



# Federal Aviation Administration

## Bipartisan Infrastructure Law Frequently Asked Questions

This document answers frequently asked questions (FAQs) stakeholders may have related to the grant funds available for airports under the Public Law 117-58-Infrastructure Investment and Jobs Act referred to as the Bipartisan Infrastructure Law (BIL).

The BIL includes approximately \$25 billion for the National Airspace System.

Approximately \$5 billion is for improvements to FAA owned facilities and equipment. FAA’s Air Traffic Organization (ATO) will administer these funds.

These FAQs pertain to the approximately \$20 billion for airport infrastructure improvements that will be administered by FAA’s Office of Airports. The Federal Aviation Administration (FAA) has additional information for airport sponsors at [www.faa.gov/bil](http://www.faa.gov/bil).

The guidance here is not legally binding in its own right and FAA will not rely on it as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

For questions related to BIL, please email: [9-ARP-BILAirports@faa.gov](mailto:9-ARP-BILAirports@faa.gov).

This guidance adds new questions Q-U44 through Q-U71, Q-A1 through Q-A4, and Q-SB1 through Q-SB6. This update also includes clarifying edits to questions Q-3, Q-U1(2), Q-U10, and Q-U31.

These FAQs will be updated periodically.

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## General Questions

**Q-1: How does the Bipartisan Infrastructure Law (BIL) benefit airports?**

**A:** Title VIII of Division J of the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 (BIL) provides \$25 Billion for the National Aerospace System (NAS). Five billion dollars of the BIL funds will be administered by FAA's Air Traffic Organization (ATO) will fund much needed FAA facilities upgrades. FAA's Office of Airports (ARP) will administer the remaining approximately \$20 billion in grant funds for airport infrastructure, terminal development, including multimodal terminal development and on-airport rail access projects, and airport owned towers.

**Q-2: Where is this funding coming from?**

**A:** The \$25 billion comes directly from the U.S. Treasury's General Fund.

**Q-3: Are the BIL funds split into different funding buckets?**

**A:** Yes. Five billion dollars is being administered by ATO for improvements to FAA-owned facilities. ARP will administer approximately \$20 billion of BIL funds to airport sponsors. The \$20 billion is allocated over 5 years (\$4 billion annually). Of the \$20 billion, FAA will receive up to \$118 million annually for administration of BIL funds and the Office of Inspector General (OIG) receives \$2 million annually for oversight of BIL funds.

(1) Airport Infrastructure Grants (AIG) include formula allocations (AIG Allocated) and competitive (AIG Competitive) funds of up to \$14.55 billion.

- a) Primary Airports share not more than \$2.39 billion annually based enplanement and cargo volume.
- b) Non-Primary Airports share not more than \$500 million annually, based on airport classification in the National Plan of Integrated Airport System (NPIAS) and the aggregated NPIAS eligible development cost for each classification.
- c) AIG provides \$20 million annually in competitive grants (AIG Competitive) for sponsor owned contract towers participating in the Federal contract tower program and the contract tower cost share program (FCT). These funds are available to: construct, repair, improve, rehabilitate, modernize, replace, or relocate an airport control tower; acquire and install air traffic control, communications, and related equipment in an airport control tower; and construct a remote tower certified by the FAA including acquisition and installation of air traffic control, communications, or related equipment. **(To date there is no FAA-certified remote tower technology.)**

(2) Approximately \$4.85 billion (\$970 million annually) for competitive Airport Terminal Program (ATP) grants including multi-modal terminal development and on-airport rail access projects. These funds can also be

used for projects for relocating, reconstructing, repairing, or improving an airport-owned air traffic control tower (ATCT), whether staffed by FAA or in the FCT program.

**Q-4: Who is eligible to receive AIG and ATP funding under BIL?**

**A:** **AIG Formula Infrastructure Allocations (AIG Allocated):** Funds are available to sponsors of airports as defined in 47102 of title 49, United States Code (U.S.C.); that is, airport sponsors meeting statutory and policy requirements under this section and identified in the FAA's published [National Plan of Integrated Airport Systems \(NPIAS\)](#), updated with current year data, and are eligible to receive discretionary funds per 49 U.S.C. 47115.

**AIG Competitive Infrastructure Funds (AIG Competitive):** Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115 and participating in the FCT program under 49 U.S.C. 47124.

**ATP:** Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115.

**Q-5: Are any airports not eligible to receive funding under BIL?**

**A:** All airports in the NPIAS, except unclassified airports, are eligible. Unclassified airports are not eligible for discretionary funding under BIL.

**Q-6: Are airport sponsors in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island eligible for BIL Grants?**

**A:** **AIG Allocated:** Yes, but they do not receive an allocation. Only sponsors of airports in categories defined in 49 U.S.C. 47102 receive allocations. Airports must be included in the [NPIAS](#) to receive an allocation of AIG funds. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are not included in the NPIAS. While these airport sponsors may be eligible for some AIP discretionary funding under 49 U.S.C. 47115, they are not eligible for *AIG Allocated* funds under BIL.

**AIG Competitive:** Yes. Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115 and participating in the FCT program under 49 U.S.C. 47124. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are eligible for discretionary funds. These sponsors could compete for AIG Competitive funding if they are accepted into the FCT program.

**ATP:** Yes. Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are eligible for discretionary funds.

**Q-7: Are airports in U.S. territories eligible for BIL Grants?**

**A:** Yes. Funds are available to sponsors of airports in categories defined in 49 U.S.C. 47102 and identified in the FAA’s published [NPIAS](#), updated with current year data, and are eligible to receive discretionary funds per 49 U.S.C. 47115. Airports in U.S. territories (American Samoa, Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and Guam) meet these requirements. They receive AIG Allocation funds based on their information in the NPIAS, can compete for AIG Competitive funds if in the FTC program, and can compete for ATP funds.

