



# Federal Aviation Administration

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## Memorandum

Date: June 3, 2019

To: Office of Airports Regional Directors, AXX-600s;  
Regional Airport Planning & Programming, AXX-610s;  
Airports District Office Managers, XXX-ADOs.

From:   
Robin K. Hunt, Acting Director,  
Office of Airport Planning and Programming, APP-1

Subject: Reauthorization Program Guidance Letter (R-PGL) 19-01: Extended and Expanded Programs

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This Reauthorization Program Guidance Letter (R-PGL) 19-01 explains and implements provisions in the FAA Reauthorization Act of 2018 (the 2018 Act) (P.L. 115-254), which extended, expanded or modified existing programs under 49 U.S.C., Chapter 471 (the primary statutory provision governing the Airport Improvement Program (AIP)).

This R-PGL addresses the following specific provisions:

Bill Section(s)	Topic	49 USC Section(s) impacted
117(a)	Extension of Expiring Authorities (Marshall Islands, Micronesia, and Palau)	47115(i) and (j)
117(b)	Extension of Expiring Authorities (Noise Grants for Compatible Land Use Planning and Projects )	47141
117(c)	Extension of Expiring Authorities (Midway Island Airport)	Not codified in statute; Vision 100 (P.L. 108-176) Section 186(d)
117(d)	Extension of Expiring Authorities (Redevelopment of Airport Properties Pilot Program)	47141
139	State Block Program Expansion	47128(a)
158	Supplemental Discretionary Fund	47115(j)

**Section 117(a), Extension of Expiring Authorities (Marshall Islands, Micronesia, and Palau).**

Section 117(a) amends 49 U.S.C., § 47115, *Discretionary Fund*, by redesignating (j) as (i) and extending eligibility for the Republic of the Marshall Islands, the Federated State of Micronesia, and the Republic of Palau to receive discretionary and Small Airport Fund grants (under § 47115 and § 47116, respectively) through Fiscal Year (FY) 2023. There are no changes to eligibility under this provision. These airport sponsors remain ineligible to receive apportioned (primary, nonprimary, cargo, or state) funds under § 47114. Additionally, they are not able to receive set-aside funds to include:

- Noise and Environmental set-aside funds under § 47117(e)(1)(A)
- Military Airport Program funds under § 47117(e)(1)(B); or
- Reliever set-aside funds under § 47117(e)(1)(C).

**Moving forward:**

This provision does not change how grants are administered in these locations through FY 2023. The same eligibility rules apply. The only difference is the statutory citation has changed from subparagraph (j) to subparagraph (i) under § 47115.

**Guidance and Tools:**

APP will update the current version of the AIP Handbook (FAA Order 5100.38D, Change 1) in its next version to reflect these changes.

**Section 117(b), Extension of Expiring Authorities (Noise Grants for Compatible Land Use Planning and Projects).**

Section 117(b) amends 49 U.S.C., § 47141, *Compatible land use planning and projects by State and local governments*, by extending this noise grant program through FY 2023. There are no changes to eligibility or program rules.

The following text has been extracted directly from text in the AIP Handbook (FAA Order 5100.38D, Change 1) in consolidated format, for ease of reference.

In summary, § 47141 permits State or local governments around medium or large hub airports (as defined under § 47102), to pursue grants for noise compatibility projects defined under this section provided that the airport sponsor has not submitted a Noise Compatibility Program (under 14 CFR, Part 150) to the FAA or updated its Noise Compatibility Program within the past 10 years. Grants are limited to compatible land use planning and compatible land use projects only. The recipient of these grants must have the authority to plan and adopt land use compatibility plans and control measures, including zoning, in the planning area in and around the airport. Furthermore, the grant recipient and the airport sponsor must enter into a written agreement to prepare the compatible land use plan cooperatively.

**Moving forward:**

This provision does not change how grants are administered through FY 2023. The same eligibility rules apply. All provisions in the current version of the AIP Handbook are applicable except for the expiration date.

**Guidance and Tools:**

The FAA will update the current version of the AIP Handbook (FAA Order 5100.38D, Change 1) in its next version to reflect this change.

**Section 117(c), Extension of Expiring Authorities (Midway Island Airport).**

Section 117(c) extends the provision found in Section 186(d) of Public Law 108-176, more commonly known as Vision 100, which permits the FAA to enter into reimbursable agreements with the Secretary of the Interior to fund AIP-eligible projects at Midway Island Airport through FY 2023. There are no changes to eligibility or program rules. This program was never codified; therefore, the extension is tied directly to the original enabling Act.

