

AMENDMENTS

2000—Pub. L. 106-181, § 721(a), repealed Pub. L. 106-113, § 1000(a)(5) [title II, § 231]. See 1999 Amendment notes and Construction of 2000 Amendment note below.

Subsec. (a). Pub. L. 106-181, § 721(b)(1), (c)(1), substituted “subsection (b) or (f)” for “subsection (b)” and inserted “(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)” after “civil subsonic turbojet”.

Subsec. (b)(1). Pub. L. 106-181, § 721(d), in first sentence, inserted “or foreign air carrier” after “air carrier”, and, in last sentence, inserted “or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century” after “January 1, 1999.”

Subsec. (e)(4). Pub. L. 106-181, § 721(b)(2), added par. (4).

Subsecs. (f), (g). Pub. L. 106-181, § 721(b)(3), added subsecs. (f) and (g).

1999—Pub. L. 106-113, § 1000(a)(5) [title II, § 231(a)], which directed the amendment of section 47528 by substituting “subsection (b) or (f)” for “subsection (b)” in subsec. (a), adding a par. (4) to subsec. (e), and adding subsec. (f) at the end, without specifying the Code title to be amended, was repealed by Pub. L. 106-181, § 721(a). See Construction of 2000 Amendment note below.

Subsec. (a). Pub. L. 106-113, § 1000(a)(5) [title II, § 231(b)(1)], which inserted “(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)” after “civil subsonic turbojet”, was repealed by Pub. L. 106-181, § 721(a). See Construction of 2000 Amendment note below.

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.

REGULATIONS

Pub. L. 106-181, title VII, § 721(c)(2), Apr. 5, 2000, 114 Stat. 165, provided that: “Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) [amending this section] on the date of the enactment of this Act [Apr. 5, 2000].”

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106-181, title VII, § 721(a), Apr. 5, 2000, 114 Stat. 164, provided that: “Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113 [amending this section], is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d)(2) of this section relating to the requirement that the Secretary submit an annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 7th item on page 132 of House Document No. 103-7.

§ 47529. Nonaddition rule

(a) GENERAL LIMITATIONS.—Except as provided in subsection (b) of this section and section 47530 of this title, a person may operate a civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into the United States after November 4, 1990, only if the aircraft—

- (1) complies with the stage 3 noise levels; or
- (2) was purchased by the person importing the aircraft into the United States under a le-

gally binding contract made before November 5, 1990.

(b) EXEMPTIONS.—The Secretary of Transportation may provide an exemption from subsection (a) of this section to permit a person to obtain modifications to an aircraft to meet the stage 3 noise levels.

(c) AIRCRAFT DEEMED NOT IMPORTED.—In this section, an aircraft is deemed not to have been imported into the United States if the aircraft—

- (1) was owned on November 5, 1990, by—
 - (A) a corporation, trust, or partnership organized under the laws of the United States or a State (including the District of Columbia);
 - (B) an individual who is a citizen of the United States; or
 - (C) an entity that is owned or controlled by a corporation, trust, partnership, or individual described in subclause (A) or (B) of this clause; and
- (2) enters the United States not later than 6 months after the expiration of a lease agreement (including any extension) between an owner described in clause (1) of this subsection and a foreign carrier.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1292.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47529	49 App.:2158.	Nov. 5, 1990, Pub. L. 101-508, § 9309, 104 Stat. 1388-384; Oct. 31, 1992, Pub. L. 102-581, § 136(b), 106 Stat. 4889.

§ 47530. Nonapplication of sections 47528(a)–(d) and 47529 to aircraft outside the 48 contiguous States

Sections 47528(a)–(d) and 47529 of this title do not apply to aircraft used only to provide air transportation outside the 48 contiguous States. A civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into a noncontiguous State or a territory or possession of the United States after November 4, 1990, may be used to provide air transportation in the 48 contiguous States only if the aircraft complies with the stage 3 noise levels.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47530	49 App.:2157(d).	Nov. 5, 1990, Pub. L. 101-508, § 9308(d), 104 Stat. 1388-383; Oct. 28, 1991, Pub. L. 102-143, § 349(a), 105 Stat. 949.

§ 47531. Penalties

A person violating section 47528, 47529, 47530, or 47534 of this title or a regulation prescribed under any of those sections is subject to the same civil penalties and procedures under chapter 463 of this title as a person violating section 44701(a) or (b) or any of sections 44702-44716 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1293; Pub. L. 103-429, §6(73), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 112-95, title V, §506(b)(1), Feb. 14, 2012, 126 Stat. 106.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47531	49 App.:2157(e).	Nov. 5, 1990, Pub. L. 101-508, §9308(e), 104 Stat. 1388-383.

PUB. L. 103-429

This amends 49:47531 to correct a grammatical error and erroneous cross-references.

AMENDMENTS

2012—Pub. L. 112-95 struck out “for violating sections 47528-47530” after “Penalties” in section catchline and substituted “47529, 47530, or 47534” for “47529, or 47530” in text.

1994—Pub. L. 103-429 substituted “section 47528” for “sections 47528” and inserted “any of” before “those” and “any of sections” before “44702-44716”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 47532. Judicial review

An action taken by the Secretary of Transportation under any of sections 47528-47531 or 47534 of this title is subject to judicial review as provided under section 46110 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1293; Pub. L. 103-429, §6(74), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 112-95, title V, §506(b)(2), Feb. 14, 2012, 126 Stat. 106.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47532	49 App.:2157(f).	Nov. 5, 1990, Pub. L. 101-508, §9308(f), 104 Stat. 1388-383.

PUB. L. 103-429

This amends 49:47532 to correct an erroneous cross-reference.

AMENDMENTS

2012—Pub. L. 112-95 inserted “or 47534” after “47528-47531”.

1994—Pub. L. 103-429 inserted “any of” before “sections”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 47533. Relationship to other laws

Except as provided by section 47524 of this title, this subchapter does not affect—

(1) law in effect on November 5, 1990, on airport noise or access restrictions by local authorities;

(2) any proposed airport noise or access restriction at a general aviation airport if the airport proprietor has formally initiated a regulatory or legislative process before October 2, 1990; or

(3) the authority of the Secretary of Transportation to seek and obtain legal remedies the Secretary considers appropriate, including injunctive relief.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47533	49 App.:2153(h).	Nov. 5, 1990, Pub. L. 101-508, §9304(h), 104 Stat. 1388-382.

§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

(2) To scrap the aircraft.

(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

(7) To provide transport of persons and goods in the relief of an emergency situation.

(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

(e) STATUTORY CONSTRUCTION.—

(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with,