**Q-8: Why do airports with a NPIAS category of Unclassified not receive AIG Allocated funds under BIL?**

**A:** Unclassified airports are not eligible for discretionary funds under BIL (see Q-5). Also, consistent with their role in the national airport system, unclassified airports have no development needs identified in the published NPIAS, updated with current year data.

**Q-9: What is the period of availability for FAA to obligate AIG funds?**

**A:** Approximately \$2.91 billion (approximately \$2.89 billion of AIG Allocated funds and \$20 million AIG Competitive funds) is available annually starting fiscal year (FY) 2022 through FY 2026. Funds not obligated at the end of the fourth FY will be recovered and made available for competitive grants in the fifth year. See Q-F3.

FY funds are first made available:	Funds must be obligated (under grant) by:	Any unobligated funds must be obligated (under grant) as competitive grants in:
2022	September 30, 2025	FY 2026
2023	September 30, 2026	FY 2027
2024	September 30, 2027	FY 2028
2025	September 30, 2028	FY 2029
2026	September 30, 2029	FY 2030

**Q-10: What is the period of availability for FAA to obligate ATP funds?**

**A:** Approximately \$970 million of ATP funds are available annually starting FY 2022 through FY 2026. Funds not obligated at the end of the fifth FY will expire. See Q-F4.

FY funds are first made available:	Funds must be obligated (under grant) by:	Funds recovered after the following FYs expire:
2022	September 30, 2026	FY 2026
2023	September 30, 2027	FY 2027
2024	September 30, 2028	FY 2028
2025	September 30, 2029	FY 2029
2026	September 30, 2030	FY 2030

## Questions on Allocation of Funds

**Q-F1: How will BIL AIG funds be allocated/awarded to airport sponsors?**

**A:** BIL allocates the \$14.55 billion into two programs over 5 years; AIG Allocated and AIG Competitive. AIG Allocated funds are specific, annual allocations to each eligible airport. These amounts are allocated separately for primary and non-primary airports. AIG Competitive funds are awarded annually through a competitive Notice of Funding Opportunity (NOFO) process specifically for FCT improvements.

(1) AIG Allocated.

- a) Primary Commercial Service Airports and eligible Cargo Airports share not more than \$2.39 billion annually based first on the statutory Airport Improvement Program (AIP) primary and cargo entitlement formulas. The FY 2022 allocation for primary airports is based on best of calendar year (CY) 2018, CY 2019, or CY 2020 enplanements. The FY 2023 allocation for primary airports will be based on best of CY 2018, CY 2019, or CY 2021 enplanements. Starting in FY 2024, the amount formulated for each airport is based upon the most recent CY enplanements. Cargo allocations are required by the legislation to be based on the most recent CY per 49 U.S.C. 47114(c)(2). FY 2022 cargo allocations were based on CY 2020.

After allocating based on the statutory AIP entitlement formulas, the remainder is then allocated based on the number of enplanements the airport had in CY 2019 as a percentage of total 2019 enplanements for all primary airports for FY 2022 and FY 2023. Starting FY 2024, the amount formulated for each airport is based upon the most recent CY enplanements.

- b) Non-Primary Airports share not more than \$500 million annually. The apportioned funds for each non-primary airport are based on the categories published in the NPIAS, updated with current year data, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars. For example, all airports classified as Local receive the same allocation.

(2) AIG Competitive.

- a) Sponsors of airports participating in the FCT program under 49 U.S.C. 47124, are eligible to share not more than \$20 million annually. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually until the program expires. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

**Q-F2: How will BIL ATP funds be awarded to airport sponsors?**

**A:** Sponsors of primary and non-primary airports eligible for discretionary funding under 49 U.S.C. 47115(a) are eligible to share approximately \$970 million annually. Not more than 55% of these funds go to large hub airports, not more than 15% go to medium hub airports, not more than 20% go to small hub airports, and not less than 10% go to non-hub and non-primary airports. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually until the program expires. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

**Q-F3: What happens to unobligated BIL AIG funds?**

**A:** Funds not obligated at the end of the fourth fiscal year will be recovered and made available for competitive grants in the fifth year. Up to \$100 million of these recovered funds will first be provided for competitive grants for FCTs. Any remaining funds will be available for competitive grants for eligible work that reduces airport emissions, reduces noise impact to the surrounding community, reduces dependence on the electrical grid, or provides general benefits to the surrounding community. Instructions for applying for these recovered funds will be outlined in a NOFO, which will be issued annually so the recovered funds are assigned to the competitive projects beginning in FY 2026 (October 1, 2025) through FY 2030 (September 30, 2030). Projects will be selected by FAA, based on sponsor's information submitted as outlined in the NOFO. Funds recovered after the fifth year will return to the General Fund.

**Q-F4: What happens to unobligated BIL ATP funds?**

**A:** Funds not obligated at the end of the fifth fiscal year will expire. ATP funds recovered prior to the end of the fifth fiscal year can be used to amend open ATP grants or made available for new ATP grants based on a competitive process. At the end of the fifth fiscal year, any unobligated or recovered funds will return to the General Fund.

