retary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

(f) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

(g) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.

(Added Pub. L. 108–176, title I, § 183(a), Dec. 12, 2003, 117 Stat. 2516.)

EFFECTIVE DATE

Section 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 an Effective Date of 2003 Amendment note under section 106 of this title.

CHAPTER 447—SAFETY REGULATION

Sec.
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[1] So in original. Does not conform to section catchline.

AMENDMENTS

2012—Pub. L. 112–95, title III, §§ 303(c)(2), 306(c), 307(c), 308(b), 309(b), 310(b), Feb. 14, 2012, 126 Stat. 58, 61, 62, 64, 65, substituted ''Type certificates, production certificates, airworthiness certificates, and design and production organization certificates'' for ''Type certificates, production certificates, airworthiness certificates, and design organization certificates'' in item 44704 and added items 44730 to 44735.

2007—Pub. L. 110–135, § 2(b), Dec. 13, 2007, 121 Stat. 1452, added item 44729.

2003—Pub. L. 108–176, title II, § 227(e)(2), title V, § 502(b), title VIII, § 814(b), Dec. 12, 2003, 117 Stat. 2532, 2557, 2592, substituted ''Type certificates, production certificates, airworthiness certificates, and design organization certificates'' for ''Type certificates, production certificates, and airworthiness certificates'' in item 44704 and added items 44727 and 44728.

2000—Pub. L. 106–181, title V, §§ 504(c), 505(a)(2), title VI, § 603(b), Apr. 5, 2000, 114 Stat. 134, 136, 152, substituted ''Aeronautical charts and related products and services'' for ''Aeronautical maps and charts'' in item 44721 and added items 44725 and 44726.

1996—Pub. L. 104–264, title VI, § 602(a)(2), Oct. 9, 1996, 110 Stat. 3264, added item 44724.

§ 44701. General requirements

(a) PROMOTING SAFETY.—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) PRESCRIBING MINIMUM SAFETY STANDARDS.—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) REDUCING AND ELIMINATING ACCIDENTS.—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) CONSIDERATIONS AND CLASSIFICATION OF REGULATIONS AND STANDARDS.—When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term ''registered aircraft'' means—

(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(f) EXEMPTIONS.—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1185; Pub. L. 103–429, § 6(55), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title VII, § 714, Apr. 5, 2000, 114 Stat. 161.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44701(a)	49 App.:1421(a).	Aug. 23, 1958, Pub. L. 85–726, §§ 601(a), (b) (1st sentence related to standards, rules, and regulations, last sentence), (c), 604(a) (related to standards), 72 Stat. 775, 778.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44701(b)	49 App.:1424(a) (related to standards).	
	49 App.:1432(a) (related to standards).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 612(a) (related to standards); added May 21, 1970, Pub. L. 91–258, § 51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97–248, § 525(a), 96 Stat. 697.
	49 App.:1655(c)(1).	
44701(c)	49 App.:1421(b) (last sentence).	
	49 App.:1655(c)(1).	
44701(d)	49 App.:1421(b) (1st sentence related to standards, rules, and regulations).	
	49 App.:1655(c)(1).	
44701(e)	49 App.:1421(c).	
	49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in sections 601(a)–(c) and 604 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775, 778) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words ''is empowered and it . . . be his duty to'' and ''and revising from time to time'' are omitted as surplus. In clause (1), the words ''as may be'' are omitted as surplus. In clauses (2)–(5), the words ''Reasonable'' and ''reasonable'' are omitted as surplus and the word ''rules'' is omitted as being synonymous with ''regulations''. In clause (5), the words ''to provide adequately'' are omitted as surplus.

In subsection (b)(1), the words ''the operation of'' are omitted as surplus. The words ''under section 44705 of this title'' are added for clarity.

In subsection (b)(2), the words ''scheduled or unscheduled'' are omitted as surplus.

In subsection (c), the words ''carry out'' are substituted for ''exercise and perform his powers and duties under'', and the words ''in carrying out'' are substituted for ''in the administration and enforcement of'', for consistency and to eliminate unnecessary words.

In subsection (d), before clause (1), the word ''rules'' is omitted as being synonymous with ''regulations''. In clause (1), before subclause (A), the word ''full'' is omit-

ted as surplus. In clause (1)(A), the word ''provide'' is substituted for ''perform'' for consistency in the revised title.

In subsection (e), the words ''from time to time'' are omitted as surplus. The word ''rule'' is omitted as being synonymous with ''regulation''.

PUB. L. 103–429

This amends 49:44701(d) and (e) to correct erroneous cross-references.

AMENDMENTS

2000—Subsecs. (e), (f). Pub. L. 106–181 added subsec. (e) and redesignated former subsec. (e) as (f).

1994—Subsecs. (d), (e). Pub. L. 103–429 substituted ''any of sections 44702–44716'' for ''section 44702–44716''.

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

NOTICES TO AIRMEN

Pub. L. 112–153, § 3, Aug. 3, 2012, 126 Stat. 1162, provided that:

''(a) IN GENERAL.—

''(1) DEFINITION.—In this section, the term 'NOTAM' means Notices to Airmen.

''(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2012], the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the 'NOTAM Improvement Program')—

''(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

''(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

''(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

''(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

''(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

''(2) make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

''(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

''(4) to provide a document that is easily searchable; and

''(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

''(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

''(d) PHASE-IN AND COMPLETION.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act [Aug. 3, 2012].''

CONSISTENCY OF REGULATORY INTERPRETATION

Pub. L. 112–95, title III, § 313, Feb. 14, 2012, 126 Stat. 67, provided that:

''(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

''(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO–11–14); and

''(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

''(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

''(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

''(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

''(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

''(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.''

FLIGHT STANDARDS EVALUATION PROGRAM

Pub. L. 112–95, title III, § 315, Feb. 14, 2012, 126 Stat. 68, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

''(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

''(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

''(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

''(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term 'Flight Standards Evaluation Program' means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.''

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

Pub. L. 112–95, title III, § 343, Feb. 14, 2012, 126 Stat. 80, provided that:

''(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

''(1) any trends in regulatory compliance are identified; and

''(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

''(b) MONTHLY TEAM REPORTS.—

''(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

''(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

''(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

''(B) any corrective actions taken or proposed to be taken in response to the trends.

''(c) BIANNUAL REPORTS TO CONGRESS.—The Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).''

DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS

Pub. L. 112–95, title III, §345, Feb. 14, 2012, 126 Stat. 81, provided that:

''(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

''(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

''(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).''

SAFETY CRITICAL STAFFING

Pub. L. 112–95, title VI, §606, Feb. 14, 2012, 126 Stat. 113, provided that:

''(a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled 'Staffing Standards for Aviation Safety Inspectors'. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

''(b) REPORT.—Not later than January 1 of each year beginning after September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).''

AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES

Pub. L. 112–95, title VIII, §828, Feb. 14, 2012, 126 Stat. 133, provided that:

''(a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

''(b) EXCEPTIONS.—

''(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Feb. 14, 2012]).

''(2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

''(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation—

''(i) addresses solely deficiencies referenced in the report; and

''(ii) is effective for not more than 1 year; and

''(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

''(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

''(ii) the regulation addresses solely the deficiencies in existing regulations; and

''(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

''(c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In this section, the term 'ICAO Technical Instructions' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act [Feb. 14, 2012]).''

AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Pub. L. 111–216, title II, Aug. 1, 2010, 124 Stat. 2350, as amended by Pub. L. 111–249, §6, Sept. 30, 2010, 124 Stat. 2628, provided that:

''SEC. 201. DEFINITIONS.

''(a) [sic] DEFINITIONS.—In this title, the following definitions apply:

''(1) ADVANCED QUALIFICATION PROGRAM.—The term 'advanced qualification program' means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

''(2) AIR CARRIER.—The term 'air carrier' has the meaning given that term in section 40102 of title 49, United States Code.

''(3) AVIATION SAFETY ACTION PROGRAM.—The term 'aviation safety action program' means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

''(4) FLIGHT CREWMEMBER.—The term 'flight crewmember' has the meaning given the term 'flightcrew member' in part 1 of title 14, Code of Federal Regulations.

''(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term 'flight operational quality assurance program' means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

''(6) LINE OPERATIONS SAFETY AUDIT.—The term 'line operations safety audit' means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

''(7) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(8) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

''SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

''[Amended section 1135 of this title.]

''SEC. 203. FAA PILOT RECORDS DATABASE.

''[Amended section 44703 of this title.]

''SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

''(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the 'Task Force').

''(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

''(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

''(1) Air carrier management responsibilities for flight crewmember education and support.

''(2) Flight crewmember professional standards.

''(3) Flight crewmember training standards and performance.

''(4) Mentoring and information sharing between air carriers.

''(d) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], and before the last day of each one-year period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

''(1) the progress of the Task Force in identifying best practices in the air carrier industry;

''(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

''(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

''(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

''(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

''(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

''(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

''SEC. 205. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

''(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act [Aug. 1, 2010], the Inspector General of the Department of Transportation shall conduct a review of the aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

''(b) PURPOSES.—The purpose of the review shall be, at a minimum—

''(1) to review the level of the Administration's oversight of each part 121 air carrier;

''(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

''(3) to assess the number and level of experience of aviation safety inspectors assigned to each part 121 air carrier;

''(4) to evaluate how the Administration is making assignments of aviation safety inspectors to each part 121 air carrier;

''(5) to review various safety inspector oversight programs, including the geographic inspector program;

''(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

''(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

''(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of each part 121 air carrier;

''(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allows access by aviation safety inspectors and operational research analysts to assist in the oversight of each part 121 air carrier; and

''(10) to conduct such other analyses as the Inspector General considers relevant to the review.

''SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

''(a) AVIATION RULEMAKING COMMITTEE.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene an aviation

rulemaking committee to develop procedures for each part 121 air carrier to take the following actions:

''(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

''(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

''(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

''(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

''(E) Ensure that recurrent training for pilots in command includes leadership and command training.

''(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flight crewmember professional development.

''(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

''(3) STREAMLINED PROGRAM REVIEW.—

''(A) IN GENERAL.—As part of the rulemaking required by subsection (b), the Administrator shall establish a streamlined review process for part 121 air carriers that have in effect, as of the date of enactment of this Act [Aug. 1, 2010], the programs described in paragraph (1).

''(B) EXPEDITED APPROVALS.—Under the streamlined review process, the Administrator shall—

''(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

''(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

''(b) RULEMAKING.—The Administrator shall issue—

''(1) not later than one year after the date of enactment of this Act, a notice of proposed rulemaking based on the recommendations of the aviation rulemaking committee convened under subsection (a); and

''(2) not later than 36 months after such date of enactment, a final rule based on such recommendations.

''SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

''(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing, crew resource management techniques, and pilot commuting.

''(b) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

''SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

''(a) RULEMAKING PROCEEDINGS.—

''(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

''(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

''(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

''(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

''(3) DEADLINES.—The Administrator shall—

''(A) not later than one year after the date of enactment of this Act [Aug. 1, 2010], issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

''(B) not later than 36 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

''(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

''(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

''(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

''(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

''(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms 'flight training' and 'flight simulator' have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

''(2) STALL.—The term 'stall' means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

''(3) STICK PUSHER.—The term 'stick pusher' means a device that, at or near a stall, applies a nose down pitch force to an aircraft's control columns to attempt to decrease the aircraft's angle of attack.

''(4) UPSET.—The term 'upset' means an unusual aircraft attitude.

''SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.

''(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

''(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

''(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

''(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

''(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

''(B) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides;

''(C) the optimal length of time between training events for such flight crewmembers, including recurrent training events;

''(D) the best methods reliably to evaluate mastery by such flight crewmembers of aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

''(E) classroom instruction requirements governing curriculum content and hours of instruction;

''(F) the best methods to allow specific academic training courses to be credited toward the total flight hours required to receive an airline transport pilot certificate; and

''(G) crew leadership training.

''(3) BEST PRACTICES.—In making recommendations under subsection (b)(2), the panel shall consider, if appropriate, best practices in the aviation industry with respect to training protocols, methods, and procedures.

''(4) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

''SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

''[Amended section 41712 of this title.]

''SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

''The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

''SEC. 212. PILOT FATIGUE.

''(a) FLIGHT AND DUTY TIME REGULATIONS.—

''(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

''(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

''(A) Time of day of flights in a duty period.

''(B) Number of takeoff and landings in a duty period.

''(C) Number of time zones crossed in a duty period.

''(D) The impact of functioning in multiple time zones or on different daily schedules.

''(E) Research conducted on fatigue, sleep, and circadian rhythms.

''(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

''(G) International standards regarding flight schedules and duty periods.

''(H) Alternative procedures to facilitate alertness in the cockpit.

''(I) Scheduling and attendance policies and practices, including sick leave.

''(J) The effects of commuting, the means of commuting, and the length of the commute.

''(K) Medical screening and treatment.

''(L) Rest environments.

''(M) Any other matters the Administrator considers appropriate.

''(3) RULEMAKING.—The Administrator shall issue—

''(A) not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under paragraph (1); and

''(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

''(b) FATIGUE RISK MANAGEMENT PLAN.—

''(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier's pilots.

''(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

''(A) Current flight time and duty period limitations.

''(B) A rest scheme consistent with such limitations that enables the management of pilot fatigue, including annual training to increase awareness of—

''(i) fatigue;

''(ii) the effects of fatigue on pilots; and

''(iii) fatigue countermeasures.

''(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

''(i) to improve alertness; and

''(ii) to mitigate performance errors.

''(3) REVIEW.—Not later than 12 months after the date of enactment of this Act, the Administrator shall review and accept or reject the fatigue risk management plans submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

''(4) PLAN UPDATES.—

''(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

''(B) REVIEW.—Not later than 12 months after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

''(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

''(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

''(c) EFFECT OF COMMUTING ON FATIGUE.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of

the effects of commuting on pilot fatigue and report its findings to the Administrator.

''(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

''(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

''(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

''(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

''(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

''(E) postconference materials from the Federal Aviation Administration's June 2008 symposium titled 'Aviation Fatigue Management Symposium: Partnerships for Solutions';

''(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

''(G) any other matters as the Administrator considers appropriate.

''(3) PRELIMINARY FINDINGS.—Not later than 120 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

''(4) REPORT.—Not later than 9 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

''(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

''(A) consider the findings and recommendations in the report; and

''(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

''SEC. 213. VOLUNTARY SAFETY PROGRAMS.

''(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

''(b) CONTENTS.—The report shall include—

''(1) a list of—

''(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

''(B) the voluntary safety programs each air carrier is using;

''(2) if an air carrier is not using one or more of the voluntary safety programs—

''(A) a list of such programs the carrier is not using; and

''(B) the reasons the carrier is not using each such program;

''(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

''(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

''(5) an explanation of—

''(A) where the data derived from the voluntary safety programs is stored;

''(B) how the data derived from such programs is protected and secured; and

''(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

''(6) a description of the extent to which aviation safety inspectors are able to review data derived from the voluntary safety programs to enhance their oversight responsibilities;

''(7) a description of how the Administration plans to incorporate operational trends identified under the voluntary safety programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

''(8) other plans to strengthen the voluntary safety programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

''(9) such other matters as the Administrator determines are appropriate.

''SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.

''(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

''(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

''(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive a benefit from establishing a flight operational quality assurance program;

''(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

''(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

''(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

''(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

''SEC. 215. SAFETY MANAGEMENT SYSTEMS.

''(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

''(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

''(1) An aviation safety action program.

''(2) A flight operational quality assurance program.

''(3) A line operations safety audit.

