

APPENDIX A-1

Public Law 112-95, Section 813 – Use of Mineral Revenue At Certain Airports

(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, lease, or other means at a general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Administration.

(b) Use of Revenue.--An airport sponsor that is in compliance with the conditions under subsection (c) may allocate revenue identified by the Administrator under subsection (a) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(c) Conditions.--An airport sponsor may not allocate revenue identified by the Administrator under subsection (a) unless the airport sponsor--

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which--

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing--

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act.

(d) Completion of Determination.-- Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to

declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(e)Rulemaking.--Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

(f) General Aviation Airport Defined.--In this section, the term ``general aviation airport'' has the meaning given that term in section 47102 of title 49, United States Code, as amended by this Act.