**Q-F5: What is the Federal share under BIL?**

**A:** **AIG Allocated:** The Federal share is the same as for AIP grants, ranging from 50% to 95%, as outlined in 49 U.S.C. 47109. (For further explanation of the statutory provision see Section 4-9 of [FAA Order 5100.38D](#), Change 1 (AIP Handbook)). This includes grants made using unobligated AIG funds for projects not related to FCTs. See Q-F3.

**AIG Competitive:** The Federal share for FCT improvements is 100%. This includes grants made using unobligated AIG funds for FCT projects. See Q-F3.

**ATP:** The Federal share for terminal and sponsor owned ATCT improvements is 80% for large and medium hub airports and 95% for small hub, non-hub, and non-primary airports.

**Q-F6: Do airport sponsors have to contribute a local match for AIG and ATP grants under the BIL?**

**A:** **AIG Allocated:** Yes. The sponsor's match is the same as for sponsor's AIP grants, ranging from 5% to 50%. This includes grants made using unobligated AIG funds for projects not related to FCT. See Q-F3.

**AIG Competitive:** No. The Federal share for FCT improvements is 100%. This includes grants made using unobligated AIG funds for FCT projects. See Q-F3.

**ATP:** Yes. The sponsor's match is 20% for large and medium hub airports and 5% for small hub, non-hub, and non-primary airports.

**Q-F7: Is the BIL funding tied to the annual appropriation process?**

**A:** No. BIL does not require an annual appropriation. The funding is appropriated and will be available at the beginning of each FY.

**Q-F8: How is the NPIAS airport categorization used to determine BIL AIG Allocated funds for non-primary airport sponsors?**

**A:** Under BIL, not more than \$500 million is allocated annually to non-primary airports based on the categories published in the [NPIAS](#), updated with current year data. [FAA Order 5090.5, Formulation of the NPIAS and ACIP](#), defines the criteria for each category or role.

**Q-F9: Will FY 2023-FY 2026 AIG Allocated funds for primary and cargo eligible airports vary from FY 2022 allocations?**

**A:** Yes. The AIG allocations will be determined each year based on the enplanement and cargo landed weight. The FY 2023 allocation for primary airports will be based on best of CY 2018, CY 2019, or CY 2021 enplanements, and CY 2021 cargo landed weight. After FY 2023, enplanement and cargo allocations will be based on the most recent CY data. We expect there will be changes each year in the allocation. The extent of the changes will be impacted on changes in enplanements, cargo data, or if the airport changes between the primary and non-primary categories after FY 2023.

**Q-F10: How are airports that change from primary to non-primary status handled in AIG allocation formulas?**

**A:** FY 2022 and FY 2023 primary airport allocations are based on highest enplanements for CY 2018, CY 2019 and next full CY (CY 2020 or CY 2021 respectively). An airport that was classified as a primary airport in any of those years is considered a primary airport for FY 2022 and FY 2023. The most recent CY enplanements are used to determine an airport's classification for FY 2024-FY 2026 allocations. An airport classified as non-primary after FY 2023 will receive a non-primary allocation.

**Q-F11: Will FY 2023-FY 2026 AIG Allocated funds for non-primary airports vary from FY 2022 allocations?**

**A:** Airports changing from primary to non-primary, or visa-versa, or changes to the number of unclassified airports could impact the overall non-primary allocations. Airports changing classification (National, Regional, Local, Basic) in updated

versions of the NPIAS could also impact the overall non-primary allocations. Allocations for non-primary airports that do not change NPIAS classification should not vary significantly from year to year.

**Q-F12: Will non-primary airports that change from unclassified to classified as the NPIAS is updated with current year data qualify for AIG Allocated funds?**

**A:** Yes. If the airport's classification changes from unclassified to classified, that airport would be eligible for an allocation the following FY based on the airport's new classification. Similarly, if an airport drops to unclassified it would lose allocations the following FY.

**Q-F13: Does a non-primary airport that has unobligated AIG allocations and changes from classified to unclassified lose those funds?**

**A:** No. Unobligated AIG allocations are available until they expire (see Q-9).

**Q-F14: Will unobligated AIG Allocated funds be converted to discretionary funding annually?**

**A:** No. The funds are available for obligation until the end of the fourth FY. In the fifth FY, unobligated funds are recovered and used for competitive grants. See Q-9 and Q-F3.

**Q-F15: Is there a cap limiting the maximum amount of AIG Allocated funds?**

**A:** No. The legislation specifically states that there shall be no maximum apportionment limit under 49 U.S.C. 47114(c)(1)(C)(iii).

**Q-F16: Is there a reduction in AIG Allocated funds for medium and large hub airports collecting a Passenger Facility Charge (PFC)?**

**A:** No. The legislation specifically states that these funds are not subject to the reduced apportionments of 49 U.S.C. 47114(f).

**Q-F17: Does the "best of" calculation apply to cargo?**

**A:** No. The legislation references section 49 U.S.C. 47114(2), requiring cargo apportionments to be based on prior CY landed weight. There was no "best of" provision for cargo.

