

Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

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.

FACILITIES AND EQUIPMENT REPORTS

Pub. L. 108-176, title I, §184, Dec. 12, 2003, 117 Stat. 2517, provided that:

“(a) BIENNIAL REPORTS.—Beginning 180 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

“(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

“(2) any changes in the budget for such programs;

“(3) the program schedule; and

“(4) technical risks associated with the programs.

“(b) SUNSET PROVISION.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act [Dec. 12, 2003].”

FUNDING FOR AVIATION PROGRAMS

Pub. L. 106-181, title I, §106(a)–(c), Apr. 5, 2000, 114 Stat. 72, 73, which related to budget resources made available from the Airport and Airway Trust Fund through fiscal year 2003, was repealed by Pub. L. 108-176, title I, §104(c), Dec. 12, 2003, 117 Stat. 2497.

§ 48102. Research and development

(a) AUTHORIZATION OF APPROPRIATIONS.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511-44513 of this title and, for each of fiscal years 2012 through 2015, under subsection (g):

(1) for fiscal year 2004, \$346,317,000, including—

(A) \$65,000,000 for Improving Aviation Safety;

(B) \$24,000,000 for Weather Safety Research;

(C) \$27,500,000 for Human Factors and Aeromedical Research;

(D) \$30,000,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

(E) \$7,000,000 for Research Mission Support;

(F) \$10,000,000 for the Airport Cooperative Research Program;

(G) \$1,500,000 for carrying out subsection (h) of this section;

(H) \$42,800,000 for Advanced Technology Development and Prototyping;

(I) \$30,300,000 for Safe Flight 21;

(J) \$90,800,000 for the Center for Advanced Aviation System Development;

(K) \$9,667,000 for Airports Technology-Safety; and

(L) \$7,750,000 for Airports Technology-Efficiency;

(2) for fiscal year 2005, \$356,192,000, including—

(A) \$65,705,000 for Improving Aviation Safety;

(B) \$24,260,000 for Weather Safety Research;

(C) \$27,800,000 for Human Factors and Aeromedical Research;

(D) \$30,109,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

(E) \$7,076,000 for Research Mission Support;

(F) \$10,000,000 for the Airport Cooperative Research Program;

(G) \$1,650,000 for carrying out subsection (h) of this section;

(H) \$43,300,000 for Advanced Technology Development and Prototyping;

(I) \$31,100,000 for Safe Flight 21;

(J) \$95,400,000 for the Center for Advanced Aviation System Development;

(K) \$2,200,000 for Free Flight Phase 2;

(L) \$9,764,000 for Airports Technology-Safety; and

(M) \$7,828,000 for Airports Technology-Efficiency;

(3) for fiscal year 2006, \$352,157,000, including—

(A) \$66,447,000 for Improving Aviation Safety;

(B) \$24,534,000 for Weather Safety Research;

(C) \$28,114,000 for Human Factors and Aeromedical Research;

(D) \$30,223,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

(E) \$7,156,000 for Research Mission Support;

(F) \$10,000,000 for the Airport Cooperation Research Program;

(G) \$1,815,000 for carrying out subsection (h) of this section;

(H) \$42,200,000 for Advanced Technology Development and Prototyping;

(I) \$23,900,000 for Safe Flight 21;

(J) \$100,000,000 for the Center for Advanced Aviation System Development;

(K) \$9,862,000 for Airports Technology-Safety; and

(L) \$7,906,000 for Airports Technology-Efficiency;

(4) for fiscal year 2007, \$356,261,000, including—

(A) \$67,244,000 for Improving Aviation Safety;

(B) \$24,828,000 for Weather Safety Research;

(C) \$28,451,000 for Human Factors and Aeromedical Research;

(D) \$30,586,000 for Environmental Research and Development, of which \$20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

(E) \$7,242,000 for Research Mission Support;

(F) \$10,000,000 for the Airport Cooperation Research Program;

(G) \$1,837,000 for carrying out subsection (h) of this section;

(H) \$42,706,000 for Advanced Technology Development and Prototyping;

(I) \$24,187,000 for Safe Flight 21;

(J) \$101,200,000 for the Center for Advanced Aviation System Development;

(K) \$9,980,000 for Airports Technology-Safety; and

(L) \$8,000,000 for Airports Technology-Efficiency;

(5) \$171,000,000 for fiscal year 2009;

(6) \$190,500,000 for fiscal year 2010;

(7) \$170,000,000 for fiscal year 2011;

(8) \$168,000,000 for each of fiscal years 2012 through 2015; and

(9) \$78,375,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.