''(4) An advanced qualification program.

''(c) DEADLINES.—The Administrator shall issue—

''(1) not later than 90 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under subsection (a); and

''(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

''(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term 'safety management system' means

the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

''SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

''(a) REQUIREMENTS.—

''(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

''(2) MINIMUM REQUIREMENTS.—

''(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive preemployment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

''(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act [Aug. 1, 2010], all flight crewmembers—

''(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

''(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

''(b) DEADLINES.—The Administrator shall issue—

''(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

''(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

''(c) DEFAULT.—The requirement that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations, shall begin to apply on the date that is 3 years after the date of enactment of this Act even if the Administrator fails to meet a deadline established under this section.

''SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

''(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

''(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

''(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

''(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

''(A) function effectively in a multipilot environment;

''(B) function effectively in adverse weather conditions, including icing conditions;

''(C) function effectively during high altitude operations;

''(D) adhere to the highest professional standards; and

''(E) function effectively in an air carrier operational environment.

''(c) FLIGHT HOURS.—

''(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

''(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

''(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

''(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 209(b) of this Act.

''(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall issue a final rule under subsection (a).''

FAA INSPECTOR TRAINING

Pub. L. 108–176, title V, §506, Dec. 12, 2003, 117 Stat. 2560, provided that:

''(a) STUDY.—

''(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as 'FAA inspectors').

''(2) CONTENTS.—The study shall include—

''(A) an analysis of the type of training provided to FAA inspectors;

''(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

''(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid pro quo basis; and

''(D) the amount of travel that is required of FAA inspectors in receiving training.

''(3) REPORT.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

''(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

''(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

''(2) FAA inspector training should have a direct relation to an individual's job requirements; and

''(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

''(c) WORKLOAD OF INSPECTORS.—

''(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

''(2) CONTENTS.—The study shall include the following:

''(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

''(B) The approximate cost and length of time for developing such models.

''(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a),

the National Academy of Sciences shall transmit to Congress a report on the results of the study.''

AIR TRANSPORTATION OVERSIGHT SYSTEM

Pub. L. 106–181, title V, §513, Apr. 5, 2000, 114 Stat. 144, provided that:

''(a) REPORT.—Not later than August 1, 2000, the Administrator [of the Federal Aviation Administration] shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

''(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

''(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

''(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

''(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

''(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).''

REGULATION OF ALASKA GUIDE PILOTS

Pub. L. 106–181, title VII, §732, Apr. 5, 2000, 114 Stat. 168, provided that:

''(a) IN GENERAL.—Beginning on the date of the enactment of this Act [Apr. 5, 2000], flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

''(b) RULEMAKING PROCEEDING.—

''(1) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

''(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

''(A) to operate aircraft inspected no less often than after 125 hours of flight time;

''(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

''(C) to have at least 500 hours of flight time as a pilot;

''(D) to have a commercial rating, as described in subpart F of part 61 of such title;

''(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

''(F) to hold a current letter of authorization issued by the Administrator; and

''(G) to take such other actions as the Administrator determines necessary for safety.

''(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) LETTER OF AUTHORIZATION.—The term 'letter of authorization' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

''(2) ALASKA GUIDE PILOT.—The term 'Alaska guide pilot' means a pilot who—

''(A) conducts aircraft operations over or within the State of Alaska;

''(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

''(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.''

AVIATION MEDICAL ASSISTANCE

Pub. L. 105–170, Apr. 24, 1998, 112 Stat. 47, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Aviation Medical Assistance Act of 1998'.

''SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

''Not later than 1 year after the date of the enactment of this Act [Apr. 24, 1998], the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding: (1) the equipment required to be carried in medical kits of aircraft operated by air carriers; and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

''SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

''(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act [Apr. 24, 1998], a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

''(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed from such an aircraft as a result of a medical incident that occurred on such aircraft.

''(2) The age of each such person.

''(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

''(4) Whether or not the aircraft was diverted as a result of the death or incident.

''(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

''(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

''SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

''(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

''(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or

both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

''(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

''(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

''(A) the size of the aircraft on which such defibrillators should be required;

''(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

''(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

''(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

''(2) at airports, the proposed rulemaking or recommendation shall include—

''(A) the size of the airport at which such defibrillators should be required;

''(B) the training that should be required for airport personnel in the use of such defibrillators; and

''(C) the associated equipment and medication that should be required at the airport.

''(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

''(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

''SEC. 5. LIMITATIONS ON LIABILITY.

''(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

''(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

''SEC. 6. DEFINITIONS.

''In this Act—

''(1) the terms 'air carrier', 'aircraft', 'airport', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings such terms have under section 40102 of title 49, United States Code;

''(2) the term 'major air carrier' means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act [Apr. 24, 1998], as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

''(3) the term 'medically qualified individual' includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.''

§ 44702. Issuance of certificates

(a) GENERAL AUTHORITY AND APPLICATIONS.—The Administrator of the Federal Aviation Administration may issue airman certificates, design organization certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must—

(1) be under oath when the Administrator requires; and

(2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

(b) CONSIDERATIONS.—When issuing a certificate under this chapter, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a certificate according to the differences between air transportation and other air commerce.

(c) PRIOR CERTIFICATION.—The Administrator may authorize an aircraft, aircraft engine, propeller, or appliance for which a certificate has been issued authorizing the use of the aircraft, aircraft engine, propeller, or appliance in air transportation to be used in air commerce without another certificate being issued.

(d) DELEGATION.—(1) Subject to regulations, supervision, and review the Administrator may prescribe, the Administrator may delegate to a qualified private person, or to an employee under the supervision of that person, a matter related to—

(A) the examination, testing, and inspection necessary to issue a certificate under this chapter; and

(B) issuing the certificate.

(2) The Administrator may rescind a delegation under this subsection at any time for any reason the Administrator considers appropriate.

(3) A person affected by an action of a private person under this subsection may apply for reconsideration of the action by the Administrator. On the Administrator's own initiative, the Administrator may reconsider the action of a private person at any time. If the Administrator decides on reconsideration that the action is unreasonable or unwarranted, the Administrator shall change, modify, or reverse the action. If the Administrator decides the action is warranted, the Administrator shall affirm the action.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 108–176, title II, § 227(a), Dec. 12, 2003, 117 Stat. 2531.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44702(a)	49 App.:1422(a) (1st–10th words).	Aug. 23, 1958, Pub. L. 85–726, §§314 (less (a) (last sentence related to fees)), 601(b) (1st sentence related to issuing certificates, 2d sentence), 602(a) (1st–8th words), 603(a)(1), (b), (c) (as §603(a)(1), (b), (c) relate to issuing certificates), 604(a) (related to issuing certificates), 606 (last sentence), 607 (last sentence), 608, 72 Stat. 754, 775, 776, 777, 778, 779.
	49 App.:1423(a)(1), (b), (c) (as 49 App.:1423(a)(1), (b), (c) relate to issuing certificates).	
	49 App.:1424(a) (related to issuing certificates).	
	49 App.:1426 (last sentence).	
	49 App.:1427 (last sentence).	
	49 App.:1428.	
	49 App.:1432(a) (related to issuing certificates).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(a) (related to issuing certificates); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97–248, §525(a), 96 Stat. 697.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44702(b)	49 App.:1421(b) (1st sentence related to issuing certificates).	
	49 App.:1655(c)(1).	
44702(c)	49 App.:1421(b) (2d sentence).	
	49 App.:1655(c)(1).	
44702(d)	49 App.:1355 (less (a) (last sentence related to fees)).	
	49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in sections 601(b), 602(a), 603(a)(1), 604(a), 606 (last sentence), 607 (last sentence), and 608 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775, 776, 778, 779) is retained on authority of 49:106(g).

In subsection (a), the reference to a type certificate and production certificate is added for clarity.

In subsection (b)(1), before subclause (A), the word ''full'' is omitted as surplus. In clause (1)(A), the word ''provide'' is substituted for ''perform'' for consistency in the revised title.

In subsection (d)(1), before clause (A), the words ''In exercising the powers and duties vested in him by this chapter'' and ''properly'' are omitted as surplus. The words ''or employees'' are omitted because of 1:1. The word ''matter'' is substituted for ''work, business, or function'' to eliminate unnecessary words. In clause (B), the words ''in accordance with standards established by him'' are omitted as surplus.

In subsection (d)(2), the words ''made by him'' are omitted as surplus.

In subsection (d)(3), the words ''exercising delegated authority'' and ''with respect to the authority granted under subsection (a) of this section'' are omitted as surplus. The words ''at any time'' are substituted for ''either before or after it has become effective'', and the words ''If the Administrator decides on reconsideration that the action is unreasonable or unwarranted'' are substituted for ''If, upon reconsideration by the Secretary of Transportation, it shall appear that the action in question is in any respect unjust or unwarranted'', to eliminate unnecessary words. The words ''the action'' are substituted for ''the same accordingly'', and the words ''If the Administrator decides the action is warranted, the Administrator shall affirm the action'' are substituted for ''otherwise, such action shall be affirmed'', for clarity. The text of 49 App.:1355(b) (proviso) is omitted as unnecessary because of 5:559 (last sentence).

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–176 inserted ''design organization certificates,'' after ''airman certificates,'' in introductory provisions.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title II, §227(a), Dec. 12, 2003, 117 Stat. 2531, provided that the amendment made by section 227(a) is effective on the last day of the 7-year period beginning on Dec. 12, 2003.

DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS

Pub. L. 108–176, title VII, §706, Dec. 12, 2003, 117 Stat. 2582, provided that: ''The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.''

§ 44703. Airman certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

(b) CONTENTS.—(1) An airman certificate shall—

(A) be numbered and recorded by the Administrator of the Federal Aviation Administration;

(B) contain the name, address, and description of the individual to whom the certificate is issued;

(C) contain terms the Administrator decides are necessary to ensure safety in air commerce, including terms on the duration of the certificate, periodic or special examinations, and tests of physical fitness;

(D) specify the capacity in which the holder of the certificate may serve as an airman with respect to an aircraft; and

(E) designate the class the certificate covers.

(2) A certificate issued to a pilot serving in scheduled air transportation shall have the designation ''airline transport pilot'' of the appropriate class.

(c) PUBLIC INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the

date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.

(d) APPEALS.—(1) An individual whose application for the issuance or renewal of an airman certificate has been denied may appeal the denial to the National Transportation Safety Board, except if the individual holds a certificate that—

(A) is suspended at the time of denial; or

(B) was revoked within one year from the date of the denial.

(2) The Board shall conduct a hearing on the appeal at a place convenient to the place of residence or employment of the applicant. The Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration. At the end of the hearing, the Board shall decide whether the individual meets the applicable regulations and standards. The Administrator is bound by that decision.

(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.

(e) RESTRICTIONS AND PROHIBITIONS.—The Administrator of the Federal Aviation Administration may—

(1) restrict or prohibit issuing an airman certificate to an alien; or

(2) make issuing the certificate to an alien dependent on a reciprocal agreement with the government of a foreign country.

(f) CONTROLLED SUBSTANCE VIOLATIONS.—The Administrator of the Federal Aviation Administration may not issue an airman certificate to an individual whose certificate is revoked under section 44710 of this title except—

(1) when the Administrator decides that issuing the certificate will facilitate law enforcement efforts; and

(2) as provided in section 44710(e)(2) of this title.

(g) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for issuing airman certificates necessary to make the system more effective in serving the needs of airmen and officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) and related to combating acts of terrorism. The modifications shall ensure positive and verifiable identification of each individual applying for or holding a certificate and shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the use of fictitious names and addresses by applicants for those certificates.

(B) the use of stolen or fraudulent identification in applying for those certificates.

(C) the use by an applicant of a post office box or ''mail drop'' as a return address to evade identification of the applicant's address.

(D) the use of counterfeit and stolen airman certificates by pilots.

(E) the absence of information about physical characteristics of holders of those certificates.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of Customs, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(3) For purposes of this section, the term ''acts of terrorism'' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.

(h) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

(1) IN GENERAL.—Subject to paragraph (14), before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under

this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces) that has employed the individual as a pilot of a civil or public aircraft at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

(I) section 121.683 of title 14, Code of Federal Regulations;

(II) paragraph (A) of section VI, appendix I, part 121 of such title;

(III) paragraph (A) of section IV, appendix J, part 121 of such title;

(IV) section 125.401 of such title; and

(V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.

(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A). A person who receives a request for records under this subsection shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

(B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

(8) STANDARD FORMS.—The Administrator shall promulgate—

(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

(B) standard forms that may be used by an air carrier to—

(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

(ii) inform the individual of—

(I) the request; and

(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot who is or

has been employed by such carrier, make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B)(i) or (ii) pertaining to the employment of the pilot.

(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(12) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(13) REGULATIONS.—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect—

(i) the personal privacy of any individual whose records are requested under paragraph (1) and disseminated under paragraph (15); and

(ii) the confidentiality of those records;

(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

(C) to ensure prompt compliance with any request made under paragraph (1).

(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.

(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.

(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).

(i) FAA PILOT RECORDS DATABASE.—

(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the ''database'') containing the following records:

(A) FAA RECORDS.—From the Administrator—

(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the

trustee in bankruptcy for the air carrier or person—

(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time) or person, including records under regulations set forth in—

(I) section 121.683 of title 14, Code of Federal Regulations;

(II) section 121.111(a) of such title;

(III) section 121.219(a) of such title;

(IV) section 125.401 of such title; and

(V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(4) REPORTING.—

(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

(B) may remove the individual's records from the database after that date.

(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—

(A) IN GENERAL.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

(B) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this paragraph shall—

(i) be credited to the appropriation current when the amount is received;

(ii) be merged with and available for the purposes of such appropriation; and

(iii) remain available until expended.

(9) PRIVACY PROTECTIONS.—

(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(B) DISCLOSURE OF INFORMATION.—

(i) IN GENERAL.—Except as provided by clause (ii), information collected by the

Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552(b)(3)(B) of title 5.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) deidentified, summarized information to explain the need for changes in policies and regulations;

(II) information to correct a condition that compromises safety;

(III) information to carry out a criminal investigation or prosecution;

(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect and secure—

(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

(ii) the confidentiality of those records; and

(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

(A) the air carrier has made a documented good faith attempt to access the information from the database; and

(B) the air carrier has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

(i) the designated individual has received the written consent of the pilot applicant to access the information; and

(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

(14) AUTHORIZED EXPENDITURES.—Of amounts appropriated under section 106(k)(1), a total of $6,000,000 for fiscal years 2010 through 2013 may be used to carry out this subsection.

(15) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ''45 days'' for ''30 days''.

(j) LIMITATIONS ON LIABILITY; PREEMPTION OF STATE LAW.—

(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under subsection (h)(2) or (i)(3), against—

(A) the air carrier requesting the records of that individual under subsection (h)(1) or

accessing the records of that individual under subsection (i)(1);

(B) a person who has complied with such request;

(C) a person who has entered information contained in the individual's records; or

(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (h) or (i).

(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (h) or (i).

(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (h)(1) or who furnished information to the database established under subsection (i)(2), that—

(A) the person knows is false; and

(B) was maintained in violation of a criminal statute of the United States.