## Questions on Use of Grant Funding

**Q-U1: How can an airport sponsor use BIL AIG funds?**

**A:** AIG funds under BIL include AIG Allocated and AIG Competitive funds. Allowable use of AIG funds are as follows:

- (1) AIG Allocated. An airport sponsor may use these funds for airport-related projects defined under 49 U.S.C. 40117(a)(3). AIG Allocated funds cannot be used to pay for debt service. The FAA has used the guidance in the [AIP Handbook](#) as a component of PFC eligibility determination under section 40117.
- (2) AIG Competitive. An airport sponsor may use these funds to sustain, construct, repair, improve, rehabilitate, modernize, replace, or relocate a non-approach FCT ATCT, and to acquire and install air traffic control, communications, and related equipment to be used in those ATCT. (For further information on ATCT construction see Table O-3 *Other Building Project Requirement (Other than Terminal)*, Item h, in the [AIP Handbook](#). For further information on FCT minimum equipment and facilities list and FAA FCT new start and replacement tower process, see [FAA Order JO 7210.78 FAA Contract Tower \(FCT\) New Start and Replacement Tower Process](#)). A list of eligible equipment is found in Appendix A of [Reauthorization Program Guidance Letter \(R-PGL\) 19-02: Planning and Project Eligibility](#). AIG Competitive funds can also be used to construct a remote tower certified by the FAA including acquisition and installation of air traffic control, communications, or related equipment. To date there is no FAA certified remote tower technology. AIG Competitive funds cannot be used to pay for debt service.

**Q-U2: What are the eligible uses of ATP funds?**

**A:** ATP grants under BIL are awarded competitively and can be used for justified terminal development projects as defined under 49 U.S.C. 47102(28), including multi-modal projects. On-airport rail access projects, as outlined in 86 FR 48793 ([PFC Update 75-21](#)), are also eligible. Finally, projects for relocating, reconstructing, repairing, or improving an airport-owned ATCT, either staffed by FAA or in the FCT program, are also eligible.

**Q-U3: Can BIL funds be used at an airport that cannot meet FAA design standards?**

**A:** Standard Airport Sponsor Assurances, which require airports to meet standards and specifications approved by the FAA, will apply to BIL grants, unless a Modification to Standards has been approved by FAA.

**Q-U4: What grant obligations will an airport be required to meet by accepting a BIL grant?**

**A:** Standard Airport Sponsor Assurances, will apply to BIL grants. The grant assurances apply for the useful life of the facilities developed or equipment acquired under the grant, except for exclusive rights, airport revenue, and civil rights, which are perpetual. There is no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with BIL funds

**Q-U5: Are projects constructed with BIL funds expected to meet a minimum useful life?**

**A:** Yes. See section 3-12 of the [AIP Handbook](#) on minimum useful life.

**Q-U6: Can BIL funds be used to pay the matching share for AIP grants?**

**A:** No. 49 U.S.C. 40117(a)(3) is referenced in the legislation with respect to project eligibility. BIL funds are Federal funds from the General Treasury, which require a sponsor match. They are not PFC funds, which are considered local funds.

**Q-U7: Can BIL matching share be paid using pay as you go PFC funds?**

**A:** Yes. Projects must be included in an approved PFC application. The review and approval of a new application, if one is needed due to an amendment of an approved application, takes a significant amount of time from notification to carriers/public to start of PFC collection.

**Q-U8: Will requests to use BIL funds for projects included in an approved PFC application be considered?**

**A:** Yes. Sponsors must submit an amendment to an approved PFC, which decreases the total collection authority or deletes an approved project, before submitting for payment under a BIL grant. Sponsors should consult with their local ADO/RO if considering changes to an approved PFC application.

**Q-U9: Can BIL funds be used to pay debt service?**

**A:** No. The legislation does not allow funds to be used for debt service, including the financing cost of bonding.

**Q-U10: Do any BIL funded projects require a Benefit-Cost Analysis (BCA)?**

**A:** No. Title 49 U.S.C. 47115(d) identifies the requirements for a BCA for certain AIP discretionary projects. Section 47115(d) is not referenced in the BIL, therefore BCAs are not required. Also, a BCA is not required for installation of weather reporting equipment (AWOS-III or better). Other controls are in place to ensure projects are justified and reasonable.

**Q-U11: Can multi-year (MY) grants be issued using BIL funds?**

**A:** No. BIL grants cannot include future year allocations. Allocations may change annually. See U-32 and U-33.

**Q-U12: Can AIP/BIL funds be included in a single grant?**

**A:** No. AIP and BIL funds come from different sources and cannot be mingled into a single grant.

**Q-U13: Will AIG and ATP grants include a period of performance (POP)?**

**A:** Yes, they will include the standard four (4) years POP.

**Q-U14: Are BIL funds tied to the AIP funding schedule?**

**A:** No. BIL funds are administered separately throughout the FY.

**Q-U15: Can AIG Allocated funds be transferred between airport sponsors?**

**A:** No. AIG Allocated funds are airport sponsor specific funds.

**Q-U16: Can an airport sponsor with multiple airports receiving AIG Allocated funds transfer funds between its airports?**

**A:** Yes. BIL formula allocation funds are airport sponsor specific funds, which can be moved between airports within their system.

**Q-U17: The BIL indicates that AIG funds are available for four years and ATP funds are available for five years. How far along must a project be at the end of these obligation periods to not lose BIL funds?**

**A:** Funds need to be obligated as outlined under Q-F3 and Q-F4. Funds not obligated as outlined will expire and return to the General Fund.

**Q-U18: Will design only grants be allowed using AIG Allocated funds?**

**A:** Yes. AIG Allocated funds can be used to fund a design only grant. A design only grant will include a grant condition that the associated development will begin within two years after the design is completed.

**Q-U19: Will design only grants be eligible using AIG Competitive or ATP funds?**

**A:** Yes. Design only grants may not compete as well as those projects that are already designed or part of an alternative delivery method. Any design only grant will require a realistic funding plan to ensure completion of the project. A design only grant will include a grant condition that the associated development will begin within two years after the design is completed.

