport and air traffic control system capacity in major metropolitan areas and reduce current and projected flight delays.”

Subsec. (d). Pub. L. 106–181, § 130(a)(3), substituted “47117(e)(1)(B)” for “47117(e)(1)(E)”, “periods, each not to exceed 5 fiscal years,” for “5-fiscal-year periods”, and “each such subsequent period” for “each such subsequent 5-fiscal-year period”.

Subsec. (e). Pub. L. 106–181, § 130(b), substituted “$7,000,000” for “$5,000,000”.

Subsec. (f). Pub. L. 106–181, § 130(c), in heading, substituted “Hangars, and Air Cargo Terminals” for “and Hangars” and, in text, substituted “$7,000,000” for “$4,000,000” and inserted “and air cargo terminals of an area that is 50,000 square feet or less” before period at end.


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 such grants under this 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”.

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.”


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 Amendments

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.