

Development Act of 1970 [49 App. U.S.C. 1711(1)] as in effect immediately before September 3, 1982) are omitted because of the definition of “air carrier airport” in section 47102 of the revised title. The words “after June 30, 1970” are substituted for “on or after July 1, 1970” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words “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” are substituted for “for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which 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.

PUB. L. 103-429

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47119(b) .....	49 App.:2212(b)(2).	Sept. 3, 1982, Pub. L. 97-248, § 513(b)(2), as amended May 26, 1994, Pub. L. 103-260, § 107, 108 Stat. 700.

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. (c)(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

2012—Subsec. (a). Pub. L. 112-95, § 152(b)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 112-95, § 152(b)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (b)(3), (4)(A). Pub. L. 112-95, § 152(b)(4), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (b)(4)(B). Pub. L. 112-95, § 152(b)(3), substituted “Secretary” for “Secretary of Transportation”.

Subsec. (b)(5). Pub. L. 112-95, § 152(b)(5), substituted “subsections (c)(1) and (c)(2)” for “subsection (b)(1) and (2)”.

Subsec. (c). Pub. L. 112-95, § 152(b)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1), (2)(A). Pub. L. 112-95, § 152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(2)(B). Pub. L. 112-95, § 152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (c)(3), (4). Pub. L. 112-95, § 152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(5). Pub. L. 112-95, § 152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsecs. (d), (e). Pub. L. 112-95, § 152(b)(1), redesignated subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (f). Pub. L. 112-95, § 152(b)(8), added subsec. (f).

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.”

Subsec. (b)(5). Pub. L. 108-176, § 149(d), added par. (5). 2000—Subsec. (d). Pub. L. 106-181 added subsec. (d).

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”.

Subsec. (b)(3). Pub. L. 103-429, § 6(69)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 103-429, § 6(69)(A), redesignated par. (3) as (4).

Subsec. (c). Pub. L. 103-305, § 117(2), added subsec. (c).

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

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 47120. Grant priority

(a) IN GENERAL.—In making a grant under this subchapter, the Secretary of Transportation may give priority to a project that is consistent with an integrated airport system plan.

(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 106-181, title I, § 162, Apr. 5, 2000, 114 Stat. 91.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47120 .....	49 App.:2208(b)(9).	Sept. 3, 1982, Pub. L. 97-248, § 509(b)(9), 96 Stat. 685.

The words “In making a grant under this subchapter” are substituted for “In establishing priorities for distribution of funds available pursuant to section 2206 of this Appendix” for consistency in this chapter and to eliminate unnecessary words.

AMENDMENTS

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 47121. Records and audits

(a) RECORDS.—A sponsor shall keep the records the Secretary of Transportation requires. The Secretary may require records—

- (1) that disclose—
  - (A) the amount and disposition by the sponsor of the proceeds of the grant;
  - (B) the total cost of the plan or program for which the grant is given or used; and
  - (C) the amounts and kinds of costs of the plan or program provided by other sources; and
- (2) that make it easier to carry out an audit.

(b) AUDITS AND EXAMINATIONS.—The Secretary and the Comptroller General may audit and examine records of a sponsor that are related to a grant made under this subchapter.

(c) AUTHORITY OF COMPTROLLER GENERAL.—When an independent audit is made of the accounts of a sponsor under this subchapter related to the disposition of the proceeds of the grant or related to the plan or program for which the grant was given or used, the sponsor shall submit a certified copy of the audit to the Secretary not more than 6 months after the end of the fiscal year for which the audit was made. The Comptroller General may report to Congress describing the results of each audit conducted or reviewed by the Comptroller General under this section during the prior fiscal year.

(d) AUDIT REQUIREMENT.—The Secretary may require a sponsor to conduct an appropriate audit as a condition for receiving a grant under this subchapter.

(e) ANNUAL REVIEW.—The Secretary shall review annually the recordkeeping and reporting requirements under this subchapter to ensure that they are the minimum necessary to carry out this subchapter.

(f) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary or the Comptroller General to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 104-316, title I, §127(f), Oct. 19, 1996, 110 Stat. 3840.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47121(a) .....	49 App.:2217(a) (1st sentence).	Sept. 3, 1982, Pub. L. 97-248, § 518, 96 Stat. 693.
47121(b) .....	49 App.:2217(b) (1st sentence).	
47121(c) .....	49 App.:2217(c).	
47121(d) .....	49 App.:2217(b) (last sentence).	
47121(e) .....	49 App.:2217(a) (last sentence).	
47121(f) .....	49 App.:2217(d).	

In subsections (a)–(d), the word “sponsor” is substituted for “recipient of a grant under this chapter” and “recipient” for clarity.

In subsection (a), before clause (1), the words “The Secretary may require records” are substituted for “including records” for clarity. In clause (1), before subclause (A), the word “fully” is omitted as surplus.

In subsection (b), the words “or any of their duly authorized representatives” are omitted as surplus because of 49:322(b) and 31:711. The words “may audit and examine” are substituted for “shall have access for the purpose of audit and examination” to eliminate unnecessary words. The words “books, documents, papers” are omitted as being included in “records”.

In subsection (e), the words “minimum necessary to carry out” are substituted for “that such requirements are kept to the minimum level necessary for the proper administration of” to eliminate unnecessary words.

In subsection (f), the words “or any officer or employee under the control of either of them” are omitted as surplus because of 49:322(b) and 31:711.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-316, in first sentence, substituted “Secretary” for “Comptroller General”, in second sentence, substituted “The Comptroller General may” for “Not later than April 15 of each year, the Comptroller General shall”, and struck out at end “The Comptroller General shall prescribe regulations necessary to carry out this subsection.”

§ 47122. Administrative

(a) GENERAL.—The Secretary of Transportation may take action the Secretary considers necessary to carry out this subchapter, including conducting investigations and public hearings, prescribing regulations and procedures, and issuing orders.

(b) CONDUCTING INVESTIGATIONS AND PUBLIC HEARINGS.—In conducting an investigation or public hearing under this subchapter, the Secretary has the same authority the Secretary has under section 46104 of this title. An action of the Secretary in exercising that authority is governed by the procedures specified in section 46104 and shall be enforced as provided in section 46104.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1275.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47122(a) .....	49 App.:2218(a).	Sept. 3, 1982, Pub. L. 97-248, § 519(a), 96 Stat. 694; Dec. 30, 1987, Pub. L. 100-223, § 112(1), 101 Stat. 1504.
47122(b) .....	49 App.:1354(c) (related to Airport and Airway Improvement Act of 1982).	Aug. 23, 1958, Pub. L. 85-726, § 313(c) (related to Airport and Airway Improvement Act of 1982), 72 Stat. 753; Sept. 3, 1982, Pub. L. 97-248, § 524(a)(2), 96 Stat. 696.

Subsection (a) is substituted for 49 App.:2218(a) to eliminate unnecessary words.