**Q-U20: In order to qualify for a grant under the BIL, must projects be "shovel ready" or is a project still under design eligible?**

**A:** No. As with PFC eligibility, a grant can be for design or environmental review, taking into consideration the normal AIP requirement. Construction grants will be issued based on bids. The annual NOFO for AIG Competitive and ATP funds will outline the application and screening process for these funds.

**Q-U21: What happens to unused BIL funds if grants are closed with a recovery?**

**A:** AIG Allocated funds recovered before the end of the fourth year remain available for the airport's use. AIG Competitive and ATP funds recovered before they expire will be returned to a competitive process. See Q-F3 and Q-F4.

**Q-U22: How can an airport sponsor use BIL recovered funds?**

**A:** AIG Allocated funds that have not expired can be either used in a new, AIG-allocated grant or amended into an existing AIG-allocated grant for eligible projects as outlined in Q-U23. Recovered AIG Competitive and ATP funds that have not expired can be either used in a new competitive grant or amended into an existing grant as outlined in Q-U23.

**Q-U23: Can BIL grants be amended to cover cost overruns?**

**A:** Yes. BIL grants using AIG Allocated funds can be amended within their four-year period of availability, but only with sponsor's available AIG Allocated funds. Grants funded with AIG Competitive or ATP funds will be considered by FAA competitively at a national level.

**Q-U24: Can BIL funds be used to reimburse costs previously incurred?**

**A:** Yes. FAA will reimburse sponsors for eligible project related costs incurred on or after November 15, 2021, which is the date of enactment of BIL, as long as all Federal funding procurement requirements and FAA design and construction standards, are met (see the [AIP Handbook](#)). This applies to all BIL funds (AIG and ATP).

**Q-U25: Can BIL funds be used to fund future phases of a project that is already under construction?**

**A:** Yes. BIL funds can be used for eligible costs of future phases of projects incurred on or after November 15, 2021, as long Federal procurement requirements per 2 CFR 200 and FAA design and construction standards are met (see [AIP Handbook](#)).

**Q-U26: Will requests to use competitive BIL funds for projects with planned AIP discretionary [on FAA's Airports Capital Improvement Plan (ACIP)] be considered?**

**A:** Yes. Priority will not be given to such projects and selection for competitive BIL funds is not guaranteed. AIP discretionary funded projects that are removed from the FAA's ACIP and not selected for BIL funding will likely be delayed until funding (AIP, BIL, PFC, etc.) is available. Replacement AIP discretionary projects will not be considered.

**Q-U27: Are AIG Allocated funds required to be used for higher priority projects if the airport is receiving AIP discretionary funds in the same FY?**

**A:** No. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved Airport Layout Plan (ALP). Additional guidelines with specific examples will be developed and included in future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.

**Q-U28: Can a Sponsor still request AIP discretionary funds while saving AIG Allocated funds?**

**A:** Yes. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved ALP. Additional guidelines with specific examples will be developed and included in

future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.

**Q-U29: Will airports be expected to use AIG Allocated funds before receiving AIG Competitive or ATP funds?**

**A:** No, sponsors can receive an AIG Competitive or ATP grant while saving AIG Allocated funds for a larger project. The use of AIG Allocated funding will be taken into consideration when making AIG Competitive and ATP funding decisions.

**Q-U30: Can alternative delivery methods be used for projects funded under BIL?**

**A:** Yes. Use of Design-Build, and Construction Manager at Risk (CMAR), in addition to the traditional design, bid, build delivery are allowable. Please refer to Section 3-43 and Table U-9 of the [AIP Handbook](#).

**Q-U31: If using alternative delivery methods, does the sponsor need to have a maximum guaranteed price to be to be considered for an AIG Competitive or ATP grant?**

**A:** No. Sponsors must provide the information outlined in the annual NOFO. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO. A guaranteed maximum price is required to receive a grant (see Q-U20).

**Q-U32: If a project costs more than an airport's annual AIG Allocated funds, can the airport proceed with the project in year one, or will it have to wait until enough funds have accumulated?**

**A:** An airport has options in this scenario. In addition to waiting to accumulate AIG allocations; a sponsor can phase the project so that annual grants can be issued using available BIL funds; use AIP funds for a defined project phase; or construct the project and request reimbursement with future allocations, at the sponsor's risk.

**Q-U33: Can an Airport borrow AIG Allocated funds from a future year?**

**A:** No, funding will not be available ahead of the FY in which it is allocated. AIG allocations can be used for phased projects, saved for up to four years to use on a larger project, or construct a project and request reimbursement with future allocations, at the sponsor's risk.

**Q-U34: Can AIG Allocated funds be transferred from an airport being replaced to its replacement airport?**

**A:** Yes, provided the replacement airport has been approved by FAA and has an airport identification code assigned.

**Q-U35: Can AIG Allocated funds be used to acquire vehicles or ground support equipment equipped with low-emission technology if the airport is located outside of an air quality nonattainment area or maintenance area?**

**A:** No. Title 49 USC 40117(a)(3)(G) (incorporated into BIL-eligibility) requires airports to be located in a nonattainment area or maintenance area for this type of equipment.

**Q-U36: Can AIG Competitive or ATP funds be used to replace a FAA owned ATCT with a sponsor owned FCT?**

**A:** No. FAA owned ATCT are the responsibility of ATO, not ARP. Use of ARP BIL funding to replace a FAA owned ATCT would be supplementing ATO's appropriated funds, which is impermissible.

**Q-U37: Is the construction, improvement, or expansion of Customs and Border Patrol (CBP) or United States Department of Agriculture (USDA) inspection facilities as part of a terminal project eligible for BIL grants?**

**A:** For either AIG Allocated or ATP funds, the shell of the CBP facilities is eligible. The USDA inspection facilities are only eligible for AIG Allocated or ATP funds if they are required in the terminal for screening passengers or their baggage, for example in Hawaii where all passenger baggage (checked and carry-on) is screened by the USDA.