(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(k) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (h) or (i) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 106–181, title VII, §715, Apr. 5, 2000, 114 Stat. 162; Pub. L. 107–71, title I, §§129, 138(b), 140(a), Nov. 19, 2001, 115 Stat. 633, 640, 641; Pub. L. 111–216, title II, §203, Aug. 1, 2010, 124 Stat. 2352; Pub. L. 111–249, §6(3), (4), Sept. 30, 2010, 124 Stat. 2629; Pub. L. 112–95, title III, §§301(a), 310(c), Feb. 14, 2012, 126 Stat. 56, 65; Pub. L. 112–153, §2(c)(1), Aug. 3, 2012, 126 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44703(a)	49 App.:1422(b)(1) (1st sentence, 2d sentence words before 6th comma).	Aug. 23, 1958, Pub. L. 85–726, §602(b)(1), 72 Stat. 776; Oct. 19, 1984, Pub. L. 98–499, §3, 98 Stat. 2313; Aug. 26, 1992, Pub. L. 102–345, §4, 106 Stat. 926.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44703(b)	49 App.:1422(a) (11th–last words).	Aug. 23, 1958, Pub. L. 85–726, §602(a) (9th–last words), (c), 72 Stat. 776.
	49 App.:1422(b)(1) (2d sentence words after 6th comma), (c).	
	49 App.:1655(c)(1).	
44703(c)(1) ..	49 App.:1422(b)(1) (3d sentence).	
44703(c)(2) ..	49 App.:1422(b)(1) (4th, 5th sentences, last sentence words before proviso).	
	49 App.:1655(c)(1).	
44703(d)	49 App.:1422(b)(1) (last sentence proviso).	
	49 App.:1655(c)(1).	
44703(e)	49 App.:1422(b)(2)(A), (B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §602(b)(2)(A), (B); added Oct. 19, 1984, Pub. L. 98–499, §3, 98 Stat. 2313; restated Nov. 18, 1988, Pub. L. 100–690, §7204(a), 102 Stat. 4425.
44703(f)(1) ...	49 App.:1422(d).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §602(d); added Nov. 18, 1988, Pub. L. 100–690, §7205(a), 102 Stat. 4426.
44703(f)(2) ...	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, §7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(d), the word ''Administrator'' in section 602(a), (b)(1), and (c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 776) is retained on authority of 49:106(g).

In subsection (a), the text of 49 App.:1422(b) (1st sentence) is omitted as surplus. The words ''is qualified'' are substituted for ''possesses proper qualifications'' to eliminate unnecessary words. The words ''to be authorized by the certificate'' are substituted for ''for which the airman certificate is sought'' for clarity.

In subsection (b)(1)(C), the words ''conditions, and limitations'' are omitted as being included in ''terms''.

In subsection (b)(1)(E), the word ''designate'' is substituted for ''be entitled with the designation of'' to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words ''may appeal . . . to'' are substituted for ''may file with . . . a petition for review of the Secretary of Transportation's action'' for consistency with section 1109 of the revised title. The words ''the individual holds a certificate that'' are substituted for ''persons whose certificates'' for clarity.

In subsection (c)(2), the words ''conduct a hearing on the appeal'' are substituted for ''thereupon assign such petition for hearing'' for consistency. The words ''In the conduct of such hearing and in determining whether the airman meets the pertinent rules, regulations, or standards'' are omitted as surplus. The word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g). The words ''meets the applicable regulations'' are substituted for ''meets the pertinent rules, regulations'' because ''rules'' and ''regulations'' are synonymous and for consistency in the revised title.

In subsection (d), before clause (1), the words ''in his discretion'' are omitted as surplus. In clause (2), the words ''the terms of'' and ''entered into'' are omitted as surplus. The words ''government of a foreign country'' are substituted for ''foreign governments'' for consistency in the revised title and with other titles of the United States Code.

In subsection (f)(1), before clause (A), the words ''established under this chapter'' and ''to pilots'' are omitted as surplus.

In subsection (f)(2), the words ''Not later than September 18, 1989'' and ''final'' are omitted as obsolete. The words ''Administrator of Drug Enforcement'' are substituted for ''Drug Enforcement Administration of the Department of Justice'' because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words ''Commissioner of Customs'' are substituted for ''United States Customs Service'' because of 19:2071.

REFERENCES IN TEXT

The date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, referred to in subsec. (c)(1), (3), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

The date of the enactment of the Pilot Records Improvement Act of 1996, referred to in subsec. (h)(12), is the date of enactment of Pub. L. 104–264, which was approved Oct. 9, 1996.

The date of enactment of this paragraph, referred to in subsec. (i)(4)(B)(ii), (10), (15)(C), is the date of enactment of Pub. L. 111–216, which was approved Aug. 1, 2010.

CODIFICATION

The text of section 44936(f) to (h) of this title, which was transferred to the end of this section, redesignated as subsecs. (h) to (j), respectively, and amended by Pub. L. 107–71, §§138(b), 140(a), was based on Pub. L. 104–264, title V, §502(a), Oct. 9, 1996, 110 Stat. 3259; amended Pub. L. 105–102, §2(25), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105–142, §1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106–181, title V, §508(b), Apr. 5, 2000, 114 Stat. 140.

AMENDMENTS

2012—Subsec. (d)(2). Pub. L. 112–153 struck out ''but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law'' after ''Federal Aviation Administration''.

Subsec. (d)(3). Pub. L. 112–95, §301(a), added par. (3).

Subsec. (i)(9)(B)(i). Pub. L. 112–95, §310(c), substituted ''section 552(b)(3)(B) of title 5'' for ''section 552 of title 5''.

2010—Subsec. (h)(16). Pub. L. 111–216, §203(a), added par. (16).

Subsec. (i). Pub. L. 111–216, §203(b)(2), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 111–216, §203(c)(1)(A), as amended by Pub. L. 111–249, §6(3), substituted ''Limitations'' for ''Limitation'' in heading.

Pub. L. 111–216, §203(b)(1), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsec. (j)(1). Pub. L. 111–216, §203(c)(1)(B)(i), (iii), as amended by Pub. L. 111–249, §6(3), substituted ''subsection (h)(2) or (i)(3)'' for ''paragraph (2)'' in introductory provisions and ''subsection (h) or (i)'' for ''subsection (h)'' in concluding provisions.

Subsec. (j)(1)(A). Pub. L. 111–216, §203(c)(1)(B)(ii), as amended by Pub. L. 111–249, §6(3), inserted ''or accessing the records of that individual under subsection (i)(1)'' before semicolon.

Subsec. (j)(2). Pub. L. 111–216, §203(c)(1)(C), as amended by Pub. L. 111–249, §6(3), substituted ''subsection (h) or (i)'' for ''subsection (h)''.

Subsec. (j)(3). Pub. L. 111–216, §203(c)(1)(D), as amended by Pub. L. 111–249, §6(3), inserted ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)'' in introductory provisions.

Subsec. (j)(4). Pub. L. 111–216, §203(c)(1)(E), as amended by Pub. L. 111–249, §6(3), added par. (4).

Subsec. (k). Pub. L. 111–216, §203(c)(2), as amended by Pub. L. 111–249, §6(4), substituted ''subsection (h) or (i)'' for ''subsection (h)''.

Pub. L. 111–216, §203(b)(1), redesignated subsec. (j) as (k).

2001—Subsec. (g)(1). Pub. L. 107–71, §129(1), in first sentence, substituted ''needs of airmen'' for ''needs of pilots'' and inserted ''and related to combating acts of terrorism'' before period at end.

Subsec. (g)(3), (4). Pub. L. 107–71, §129(2), added pars. (3) and (4).

Subsecs. (h) to (j). Pub. L. 107–71, §§138(b), 140(a), amended section identically, redesignating subsecs. (f) to (h) of section 44936 of this title as subsecs. (h) to (j), respectively, of this section, and substituting ''subsection (h)'' for ''subsection (f)'' wherever appearing in subsecs. (i) and (j). See Codification note above.

2000—Subsecs. (c) to (g). Pub. L. 106–181 added subsec. (c) and redesignated former subsecs. (c) to (f) as (d) to (g), respectively.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–249, §6, Sept. 30, 2010, 124 Stat. 2628, provided that the amendments made by section 6 of Pub. L. 111–249 are effective as of Aug. 1, 2010, and as if included in Pub. L. 111–216 as enacted.

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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE

Pub. L. 112–153, §2, Aug. 3, 2012, 126 Stat. 1159, provided that:

''(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure [28 U.S.C. App.] and the Federal Rules of Evidence [28 U.S.C. App.].

''(b) ACCESS TO INFORMATION.—

''(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the 'Administrator') shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

''(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

''(A) of the nature of the investigation;

''(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

''(C) that no action or adverse inference can be taken against the individual for declining to re-

spond to a Letter of Investigation from the Administrator;

''(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

''(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

''(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

''(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

''(4) ACCESS TO AIR TRAFFIC DATA.—

''(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

''(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term 'air traffic data' includes—

''(i) relevant air traffic communication tapes;

''(ii) radar information;

''(iii) air traffic controller statements;

''(iv) flight data;

''(v) investigative reports; and

''(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

''(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

''(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

''(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

''(I) describes the facility at which such information is located; and

''(II) identifies the date on which such information was generated.

''(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

''(I) request the contractor to provide the requested information; and

''(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

''(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(c)(2) [probably should be 44709(e)(2)] or 46105(c) [of title 49, United States Code], the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

''(c) AMENDMENTS TO TITLE 49.—

''(1) AIRMAN CERTIFICATES.—[Amended this section.]

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—[Amended section 44709 of this title.]

''(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—[Amended section 44710 of this title.]

''(d) APPEAL FROM CERTIFICATE ACTIONS.—

''(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

''(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act [amending this section and sections 44709 and 44710 of this title and enacting provisions set out as notes under this section and sections 40101 and 44701 of this title].

''(e) STANDARD OF REVIEW.—

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

''(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.''

MEDICAL CERTIFICATION

Pub. L. 112–153, §4, Aug. 3, 2012, 126 Stat. 1162, provided that:

''(a) ASSESSMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2012], the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

''(2) REPORT.—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

''(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

''(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

''(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

''(b) GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.—The goals of the Federal Aviation Administration's medical certification process are—

''(1) to provide questions in the medical application form that—

''(A) are appropriate without being overly broad;

''(B) are subject to a minimum amount of misinterpretation and mistaken responses;

''(C) allow for consistent treatment and responses during the medical application process; and

''(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

''(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

''(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

''(4) to ensure that—

''(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

''(B) the individual understands the basis for determining medical qualifications.

''(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

''(d) FEDERAL AVIATION ADMINISTRATION RESPONSE.—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.''

IMPROVED PILOT LICENSES

Pub. L. 112–95, title III, § 321, Feb. 14, 2012, 126 Stat. 71, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.

''(b) TIMING.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall—

''(1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and

''(B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and

''(2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

''(c) REQUIREMENTS.—Improved pilot licenses issued under this section shall—

''(1) be resistant to tampering, alteration, and counterfeiting;

''(2) include a photograph of the individual to whom the license is issued for identification purposes; and

''(3) be smart cards that—

''(A) accommodate iris and fingerprint biometric identifiers; and

''(B) are compliant with Federal Information Processing Standards-201 (FIPS–201) or Personal Identity Verification-Interoperability Standards (PIV–I) for processing through security checkpoints into airport sterile areas.

''(d) TAMPERING.—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.

''(e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on pilots.

''(f) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

''(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.''

Pub. L. 108–458, title IV, § 4022, Dec. 17, 2004, 118 Stat. 3723, provided that:

''(a) IN GENERAL.—Not later than one year after the date of enactment of this Act [Dec. 17, 2004], the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

''(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

''(1) be resistant to tampering, alteration, and counterfeiting;

''(2) include a photograph of the individual to whom the license is issued; and

''(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

''(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

''(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.''

CREDITING OF LAW ENFORCEMENT FLIGHT TIME

Pub. L. 106–424, § 14, Nov. 1, 2000, 114 Stat. 1888, provided that: ''In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

''(1) identifiable by category and class; and

''(2) used in law enforcement activities.''

§ 44704. Type certificates, production certificates, airworthiness certificates,,[1] and design and production organization certificates

(a) TYPE CERTIFICATES.—

(1) ISSUANCE, INVESTIGATIONS, AND TESTS.—The Administrator of the Federal Aviation Administration shall issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under paragraph (2)(A) of this subsection when the Administrator finds that the aircraft, aircraft engine, propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a) of this title. On receiving an application for a type certificate, the Administrator shall investigate the application and may conduct a hearing. The

[1] So in original.

Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.

(2) SPECIFICATIONS.—The Administrator may—

(A) specify in regulations those appliances that reasonably require a type certificate in the interest of safety;

(B) include in a type certificate terms required in the interest of safety; and

(C) record on the certificate a numerical specification of the essential factors related to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

(3) SPECIAL RULES FOR NEW AIRCRAFT AND APPLIANCES.—Except as provided in paragraph (4), if the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.

(4) LIMITATION FOR AIRCRAFT MANUFACTURED BEFORE AUGUST 5, 2004.—Paragraph (3) shall not apply to a person who began the manufacture of an aircraft before August 5, 2004, and who demonstrates to the satisfaction of the Administrator that such manufacture began before August 5, 2004, if the name of the holder of the type certificate for the aircraft does not appear on the airworthiness certificate or identification plate of the aircraft. The holder of the type certificate for the aircraft shall not be responsible for the continued airworthiness of the aircraft. A person may invoke the exception provided by this paragraph with regard to the manufacture of only one aircraft.

(5) RELEASE OF DATA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

(iii) making such data available will enhance aviation safety.

(B) ENGINEERING DATA DEFINED.—In this section, the term ''engineering data'' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.

(b) SUPPLEMENTAL TYPE CERTIFICATES.—

(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.

(c) PRODUCTION CERTIFICATES.—The Administrator shall issue a production certificate authorizing the production of a duplicate of an aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued when the Administrator finds the duplicate will conform to the certificate. On receiving an application, the Administrator shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate. The Administrator may include in a production certificate terms required in the interest of safety.

(d) AIRWORTHINESS CERTIFICATES.—(1) The registered owner of an aircraft may apply to the Administrator for an airworthiness certificate for the aircraft. The Administrator shall issue an airworthiness certificate when the Administrator finds that the aircraft conforms to its type certificate and, after inspection, is in condition for safe operation. The Administrator shall register each airworthiness certificate and may include appropriate information in the certificate. The certificate number or other individual designation the Administrator requires shall be displayed on the aircraft. The Administrator may include in an airworthiness certificate terms required in the interest of safety.

(2) A person applying for the issuance or renewal of an airworthiness certificate for an air-

craft for which ownership has not been recorded under section 44107 or 44110 of this title must submit with the application information related to the ownership of the aircraft the Administrator decides is necessary to identify each person having a property interest in the aircraft and the kind and extent of the interest.

(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.—

(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a ''CDPO'').

(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

(3) ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

(4) PUBLIC SAFETY.—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1188; Pub. L. 104–264, title IV, § 403, Oct. 9, 1996, 110 Stat. 3256; Pub. L. 108–176, title II, § 227(b)(2), (e)(1), title VIII, § 811, Dec. 12, 2003, 117 Stat. 2531, 2532, 2590; Pub. L. 109–59, title IV, § 4405, Aug. 10, 2005, 119 Stat. 1776; Pub. L. 112–95, title III, §§ 302, 303(a), (c)(1), Feb. 14, 2012, 126 Stat. 56, 57.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44704(a)(1) ..	49 App.:1423(a)(2) (1st–4th sentences).	Aug. 23, 1958, Pub. L. 85–726, §§ 503(h), 603(a)(1) (related to regulations for appliances), (2), (b) (related to basis for issuing, and contents of, certificates), (c) (related to basis for issuing, and contents of, certificates), 72 Stat. 774, 776.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44704(a)(2) ..	49 App.:1423(a)(1) (related to regulations for appliances), (2) (5th, last sentences).	
	49 App.:1655(c)(1).	
44704(b)	49 App.:1423(b) (related to basis for issuing, and contents of, certificates).	
	49 App.:1655(c)(1).	
44704(c)(1) ..	49 App.:1423(c) (related to basis for issuing, and contents of, certificates).	
	49 App.:1655(c)(1).	
44704(c)(2) ..	49 App.:1403(h).	
	49 App.:1655(c)(1).	

