

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, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.

(Added Pub. L. 112–95, title V, §506(a), Feb. 14, 2012, 126 Stat. 105.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (e)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS

Sec.	
48101.	Air navigation facilities and equipment.
48102.	Research and development.
48103.	Airport planning and development and noise compatibility planning and programs.
48104.	Operations and maintenance.
48105.	Weather reporting services.
48106.	Airway science curriculum grants.
48107.	Civil aviation security research and development.
48108.	Availability and uses of amounts.
48109.	Submission of budget information and legislative recommendations and comments.
48110.	Facilities for advanced training of maintenance technicians for air carrier aircraft.
48111.	Funding proposals.
[48112.]	Repealed.]
48113.	Reprogramming notification requirement.
48114.	Funding for aviation programs.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title I, §115, Oct. 5, 2018, 132 Stat. 3201, struck out item 48112 “Adjustment to AIP program funding”.

2003—Pub. L. 108–176, title I, §104(b), Dec. 12, 2003, 117 Stat. 2497, added item 48114.

2000—Pub. L. 106–181, title I, §§107(b), 108(b), Apr. 5, 2000, 114 Stat. 73, 74, added items 48112 and 48113.

1996—Pub. L. 104–264, title I, §§102(b)(2), 103(d)(2), title II, §275(b), Oct. 9, 1996, 110 Stat. 3216, 3217, 3247, inserted “and equipment” after “facilities” in item 48101, substituted “Operations and maintenance” for “Certain direct costs and joint air navigation services” in item 48104, and added item 48111.

§ 48101. Air navigation facilities and equipment

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Not more than a total of 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) to acquire, establish, and improve air navigation facilities under section 44502(a)(1)(A) of this title:

- (1) \$3,330,000,000 for fiscal year 2018.
- (2) \$3,398,000,000 for fiscal year 2019.
- (3) \$3,469,000,000 for fiscal year 2020.
- (4) \$3,547,000,000 for fiscal year 2021.
- (5) \$3,624,000,000 for fiscal year 2022.
- (6) \$3,701,000,000 for fiscal year 2023.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

(c) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under subsection (a), such sums as may be necessary may be used for the following:

- (1) The implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.
- (2) The acquisition and construction of remote towers (as defined in section 161 of the FAA Reauthorization Act of 2018).
- (3) The remediation and elimination of identified cybersecurity vulnerabilities in the air traffic control system.

(4) The construction of facilities dedicated to improving the cybersecurity of the National Airspace System.

(5) Systems associated with the Data Communications program.

(6) The infrastructure, sustainment, and the elimination of the deferred maintenance backlog of air navigation facilities and other facilities for which the Federal Aviation Administration is responsible.

(7) The modernization and digitization of the Civil Aviation Registry.

(8) The construction of necessary Priority 1 National Airspace System facilities.

(9) Cost-beneficial construction, rehabilitation, or retrofitting programs designed to reduce Federal Aviation Administration facility operating costs.

(d) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed \$50,000,000.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1294; Pub. L. 103-305, title I, §102(a), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 104-264, title I, §102(a), (b)(1), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 106-6, §3, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106-181, title I, §102, Apr. 5, 2000, 114 Stat. 65; Pub. L. 108-176, title I, §102, Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110-330, §7, Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111-12, §7, Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §7, Oct. 1, 2009, 123 Stat. 2056; Pub. L. 111-116, §7, Dec. 16, 2009, 123 Stat. 3033; Pub. L. 111-153, §7, Mar. 31, 2010, 124 Stat. 1086; Pub. L. 111-161, §7, Apr. 30, 2010, 124 Stat. 1128; Pub. L. 111-197, §7, July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §106, Aug. 1, 2010, 124 Stat. 2350; Pub. L. 112-30, title II, §207, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112-91, §7, Jan. 31, 2012, 126 Stat. 4; Pub. L. 112-95, title I, §102, Feb. 14, 2012, 126 Stat. 16; Pub. L. 114-55, title I, §104, Sept. 30, 2015, 129 Stat. 524; Pub. L. 114-141, title I, §104, Mar. 30, 2016, 130 Stat. 323; Pub. L. 114-190, title I, §1104, July 15, 2016, 130 Stat. 618; Pub. L. 115-63, title I, §105, Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115-141, div. M, title I, §105, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115-254, div. B, title I, §112, Oct. 5, 2018, 132 Stat. 3200.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
48101(a)	49 App.:2202(a)(24). 49 App.:2205(a)(1) (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(a)(1), 96 Stat. 677; restated Dec. 30, 1987, Pub. L. 100-223, §105(a)(2), 101 Stat. 1490; Nov. 5, 1990, Pub. L. 101-508, §9105(b), 104 Stat. 1388-355; Oct. 31, 1992, Pub. L. 102-581, §103(a), 106 Stat. 4877.
48101(b)	49 App.:2202(a)(24). 49 App.:2205(a)(2) (1st sentence).	Sept. 3, 1982, Pub. L. 97-248, §506(a)(2), 96 Stat. 677; Dec. 30, 1987, Pub. L. 100-223, §105(a)(2), 101 Stat. 1490; restated Oct. 31, 1992, Pub. L. 102-581, §103(b), 106 Stat. 4877.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
48101(c)	49 App.:2205(a)(1) (last sentence), (2) (last sentence).	