**Q-U38: Are eligibility calculations required for terminal development grants using AIG Allocated or ATP funds?**

**A:** Yes. Eligibility calculations similar to those done under PFC will be required for AIG Allocated and ATP terminal grants.

**Q-U39: Are eligibility calculations required for on-airport rail access grants under ATP?**

**A:** Yes. The process for making eligibility calculations is outlined in [PFC Update 75-21](#) (86 FR 48793, August 31, 2021).

**Q-U40: Can ATP funds be used to fund improvements for Terminals at non-primary airports?**

**A:** Yes. Not less than 10% of the annual ATP funding is available for non-hub and non-primary airports. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually for FY 2022-2026. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

**Q-U41: Do ATP grants count toward the \$20M discretionary cap?**

**A:** No. The \$20M cap under 49 U.S.C. 47119(f) applies to AIP funds and is not incorporated into BIL legislation.

**Q-U42: Are ATP grants for terminal development for non-primary airports limited to the \$200,000 cap?**

**A:** No. The \$200,000 cap under 49 U.S.C. 47119(b)(2) applies to AIP funds and is not incorporated into BIL legislation.

**Q-U43: How will roadway projects that meet the definition of Terminal Development be prioritized for ATP funding?**

**A:** Access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building and walkways that lead directly to or from an airport passenger terminal building are considered terminal development. These projects will be evaluated as terminal development projects as outlined in the annual NOFO. Sponsors should consider use of AIG Allocated funds for eligible, standalone access road improvements.

**Q-U44: Can BIL funded projects include a local hiring preference?**

**A:** The BIL provides authority to use geographical and economic hiring preferences, including local hiring preferences, for construction jobs, subject to any applicable State and local laws, policies, and procedures. Local hiring preferences cannot be used for any portions of a project funded under AIP per 2 CFR 200.319(c).

**Q-U45: Why must an airport comply with 2 CFR 200 under BIL?**

**A:** The BIL grants are funded from the General Fund; therefore, the Airport Infrastructure Program and the Airport Terminal Program make Federal Awards to non-Federal entities. These programs are subject to [2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#) (2 CFR § 200.101). In addition, BIL requires us to use the project grant authority required under 49 USC 47104 which further federalizes the funds.

**Q-U46: Do limits for grant amendments apply to BIL funds?**

**A:** Yes. For consistency across programs, and to reflect what FAA believes to be best practices, AIP amendment limits will apply to BIL funds. AIG Competitive and ATP funds must use like year funds and are not guaranteed. For more information see Q-U23.

**Q-U47: Can BIL AIG Allocated funds be used on sponsor-owned revenue producing aeronautical support facilities such as fuel farms and hangars?**

**A:** Yes. Revenue producing aeronautical support facilities are defined under 49 U.S.C. 47102(24) as fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.

AIG Allocated funds have expanded eligibility beyond AIP. BIL eligibility allows these types of projects to be funded at any airport, regardless of size. The AIP statutory “airside needs” test is not applicable to BIL projects. However, to be BIL-eligible, the project would still need to be a new installation or major improvement to increase revenue production at the airport. Because the goal of BIL is to improve the nation’s infrastructure, maintenance and repair are not eligible. For example, the expansion of a fuel farm to include a new fuel tank, increasing capacity, would be eligible as a new installation. A project to replace old fuel tank supply lines would be considered general maintenance and ineligible.

- Q-U48: If using AIG Allocated funds for sponsor-owned revenue producing aeronautical support facilities, does the airside need test apply?**
- A:** No. There is no requirement in BIL to certify or demonstrate that airside needs within the next three years will be met. Section 49 U.S.C 47110(h), which places limitations on these types of projects, including the airside needs test, does not apply to AIG Allocated funds.
- Q-U49: Can AIG Allocated funds be transferred from a primary airport to a nonprimary airport if they have the same sponsor?**
- A:** Yes. See Q-U16.
- Q-U50: Can a sponsor transfer AIG Allocated funds to an unclassified airport in their system?**
- A:** No. Unclassified airports are not eligible to receive BIL funds. See Q-8.
- Q-U51: If an airport transfers its AIG Allocated funds between a primary airport and a nonprimary airport, how is the Federal share calculated?**
- A:** The Federal share of the AIG Allocated grant will be calculated according to the statutory Federal share of the airport receiving the grant offer. See Q-F5.
- Q-U52: If an airport banks AIG Allocated funds, is the Federal share based on when the funds were allocated or when the grant is issued?**
- A:** The Federal share of the AIG Allocated grant will be the airport's statutory Federal share for the FY of the grant offer.
- Q-U53: Is the Federal share for ATP funds based on the FY the project is announced or the FY when the grant is issued?**
- A:** Due to the different percentages of ATP funds available for large, medium, small, and nonhub/nonprimary airports, the federal share is based on the FY the project is announced by the Secretary through our Notice of Intent to Fund process.
- Q-U54: Can BIL funds be used to acquire and install Explosive Detection System (EDS) machines?**
- A:** Use of AIG Allocated or ATP funds for acquisition and installation of the EDS machines used to screen passenger checked baggage is potentially eligible. The Transportation Security Administration (TSA) must agree in writing that the EDS machines are required, and TSA must provide evidence that they cannot finance them in the near term. Coordinate with your local ADO/RO.
- Q-U55: Can BIL funds be used to construct building modifications necessary to support an EDS?**
- A:** Use of AIG Allocated or ATP funds for building modifications needed to accommodate EDS machines used to screen passenger-checked baggage is eligible. TSA must agree in writing that the proposed space for EDS machines is only that which is needed to meet the minimum space requirement. Coordinate with your local ADO/RO.

