§ 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) $3,138,000,000 for fiscal year 2004;
   (2) $2,993,000,000 for fiscal year 2005;
   (3) $3,053,000,000 for fiscal year 2006;
   (4) $3,110,000,000 for fiscal year 2007;
   (5) $2,742,095,000 for fiscal year 2009;
   (6) $2,936,203,000 for fiscal year 2010;
   (7) $2,731,000,000 for fiscal year 2011; and
   (8) $917,704,544 for the period beginning on October 1, 2011, and ending on January 31, 2012.

(b) Availability of Amounts.— Amounts appropriated under this section remain available until expended.

(c) Enhanced Safety and Security for Aircraft Operations in the Gulf of Mexico.— Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

(d) Operational Benefits of Wake Vortex Advisory System.— Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used for the development and analysis of wake vortex advisory systems.

(e) Ground-Based Precision Navigational Aids.— Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 to 2007 may be used to establish a program for the installation of a precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and other such approach aids and is certified or approved by the Administrator.

(f) Automated Surface Observation System/Automated Weather Observing System Upgrade.— Of the amounts appropriated under subsection (a), such sums as 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.

(g) 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.

(h) Standby Power Efficiency Program.— Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used by the Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, to establish a program to improve the efficiency, cost effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.

(i) Pilot Program To Provide Incentives for Development of New Technologies.— Of amounts appropriated under subsection (a), $500,000 for fiscal year 2004 may be used for the conduct of a pilot
program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of takeoffs and landings.


### Historical and Revision Notes

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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.

### Amendments

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


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”.


2003—Subsec. (a)(1) to (5). Pub. L. 108–176, § 102(1), added pars. (1) to (4) and struck out formers 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 Airspace 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. (g). Pub. L. 106–181, § 102(e), added subsec. (g).


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.”


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”.


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

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


“(a) Biannual Reports.—Beginning 180 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

“(1) the 10 largest programs funded under section 48101 (a) of title 49, United States Code;
“(2) any changes in the budget for such programs;
“(3) the program schedule; and
“(4) technical risks associated with the programs.

“(b) Sunset Provision.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act [Dec. 12, 2003].”

Funding for Aviation Programs