

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 on a project carried out under this subchapter near an Indian reservation.

(3) IMPLEMENTATION.—The Secretary shall consult with Indian tribal governments and cooperate with the States to implement this subsection.

(4) INDIAN TRIBAL GOVERNMENT DEFINED.—In this section, the term “Indian tribal government” has the same meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1275; Pub. L. 115–254, div. B, title I, §153, Oct. 5, 2018, 132 Stat. 3216.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47123	49 App.:2219.	Sept. 3, 1982, Pub. L. 97–248, §520, 96 Stat. 694.

The words “as the Secretary deems” and “the purposes of” are omitted as surplus. The words “The regulations shall be similar to those in effect under” are substituted for “and may enforce this section, and any rules promulgated under this section, through agency

and department provisions and rules which shall be similar to those established and in effect under” for clarity and to eliminate unnecessary words and because “rules” and “regulations” are synonymous. The words “The provisions of . . . and not in lieu of the provisions of” are omitted as surplus. The word “is” is substituted for “shall be considered to be” to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (a), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

AMENDMENTS

2018—Pub. L. 115–254 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 47124. Agreements for State and local operation of airport facilities

(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.

(b) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

(1) CONTRACT TOWER PROGRAM.—

(A) CONTINUATION.—The Secretary shall continue the low activity (Visual Flight Rules) level I air traffic control tower contract program established under subsection (a) of this section for towers existing on December 30, 1987, and extend the program to other towers as practicable.

(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the Contract Tower Program has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit—

(i) for the 1-year period after such determination is made; or

(ii) if an appeal of such determination is requested, for the 1-year period described in subsection (d)(4)(D).¹

(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the Cost-share Program.

(2) GENERAL AUTHORITY.—The Secretary may make a contract with a qualified entity (as de-

¹ So in original.