**Q-U56: Does the provision to use CY 2018, CY 2019, or the most recent CY enplanements (See Q-F1(1)(a)) apply when determining an airport's hub status for ATP funding?**

**A:** No, 49 U.S.C. 47114(c)(1)(J) only applies to AIP and AIG formula allocations. The airport's hub status is based on the most recent full calendar year enplanements.

**Q-U57: When using annual AIG Allocated grants to reimburse a large multi-year project, will each grant require its own specific usable unit of work?**

**A:** No. For phased projects, the grant offer must include a special condition that requires the sponsor to complete a safe, useful, and usable unit of work within a reasonable timeframe. Each grant agreement must specifically describe the work being reimbursed under that grant. Refer to Section 3-21 of the [AIP Handbook](#).

**Q-U58: Are airports required to certify that they have all safety and security equipment, and access and equipment for passengers boarding or exiting non-air carrier aircraft to receive a BIL grant for terminal development?**

**A:** No. This requirement under 49 U.S.C. 47119(a)(1)(A) applies to AIP funds and is not incorporated into BIL.

**Q-U59: Does the requirement for the sponsor to certify that projects affecting safety, security, or capacity, including pavement condition, for projects that include eligible terminal revenue producing areas apply to BIL?**

**A:** No. This requirement under 49 U.S.C. 47119(a)(2)(B) applies to AIP funds and is not incorporated into BIL legislation.

**Q-U60: Can BIL AIG Allocated funds be used for revenue generating parking for vehicles of passengers or delivering of passengers?**

**A:** No. Use of AIG Allocated funds for revenue generating parking lots (including parking structures or garages) is not eligible for BIL funding for any size airport.

**Q-U61: What is the Build America, Buy America (BABA) Act?**

**A:** Buy American requirements under 49 U.S.C. 50101, Build America, Buy America requirements in sections 70912(6) and 70914 in Public Law No: 117-58, the Infrastructure Investment and Jobs Act, also known as BIL. The BABA Act will be required for both BIL and AIP grants. FAA's Buy American requirements are more restrictive than BABA, but BABA includes more specific requirements for construction materials. More information and implementation guidance will be provided as it becomes available.

**Q-U62: Can alternative delivery methods be used for airside construction?**

**A:** Yes, refer to 2 CFR 200 and Appendix U of the [AIP Handbook](#).

**Q-U63: The statute lists achieving Leadership in Energy and Environmental Design (LEED) accreditation standards as one example of improving energy efficiency. Can a similar standard be used?**

**A:** Yes. One goal of ATP is to fund projects that improve energy efficiency. Achieving LEED or similar standards provides a method for measuring a project's impact.

**Q-U64: Can engineering or other project formulation costs incurred prior to enactment of the BIL be reimbursed?**

**A:** No. Costs incurred prior to November 15, 2021, cannot be reimbursed with BIL funds. The airport must verify that an invoice submitted after November 15, 2021, does not include costs incurred prior to that date.

**Q-U65: Can a Reimbursable Agreement (RA) signed or paid prior to enactment of the BIL be reimbursed?**

**A:** Costs incurred prior to November 15, 2021 (when the work was actually performed), cannot be reimbursed with BIL funds. If the RA was signed and/or paid prior to that date, BIL funds can be used but only for costs incurred after November 15, 2021.

**Q-U66: Can AIG Allocated funds and ATP funds be combined in a single grant?**

**A:** No. They can be combined to fund a project or phase of a project but must be separate grants.

**Q-U67: Are projects that increase energy efficiency of an airport's power sources, such as solar or geo-thermal, eligible for BIL funding?**

**A:** Yes. If in a nonattainment or maintenance area meeting the criteria for the VALE program see Q-U35.

For all other airports AIG Allocated funds can be used to assess the airport's energy requirements in order to identify opportunities to increase energy efficiency at the airport as outlined under 49 U.S.C. 47140(a). AIG Allocated funds can be used for improvements identified in the energy assessment that increase energy efficiency at the airport under 49 U.S.C. 47140(b). Contact your ADO for additional guidance.

**Q-U68: Is an energy efficiency assessment required for an ATP project to increase energy efficiency?**

**A:** No. FAA will not require an assessment if the energy efficiency project is in support of the terminal. One of the project considerations for ATP projects is to improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving LEED (or similar) accreditation standards as part of a new terminal construction, expansion, or rehabilitation.

**Q-U69: Do FAA's AIP or similar contract provisions apply to BIL funded projects?**

**A:** Yes. The BIL grants are funded from the General Fund; therefore, the Airport Infrastructure Program and the Airport Terminal Program are both Federal Grant

Programs. BIL funded projects must comply with FAA's [Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects](#). This includes Disadvantaged Business Enterprise, Davis-Bacon, Civil Rights, Equal Employment Opportunity (EEO), and Veteran's Preference, among other required contract provisions.