In subsections (a)–(c)(1), the word ''Administrator'' in section 603 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 776) is retained on authority of 49:106(g).

In subsection (a)(1), the text of 49 App.:1423(a)(2) (1st sentence 1st–16th words) and the words ''in regulations'' are omitted as surplus. The words ''properly designed and manufactured, performs properly'' are substituted for ''of proper design, material, specification, construction, and performance for safe operation'' to eliminate unnecessary words. The word ''rules'' is omitted as being synonymous with ''regulations''. The words ''under section 44701(a) of this title'' and ''for a type certificate'' are added for clarity. The words ''including flight tests and tests of raw materials or any part or appurtenance of such aircraft, aircraft engine, propeller, or appliance'' are omitted as surplus.

In subsection (a)(2)(A), the words ''issuance of'' are omitted as surplus.

In subsection (a)(2)(B), the words ''the duration thereof and such other'' are omitted as surplus. The words ''conditions, and limitations'' are omitted as being included in ''terms''.

In subsection (a)(2)(C), the words ''issued for aircraft, aircraft engines, or propellers'' and ''all of'' are omitted as surplus. The word ''specification'' is substituted for ''determination'' for clarity.

In subsection (b), the word ''satisfactorily'' is omitted as surplus. The words ''shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate'' are substituted for ''shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof'' to eliminate unnecessary words. The words ''the duration thereof and such other . . . conditions, and limitations'' are omitted as surplus.

In subsection (c)(1), the words ''may apply to'' are substituted for ''may file with . . . an application'' to eliminate unnecessary words. The words ''in accordance with regulations prescribed by the Secretary of Transportation'' are omitted because of 49:322(a). The words ''the duration of such certificate, the type of service for which the aircraft may be used, and such other . . . conditions, and limitations'' are omitted as surplus.

In subsection (c)(2), the words ''having a property interest'' are substituted for ''who are holders of property interests'' to eliminate unnecessary words.

AMENDMENTS

2012—Pub. L. 112–95, § 303(c)(1), substituted '', and design and production organization certificates'' for ''and design organization certificates'' in section catchline.

Subsec. (a)(5). Pub. L. 112–95, § 302, added par. (5).

Subsec. (e). Pub. L. 112–95, § 303(a), amended subsec. (e) generally. Prior to amendment, subsec. (e) related to design organization certificates.

2005—Subsec. (a)(1) to (3). Pub. L. 109–59, § 4405(1)–(3), (5), (6), inserted par. headings, realigned margins, and substituted ''Except as provided in paragraph (4), if'' for ''If'' in par. (3).

Subsec. (a)(4). Pub. L. 109–59, § 4405(4), added par. (4).

2003—Pub. L. 108–176, § 227(e)(1), added section catchline and struck out former section catchline which read

as follows: ''Type certificates, production certificates, and airworthiness certificates''.

Subsec. (a)(3). Pub. L. 108–176, § 811, added par. (3).

Subsec. (e). Pub. L. 108–176, § 227(b)(2), added subsec. (e).

1996—Subsecs. (b) to (d). Pub. L. 104–264 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

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 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.

SMALL AIRPLANE REVITALIZATION

Pub. L. 113–53, Nov. 27, 2013, 127 Stat. 584, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Small Airplane Revitalization Act of 2013'.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) A healthy small aircraft industry is integral to economic growth and to maintaining an effective transportation infrastructure for communities and countries around the world.

''(2) Small airplanes comprise nearly 90 percent of general aviation aircraft certified by the Federal Aviation Administration.

''(3) General aviation provides for the cultivation of a workforce of engineers, manufacturing and maintenance professionals, and pilots who secure the economic success and defense of the United States.

''(4) General aviation contributes to well-paying jobs in the manufacturing and technology sectors in the United States and products produced by those sectors are exported in great numbers.

''(5) Technology developed and proven in general aviation aids in the success and safety of all sectors of aviation and scientific competence.

''(6) The average small airplane in the United States is now 40 years old and the regulatory barriers to bringing new designs to the market are resulting in a lack of innovation and investment in small airplane design.

''(7) Since 2003, the United States lost 10,000 active private pilots per year on average, partially due to a lack of cost-effective, new small airplanes.

''(8) General aviation safety can be improved by modernizing and revamping the regulations relating to small airplanes to clear the path for technology adoption and cost-effective means to retrofit the existing fleet with new safety technologies.

''SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION.

''(a) IN GENERAL.—Not later than December 15, 2015, the Administrator of the Federal Aviation Administration shall issue a final rule—

''(1) to advance the safety and continued development of small airplanes by reorganizing the certification requirements for such airplanes under part 23 to streamline the approval of safety advancements; and

''(2) that meets the objectives described in subsection (b).

''(b) OBJECTIVES DESCRIBED.—The objectives described in this subsection are based on the recommendations of the Part 23 Reorganization Aviation Rulemaking Committee:

''(1) The establishment of a regulatory regime for small airplanes that will improve safety and reduce the regulatory cost burden for the Federal Aviation Administration and the aviation industry.

''(2) The establishment of broad, outcome-driven safety objectives that will spur innovation and technology adoption.

''(3) The replacement of current, prescriptive requirements under part 23 with performance-based regulations.

''(4) The use of consensus standards accepted by the Federal Aviation Administration to clarify how the safety objectives of part 23 may be met using specific designs and technologies.

''(c) CONSENSUS-BASED STANDARDS.—In prescribing regulations under this section, the Administrator shall use consensus standards, as described in section 12(d) of the National Technology Transfer and Advancement Act of 1996 [1995] (15 U.S.C. 272 note), to the extent practicable while continuing traditional methods for meeting part 23.

''(d) SAFETY COOPERATION.—The Administrator shall lead the effort to improve general aviation safety by working with leading aviation regulators to assist them in adopting a complementary regulatory approach for small airplanes.

''(e) DEFINITIONS.—In this section:

''(1) CONSENSUS STANDARDS.—

''(A) IN GENERAL.—The term 'consensus standards' means standards developed by an organization described in subparagraph (B) that may include provisions requiring that owners of relevant intellectual property have agreed to make that intellectual property available on a nondiscriminatory, royalty-free, or reasonable royalty basis to all interested persons.

''(B) ORGANIZATIONS DESCRIBED.—An organization described in this subparagraph is a domestic or international organization that—

''(i) plans, develops, establishes, or coordinates, through a process based on consensus and using agreed-upon procedures, voluntary standards; and

''(ii) operates in a transparent manner, considers a balanced set of interests with respect to such standards, and provides for due process and an appeals process with respect to such standards.

''(2) PART 23.—The term 'part 23' means part 23 of title 14, Code of Federal Regulations.

''(3) PART 23 REORGANIZATION AVIATION RULEMAKING COMMITTEE.—The term 'Part 23 Reorganization Aviation Rulemaking Committee' means the aviation rulemaking committee established by the Federal Aviation Administration in August 2011 to consider the reorganization of the regulations under part 23.

''(4) SMALL AIRPLANE.—The term 'small airplane' means an airplane which is certified to part 23 standards.''

APPLICABILITY

Pub. L. 112–95, title III, § 303(b), Feb. 14, 2012, 126 Stat. 57, provided that: ''Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Feb. 14, 2012].''

AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM

Pub. L. 112–95, title III, § 312, Feb. 14, 2012, 126 Stat. 66, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

''(b) CONTENTS.—In conducting the assessment, the Administrator shall consider—

''(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-

year, 5-year, and 10-year periods following the date of enactment of this Act [Feb. 14, 2012];

''(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

''(3) the status of recommendations made in previous reports on the Administration's certification process;

''(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

''(5) methods for training the Administration's field office employees in the safety management system and auditing; and

''(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled 'Part 23—Small Airplane Certification Process Study' (OK–09–3468, dated July 2009).

''(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

''(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

''(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall begin to implement the recommendations made under subsection (c).''

HISTORICAL AIRCRAFT DOCUMENTS

Pub. L. 112–95, title VIII, §816, Feb. 14, 2012, 126 Stat. 126, provided that:

''(a) PRESERVATION OF DOCUMENTS.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

''(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

''(B) Group-2 approved aircraft type certificate numbers 2–1 through 2–544.

''(2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

''(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

''(b) AVAILABILITY OF DOCUMENTS.—

''(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

''(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

''(B) subject to a prohibition on use of the documents for commercial purposes.

''(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

''(c) HOLDER OF TYPE CERTIFICATE.—

''(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.

''(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

''(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).''

PLAN FOR DEVELOPMENT AND OVERSIGHT OF SYSTEM FOR CERTIFICATION OF DESIGN ORGANIZATIONS

Pub. L. 108–176, title II, §227(b)(1), Dec. 12, 2003, 117 Stat. 2531, provided that: ''Not later than 4 years after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.''

§ 44705. Air carrier operating certificates

The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part. An air carrier operating certificate shall—

(1) contain terms necessary to ensure safety in air transportation; and

(2) specify the places to and from which, and the airways of the United States over which, a person may operate as an air carrier.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44705	49 App.:1424(b).	Aug. 23, 1958, Pub. L. 85–726, §604(b), 72 Stat. 778.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

In this section, the word ''Administrator'' in section 604(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g). Before clause (1), the words ''may file with the Secretary of Transportation an application for an air car-

rier operating certificate'' and ''the requirements of'' are omitted as surplus. The word ''rules'' is omitted as being synonymous with ''regulations''. In clause (1), the words ''conditions, and limitations . . . reasonably'' are omitted as surplus. In clause (2), the word ''places'' is substituted for ''points'' for consistency in the revised title. The words ''under an air carrier operating certificate'' are omitted as surplus.

§ 44706. Airport operating certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport—

(1) that serves an air carrier operating aircraft designed for at least 31 passenger seats;

(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and

(3) that the Administrator requires to have a certificate;

if the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.

(b) TERMS.—An airport operating certificate issued under this section shall contain terms necessary to ensure safety in air transportation. Unless the Administrator decides that it is not in the public interest, the terms shall include conditions related to—

(1) operating and maintaining adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any part of the airport used for landing, takeoff, or surface maneuvering of an aircraft; and

(2) friction treatment for primary and secondary runways that the Secretary of Transportation decides is necessary.

(c) EXEMPTIONS.—The Administrator may exempt from the requirements of this section, related to firefighting and rescue equipment, an operator of an airport described in subsection (a) of this section having less than .25 percent of the total number of passenger boardings each year at all airports described in subsection (a) when the Administrator decides that the requirements are or would be unreasonably costly, burdensome, or impractical.

(d) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).

(e) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1189; Pub. L. 104–264, title IV, § 404, Oct. 9, 1996, 110 Stat. 3256.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44706(a)	49 App.:1432(b) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 612(b); added May 21, 1970, Pub. L. 91–258, § 51(b)(1), 84 Stat. 234; Nov. 27, 1971, Pub. L. 92–174, § 5(b), 85 Stat. 492; Sept. 3, 1982, Pub. L. 97–248, §§ 524(f), 525(b), 96 Stat. 697.
44706(b)	49 App.:1432(b) (3d, last sentences).	
44706(c)	49 App.:1432(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 612(c); added July 12, 1976, Pub. L. 94–353, § 19(a), 90 Stat. 883; Sept. 3, 1982, Pub. L. 97–248, § 525(c), 96 Stat. 697.

In subsection (a), before clause (1), the words ''may file with the Administrator an application for an airport operating certificate'' are omitted as surplus. In clause (3), the words ''the requirements of'' are omitted as surplus. The word ''rules'' is omitted as being synonymous with ''regulations''.

In subsection (b), before clause (1), the words ''conditions, and limitations . . . reasonably'' are omitted as surplus. In clause (2), the words ''grooving or other'' are omitted as surplus.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–264, § 404(a), added par. (2), redesignated former par. (2) as (3), substituted ''if'' for ''(3) when'' in former par. (3) and adjusted the margins of that par. to make it a flush provision following par. (3).

Subsec. (d). Pub. L. 104–264, § 404(b), added subsec. (d).

Subsec. (e). Pub. L. 104–264, § 404(c), added subsec. (e).

Subsec. (f). Pub. L. 104–264, § 404(d), added subsec. (f).

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.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

IMPROVEMENT OF RUNWAY SAFETY AREAS

Pub. L. 109–115, div. A, title I, Nov. 30, 2005, 119 Stat. 2401, provided in part: ''That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.''

SMALL AIRPORT CERTIFICATION

Pub. L. 106–181, title V, § 518, Apr. 5, 2000, 114 Stat. 145, provided that: ''Not later than 60 days after the date of the enactment of this Act [Apr. 5, 2000], the Adminis-

trator [of the Federal Aviation Administration] shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.''

§ 44707. Examining and rating air agencies

The Administrator of the Federal Aviation Administration may examine and rate the following air agencies:

(1) civilian schools giving instruction in flying or repairing, altering, and maintaining aircraft, aircraft engines, propellers, and appliances, on the adequacy of instruction, the suitability and airworthiness of equipment, and the competency of instructors.

(2) repair stations and shops that repair, alter, and maintain aircraft, aircraft engines, propellers, and appliances, on the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of the individuals doing the work or giving instruction in the work.

(3) other air agencies the Administrator decides are necessary in the public interest.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44707	49 App.:1427 (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 607 (1st sentence), 72 Stat. 779.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In this section, the word ''Administrator'' in section 607 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g). In clauses (1) and (2), the word ''overhaul'' is omitted as surplus. In clause (1), the words ''course of'' are omitted as surplus. In clause (3), the words ''in his opinion'' are omitted as surplus.

AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL

Pub. L. 106–181, title VII, § 734, Apr. 5, 2000, 114 Stat. 170, provided that:

''(a) ESTABLISHMENT OF PANEL.—The Administrator [of the Federal Aviation Administration]—

''(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as 'aircraft repair facilities') located within, or outside of, the United States; and

''(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

''(b) MEMBERSHIP.—The panel shall consist of—

''(1) nine members appointed by the Administrator as follows:

''(A) three representatives of labor organizations representing aviation mechanics;

''(B) one representative of cargo air carriers;

''(C) one representative of passenger air carriers;

''(D) one representative of aircraft repair facilities;

''(E) one representative of aircraft manufacturers;

''(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

''(G) one representative of regional passenger air carriers;

''(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

''(3) one representative from the Department of State, designated by the Secretary of State; and

''(4) one representative from the Federal Aviation Administration, designated by the Administrator.

''(c) RESPONSIBILITIES.—The panel shall—

''(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

''(2) provide advice and counsel to the Secretary [of Transportation] with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

''(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

''(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

''(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

''(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

''(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

''(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

''(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

''(1) the date that is 2 years after the date of the enactment of this Act [Apr. 5, 2000]; or

''(2) December 31, 2001.

''(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.''

§ 44708. Inspecting and rating air navigation facilities

The Administrator of the Federal Aviation Administration may inspect, classify, and rate an air navigation facility available for the use of civil aircraft on the suitability of the facility for that use.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44708	49 App.:1426 (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §606 (1st sentence), 72 Stat. 779. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

The word ''Administrator'' in section 606 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g).