(b) RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

(2) At least 15 percent of the amount appropriated under subsection (a) of this section shall be for long-term research projects.

(3) At least 3 percent of the amount appropriated under subsection (a) of this section shall be available to the Administrator of the Federal Aviation Administration to make grants under section 44511 of this title.

(c) TRANSFERS BETWEEN CATEGORIES.—(1) Not more than 10 percent of the net amount authorized for a category of projects and activities in a fiscal year under subsection (a) of this section may be transferred to or from that category in that fiscal year.

(2) The Secretary may transfer more than 10 percent of an authorized amount to or from a category only after—

(A) submitting a written explanation of the proposed transfer to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(B) 30 days have passed after the explanation is submitted or each Committee notifies the Secretary in writing that it does not object to the proposed transfer.

(d) AIRPORT CAPACITY RESEARCH AND DEVELOPMENT.—(1) Of the amounts made available under subsection (a) of this section, at least \$25,000,000 may be appropriated each fiscal year for research and development under section 44505(a) and (c) of this title on preserving and enhancing airport capacity, including research and development on improvements to airport design standards, maintenance, safety, operations, and environmental concerns.

(2) The Administrator shall submit to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on expenditures made under paragraph (1) of this subsection for each fiscal year. The report shall be submitted not later than 60 days after the end of the fiscal year.

(e) AIR TRAFFIC CONTROLLER PERFORMANCE RESEARCH.—Necessary amounts may be appropriated to the Secretary out of amounts in the Fund available for research and development to conduct research under section 44506(a) and (b) of this title.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a) of this section remain available until expended.

(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:

(1) Fire Research and Safety.

(2) Propulsion and Fuel Systems.

(3) Advanced Materials/Structural Safety.

(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.

(5) Continued Airworthiness.

(6) Aircraft Catastrophic Failure Prevention Research.

(7) Flightdeck/Maintenance/System Integration Human Factors.

(8) System Safety Management.

(9) Air Traffic Control/Technical Operations Human Factors.

(10) Aeromedical Research.

(11) Weather Program.

(12) Unmanned Aircraft Systems Research.

(13) NextGen—Alternative Fuels for General Aviation.

(14) Joint Planning and Development Office.

(15) NextGen—Wake Turbulence Research.

(16) NextGen—Air Ground Integration Human Factors.

(17) NextGen—Self Separation Human Factors.

(18) NextGen—Weather Technology in the Cockpit.

(19) Environment and Energy Research.

(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.

(21) System Planning and Resource Management.

(22) The William J. Hughes Technical Center Laboratory Facility.

(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

(A) research projects to be carried out at primarily undergraduate institutions and technical colleges;

(B) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

(C) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

(D) research on the impact of new technologies and procedures, particularly those

related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.

(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1998, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

(B) the scientific and technical merit of the proposed research; and

(C) the potential for participation by undergraduate students in the proposed research.