**Q-U70: What procurement method must be used for alternative project delivery such as Construction Manager at Risk (CMAR) or Design-Build (D-B)?**

**A:** Sponsors must use the competitive proposal method as outlined in 2 CFR 200(b)(2)(iii) and FAA guidance in Appendix U of the [AIP Handbook](#). Price (fee/profit) must be a consideration in the selection process and sponsor must provide a cost or price analysis per 2 CFR 200.320. For D-B, 49 U.S.C. 47142(a)(6) requires three (3) or more proposals. Applicable Federal contract requirements must be included as part of the sponsor's solicitation and in all contracts and subcontracts resulting from the procurement (See Q-U69). Selection of a CMAR or D-B that doesn't meet these requirements is not eligible for BIL funding. Contracts and grants for CMAR or D-B are based on a negotiated guaranteed maximum price (GMP), representing the ceiling project price.

**Q-U71: Can a sponsor be reimbursed for sponsor-furnished proprietary equipment and materials (i.e., baggage handling system equipment or steel for a terminal project) that were procured separately for a non-federally funded project?**

**A:** FAA will only reimburse sponsors for eligible project related costs incurred on or after November 15, 2021, which is the date of enactment of BIL. See Q-U24. Sponsor furnished materials and equipment must be purchased (cost incurred) after BIL was enacted and follow federal contract provisions, including 2 CFR 200, to be eligible for reimbursement, installation, inspection, and testing. In addition, Buy American and Buy America, Build America must be followed for the costs of the equipment and/or materials to be eligible for reimbursement.

## **Questions on Grant Application, Payments, and Closeouts**

**Q-A1: How does an airport apply for a BIL grant?**

**A:** **AIG Allocated:** Follow AIP process including projects in the CIP, submittal of the SF-424, *Application for Federal Assistance* and other documents as required by [FAA Airports Standard Operating Procedure \(SOP\) 6.00](#) and the local ADO or RO.

**AIG Competitive:** For projects selected through the competitive process under the annual NOFO, follow AIP process including projects in the CIP, submittal of the SF-424, *Application for Federal Assistance* and other documents as required by [FAA Airports SOP 6.00](#) and the local ADO or RO.

**ATP:** For projects selected through the competitive process under the annual NOFO, follow AIP process including projects in the CIP, submittal of the SF-424, *Application for Federal Assistance* and other documents as required by [FAA Airports SOP 6.00](#) and the local ADO or RO.

**Q-A2: Can a project using a combination of AIP and BIL funds be included on a single grant application?**

**A:** No. Separate applications are required for each fund type.

**Q-A3: How will an airport sponsor submit payment requests?**

**A:** FAA will use the existing U.S. Department of Transportation Delphi eInvoicing system for payment requests, following FAA's payment policy.

**Q-A4: What documentation is required for closing out a BIL Grant?**

**A:** ADOs will use AIP closeout process per [FAA Airports SOP 10.00](#). After the grant is closed, it remains subject to audit. The airport sponsor must retain grant documentation for three years after the grant is closed as required by 2 CFR 200.334.

### **Questions related to the State Block Grant Program**

**Q-SB1: How will BIL funds be administered to airports covered under the FAA's State Block Grant Program (SBGP)?**

**A:** FAA interprets 49 U.S.C. 47128, State Block Grant Program, as giving direction to provide each State Block Grant participating state program administration responsibilities for grants issued under BIL. This interpretation is consistent with our long-standing practice. For airports covered under the FAA's SBGP, the FAA will issue block grants to states designated for projects at specific locations. BIL funds are location specific, similar to AIP discretionary funding. When projects are ready to move forward, location-specific funding will be awarded based on BIL availability and actual construction bids or negotiated agreement.

**Q-SB2: Will the State Block Grant Participating State be provided *program* administration costs related to BIL funding?**

**A:** No. The FAA is applying many of the same program administration rules for BIL as for AIP. For states that participate in the FAA's SBGP, program administration costs are not allowable for BIL grants, but project administrative costs could be allowable through direct billing. See Q-SB3.

**Q-SB3: Can the State Block Grant Participating State be reimbursed for *project* administrative costs related to BIL grants?**

**A:** Yes. The state can charge for project administrative costs that are directly related to administering the eligible project (many are normally done by a consultant or other hired company) such as application preparation, contract management, engineering oversight, bidding, etc. BIL programs, like AIP, are subject to the requirements of 2 CFR Part 200. See the AIP Handbook for further detail on how FAA applies these requirements in the airport development grant context.

**Q-SB4: For those BIL projects administered under the block grant, who would have the responsibility to complete NEPA?**

**A:** The state's environmental compliance responsibilities when administering BIL funds under the Block Grant Program will vary depending on if the project involves the use of only BIL funds, or a mixture of funding sources. In general, BIL AIG Allocated

funds will be similar to AIP entitlement and state apportionment funds, where the state retains NEPA responsibility. For ATP and AIG Competitive funded projects, the FAA retains oversight and NEPA responsibility, similar to AIP discretionary funded projects.

**Q-SB5: What is the State Block Grant state's role in planning for AIG Allocated funded projects?**

**A:** The FAA sent guidance out to states and sponsors early in CY 2022, with specific instructions to start updating state Capital Improvement Program (CIP) submissions. This information will be used by FAA to update our NPIAS, as well as our three year Airports Capital Improvement Program (ACIP). State Block Grant states should incorporate the additional AIG specific project into the state's CIPs. Contact your local ADO for additional details.

**Q-SB6: How does the State Block Grant state apply for an AIG grant?**

**A:** The state's application process will mirror the AIP discretionary application process. This includes ensuring projects are shown in state's CIP, the project is on the airport's approved ALP, and submittal of the SF-424, *Application for Federal Assistance* and other documents as required. See Q-A1. When projects are ready to move forward, location-specific funding will be granted based on BIL availability and actual construction bids or negotiated agreements.