In subsection (a), the words “to the Secretary of Transportation” are added for clarity and consistency in this chapter. The words “for fiscal years beginning after September 30, 1990” and “\$2,500,000,000 for fiscal year 1991” are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 161 of the FAA Reauthorization Act of 2018, referred to in subsec. (c)(2), is section 161 of Pub. L. 115-254, which is set out as a note under section 47104 of this title.

AMENDMENTS

2018—Subsec. (a)(1) to (4). Pub. L. 115-254, §112(a), added pars. (1) to (4) and struck out former pars. (1) to (4) which read as follows:

- “(1) \$2,731,000,000 for fiscal year 2012.
- “(2) \$2,715,000,000 for fiscal year 2013.
- “(3) \$2,730,000,000 for fiscal year 2014.
- “(4) \$2,730,000,000 for fiscal year 2015.”

Subsec. (a)(5). Pub. L. 115-254, §112(a), added par. (5) and struck out former par. (5) which read as follows: “\$2,855,000,000 for each of fiscal years 2016 through 2018.”

Pub. L. 115-141, §105(1), substituted “2016 through 2018” for “2016 and 2017”.

Subsec. (a)(6). Pub. L. 115-254, §112(a), added par. (6). Pub. L. 115-141, §105(2), struck out par. (6) which read as follows: “\$1,423,589,041 for the period beginning on October 1, 2017, and ending on March 31, 2018.”

Subsec. (c). Pub. L. 115-254, §112(b)(2), substituted “may be used for the following:” and pars. (1) to (9) for “may be necessary may be used for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.”

Pub. L. 115-254, §112(b)(1), substituted “Authorized Expenditures” for “Automated Surface Observation System/Automated Weather Observing System Upgrade” in heading.

2017—Subsec. (a)(6). Pub. L. 115-63 added par. (6).

2016—Subsec. (a)(5). Pub. L. 114-190 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “\$2,058,333,333 for the period beginning on October 1, 2015, and ending on July 15, 2016.”

Pub. L. 114-141 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “\$1,300,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”

2015—Subsec. (a)(5). Pub. L. 114-55 added par. (5).

2012—Subsec. (a). Pub. L. 112-95, §102(a), added pars. (1) to (4) and struck out former pars. (1) to (8) which authorized appropriations for fiscal years 2004 through 2011, and for the period beginning Oct. 1, 2011, and ending Feb. 17, 2012.

Subsec. (a)(8). Pub. L. 112-91 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “\$917,704,544 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

Subsecs. (c) to (i). Pub. L. 112-95, §102(b), redesignated subsecs. (f) and (g) as (c) and (d), respectively, and struck out former subsecs. (c), (d), (e), (h), and (i), which related, respectively, to enhanced safety and security for aircraft operations in the Gulf of Mexico, operational benefits of wake vortex advisory system, ground-based precision navigational aids, standby power efficiency program, and pilot program to provide incentives for development of new technologies.