§ 44709. Amendments, modifications, suspensions, and revocations of certificates

(a) REINSPECTION AND REEXAMINATION.—The Administrator of the Federal Aviation Administration may reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under section 44703 of this title.

(b) ACTIONS OF THE ADMINISTRATOR.—The Administrator may issue an order amending, modifying, suspending, or revoking—

(1) any part of a certificate issued under this chapter if—

(A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action; or

(B) the holder of the certificate has violated an aircraft noise or sonic boom standard or regulation prescribed under section 44715(a) of this title; and

(2) an airman certificate when the holder of the certificate is convicted of violating section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j–1(a)).

(c) ADVICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER.—Before acting under subsection (b) of this section, the Administrator shall advise the holder of the certificate of the charges or other reasons on which the Administrator relies for the proposed action. Except in an emergency, the Administrator shall provide the holder an opportunity to answer the charges and be heard why the certificate should not be amended, modified, suspended, or revoked.

(d) APPEALS.—(1) A person adversely affected by an order of the Administrator under this section may appeal the order to the National Transportation Safety Board. After notice and an opportunity for a hearing, the Board may amend, modify, or reverse the order when the Board finds—

(A) if the order was issued under subsection (b)(1)(A) of this section, that safety in air commerce or air transportation and the public interest do not require affirmation of the order; or

(B) if the order was issued under subsection (b)(1)(B) of this section—

(i) that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require affirmation of the order; or

(ii) the order, as it is related to a violation of aircraft noise or sonic boom standards and regulations, is not consistent with safety in air commerce or air transportation.

(2) The Board may modify a suspension or revocation of a certificate to imposition of a civil penalty.

(3) When conducting a hearing under this subsection, the Board is not bound by findings of fact of the Administrator.

(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.

(f) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this section, or the Administrator when the Administrator decides that an order of the Board under this section will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1190; Pub. L. 106–181, title VII, §716, Apr. 5, 2000, 114 Stat. 162; Pub. L. 108–176, title II, §227(c), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112–153, §2(c)(2), Aug. 3, 2012, 126 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44709(a)	49 App.:1429(a) (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §609(a) (1st–7th sentences, 8th–last sentences less Administrator under title VII), 72 Stat. 779; Nov. 18, 1971, Pub. L. 92–159, §2(a), 85 Stat. 481; Nov. 27, 1971, Pub. L. 92–174, §6, 85 Stat. 492; Aug. 26, 1992, Pub. L. 102–345, §3(a)(1), 106 Stat. 925. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44709(b)	49 App.:1429(a) (2d sentence).	
	49 App.:1429(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §609(b); added Nov. 18, 1971, Pub. L. 92–159, §2(a), 85 Stat. 481.
	49 App.:1431(e) (words before 4th comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §611(e); added July 21, 1968, Pub. L. 90–411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, §7(b), 86 Stat. 1241.
	49 App.:1655(c)(1).	
44709(c)	49 App.:1429(a) (3d sentence).	
	49 App.:1431(e) (words between 4th and 5th commas).	
	49 App.:1655(c)(1).	
44709(d)(1) ..	49 App.:1429(a) (4th sentence).	
	49 App.:1431(e) (words after 4th comma).	
44709(d)(2) ..	49 App.:1429(a) (6th sentence).	
44709(d)(3) ..	49 App.:1429(a) (5th sentence).	
	49 App.:1655(c)(1).	
44709(e)	49 App.:1429(a) (7th sentence).	
	49 App.:1655(c)(1).	
44709(f)	49 App.:1429(a) (8th–last sentences less Administrator under subch. VII).	
	49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 609(a) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g). The words ''modifying'', ''modify'', and ''modified'' are omitted as surplus.

In subsection (a), the words ''airman holding a certificate issued under section 44703 of this title'' are substituted for ''civil airman'' for clarity.

In subsection (b)(1), before subclause (A), the words ''certificate issued under this chapter'' are substituted for ''type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate (including airport operating certificate), or air agency certificate'' to eliminate unnecessary words.

In subsection (b)(2), the words ''in his discretion'' and ''regarding the use or operation of an aircraft'' in 49 App.:1429(b) are omitted as surplus.

In subsection (c), the words ''cases of'' in 49 App.:1429(a) are omitted as surplus.

In subsection (d)(1), before clause (A), the word ''adversely'' is substituted for ''whose certificate is'' in 49 App.:1429(a), and the words ''an opportunity for a'' are added, for consistency in the revised title and with other titles of the United States Code. The words ''of the FAA'' in 49 App.:1431(e) are omitted as surplus.

In subsection (d)(2), the words ''consistent with this subsection'' are omitted as surplus.

In subsection (d)(3), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g).

In subsection (e), before clause (1), the words ''the effectiveness of'' are omitted as surplus.

AMENDMENTS

2012—Subsec. (d)(3). Pub. L. 112–153 struck out ''but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law'' after ''Administrator''.

2003—Subsec. (a). Pub. L. 108–176 inserted ''design organization, production certificate holder,'' after ''appliance,''.

2000—Subsec. (e). Pub. L. 106–181 amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ''When a person files an appeal with the Board under subsection (d) of the section, the order of the Administrator is stayed. However, if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately—

''(1) the order is effective; and

''(2) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.''

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.

§ 44710. Revocations of airman certificates for controlled substance violations

(a) DEFINITION.—In this section, ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATION.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking an airman certificate issued an individual under section 44703 of this title after the individual is convicted, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), of an offense punishable by death or imprisonment for more than one year if the Administrator finds that—

(A) an aircraft was used to commit, or facilitate the commission of, the offense; and

(B) the individual served as an airman, or was on the aircraft, in connection with committing, or facilitating the commission of, the offense.

(2) The Administrator shall issue an order revoking an airman certificate issued an individual under section 44703 of this title if the Administrator finds that—

(A) the individual knowingly carried out an activity punishable, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), by death or imprisonment for more than one year;

(B) an aircraft was used to carry out or facilitate the activity; and

(C) the individual served as an airman, or was on the aircraft, in connection with carrying out, or facilitating the carrying out of, the activity.

(3) The Administrator has no authority under paragraph (1) of this subsection to review whether an airman violated a law of the United States or a State related to a controlled substance.

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator must—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator relies for the proposed revocation; and

(2) provide the holder of the certificate an opportunity to answer the charges and be heard why the certificate should not be revoked.

(d) APPEALS.—(1) An individual whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. When conducting the hearing, the Board is not bound by findings of fact of the Administrator.

(2) When an individual files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.

(3) An individual substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, an airman certificate under subsection (b)(2) of this section on the basis of an activity described in subsection (b)(2)(A) if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked an airman certificate under this section because of an activity described in subsection (b)(2)(A) of this section, the Administrator shall reissue a certificate to the individual if—

(A) the individual otherwise satisfies the requirements for a certificate under section 44703 of this title; and

(B)(i) the individual subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; or

(ii) the conviction on which a revocation under subsection (b)(1) of this section is based is reversed.

(f) WAIVERS.—The Administrator may waive the requirement of subsection (b) of this section that an airman certificate of an individual be revoked if—

(1) a law enforcement official of the United States Government or of a State requests a waiver; and

(2) the Administrator decides that the waiver will facilitate law enforcement efforts.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1191; Pub. L. 112–153, §2(c)(3), Aug. 3, 2012, 126 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44710(a)	49 App.:1429(c)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §609(c)(1), (2), (4); added Oct. 19, 1984, Pub. L. 98–499, §2(a), 98 Stat. 2312, 2313.
44710(b)(1) ..	49 App.:1429(c)(1) (1st sentence).	
44710(b)(2) ..	49 App.:1429(c)(2) (1st sentence).	
44710(b)(3) ..	49 App.:1429(c)(1) (last sentence).	
44710(c)	49 App.:1429(c)(3) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §609(c)(3); added Oct. 19, 1984, Pub. L. 98–499, §2(a), 98 Stat. 2312; Aug. 26, 1992, Pub. L. 102–345, §3(b), 106 Stat. 926.
44710(d)	49 App.:1429(c)(3) (2d–last sentences).	
44710(e)(1) ..	49 App.:1429(c)(2) (last sentence).	
44710(e)(2) ..	49 App.:1422(b)(2)(C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §602(b)(2)(C); added Oct. 19, 1984, Pub. L. 98–499, §3, 98 Stat. 2313.
44710(f)	49 App.:1429(c)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §609(c)(5); added Nov. 18, 1988, Pub. L. 100–690, §7204(b), 102 Stat. 4425.

In subsection (b)(1) and (2), before each clause (A), the words ''of any person'' are omitted as surplus. The words ''issued . . . under section 44703 of this title'' are added for clarity.

In subsection (b)(1), the word ''offense'' is substituted for ''crime'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2)(C), the words ''in connection with carrying out, or facilitating the carrying out of, the activity'' are substituted for ''in connection with such activity or the facilitation of such activity'' for consistency with the source provisions restated in paragraph (1)(B) of this subsection.

In subsection (d)(1), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g).

In subsection (e)(1), the words ''on appeal'' and ''contained'' are omitted as surplus.

In subsection (e)(2)(B)(i), the word ''contained'' is omitted as surplus.

In subsection (e)(2)(B)(ii), the words ''judgment of'' are omitted as surplus.

AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112–153 struck out ''but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law'' after ''findings of fact of the Administrator''.

§ 44711. Prohibitions and exemption

(a) PROHIBITIONS.—A person may not—

(1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;

(2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—

(A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or

(B) in violation of a term of the certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing the airman to serve in the capacity for which the airman is employed;

(4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;

(5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate;

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title; or

(10) violate section 44732 or any regulation issued thereunder.

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airmen serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.

(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1193; Pub. L. 103–429, § 6(56), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title V, § 505(b), Apr. 5, 2000, 114 Stat. 136; Pub. L. 108–176, title II, § 227(d), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112–95, title III, §§ 307(b), 342(a), Feb. 14, 2012, 126 Stat. 61, 79.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44711(a)(1) ..	49 App.:1430(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(1)–(5), (b), 72 Stat. 780.
44711(a)(2) ..	49 App.:1430(a)(2).	
44711(a)(3) ..	49 App.:1430(a)(3).	
44711(a)(4) ..	49 App.:1430(a)(4).	
44711(a)(5) ..	49 App.:1430(a)(5).	
44711(a)(6) ..	49 App.:1430(a)(6).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(6), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(A), 84 Stat. 235.
44711(a)(7) ..	49 App.:1430(a)(7).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(7), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(B), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705.
44711(a)(8) ..	49 App.:1430(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(8); added May 21, 1970, Pub. L. 91–258, § 51(b)(3)(C), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; restated Sept. 3, 1982, Pub. L. 97–248, § 525(d), 96 Stat. 697.
44711(a)(9) ..	49 App.:1430(a)(9).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(9); added Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95–163, § 15(b)(2), 91 Stat. 1283.
44711(b)	49 App.:1430(b). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In subsection (a)(1) and (7), the words ''condition, or limitation'' are omitted as being included in ''term''.

In subsection (a)(1), the words ''without . . . in effect'' are substituted for ''for which there is not currently in effect an'' to eliminate unnecessary words.

In subsection (a)(2), (5), and (7), the word ''rule'' is omitted as being synonymous with ''regulations''.

In subsection (a)(2)(B), the word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(5) and (7), the words ''prescribed . . . issued'' are added for consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words ''of the Secretary of Transportation'' are omitted as surplus.

In subsection (a)(6), the words ''proclaimed by the President'' are omitted as surplus. The words ''section

3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602)'' are substituted for ''section 143 of title 33'' because the section was part of the Act of October 11, 1951 (ch. 495, 65 Stat. 406), that was repealed by section 3 of the Act of September 24, 1963 (Public Law 88–131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95–75, 91 Stat. 311) and replaced by 33:1601–1608.

In subsection (a)(7), the words ''holding . . . such certificate'' are omitted because of the restatement.

In subsection (a)(8), the words ''by the Administrator'' are omitted as surplus.

In subsection (b), the word ''Administrator'' in section 610(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 780) is retained on authority of 49:106(g). The words ''to the extent, and . . . and conditions'' and ''by such airmen'' are omitted as surplus.

PUB. L. 103–429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

AMENDMENTS

2012—Subsec. (a)(10). Pub. L. 112–95, §307(b), added par. (10).

Subsec. (d). Pub. L. 112–95, §342(a), added subsec. (d).

2003—Subsec. (a)(7). Pub. L. 108–176 substituted ''agency, design organization certificate,'' for ''agency''.

2000—Subsec. (c). Pub. L. 106–181 added subsec. (c).

1994—Subsec. (a)(2)(B), (5), (7). Pub. L. 103–429 inserted ''any of sections'' before ''44702–44716''.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title III, §342(b), Feb. 14, 2012, 126 Stat. 80, provided that: ''The amendment made by subsection (a) [amending this section] shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act [Feb. 14, 2012].''

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 44712. Emergency locator transmitters

(a) INSTALLATION.—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) NONAPPLICATION.—Prior to January 1, 2002, subsection (a) does not apply to—

(1) turbojet-powered aircraft;

(2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;

(4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;

(5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;

(6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(7) aircraft equipped to carry only one individual.

(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

(H) aircraft equipped to carry only one individual.

(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

(B) other safety objectives.

(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equipment approved by the Secretary for meeting the requirement of subsection (a).

(e) REMOVAL.—The Administrator shall prescribe regulations specifying the conditions under which an aircraft subject to subsection (a) of this section may operate when its emergency locator transmitter has been removed for inspection, repair, alteration, or replacement.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 106–181, title V, §501(a), Apr. 5, 2000, 114 Stat. 131.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44712(a)	49 App.:1421(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(1); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048; Nov. 9, 1977, Pub. L. 95–163, §15(a)(1), 91 Stat. 1283.
44712(b)	49 App.:1421(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(2); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.
44712(c)	49 App.:1421(d)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(3); added Nov. 9, 1977, Pub. L. 95–163, §15(a)(2), 91 Stat. 1283.

In subsection (a), the words ''Except with respect to aircraft described in paragraph (2) of this subsection and except as provided in paragraph (3) of this subsection'' are omitted as surplus. The words ''minimum standards pursuant to this section shall include a requirement that'', the text of 49 App.:1421(d)(1)(A), and the words ''after three years and six months following such date'' are omitted as executed.

In subsection (b), the word ''used'' is substituted for ''engaged'' for consistency. In clause (3), the word ''training'' is substituted for ''local flight'' for consistency. In clause (4), the words ''chemicals and other'' are omitted as surplus. In clause (5), the word ''purposes'' is omitted as surplus.

In subsection (c), the words ''prescribe regulations'' are substituted for ''shall issue regulations . . . as he prescribes in such regulations'' to eliminate unnecessary words. The words ''such limitations and'' and ''from such aircraft'' are omitted as surplus.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–181, §501(a)(1), substituted ''Prior to January 1, 2002, subsection (a)'' for ''Subsection (a) of this section'' in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106–181, §501(a)(2), (3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

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.

REGULATIONS

Pub. L. 106–181, title V, §501(b), Apr. 5, 2000, 114 Stat. 132, provided that: ''The Secretary [of Transportation] shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.''

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

Pub. L. 112–95, title III, §347, Feb. 14, 2012, 126 Stat. 82, provided that:

''(a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an 'ELT') installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer's specifications.

''(b) MOUNTING AND RETENTION.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

''(2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.

''(c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

''(1) the Committee on Commerce, Science, and Transportation of the Senate; and

''(2) the Committee on Transportation and Infrastructure of the House of Representatives.''

