

**§ 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.

**Editorial Notes**

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.

**§ 47123. Nondiscrimination**

(a) IN GENERAL.—The Secretary of Transportation shall take affirmative action to ensure that an individual is not excluded because of race, creed, color, national origin, or sex from participating in an activity carried out with money received under a grant under this subchapter. The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall be similar to those in effect under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). This section is in addition to title VI of the Act.

(b) INDIAN EMPLOYMENT.—

(1) TRIBAL SPONSOR PREFERENCE.—Consistent with section 703(i) of the Civil Rights Act of