(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1294; Pub. L. 103–305, title III, §302, Aug. 23, 1994, 108 Stat. 1589; Pub. L. 104–264, title XI, §§1102, 1103, Oct. 9, 1996, 110 Stat. 3278; Pub. L. 104–287, §5(9), (74), Oct. 11, 1996, 110 Stat. 3389, 3396; Pub. L. 105–155, §§2, 3, Feb. 11, 1998, 112 Stat. 5; Pub. L. 106–181, title IX, §901, Apr. 5, 2000, 114 Stat. 194; Pub. L. 108–176, title VII, §§701, 707, Dec. 12, 2003, 117 Stat. 2574, 2582; Pub. L. 110–330, §8, Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111–12, §8, Mar. 30, 2009, 123 Stat. 1459; Pub. L. 111–69, §8, Oct. 1, 2009, 123 Stat. 2056; Pub. L. 111–116, §8, Dec. 16, 2009, 123 Stat. 3033; Pub. L. 111–153, §8, Mar. 31, 2010, 124 Stat. 1086; Pub. L. 111–161, §8, Apr. 30, 2010, 124 Stat. 1128; Pub. L. 111–197, §8, July 2, 2010, 124 Stat. 1355; Pub. L. 111–216, title I, §107, Aug. 1, 2010, 124 Stat. 2350; Pub. L. 112–30, title II, §208, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112–91, §8, Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title IX, §901(a), (b), Feb. 14, 2012, 126 Stat. 137; Pub. L. 114–55, title I, §105, Sept. 30, 2015, 129 Stat. 524.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
48102(a)	49 App.:2202(a)(24). 49 App.:2205(b)(2) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488. Sept. 3, 1982, Pub. L. 97–248, §506(b)(2), 96 Stat. 678; re-stated Dec. 30, 1987, Pub. L. 100–223, §105(b)(1), 101 Stat. 1490; Nov. 3, 1988, Pub. L. 100–591, §7, 102 Stat. 3014; Nov. 5, 1990, Pub. L. 101–508, §9202, 104 Stat. 1388–372; Oct. 31, 1992, Pub. L. 102–581, §302, 106 Stat. 4895.
48102(b)	49 App.:2205(b)(2) (last sentence).	
48102(c)	49 App.:2205(b)(3).	Sept. 3, 1982, Pub. L. 97–248, §506(b)(3), (5), 96 Stat. 678; re-stated Dec. 30, 1987, Pub. L. 100–223, §105(b)(1), 101 Stat. 1491.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
48102(d)	49 App.:2205(b)(4).	Sept. 30, 1982, Pub. L. 97–248, §506(b)(4), 96 Stat. 678; re-stated Dec. 30, 1987, Pub. L. 100–223, §105(b)(1), 101 Stat. 1491; Nov. 5, 1990, Pub. L. 101–508, §9203, 104 Stat. 1388–373.
48102(e)	49 App.:1353 (note).	Nov. 3, 1988, Pub. L. 100–591, §8(d), 102 Stat. 3016; Nov. 17, 1988, Pub. L. 100–685, §604, 102 Stat. 4103.
48102(f)	49 App.:2205(b)(5).	

In subsections (a) and (b), as to applicability of section 305(b) of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Pub. L. 102–581, 106 Stat. 4896), see section 6(b) of the bill.

In subsection (a)(1), the word “solely” is omitted as surplus. Before clause (1), the words “to the Secretary of Transportation” are added for clarity and consistency in this chapter.

In subsection (d)(1), the words “Notwithstanding any other provision of this subsection” and “in each of fiscal years 1988, 1989, 1990, 1991, and 1992” are omitted as surplus.

In subsection (d)(2), the reference to fiscal years 1988–1992 and the words “by the Administrator for research and development” are omitted as surplus.

REFERENCES IN TEXT

The date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1998, referred to in subsec. (h)(2), is the date of enactment of Pub. L. 105–155, which was approved Feb. 11, 1998.

AMENDMENTS

2015—Subsec. (a)(9). Pub. L. 114–55 added par. (9).

2012—Subsec. (a). Pub. L. 112–95, §901(a)(1), substituted “of this title and, for each of fiscal years 2012 through 2015, under subsection (g)” for “of this title” in introductory provisions.

Subsec. (a)(1) to (15). Pub. L. 112–95, §901(a)(2)–(5), re-designated pars. (9) to (15) as (1) to (7), respectively, inserted “and” at end of par. (3)(K), struck out “and” at end of par. (3)(L), added par. (8), and struck out former pars. (1) to (8) which related to appropriations for fiscal years 1995 to 2002.

Subsec. (a)(16). Pub. L. 112–95, §901(a)(5), struck out par. (16) which read as follows: “\$64,092,459 for the period beginning on October 1, 2011, and ending on February 17, 2012.”

Pub. L. 112–91 amended par. (16) generally. Prior to amendment, par. (16) read as follows: “\$57,016,885 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

Subsec. (g). Pub. L. 112–95, §901(b), added subsec. (g). 2011—Subsec. (a)(15), (16). Pub. L. 112–30 added pars. (15) and (16).

2010—Subsec. (a)(14). Pub. L. 111–216 amended par. (14) generally. Prior to amendment, par. (14) read as follows: “\$159,184,932 for the period beginning on October 1, 2009, and ending on August 1, 2010.”

Pub. L. 111–197 amended par. (14) generally. Prior to amendment, par. (14) read as follows: “\$144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

Pub. L. 111–161 amended par. (14) generally. Prior to amendment, par. (14) read as follows: “\$111,125,000 for the 7-month period beginning on October 1, 2009.”

Pub. L. 111–153 amended par. (14) generally. Prior to amendment, par. (14) read as follows: “\$92,500,000 for the 6-month period beginning on October 1, 2009.”

2009—Subsec. (a)(13). Pub. L. 111–12 substituted “\$171,000,000 for fiscal year 2009” for “\$85,507,500 for the 6-month period beginning on October 1, 2008”.