§ 44713. Inspection and maintenance

(a) GENERAL EQUIPMENT REQUIREMENTS.—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) DUTIES OF INSPECTORS.—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.

(d) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for processing forms for major repairs or alterations to fuel tanks and fuel systems of aircraft not used to provide air transportation that are necessary to make the system more effective in serving the needs of users of the system, including officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the lack of a special identification feature to allow the forms to be distinguished

easily from other major repair and alteration forms.

(B) the excessive period of time required to receive the forms at the Airmen and Aircraft Registry of the Administration.

(C) the backlog of forms waiting for processing at the Registry.

(D) the lack of ready access by law enforcement officials to information contained on the forms.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of Customs, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

(2) DEADLINES FOR DEPLOYMENT.—

(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 104–264, title IV, § 407(b), Oct. 9, 1996, 110 Stat. 3258.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44713(a)	49 App.:1425(a).	Aug. 23, 1958, Pub. L. 85–726, § 605(a), (b), 72 Stat. 778.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44713(b)	49 App.:1425(b) (1st sentence).	
	49 App.:1655(c)(1).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44713(c)	49 App.:1425(b) (last sentence).	
	49 App.:1655(c)(1).	
44713(d)(1) ..	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
	49 App.:1425(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 605(c); added Nov. 18, 1988, Pub. L. 100–690, § 7206(a), 102 Stat. 4426.
44713(d)(2) ..	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(c), the word ''Administrator'' in section 605(a) and (b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g).

In subsection (a), the word ''overhaul'' is omitted as being included in ''repair''. The word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code. The words ''A person operating, inspecting, overhauling, or maintaining the equipment shall comply with those requirements, regulations, and orders'' are substituted for 49 App.:1425(a) (last sentence) to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''be charged with the duty . . . of'' are omitted as surplus. In clause (1), the words ''in use'' are substituted for ''used by an air carrier in air transportation'' to eliminate unnecessary words. The words ''as may be necessary'' and ''for operation in air transportation'' are omitted as surplus.

In subsection (c), the words ''in the performance of his duty'', ''used or intended to be used by any air carrier in air transportation'', and ''a period of'' are omitted as surplus.

In subsection (d)(1), before clause (A), the words ''not used to provide air transportation'' are substituted for section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4434) because of the restatement.

In subsection (d)(2), the words ''Not later than September 18, 1989'' and ''final'' are omitted as obsolete. The words ''Administrator of Drug Enforcement'' are substituted for ''Drug Enforcement Administration of the Department of Justice'' because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words ''Commissioner of Customs'' are substituted for ''United States Customs Service'' because of 19:2071.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–264 added subsec. (e).

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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

MAINTENANCE PROVIDERS

Pub. L. 112–95, title III, § 319, Feb. 14, 2012, 126 Stat. 69, provided that:

''(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

''(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

''(1) a part 121 air carrier;

''(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or

''(3) subject to subsection (c), a person that—

''(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and

''(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

''(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

''(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.

''(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

''(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED WORK.—The term 'covered work' means any of the following:

''(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

''(B) Regularly scheduled maintenance.

''(C) A required inspection item (as defined by the Administrator).

''(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

''(4) PERSON.—The term 'person' means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.''

§ 44714. Aviation fuel standards

The Administrator of the Federal Aviation Administration shall prescribe—

(1) standards for the composition or chemical or physical properties of an aircraft fuel or fuel additive to control or eliminate aircraft emissions the Administrator of the Environmental Protection Agency decides under section 231 of the Clean Air Act (42 U.S.C. 7571) endanger the public health or welfare; and

(2) regulations providing for carrying out and enforcing those standards.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1195.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44714	49 App.:1421(e).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 601(e); added Dec. 31, 1970, Pub. L. 91–604, § 11(b)(1), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95–163, § 15(b)(1), 91 Stat. 1283.

In this section, before clause (1), the words ''and from time to time revise'' are omitted as surplus. In clause (1), the words ''establishing'' and ''the purpose of'' are omitted as surplus.

§ 44715. Controlling aircraft noise and sonic boom

(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

(i) standards to measure aircraft noise and sonic boom; and

(ii) regulations to control and abate aircraft noise and sonic boom.

(B) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

(2) The Administrator of the Federal Aviation Administration may prescribe standards and regulations under this subsection only after consulting with the Administrator of the Environmental Protection Agency. The standards and regulations shall be applied when issuing, amending, modifying, suspending, or revoking a certificate authorized under this chapter.

(3) An original type certificate may be issued under section 44704(a) of this title for an aircraft for which substantial noise abatement can be achieved only after the Administrator of the Federal Aviation Administration prescribes standards and regulations under this section that apply to that aircraft.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a standard or regulation under this section, the Administrator of the Federal Aviation Administration shall—

(1) consider relevant information related to aircraft noise and sonic boom;

(2) consult with appropriate departments, agencies, and instrumentalities of the United States Government and State and interstate authorities;

(3) consider whether the standard or regulation is consistent with the highest degree of safety in air transportation or air commerce in the public interest;

(4) consider whether the standard or regulation is economically reasonable, technologically practicable, and appropriate for the applicable aircraft, aircraft engine, appliance, or certificate; and

(5) consider the extent to which the standard or regulation will carry out the purposes of this section.

(c) PROPOSED REGULATIONS OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall submit to the Administrator of the Federal Aviation Administration proposed regulations to control and abate aircraft noise and sonic boom (including control and abatement through the use of the authority of the Administrator of the Federal Aviation Administration) that the Administrator of the Environmental Protection Agency considers necessary to protect the public health and welfare. The Administrator of the Federal Aviation Administration shall consider those proposed regulations and shall publish them in a notice of proposed regulations not later than 30 days after they are received. Not later than 60 days after publication, the Administrator of the Federal Aviation Administration shall begin a hearing at which interested persons are given an opportunity for oral and written presentations. Not later than 90 days after the hearing is completed and after consulting with the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration shall—

(1) prescribe regulations as provided by this section—

(A) substantially the same as the proposed regulations submitted by the Administrator of the Environmental Protection Agency; or

(B) that amend the proposed regulations; or

(2) publish in the Federal Register—

(A) a notice that no regulation is being prescribed in response to the proposed regulations of the Administrator of the Environmental Protection Agency;

(B) a detailed analysis of, and response to, all information the Administrator of the Environmental Protection Agency submitted with the proposed regulations; and

(C) a detailed explanation of why no regulation is being prescribed.

(d) CONSULTATION AND REPORTS.—(1) If the Administrator of the Environmental Protection Agency believes that the action of the Administrator of the Federal Aviation Administration under subsection (c)(1)(B) or (2) of this section does not protect the public health and welfare from aircraft noise or sonic boom, consistent with the considerations in subsection (b) of this section, the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Federal Aviation Administration and may request a report on the advisability of prescribing the regulation as originally proposed. The request, including a detailed statement of the information on which the request is based, shall be published in the Federal Register.

(2) The Administrator of the Federal Aviation Administration shall report to the Administrator of the Environmental Protection Agency within the time, if any, specified in the request. However, the time specified must be at least 90 days after the date of the request. The report shall—

(A) be accompanied by a detailed statement of the findings of the Administrator of the Federal Aviation Administration and the reasons for the findings;

(B) identify any statement related to an action under subsection (c) of this section filed under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(C) specify whether and where that statement is available for public inspection; and

(D) be published in the Federal Register unless the request proposes specific action by the Administrator of the Federal Aviation Administration and the report indicates that action will be taken.

(e) SUPPLEMENTAL REPORTS.—The Administrator of the Environmental Protection Agency may request the Administrator of the Federal Aviation Administration to file a supplemental report if the report under subsection (d) of this section indicates that the proposed regulations under subsection (c) of this section, for which a statement under section 102(2)(C) of the Act (42 U.S.C. 4332(2)(C)) is not required, should not be prescribed. The supplemental report shall be published in the Federal Register within the time the Administrator of the Environmental Protection Agency specifies. However, the time specified must be at least 90 days after the date of the request. The supplemental report shall contain a comparison of the environmental effects, including those that cannot be avoided, of the action of the Administrator of the Federal Aviation Administration and the proposed regulations of the Administrator of the Environmental Protection Agency.

(f) EXEMPTIONS.—An exemption from a standard or regulation prescribed under this section may be granted only if, before granting the exemption, the Administrator of the Federal Aviation Administration consults with the Administrator of the Environmental Protection Agency. However, if the Administrator of the Federal Aviation Administration finds that safety in air transportation or air commerce requires an exemption before the Administrator of the Environmental Protection Agency can be consulted, the exemption may be granted. The Administrator of the Federal Aviation Administration shall consult with the Administrator of the Environmental Protection Agency as soon as practicable after the exemption is granted.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1196; Pub. L. 104–264, title IV, §406(a), Oct. 9, 1996, 110 Stat. 3257.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44715(a)(1), (2).	49 App.:1431(a), (b)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §611(a), (b), (d); added July 21, 1968, Pub. L. 90–411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, §7(b), 86 Stat. 1239, 1241.
44715(a)(3) ..	49 App.:1431(b)(2).	
44715(b)	49 App.:1431(d).	
44715(c)	49 App.:1431(c)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §611(c); added July 21, 1968, Pub. L. 90–411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, §7(b), 86 Stat. 1240; Nov. 8, 1978, Pub. L. 95–609, §3, 92 Stat. 3080.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44715(d)	49 App.:1431(c)(2).	
44715(e)	49 App.:1431(c)(3).	
44715(f)	49 App.:1431(b)(1) (last sentence).	

In subsection (a)(1), before clause (A), the text of 49 App.:1431(a) is omitted because the revised section identifies the appropriate Administrator each time the Administrator is mentioned. The words ''present and future'' and ''and amend'' are omitted as surplus. In clause (B), the words ''as the FAA may find necessary to provide'' are omitted as surplus.

In subsection (a)(2), the word ''only'' is added for clarity.

Subsection (a)(3) is substituted for 49 App.:1431(b)(2) to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''and amending'' are omitted as surplus. In clause (1), the words ''available . . . including the results of research, development, testing, and evaluation activities conducted pursuant to this chapter and the Department of Transportation Act'' are omitted as surplus. In clause (2), the words ''departments, agencies, and instrumentalities of the United States Government and State and interstate authorities'' are substituted for ''Federal, State, and interstate agencies'' for consistency in the revised title and with other titles of the United States Code. The words ''as he deems'' are omitted as surplus. In clauses (3) and (4), the word ''proposed'' is omitted as surplus. In clause (4), the word ''applicable'' is substituted for ''particular type of . . . to which it will apply'' to eliminate unnecessary words. In clause (5), the words ''contribute to'' are omitted as surplus.

In subsection (c), before clause (1), the words ''Not earlier than the date of submission of the report required by section 4906 of title 42'' are omitted as executed. The words ''regulatory . . . over air commerce or transportation or over aircraft or airport operations'' and ''submitted by the EPA under this paragraph'' are omitted as surplus. The word ''regulations'' is substituted for ''rulemaking'' for consistency in the revised title. The words ''after they are received'' are substituted for ''of the date of its submission to the FAA'' to eliminate unnecessary words. The words ''of data, views, and arguments'' are omitted as surplus. In clause (1), the words ''in accordance with subsection (b) of this section'' are omitted because of the restatement. In clause (2)(B), the words ''documentation or other'' are omitted as surplus.

In subsection (d)(1), the words ''listed'' and ''the FAA to review, and . . . to EPA . . . by EPA'' are omitted as surplus.

In subsection (d)(2), before clause (A), the words ''shall complete the review requested and'' are omitted as surplus. In clause (B), the words ''of the FAA'' are omitted as surplus.

In subsection (e), the words ''actually taken . . . in response to EPA's proposed regulations'' are omitted as surplus.

In subsection (f), the words ''under any provision of this chapter'' and ''that . . . be granted'' are omitted as surplus. The words ''the exemption may be granted'' are added for clarity.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–264, which in directing the general amendment of par. (1) inserted an additional subsec. (a) designation and heading identical to the existing subsec. heading as well as restating the text of par. (1), was executed by restating the text only to reflect the probable intent of Congress. Prior to amendment, par. (1) read as follows: ''To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration shall prescribe—

''(A) standards to measure aircraft noise and sonic boom; and

''(B) regulations to control and abate aircraft noise and sonic boom.''

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.

§ 44716. Collision avoidance systems

(a) DEVELOPMENT AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall—

(1) complete the development of the collision avoidance system known as TCAS–II so that TCAS–II can operate under visual and instrument flight rules and can be upgraded to the performance standards applicable to the collision avoidance system known as TCAS–III;

(2) develop and carry out a schedule for developing and certifying TCAS–II that will result in certification not later than June 30, 1989; and

(3) submit to Congress monthly reports on the progress being made in developing and certifying TCAS–II.

(b) INSTALLATION AND OPERATION.—The Administrator shall require by regulation that, not later than 30 months after the date certification is made under subsection (a)(2) of this section, TCAS–II be installed and operated on each civil aircraft that has a maximum passenger capacity of at least 31 seats and is used to provide air transportation of passengers, including intrastate air transportation of passengers. The Administrator may extend the deadline in this subsection for not more than 2 years if the Administrator finds the extension is necessary to promote—

(1) a safe and orderly transition to the operation of a fleet of civil aircraft described in this subsection equipped with TCAS–II; or

(2) other safety objectives.

(c) OPERATIONAL EVALUATION.—Not later than December 30, 1990, the Administrator shall establish a one-year program to collect and assess safety and operational information from civil aircraft equipped with TCAS–II for the operational evaluation of TCAS–II. The Administrator shall encourage foreign air carriers that operate civil aircraft equipped with TCAS–II to participate in the program.

(d) AMENDING SCHEDULE FOR WINDSHEAR EQUIPMENT.—The Administrator shall consider the feasibility and desirability of amending the schedule for installing airborne low-altitude windshear equipment to make the schedule compatible with the schedule for installing TCAS–II.

(e) DEADLINE FOR DEVELOPMENT AND CERTIFICATION.—(1) The Administrator shall complete developing and certifying TCAS–III as soon as possible.

(2) Necessary amounts may be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this subsection.

(f) INSTALLING AND USING TRANSPONDERS.—The Administrator shall prescribe regulations re-

quiring that, not later than December 30, 1990, operating transponders with automatic altitude reporting capability be installed and used for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft. The Administrator may provide for access to that airspace (except terminal control areas and airport radar service areas) by nonequipped aircraft if the Administrator finds the access will not interfere with the normal traffic flow.

(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(B) other safety or public interest objectives.

(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term ''collision avoidance equipment'' means equipment that provides protection from mid-air collisions using technology that provides—

(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1198; Pub. L. 106–181, title V, §502, Apr. 5, 2000, 114 Stat. 132.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44716(a)	49 App.:1421(f)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(f); added Dec. 30, 1987, Pub. L. 100–223, §203(b), 101 Stat. 1518; Dec. 15, 1989, Pub. L. 101–236, §2, 103 Stat. 2060.
44716(b)	49 App.:1421(f)(2), (4).	
44716(c)	49 App.:1421(f)(3).	
44716(d)	49 App.:1421(f)(5).	
44716(e)	49 App.:1421 (note).	Dec. 30, 1987, Pub. L. 100–223, §203(d), 101 Stat. 1519.
44716(f)	49 App.:1421(f)(6).	

In subsection (c), the words ''In conducting the program'' are omitted as surplus.

In subsection (e)(1), the word ''research'' is omitted as included in ''developing''.

In subsection (e)(2), the words ''established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)'' are added for consistency in the revised title.

