

to”, inserted cl. (i) designation before “moving passengers and”, substituted “; or” for “; and”, and added cl. (ii). Amendments were executed to this section to reflect the probable intent of Congress, notwithstanding directory language amending section 47119(a)(1)(B), without specifying the Code title to be amended.

Subsec. (a)(3). Pub. L. 115-254, §132(b), added par. (3). 2012—Subsec. (a). Pub. L. 112-95, §152(b)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 112-95, §152(b)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (b)(3), (4)(A). Pub. L. 112-95, §152(b)(4), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (b)(4)(B). Pub. L. 112-95, §152(b)(3), substituted “Secretary” for “Secretary of Transportation”.

Subsec. (b)(5). Pub. L. 112-95, §152(b)(5), substituted “subsections (c)(1) and (c)(2)” for “subsection (b)(1) and (2)”.

Subsec. (c). Pub. L. 112-95, §152(b)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1), (2)(A). Pub. L. 112-95, §152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(2)(B). Pub. L. 112-95, §152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsec. (c)(3), (4). Pub. L. 112-95, §152(b)(6), substituted “subsection (a)” for “section 47110(d) of this title”.

Subsec. (c)(5). Pub. L. 112-95, §152(b)(7), substituted “subsection (a)” for “section 47110(d)”.

Subsecs. (d), (e). Pub. L. 112-95, §152(b)(1), redesignated subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (f). Pub. L. 112-95, §152(b)(8), added subsec. (f).

2003—Subsec. (a). Pub. L. 108-176, §166, amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “An amount apportioned under section 47114 of this title and made available to the sponsor of an air carrier airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title if they had been incurred after September 3, 1982. An amount is available for a grant under this subsection—

“(1) only if—

“(A) the sponsor submits the certification required under section 47110(d) of this title;

“(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

“(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money; and

“(2) subject to the limitations in subsection (b)(1) and (2) of this section.”

Subsec. (b)(5). Pub. L. 108-176, §149(d), added par. (5). 2000—Subsec. (d). Pub. L. 106-181 added subsec. (d).

1994—Subsec. (a). Pub. L. 103-305, §117(1), inserted “or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992,” after “July 12, 1976.”

Subsec. (b)(2). Pub. L. 103-429, §6(69)(B), added par. (2) and struck out former par. (2) which read as follows: “to a sponsor of a nonprimary commercial service airport, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discretionary fund to pay project costs allowable under section 47110(d) of this title; or”.

Subsec. (b)(3). Pub. L. 103-429, §6(69)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 103-429, §6(69)(A), redesignated par. (3) as (4).

Subsec. (c). Pub. L. 103-305, §117(2), added subsec. (c).

**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.

**§ 47120. Grant priority**

(a) IN GENERAL.—In making a grant under this subchapter, the Secretary of Transportation may give priority to a project that is consistent with an integrated airport system plan.

(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 106-181, title I, §162, Apr. 5, 2000, 114 Stat. 91.)

**HISTORICAL AND REVISION NOTES**

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                        |
|------------------------|---------------------------|--|
| 47120 .....            | 49 App.:2208(b)(9).       | Sept. 3, 1982, Pub. L. 97-248, §509(b)(9), 96 Stat. 685. |

The words “In making a grant under this subchapter” are substituted for “In establishing priorities for distribution of funds available pursuant to section 2206 of this Appendix” for consistency in this chapter and to eliminate unnecessary words.

**Editorial Notes**

**AMENDMENTS**

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

**Statutory Notes and Related Subsidiaries**

**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.

**§ 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 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on a project or contract at—

- (A) an airport sponsored by an Indian tribal government; or
- (B) an airport located on an Indian reservation.

(2) STATE PREFERENCE.—A State may implement a preference for employment of Indians