

or credit to the air carrier or foreign air carrier in accordance with directions in the final order of the Secretary within 30 days of such order.

(C) ASSURANCE OF TIMELY REPAYMENT.—In order to assure the timely repayment, with interest, of amounts in dispute determined not to be reasonable by the Secretary, the airport shall obtain a letter of credit, or surety bond, or other suitable credit facility, equal to the amount in dispute that is due during the 120-day period established by this section, plus interest, unless the airport and the complainant air carrier or foreign air carrier agree otherwise.

(D) DEADLINE.—The letter of credit, or surety bond, or other suitable credit facility shall be provided to the Secretary within 20 days of the filing of the complaint and shall remain in effect for 30 days after the earlier of 120 days or the issuance of a timely final order by the Secretary determining whether such fee is reasonable.

(2) GUARANTEE OF AIR CARRIER AND FOREIGN AIR CARRIER ACCESS.—Contingent upon an air carrier's or foreign air carrier's compliance with the requirements of paragraph (1) and pending the issuance of a final order by the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier or foreign air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's or foreign air carrier's prices, routes, or services, as a means of enforcing the fee.

(e) APPLICABILITY.—This section does not apply to—

(1) a fee imposed pursuant to a written agreement with air carriers or foreign air carriers using the facilities of an airport;

(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to August 23, 1994; or

(3) any other existing fee not in dispute as of August 23, 1994.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

(1) the rights of any party under any existing written agreement between an air carrier or foreign air carrier and the owner or operator of an airport; or

(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of August 23, 1994.

(g) DEFINITION.—In this section, the term “fee” means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.

(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; Pub. L. 112–95, title I, § 148(a), Feb. 14, 2012, 126 Stat. 31.)

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.

Editorial Notes

PRIOR PROVISIONS

A prior section 47129 was renumbered section 47131 of this title and was subsequently repealed.

AMENDMENTS

2012—Pub. L. 112–95, § 148(a)(1), substituted “Resolution of disputes concerning airport fees” for “Resolution of airport-air carrier disputes concerning airport fees” in section catchline.

Subsec. (a)(1). Pub. L. 112–95, § 148(a)(6), (7), substituted “air carriers or foreign air carriers” for “air carriers” and “(as those terms are defined in section 40102)” for “(as defined in section 40102 of this title)” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 112–95, § 148(a)(4), substituted “air carrier or foreign air carrier” for “air carrier”.

Subsec. (c)(1). Pub. L. 112–95, § 148(a)(4), substituted “air carrier or foreign air carrier” for “air carrier”.

Subsec. (d). Pub. L. 112–95, § 148(a)(2), inserted “and Foreign Air Carrier” after “Carrier” in heading.

Subsec. (d)(1)(A) to (C). Pub. L. 112–95, § 148(a)(4), substituted “air carrier or foreign air carrier” for “air carrier” wherever appearing.

Subsec. (d)(2). Pub. L. 112–95, § 148(a)(3)–(5), inserted “and foreign air carrier” after “carrier” in heading and, in text, substituted “air carrier's or foreign air carrier's” for “air carrier's” in two places and “air carrier or foreign air carrier” for “air carrier”.

Subsec. (e)(1). Pub. L. 112–95, § 148(a)(6), substituted “air carriers or foreign air carriers” for “air carriers”.

Subsec. (f)(1). Pub. L. 112–95, § 148(a)(4), substituted “air carrier or foreign air carrier” for “air carrier”.

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”.

Statutory Notes and Related Subsidiaries

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 sec-

tion, 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.)

Editorial Notes

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."

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.

[§ 47131. Repealed. Pub. L. 118-63, title II, § 218(d), May 16, 2024, 138 Stat. 1055]

Section, 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; Pub. L. 112-95, title I, §152(c), Feb. 14, 2012, 126 Stat. 34, related to annual report submitted to Congress on activities carried out under this subchapter during the prior fiscal year.

[§ 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.

Statutory Notes and Related Subsidiaries

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.—

(1) PRIOR LAWS AND AGREEMENTS.—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.

(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

(A) the sale is approved by the Secretary;

(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.

(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; amended Pub. L. 112-95, title I, §149(a), Feb. 14, 2012, 126 Stat. 32.)

Editorial Notes

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-95, designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, title I, §149(b), Feb. 14, 2012, 126 Stat. 32, provided that: "The amendments made by subsection (a) [amending this section] shall apply to grants issued on or after October 1, 1996."

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.

USE OF MINERAL REVENUE AT CERTAIN AIRPORTS

Pub. L. 112-95, title VIII, §813, Feb. 14, 2012, 126 Stat. 124, provided that:

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction, production,