In subsection (f), the words ''Not later than 6 months after December 30, 1987, the Administrator shall promulgate a final rule'' and ''Such final rule'' are omitted as executed.

AMENDMENTS

2000—Subsec. (g). Pub. L. 106–181 added subsec. (g).

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a)(3) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 8th item on page 138 of House Document No. 103–7.

§ 44717. Aging aircraft

(a) INSPECTIONS AND REVIEWS.—The Administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed under subsection (a) of this section—

(1) at least shall require the Administrator to make inspections, and review the maintenance and other records, of each aircraft an air carrier uses to provide air transportation that the Administrator decides may be necessary to enable the Administrator to decide whether the aircraft is in safe condition and maintained properly for operation in air transportation;

(2) at least shall require an air carrier to demonstrate to the Administrator, as part of the inspection, that maintenance of the aircraft's age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety;

(3) shall require the air carrier to make available to the Administrator the aircraft and any records about the aircraft that the Administrator requires to carry out a review; and

(4) shall establish procedures to be followed in carrying out an inspection.

(b) WHEN AND HOW INSPECTIONS AND REVIEWS SHALL BE CARRIED OUT.—(1) Inspections and reviews required under subsection (a)(1) of this section shall be carried out as part of each heavy maintenance check of the aircraft conducted after the 14th year in which the aircraft has been in service.

(2) Inspections under subsection (a)(1) of this section shall be carried out as provided under section 44701(a)(2)(B) and (C) of this title.

(c) AIRCRAFT MAINTENANCE SAFETY PROGRAMS.—The Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft according to maintenance programs approved by the Administrator;

(2) a program—

(A) to provide inspectors and engineers of the Administration with training necessary to conduct auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of those inspectors and engineers in those inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to ensure

the airworthiness of aircraft that the carriers operate.

(d) FOREIGN AIR TRANSPORTATION.—(1) The Administrator shall take all possible steps to encourage governments of foreign countries and relevant international organizations to develop standards and requirements for inspections and reviews that—

(A) will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States; and

(B) will provide passengers of those foreign air carriers with the same level of safety that will be provided passengers of air carriers by carrying out this section.

(2) Not later than September 30, 1994, the Administrator shall report to Congress on carrying out this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44717(a)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, §§ 402(a), (b)(1), (c)–(e), 405, 105 Stat. 951, 952.
44717(b)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 402(b)(2), (3), 105 Stat. 951.
44717(c)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 403, 105 Stat. 952.
44717(d)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 404, 105 Stat. 952.

In subsections (a) and (c), before clause (1), the words ''Not later than 180 days after the date of the enactment of this title'' are omitted as obsolete.

In subsection (a), before clause (1), the text of section 405 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143, 105 Stat. 952) is omitted as surplus because the complete name of the Administrator of the Federal Aviation Administration is used the first time the term appears in a section. The word ''regulations'' is substituted for ''rule'' because the terms are synonymous. In clauses (2)–(4), the words ''required by the rule'' are omitted as surplus. In clause (2), the words ''structure, skin, and other'' are omitted as surplus. In clause (3), the words ''inspection, maintenance, and other'' are omitted as surplus.

In subsection (c)(1), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' for consistency in the revised title.

In subsection (d)(1), before clause (A), the words ''governments of foreign countries'' are substituted for ''foreign governments'' for consistency in the revised title and with other titles of the United States Code.

§ 44718. Structures interfering with air commerce

(a) NOTICE.—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

(1) safety in air commerce; and

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports.

(b) STUDIES.—(1) Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace or an interference with air navigation facilities and equipment or the navigable airspace, the Secretary shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall consider factors relevant to the efficient and effective use of the navigable airspace, including—

(A) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

(B) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(C) the impact on existing public-use airports and aeronautical facilities;

(D) the impact on planned public-use airports and aeronautical facilities; and

(E) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures.

(2) On completing the study, the Secretary shall issue a report disclosing completely the extent of the adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure.

(c) BROADCAST APPLICATIONS AND TOWER STUDIES.—In carrying out laws related to a broadcast application and conducting an aeronautical study related to broadcast towers, the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—

(1) the receipt and consideration of, and action on, the application; and

(2) the completion of any associated aeronautical study.

(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a

municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.

(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1200; Pub. L. 104–264, title XII, § 1220(a), Oct. 9, 1996, 110 Stat. 3286; Pub. L. 106–181, title V, § 503(b), Apr. 5, 2000, 114 Stat. 133; Pub. L. 112–81, div. A, title III, § 332, Dec. 31, 2011, 125 Stat. 1369.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44718(a)	49 App.:1501(a).	Aug. 23, 1958, Pub. L. 85–726, § 1101, 72 Stat. 797; restated Dec. 30, 1987, Pub. L. 100–223, § 206 (less (b)), 101 Stat. 1521; Oct. 31, 1992, Pub. L. 102–581, § 203(a), 106 Stat. 4890.
44718(b)	49 App.:1501(b).	
44718(c)	49 App.:1501(c).	

In subsection (a), before clause (1), the words ''(hereinafter in this section referred to as the 'Secretary')'' and ''where necessary'' are omitted as surplus.

In subsection (b)(1), before clause (A), the word ''thoroughly'' is omitted as surplus.

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d), probably means the date of enactment of Pub. L. 106–181, which amended subsec. (d) generally, and which was approved Apr. 5, 2000.

AMENDMENTS

2011—Subsec. (e). Pub. L. 112–81 added subsec. (e).

2000—Subsec. (d). Pub. L. 106–181 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill.''

1996—Subsec. (d). Pub. L. 104–264 added subsec. (d).

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.

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.

STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS

Pub. L. 111–383, div. A, title III, § 358, Jan. 7, 2011, 124 Stat. 4198, as amended by Pub. L. 112–81, div. A, title III, § 331, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112–239, div. A, title X, § 1076(b)(1), Jan. 2, 2013, 126 Stat. 1949, provided that:

''(a) OBJECTIVE.—It shall be an objective of the Department of Defense to ensure that the robust development of renewable energy sources and the increased resiliency of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

''(b) DESIGNATION OF SENIOR OFFICIAL AND LEAD ORGANIZATION.—

''(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act [Jan. 7, 2011], the Secretary of Defense shall designate a senior official of the Department of Defense, and a lead organization of the Department of Defense, to—

''(A) serve as the executive agent to carry out the review required by subsection (d);

''(B) serve as a clearinghouse to coordinate Department of Defense review of applications for projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

''(C) accelerate the development of planning tools necessary to determine the acceptability to the Department of Defense of proposals included in an application for a project submitted pursuant to such section.

''(2) RESOURCES.—The Secretary shall ensure that the senior official and lead organization designated under paragraph (1) are assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(c) INITIAL ACTIONS.—Not later than 180 days after the date of the enactment of this Act [Jan. 7, 2011], the Secretary of Defense, acting through the senior official and lead organization designated pursuant to subsection (b), shall—

''(1) conduct a preliminary review of each application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness, unless such project has been granted a determination of no hazard. Such review shall, at a minimum, for each such project—

''(A) assess the likely scope and duration of any adverse impact of such project on military operations and readiness; and

''(B) identify any feasible and affordable actions that could be taken in the immediate future by the Department, the developer of such project, or others to mitigate such adverse impact and to minimize risks to national security while allowing such project to proceed with development;

''(2) develop, in coordination with other departments and agencies of the Federal Government, an integrated review process to ensure timely notification and consideration of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness;

''(3) establish procedures for the Department of Defense for the coordinated consideration of and response to a request for a review received from State and local officials or the developer of a renewable energy development or other energy project, including guidance to personnel at each military installation in the United States on how to initiate such procedures and ensure a coordinated Department response while

seeking to fulfill the objective under subsection (a); and

''(4) develop procedures for conducting early outreach to parties carrying out projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that could have an adverse impact on military operations and readiness, and to the general public, to clearly communicate notice on actions being taken by the Department of Defense under this section and to receive comments from such parties and the general public on such actions.

''(d) COMPREHENSIVE REVIEW.—

''(1) STRATEGY REQUIRED.—Not later than 270 days after the date of the enactment of this Act [Jan. 7, 2011], the Secretary of Defense, acting through the senior official and lead organization designated pursuant to subsection (b), shall develop a comprehensive strategy for addressing the military impacts of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code.

''(2) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary of Defense shall—

''(A) assess of the magnitude of interference posed by projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code;

''(B) identify geographic areas selected as proposed locations for projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, where such projects could have an adverse impact on military operations and readiness and categorize the risk of adverse impact in such areas as high, medium, or low for the purpose of informing early outreach efforts under subsection (c)(4) and preliminary assessments under subsection (e); and

''(C) specifically identify feasible and affordable long-term actions that may be taken to mitigate adverse impacts of projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, on military operations and readiness, including—

''(i) investment priorities of the Department of Defense with respect to research and development;

''(ii) modifications to military operations to accommodate applications for such projects;

''(iii) recommended upgrades or modifications to existing systems or procedures by the Department of Defense;

''(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems; and

''(v) modifications to the projects for which such applications are filed, including changes in size, location, or technology.

''(e) DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—

''(1) PRELIMINARY ASSESSMENT.—The procedures established pursuant to subsection (c) shall ensure that not later than 30 days after receiving a proper application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, the Secretary of Defense shall review the project and provide a preliminary assessment of the level of risk of adverse impact on military operations and readiness that would arise from the project and the extent of mitigation that may be needed to address such risk.

''(2) DETERMINATION OF UNACCEPTABLE RISK.—The procedures established pursuant to subsection (c) shall ensure that the Secretary of Defense does not object to a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, except in a case in which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that such project would result in an unacceptable risk to the national security of the United States.

''(3) CONGRESSIONAL NOTICE REQUIREMENT.—Not later than 30 days after making a determination of unacceptable risk under paragraph (2), the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on such determination and the basis for such determination. Such a report shall include an explanation of the operational impact that led to the determination, a discussion of the mitigation options considered, and an explanation of why the mitigation options were not feasible or did not resolve the conflict.

''(4) NON-DELEGATION OF DETERMINATIONS.—The responsibility for making a determination of unacceptable risk under paragraph (2) may only be delegated to an appropriate senior officer of the Department of Defense, on the recommendation of the senior official designated pursuant to subsection (b). The following individuals are appropriate senior officers of the Department of Defense for the purposes of this paragraph:

''(A) The Deputy Secretary of Defense.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(C) The Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) REPORTS.—

''(1) REPORT TO CONGRESS.—Not later than March 15 each year from 2011 through 2015, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the actions taken by the Department of Defense during the preceding year to implement this section and the comprehensive strategy developed pursuant to this section.

''(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

''(A) the results of a review carried out by the Secretary of Defense of any projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code—

''(i) that the Secretary of Defense has determined would result in an unacceptable risk to the national security; and

''(ii) for which the Secretary of Defense has recommended to the Secretary of Transportation that a hazard determination be issued;

''(B) an assessment of the risk associated with the loss or modifications of military training routes and a quantification of such risk;

''(C) an assessment of the risk associated with solar power and similar systems as to the effects of glint on military readiness;

''(D) an assessment of the risk associated with electromagnetic interference on military readiness, including the effects of testing and evaluation ranges;

''(E) an assessment of any risks posed by the development of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, to the prevention of threats and aggression directed toward the United States and its territories; and

''(F) a description of the distance from a military installation that the Department of Defense will use to prescreen applicants under section 44718 of title 49, United States Code.

''(g) AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS.—The Secretary of Defense is authorized to accept a voluntary contribution of funds from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code. Amounts so accepted shall remain avail-

able until expended for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project on military operations and readiness or to conduct studies of potential measures to mitigate such impacts.

''(h) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—An action taken pursuant to this section shall not be considered to be a substitute for any assessment or determination required of the Secretary of Transportation under section 44718 of title 49, United States Code.

''(i) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(j) DEFINITIONS.—In this section:

''(1) The term 'military training route' means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary of Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

''(2) The term 'military installation' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

''(3) The term 'military readiness' includes any training or operation that could be related to combat readiness, including testing and evaluation activities.''

LANDFILLS INTERFERING WITH AIR COMMERCE

Pub. L. 106–181, title V, §503(a), Apr. 5, 2000, 114 Stat. 133, provided that: ''Congress finds that—

''(1) collisions between aircraft and birds have resulted in fatal accidents;

''(2) bird strikes pose a special danger to smaller aircraft;

''(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

''(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

''(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

''(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.''

§ 44719. Standards for navigational aids

The Secretary of Transportation shall prescribe regulations on standards for installing navigational aids, including airport control towers. For each type of facility, the regulations shall consider at a minimum traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44719	49 App.:1348 (note).	Dec. 30, 1987, Pub. L. 100–223, §308, 101 Stat. 1526.

The words ''Not later than December 31, 1988'' are omitted as obsolete.

§ 44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance information about probable weather conditions;

(2) provide reports to the Administrator to persons engaged in civil aeronautics that are designated by the Administrator and to other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44720(a)	49 App.:1351.	Aug. 23, 1958, Pub. L. 85–726, §§310, 803, 72 Stat. 751, 783.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44720(b)	49 App.:1463. 49 App.:1655(c)(1).	

In subsection (b), the title ''Secretary'' [of Commerce] is substituted for ''Chief of the Weather Bureau'' in section 803 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 783) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). Before clause (1), the words ''In order'' and ''in addition to any other functions or duties pertaining to weather information for other purposes'' are omitted as surplus. In clause (2), the words ''forecasts, warnings, and advices'' are omitted as being included in ''reports''. In clause (3), the words ''or employees thereof'' and ''establish and'' are omitted as surplus. The words ''with those persons'' are added for clarity. In clause (5), the words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''governmental agencies of the United States'' for consistency in the revised title and with other titles of the United States Code.

AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS

Pub. L. 106–181, title VII, § 728, Apr. 5, 2000, 114 Stat. 168, provided that: ''The Administrator [of the Federal Aviation Administration] shall not terminate human weather observers for Automated Surface Observation System stations until—

''(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

''(2) 60 days have passed since the report was transmitted to Congress.''

§ 44721. Aeronautical charts and related products and services

(a) PUBLICATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

(1) prescribed by the Administrator;

(2) depicted accurately on the map or chart; and

(3) not obviously defective or deficient.

(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

(1) Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947,[1] (33 U.S.C. 883a–883h).

(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

(f) SPECIAL SERVICES AND PRODUCTS.—

(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the

[1] So in original. The comma probably should not appear.

actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.

(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1202; Pub. L. 106–181, title VI, §603(a), Apr. 5, 2000, 114 Stat. 150; Pub. L. 106–424, §17(a), Nov. 1, 2000, 114 Stat. 1888.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44721(a)(1) ..	49 App.:1348(b) (1st sentence cl. (3)).	Aug. 23, 1958, Pub. L. 85–726, §307(b) (1st sentence cl. (3)), 72 Stat. 750.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44721(a)(2) ..	49 App.:1348(b) (3d, last sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 749, §307(b) (3d, last sentences); added Oct. 31, 1992, Pub. L. 102–581, §125, 106 Stat. 4885.
44721(b)	49 App.:1519.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1118; added Dec. 19, 1985, Pub. L. 99–190, §328(a), 99 Stat. 1289.

In subsection (a)(1), the word ''Administrator'' in section 307(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 750) is retained on authority of 49:106(g). The words ''within the limits of available appropriations made by the Congress'' are omitted as surplus. The words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''existing agencies of the Government'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), before clause (1), the words ''Notwithstanding the provisions of section 1341 of title 31 or any other provision of law'' are omitted as surplus.