This provision simply continues the legislative authority. Funding remains capped at \$2.5 million of discretionary per fiscal year, awarded under § 47115, exclusive of set asides. This provision has been extended in prior reauthorizations and appropriations acts.

**Moving forward:**

From an AIP administration standpoint, this provision does not change how grants are administered to Midway Island Airport through FY 2023. The same eligibility rules apply. All guidance in the current version of the AIP Handbook is applicable except for the expiration date.

**Guidance and Tools:**

The FAA will update the current version of the AIP Handbook (FAA Order 5100.38D, Change 1) in its next version to reflect this change.

**Section 117(d), Extension of Expiring Authorities (Redevelopment of Airport Properties Pilot Program).**

Section 117(d) amends the note for 49 U.S.C., § 47141, *Compatible land use planning and projects by State and local governments*, by extending the FAA's authority to issue grants under the Pilot Program for Redevelopment of Airport Property (Acquire Noise Land) through FY 2023. There are no changes to eligibility or program rules.

This provision continues the legislative authority, created by Section 822(k) of the FAA Modernization and Reform Act of 2012 (P.L. 112-95), which allows the FAA to select up to four eligible public use airports to participate in the pilot program. AIP grant funding remains capped at \$5 million per airport.

**Moving forward:**

This provision does not change how grants are administered under this pilot program. The same eligibility rules apply. At the time the 2018 Act was signed into law, two airports were participating in the pilot program. Because the 2018 Act did not authorize the selection of

additional participants or funding, the FAA will continue to be open to additional participants for the pilot program until an additional two eligible airports are selected. The pilot program sunsets on September 30, 2023, unless extended by law. All provisions in the current version of the AIP Handbook are applicable except for the expiry date.

**Guidance and Tools:**

The FAA will update the current version of the AIP Handbook, (FAA Order 5100.38D, Change 1) in its next version to reflect these changes. In addition, the FAA will also update the document entitled “Pilot Program for Redevelopment of Airport Properties (Acquired Noise Land).”

**Section 139, State Block Grant Program Expansion.**

Section 139 amends the 49 U.S.C., § 47128(a), *State block grant program*, by increasing the number of qualified states that may participate in the program each fiscal year from 10 to 20. There are no other statutory changes.

**Moving forward:**

This provision does not change the statutory requirements for how the State Block Grant Program is operated. The same eligibility and entry rules apply.

The FAA’s State Block Grant Program webpage has been updated to reflect the additional openings and will be used to inform potential applicants until all openings are filled or at such times when an opening becomes otherwise available. The application requirements, which are statutory, have not changed. The Office of Airports has updated the State Block Grant Program [webpage](#) for states to apply for available slots.

**Guidance and Tools:**

The FAA will update the current version of the AIP Handbook (FAA Order 5100.38D, Change 1) in its next version to reflect these changes. The FAA will also update Advisory Circular 150/500-21, *State Block Grant Program*, to reflect this expansion.

**Section 158, Supplemental Discretionary Fund.**

Section 158 amends 49 U.S.C., § 47115, *Discretionary Fund*, by adding a new subparagraph (j), which establishes a supplemental discretionary fund. While the 2018 Act authorized the establishment of the fund, annual appropriations will determine its implementation.

This section creates a separate discretionary fund for AIP eligible and justified projects, at any airport that is eligible to receive discretionary funds. The fund is not subject to the normal discretionary formulas and set asides (such as noise, reliever or Military Airport Program set asides). The statute also excludes the funds from being subject to any other apportionment formula, special apportionment category, or minimum percentage required by the AIP statute for regular discretionary or apportionments.

The language in Section 158 allows the FAA to consider grants for an “airport or terminal development project” at any airport that is eligible to receive a grant from the discretionary fund.

This means that the FAA may consider such supplemental funds for terminal projects at any eligible airport in the NPIAS. However, all other statutory rules still apply, including the need to use entitlements for the highest priority projects; typically to address airside needs, and terminals tend to be substantially lower priority for AIP funds.

**Moving forward:**

The Consolidated Appropriations Act of 2019 provided a supplemental amount of \$500 million from the General Fund for AIP projects. These funds fall within the parameters of § 47115(j), except that the appropriations act stipulated that the funds are to remain available for obligation until September 30, 2021. The FAA will manage these funds in accordance with the long-standing airport capital improvement plan (ACIP) process.

**Guidance and Tools:**

APP will update the current version of the AIP Handbook (FAA Order 5100.38D, Change 1) in its next version to reflect these changes to the statute. Additional information on the FY 2019 supplement program implementation, and any other future appropriations subject to this section, will be provided separately.