

(Added Pub. L. 103-305, title I, § 113(a)(2), Aug. 23, 1994, 108 Stat. 1577; amended Pub. L. 104-264, title I, § 149(d), Oct. 9, 1996, 110 Stat. 3227; Pub. L. 104-287, § 5(85), Oct. 11, 1996, 110 Stat. 3397.)

#### HISTORICAL AND REVISION NOTES

PUB. L. 104-287, § 5(85)(A)

This amends 49:47129(a)(1) to conform to the style of title 49.

PUB. L. 104-287, § 5(85)(B) AND (C)

These set out the date of enactment of 49:47129.

#### PRIOR PROVISIONS

A prior section 47129 was renumbered section 47131 of this title.

#### AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-287, § 5(85)(A), substituted “of this title” for “of this subtitle” in introductory provisions.

Subsec. (a)(4). Pub. L. 104-264 added par. (4).

Subsecs. (b), (e)(2). Pub. L. 104-287, § 5(85)(B), substituted “August 23, 1994” for “the date of the enactment of this section”.

Subsec. (e)(3). Pub. L. 104-287, § 5(85)(C), substituted “August 23, 1994” for “such date of enactment”.

Subsec. (f)(2). Pub. L. 104-287, § 5(85)(B), substituted “August 23, 1994” for “the date of the enactment of this section”.

#### 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.

### § 47130. Airport safety data collection

Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government’s share of the cost of the data collection shall be 100 percent.

(Added Pub. L. 103-305, title I, § 118(a), Aug. 23, 1994, 108 Stat. 1580; amended Pub. L. 108-176, title I, § 154, Dec. 12, 2003, 117 Stat. 2507.)

#### AMENDMENTS

2003—Pub. L. 108-176 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.”

#### 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.

### § 47131. Annual report

(a) GENERAL RULE.—Not later than April 1 of each year, the Secretary of Transportation shall

submit to Congress a report on activities carried out under this subchapter during the prior fiscal year. The report shall include—

(1) a detailed statement of airport development completed;

(2) the status of each project undertaken;

(3) the allocation of appropriations;

(4) an itemized statement of expenditures and receipts; and

(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1278, § 47129; renumbered § 47131, Pub. L. 103-305, title I, § 113(a)(1), Aug. 23, 1994, 108 Stat. 1577; amended Pub. L. 106-181, title VII, § 722, Apr. 5, 2000, 114 Stat. 165.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47129 .....	49 App.:2220.	Sept. 3, 1982, Pub. L. 97-248, § 521, 96 Stat. 694.

In this section, before clause (1), the words “on activities carried out” are substituted for “describing his operations” for clarity.

#### AMENDMENTS

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, added par. (5) of subsec. (a), and added subsec. (b).

1994—Pub. L. 103-305 renumbered section 47129 of this title as this section.

#### 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.

### [§ 47132. Repealed. Pub. L. 106-181, title I, § 123(a)(1), Apr. 5, 2000, 114 Stat. 74]

Section, added Pub. L. 104-264, title I, § 142(a), Oct. 9, 1996, 110 Stat. 3221, temporarily directed the Administrator of the Federal Aviation Administration to issue guidelines to carry out not more than 10 pavement maintenance pilot projects.

#### EFFECTIVE DATE OF REPEAL

Repeal applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

### § 47133. Restriction on use of revenues

(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

- (1) the airport;
- (2) the local airport system; or
- (3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.

(Added Pub. L. 104-264, title VIII, §804(a), Oct. 9, 1996, 110 Stat. 3271.)

#### EFFECTIVE DATE

Except as otherwise specifically provided, section 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 an Effective Date of 1996 Amendment note under section 106 of this title.

### § 47134. Pilot program on private ownership of airports

(a) **SUBMISSION OF APPLICATIONS.**—If a sponsor intends to sell or lease a general aviation airport or lease any other type of airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

(b) **APPROVAL OF APPLICATIONS.**—The Secretary may approve, with respect to not more than 5 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

#### (1) USE OF REVENUES.—

(A) **IN GENERAL.**—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

- (i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or
- (ii) in the case of a nonprimary airport, by the Secretary after the airport has con-

sulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.

(B) **OBJECTION TO EXEMPTION.**—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.

(C) **LANDED WEIGHT DEFINED.**—In this paragraph, the term "landed weight" means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

(2) **REPAYMENT REQUIREMENTS.**—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

(3) **COMPENSATION FROM AIRPORT OPERATIONS.**—The Secretary may grant an exemption to a purchaser or lessee from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

(c) **TERMS AND CONDITIONS.**—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

(3) The purchaser or lessee will maintain, improve, and modernize the facilities of the airport through capital investments and will submit to the Secretary a plan for carrying out such maintenance, improvements, and modernization.

(4) Every fee of the airport imposed on an air carrier on the day before the date of the lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—