2011—Subsec. (a)(7), (8). Pub. L. 112-30 added pars. (7) and (8).

2010—Subsec. (a)(6). Pub. L. 111-216 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$2,453,539,493 for the period beginning on October 1, 2009, and ending on August 1, 2010.”

Pub. L. 111-197 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

Pub. L. 111-161 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$1,712,785,083 for the 7-month period beginning on October 1, 2009.”

Pub. L. 111-153 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$1,466,888,500 for the 6-month period beginning on October 1, 2009.”

2009—Subsec. (a)(5). Pub. L. 111-12 substituted “\$2,742,095,000 for fiscal year 2009” for “\$1,360,188,750 for the 6-month period beginning on October 1, 2008”.

Subsec. (a)(6). Pub. L. 111-116 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$733,444,250 for the 3-month period beginning on October 1, 2009.”

Pub. L. 111-69 added par. (6).

2008—Subsec. (a)(5). Pub. L. 110-330 added par. (5).

2003—Subsec. (a)(1) to (5). Pub. L. 108-176, §102(1), added pars. (1) to (4) and struck out former par. (1) to (5) which read as follows:

“(1) \$2,131,000,000 for fiscal year 1999.

“(2) \$2,689,000,000 for fiscal year 2000.

“(3) \$2,656,765,000 for fiscal year 2001.

“(4) \$2,914,000,000 for fiscal year 2002.

“(5) \$2,981,022,000 for fiscal year 2003.”

Subsecs. (b) to (e). Pub. L. 108-176, §102(2), (3), added subsecs. (c) to (e), redesignated former subsec. (c) as (b), and struck out former subsecs. (b), (d) and (e), which related, respectively, to major airway capital investment plan changes, universal access systems, and the Alaska National Air Space Interfacility Communications System.

Subsec. (f). Pub. L. 108-176, §102(4), struck out “for fiscal years beginning after September 30, 2000” after “appropriated under subsection (a)” and inserted “may be used” after “may be necessary”.

Subsecs. (h), (i). Pub. L. 108-176, §102(5), added subsecs. (h) and (i).

2000—Subsec. (a). Pub. L. 106-181, §102(a), added pars. (1) to (5) and struck out former pars. (1) to (3) which read as follows:

“(1) \$2,068,000,000 for fiscal year 1997.

“(2) \$2,129,000,000 for fiscal year 1998.

“(3) \$2,131,000,000 for fiscal year 1999.”

Subsec. (d). Pub. L. 106-181, §102(b), added subsec. (d).

Subsec. (e). Pub. L. 106-181, §102(c), added subsec. (e).

Subsec. (f). Pub. L. 106-181, §102(d), added subsec. (f).

Subsec. (g). Pub. L. 106-181, §102(e), added subsec. (g).

1999—Subsec. (a)(3). Pub. L. 106-6 added par. (3).

1996—Pub. L. 104-264, §102(b)(1), inserted “and equipment” after “facilities” in section catchline.

Subsec. (a). Pub. L. 104-264, §102(a), added pars. (1) and (2) and struck out former pars. (1) to (4) which read as follows:

“(1) For the fiscal years ending September 30, 1991-1993, \$8,200,000,000.

“(2) For the fiscal years ending September 30, 1991-1994, \$10,724,000,000.

“(3) For the fiscal years ending September 30, 1991-1995, \$13,394,000,000.

“(4) For the fiscal years ending September 30, 1991-1996, \$16,129,000,000.”

1994—Subsec. (a)(1). Pub. L. 103-305, §102(a)(1), substituted “For” for “for”.

Subsec. (a)(2). Pub. L. 103-305, §102(a)(2), substituted “For” for “for” and “\$10,724,000,000” for “\$11,100,000,000”.

Subsec. (a)(3). Pub. L. 103-305, §102(a)(3), substituted “For” for “for” and “\$13,394,000,000” for “\$14,000,000,000”.

Subsec. (a)(4). Pub. L. 103-305, §102(a)(4), added par. (4).

Statutory Notes and Related Subsidiaries

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.

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, directed the Administrator of the Federal Aviation Administration to report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months on the 10 largest programs funded under this section until Dec. 12, 2007.

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:

(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;