§ 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 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 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.
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.

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.”


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”.


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