Subsec. (a)(14). Pub. L. 111–116 amended par. (14) generally. Prior to amendment, par. (14) read as follows:

“\$46,250,000 for the 3-month period beginning on October 1, 2009.”

Pub. L. 111-69 added par. (14).

2008—Subsec. (a)(11) to (13). Pub. L. 110-330 struck out “and” at end of subpar. (K) of par. (11), substituted “; and” for period at end of subpar. (L) of par. (12), and added par. (13).

2003—Subsec. (a). Pub. L. 108-176, §701(1), substituted “for conducting civil aviation research and development under sections 44504” for “to carry out sections 44504” in introductory provisions.

Subsec. (a)(9) to (12). Pub. L. 108-176, §701(2)–(4), added pars. (9) to (12).

Subsec. (h)(1)(D). Pub. L. 108-176, §707, added subpar. (D).

2000—Subsec. (a)(6) to (8). Pub. L. 106-181 added pars. (6) to (8).

1998—Subsec. (a)(4). Pub. L. 105-155, §2, added par. (4).

Subsec. (a)(4)(J). Pub. L. 105-155, §3(b), inserted “, of which \$750,000 shall be for carrying out the grant program established under subsection (h)” after “projects and activities”.

Subsec. (a)(5). Pub. L. 105-155, §2, added par. (5).

Subsec. (h). Pub. L. 105-155, §3(a), added subsec. (h).

1996—Subsec. (a)(3). Pub. L. 104-264, §1102, added par. (3).

Subsec. (b). Pub. L. 104-264, §1103, substituted “RESEARCH PRIORITIES” for “AVAILABILITY FOR RESEARCH” in heading, added par. (1), and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (c)(2)(A). Pub. L. 104-287, §5(74), substituted “Committees on Science” for “Committees on Science, Space, and Technology”.

Subsec. (d)(2). Pub. L. 104-287, §5(74), substituted “Committees on Science” for “Committees on Science, Space, and Technology”.

Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

1994—Subsec. (a)(1), (2). Pub. L. 103-305 inserted pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) for the fiscal year ending September 30, 1993—

“(A) \$14,700,000 only for management and analysis projects and activities.

“(B) \$87,000,000 only for capacity and air traffic management technology projects and activities.

“(C) \$28,000,000 only for communications, navigation, and surveillance projects and activities.

“(D) \$7,700,000 only for weather projects and activities.

“(E) \$6,800,000 only for airport technology projects and activities.

“(F) \$44,000,000 only for aircraft safety technology projects and activities.

“(G) \$41,100,000 only for system security technology projects and activities.

“(H) \$31,000,000 only for human factors and aviation medicine projects and activities.

“(I) \$4,500,000 for environment and energy projects and activities.

“(J) \$5,200,000 for innovative and cooperative research projects and activities.

“(2) for the fiscal year ending September 30, 1994, \$297,000,000.”

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise 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.

EFFECTIVE DATE OF 1996 AMENDMENT

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.

NOTICES

Pub. L. 105-155, §4, Feb. 11, 1998, 112 Stat. 6, provided that:

“(a) REPROGRAMMING.—If any funds authorized by the amendments made by this Act [amending this section] are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science [now Science, Space, and Technology] and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science [now Science, Space, and Technology], Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.”

§ 48103. Airport planning and development and noise compatibility planning and programs

(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) \$3,350,000,000 for each of fiscal years 2012 through 2015 and \$1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.

(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1296; Pub. L. 103-305, title I, §101(a), Aug. 23, 1994, 108 Stat. 1570; Pub. L. 104-264, title I, §101(a), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 105-277, div. C, title I, §110(b)(1), Oct. 21, 1998, 112 Stat. 2681-587; Pub. L. 106-6, §2(a), Mar. 31, 1999, 113 Stat. 10; Pub. L. 106-31, title VI, §6002(a), May 21, 1999, 113 Stat. 113; Pub. L. 106-59, §1(a), Sept. 29, 1999, 113 Stat. 482; Pub. L. 106-181, title I, §101(a), Apr. 5, 2000, 114 Stat. 65; Pub. L. 108-176, title I, §101(a), Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110-190, §4(a)(1), Feb. 28, 2008, 122 Stat. 643; Pub. L. 110-253, §4(a), June 30, 2008, 122 Stat. 2418; Pub. L. 110-330, §4(a)(1), Sept. 30, 2008, 122 Stat. 3717; Pub. L. 111-12, §4(a), Mar. 30, 2009, 123 Stat. 1457; Pub. L.