REFERENCES IN TEXT

Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, referred to in subsec. (c)(1), are classified to sections 883a to 883i of Title 33, Navigation and Navigable Waters. Section 883g of Title 33 was repealed by Pub. L. 88–611, §4(a)(2), Oct. 2, 1964, 78 Stat. 991.

AMENDMENTS

2000—Pub. L. 106–181 amended section catchline and text generally. Prior to amendment, text read as follows:

''(a) PUBLICATION.—(1) The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

''(2) In carrying out paragraph (1) of this subsection, the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and

from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

''(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

''(1) prescribed by the Administrator;

''(2) depicted accurately on the map or chart; and

''(3) not obviously defective or deficient.''

Subsec. (c)(3), (4). Pub. L. 106–424, §17(a)(1), struck out pars. (3) and (4) which read as follows:

''(3) Section 1307 of title 44, United States Code.

''(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note).''

Subsec. (g)(1)(D). Pub. L. 106–424, §17(a)(2), added subpar. (D).

Subsec. (g)(5). Pub. L. 106–424, §17(a)(3), added par. (5).

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106–424, §17(b), Nov. 1, 2000, 114 Stat. 1889, provided that: ''The amendments made by subsection (a) [amending this section] take effect on October 1, 2000.''

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.

SAVINGS PROVISION

Pub. L. 106–181, title VI, §604, Apr. 5, 2000, 114 Stat. 152, provided that:

''(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

''(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section]; and

''(2) are in effect on the date of transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

''(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

''(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

''(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

''(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

''(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

''(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

''(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.''

TRANSFER OF FUNCTIONS

Pub. L. 106–181, title VI, §601, Apr. 5, 2000, 114 Stat. 149, provided that: ''Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.''

TRANSFER OF OFFICE, PERSONNEL, AND FUNDS

Pub. L. 106–181, title VI, §602, Apr. 5, 2000, 114 Stat. 149, provided that:

''(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

''(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section], including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.''

PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS

Pub. L. 106–181, title VI, §607, Apr. 5, 2000, 114 Stat. 154, provided that: ''The Administrator [of the Federal Aviation Administration] shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.''

§ 44722. Aircraft operations in winter conditions

The Administrator of the Federal Aviation Administration shall prescribe regulations requiring procedures to improve safety of aircraft operations during winter conditions. In deciding on the procedures to be required, the Administrator shall consider at least aircraft and air traffic control modifications, the availability of different types of deicing fluids (considering their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44722	49:1421 (note).	Oct. 31, 1992, Pub. L. 102–581, §124, 106 Stat. 4885.

The words ''Before November 1, 1992'' are omitted as obsolete. The words ''prescribe regulations requiring'' are substituted for ''require, by regulation'', and the words ''other factors the Administrator considers appropriate'' are substituted for ''among other things'', for consistency in the revised title.

§ 44723. Annual report

Not later than January 1 of each year, the Secretary of Transportation shall submit to Congress a comprehensive report on the safety enforcement activities of the Federal Aviation Administration during the fiscal year ending the prior September 30th. The report shall include—

(1) a comparison of end-of-year staffing levels by operations, maintenance, and avionics inspector categories to staffing goals and a statement on how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance, and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs by field location and, for any field location completing less than 80 percent of its planned number of inspections, an explanation of why annual work program plans were not met;

(6) a statement of the adequacy of Administration internal management controls available to ensure that field managers comply with Administration policies and procedures, including those on inspector priorities, district office coordination, minimum inspection standards, and inspection followup;

(7) the status of efforts made by the Administration to update inspector guidance documents and regulations to include technological, management, and structural changes taking place in the aviation industry, including a listing of the backlog of all proposed regulatory amendments;

(8) a list of the specific operational measures of effectiveness used to evaluate—

(A) the progress in meeting program objectives;

(B) the quality of program delivery; and

(C) the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the 2 prior fiscal years, including the total initial and final penalties imposed, the total number of dollars collected, the range of dollar amounts collected, the average case processing time, and the range of case processing time;

(10) a schedule showing the number of enforcement actions taken (except civil penalties) during the 2 prior fiscal years, including the total number of violations cited, and the number of cited violation cases closed by certificate suspensions, certificate revocations, warnings, and no action taken; and

(11) schedules showing the safety record of the aviation industry during the fiscal year for air carriers and general aviation, including—

(A) the number of inspections performed when deficiencies were identified compared with inspections when no deficiencies were found;

(B) the frequency of safety deficiencies for each air carrier; and

(C) an analysis based on data of the general status of air carrier and general aviation compliance with aviation regulations.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44723	49:308 (note).	Dec. 22, 1987, Pub. L. 100–202, § 317(a), 101 Stat. 1329–380. Sept. 30, 1988, Pub. L. 100–457, § 317(a), 102 Stat. 2148.

In clauses (4) and (7), the word ''regulations'' is substituted for ''Federal regulations'' for consistency in the revised title.

In clause (5), the words ''by field location'' are substituted for ''disaggregated to the field locations'' for clarity.

In clause (8), before subclause (A), the words '' 'best proxies' standing between the ultimate goal of accident prevention and ongoing program activities'' are omitted as surplus.

In clause (9), the words ''penalties imposed'' are substituted for ''assessments'' for consistency in the revised title and with other titles of the United States Code.

In clause (11)(C), the words ''aviation regulations'' are substituted for ''Federal Aviation Regulations'' for consistency in the revised title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 22nd item on page 132 and the 10th item on page 135 of House Document No. 103–7.

§ 44724. Manipulation of flight controls

(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

(c) PILOT IN COMMAND DEFINED.—In this section, the term ''pilot in command'' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.

(Added Pub. L. 104–264, title VI, § 602(a)(1), Oct. 9, 1996, 110 Stat. 3263.)

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.

§ 44725. Life-limited aircraft parts

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

(2) The part may be permanently marked to indicate its used life status.

(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

(5) Any other method approved by the Administrator.

(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.

(Added Pub. L. 106–181, title V, § 504(a), Apr. 5, 2000, 114 Stat. 134.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

EFFECTIVE DATE

Section 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.

§ 44726. Denial and revocation of certificate for counterfeit parts violations

(a) DENIAL OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material;

(B) whose certificate is revoked under subsection (b); or

(C) subject to a controlling or ownership interest of an individual described in subparagraph (A) or (B).

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

(b) REVOCATION OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

(1) advise the holder of the certificate of the reason for the revocation; and

(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, ''person'' shall be substituted for ''individual'' each place it appears.

(e) ACQUITTAL OR REVERSAL.—

(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

(1) a law enforcement official of the United States Government requests a waiver; and

(2) the waiver will facilitate law enforcement efforts.

(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.

(Added Pub. L. 106–181, title V, § 505(a)(1), Apr. 5, 2000, 114 Stat. 134; amended Pub. L. 108–176, title V, § 501, Dec. 12, 2003, 117 Stat. 2556.)

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108–176 struck out ''or'' at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C) and substituted ''described in subparagraph (A) or (B)'' for ''convicted of such a violation''.

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

Section 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.

§ 44727. Runway safety areas

(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at

those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.

(Added Pub. L. 108–176, title V, § 502(a), Dec. 12, 2003, 117 Stat. 2557.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

EFFECTIVE DATE

Section 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 an Effective Date of 2003 Amendment note under section 106 of this title.

§ 44728. Flight attendant certification

(a) CERTIFICATE REQUIRED.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

(1) be numbered and recorded by the Administrator;

(2) contain the name, address, and description of the individual to whom the certificate is issued;

(3) is[1] similar in size and appearance to certificates issued to airmen;

(4) contain the airplane group for which the certificate is issued; and

(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

(f) MINIMUM LANGUAGE SKILLS.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

(A) read material written in English and comprehend the information;

(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

(C) write incident reports and statements and log entries and statements; and

(D) carry out written and oral instructions regarding the proper performance of their duties.

(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.

(g) FLIGHT ATTENDANT DEFINED.—In this section, the term ''flight attendant'' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.

(Added Pub. L. 108–176, title VIII, § 814(a), Dec. 12, 2003, 117 Stat. 2590; amended Pub. L. 112–95, title III, § 304(a), Feb. 14, 2012, 126 Stat. 58.)

REFERENCES IN TEXT

For effective date of this section, referred to in subsecs. (a)(2) and (d)(5), see Effective Date note below.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2012—Subsecs. (f), (g). Pub. L. 112–95 added subsec. (f) and redesignated former subsec. (f) as (g).

[1] So in original. Probably should be ''be''.

EFFECTIVE DATE

Pub. L. 108–176, title VIII, §814(c), Dec. 12, 2003, 117 Stat. 2592, provided that: ''The amendments made by subsections (a) and (b) [enacting this section and amending the analysis to this chapter] shall take effect on the 365th day following the date of enactment of this Act [Dec. 12, 2003].''

FACILITATION

Pub. L. 112–95, title III, §304(b), Feb. 14, 2012, 126 Stat. 58, provided that: ''The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).''

§ 44729. Age standards for pilots

(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

(b) COVERED OPERATIONS DEFINED.—In this section, the term ''covered operations'' means operations under part 121 of title 14, Code of Federal Regulations.

(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

(d) SUNSET OF AGE 60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

(e) APPLICABILITY.—

(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

(g) MEDICAL STANDARDS AND RECORDS.—

(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

(h) SAFETY.—

(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

(2) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).

(Added Pub. L. 110–135, §2(a), Dec. 13, 2007, 121 Stat. 1450; amended Pub. L. 112–95, title III, §305, Feb. 14, 2012, 126 Stat. 58.)

REFERENCES IN TEXT

The date of enactment of this section and such date of enactment, referred to in subsecs. (d), (e), (g)(1) and (h)(2), is the date of enactment of Pub. L. 110–135, which was approved Dec. 13, 2007.

AMENDMENTS

2012—Subsec. (h)(2), (3). Pub. L. 112–95 redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: ''Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the perform-

ance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.''

§ 44730. Helicopter air ambulance operations

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including establishment of training standards in—

(A) preventing controlled flight into terrain; and

(B) recovery from inadvertent flight into instrument meteorological conditions.

(3) Safety-enhancing technology and equipment, including—

(A) helicopter terrain awareness and warning systems;

(B) radar altimeters; and

(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

(4) Such other matters as the Administrator considers appropriate.

(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

(C) requires the pilots of the certificate holder to use the checklist.

(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

(e) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

(A) Pilot training standards, including—

(i) mandatory training requirements, including a minimum time for completing the training requirements;

(ii) training subject areas, such as communications procedures and appropriate technology use; and

(iii) establishment of training standards in—

(I) crew resource management;

(II) flight risk evaluation;

(III) operational control of the pilot in command; and

(IV) use of flight simulation training devices and line-oriented flight training.

(B) Use of safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.

(3) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) PART 135.—The term ''part 135'' means part 135 of title 14, Code of Federal Regulations.

(2) PART 135 CERTIFICATE HOLDER.—The term ''part 135 certificate holder'' means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

(Added Pub. L. 112–95, title III, § 306(a), Feb. 14, 2012, 126 Stat. 58.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

§ 44731. Collection of data on helicopter air ambulance operations

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a

part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than 1 year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).

(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.

(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.

(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

(c) DATABASE.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

(e) DEFINITIONS.—In this section, the terms ''part 135'' and ''part 135 certificate holder'' have the meanings given such terms in section 44730.

(Added Pub. L. 112–95, title III, §306(a), Feb. 14, 2012, 126 Stat. 60.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a), (c), and (d), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

§ 44732. Prohibition on personal use of electronic devices on flight deck

(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term ''personal wireless communications device'' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.

(Added Pub. L. 112–95, title III, §307(a), Feb. 14, 2012, 126 Stat. 61.)

REGULATIONS

Pub. L. 112–95, title III, §307(d), Feb. 14, 2012, 126 Stat. 62, provided that: ''Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44732 of title 49, United States Code (as added by this section), and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.''

§ 44733. Inspection of repair stations located outside the United States

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;

(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;

(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

(3) describe the training provided to inspectors; and

(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements. The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(2) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(Added Pub. L. 112–95, title III, § 308(a), Feb. 14, 2012, 126 Stat. 62.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a) and (d)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

§ 44734. Training of flight attendants

(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—

(1) serving alcohol to passengers;

(2) recognizing intoxicated passengers; and

(3) dealing with disruptive passengers.

(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.

(2) FLIGHT ATTENDANT.—The term ''flight attendant'' has the meaning given that term in section 44728(g).

(Added Pub. L. 112–95, title III, § 309(a), Feb. 14, 2012, 126 Stat. 64.)

§ 44735. Limitation on disclosure of safety information

(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5 if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law.

(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

(1) Reports, data, or other information developed under the Aviation Safety Action Program.

(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.

(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

(2) DE-IDENTIFIED DEFINED.—In this subsection, the term ''de-identified'' means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.

(Added Pub. L. 112–95, title III, §310(a), Feb. 14, 2012, 126 Stat. 64.)

CHAPTER 449—SECURITY

SUBCHAPTER I—REQUIREMENTS

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AMENDMENTS

2013—Pub. L. 113–27, §2(b), Aug. 9, 2013, 127 Stat. 504, which directed amendment of analysis for subchapter I of chapter 449 by adding item 44927 after item 44926, was executed by adding item 44927 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112–271, §2(b), Jan. 14, 2013, 126 Stat. 2447, substituted ''Disposition of unclaimed money and clothing'' for ''Disposition of unclaimed money'' in item 44945.

2007—Pub. L. 110–53, title XVI, §1606(b), Aug. 3, 2007, 121 Stat. 483, added item 44926.

2004—Pub. L. 108–458, title IV, §4013(b), Dec. 17, 2004, 118 Stat. 3720, added item 44925.

Pub. L. 108–334, title V, §515(c), Oct. 18, 2004, 118 Stat. 1318, added item 44945.

2003—Pub. L. 108–176, title VI, §§605(b)(3), 611(b)(2), Dec. 12, 2003, 117 Stat. 2568, 2572, added items 44923 and 44924.

Pub. L. 108–7, div. I, title III, §351(c), Feb. 20, 2003, 117 Stat. 420, added item 44922.

2002—Pub. L. 107–296, title XIV, §1402(b)(1), Nov. 25, 2002, 116 Stat. 2305, added item 44921.

2001—Pub. L. 107–71, title I, §§101(f)(6), 105(b), 107(b), 108(b), 113(b), 125(b), 131(b), Nov. 19, 2001, 115 Stat. 603, 607, 611, 613, 622, 632, 635, added items 44917 to 44920, 44939, 44941, and 44944 and struck out items 44931 ''Director of Intelligence and Security'' and 44932 ''Assistant Administrator for Civil Aviation Security''.

Pub. L. 107–71, title I, §118(b), Nov. 19, 2001, 115 Stat. 627, which directed addition of item 44940 to the analysis for chapter 449 without specifying the Code title to be amended, was executed by adding item 44940 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104–264, title III, §312(b), Oct. 9, 1996, 110 Stat. 3254, added item 44916.

SUBCHAPTER I—REQUIREMENTS

§ 44901. Screening passengers and property

(a) IN GENERAL.—The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5, United States Code), except as otherwise provided in section 44919 or 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act.

(d) EXPLOSIVES DETECTION SYSTEMS.—

(1) IN GENERAL.—The Under Secretary of Transportation for Security shall take all necessary action to ensure that—

(A) explosives detection systems are deployed as soon as possible to ensure that all

[1] Editorially supplied. Section added by Pub. L. 107–71 without corresponding amendment of chapter analysis.