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AMENDMENTS

2012—Pub. L. 112-95, title I, §111(c)(3), title VIII, § 802(b), Feb. 14, 2012, 126 Stat. 18, 119, substituted “Passenger facility charges” for “Passenger facility fees” in item 40117 and added item 40130.

2003—Pub. L. 108-176, title IV, § 423(b), Dec. 12, 2003, 117 Stat. 2554, added item 40129.

2000—Pub. L. 106-181, title VII, §§702(b)(2), 705(b), 706(b), title VIII, §803(b), Apr. 5, 2000, 114 Stat. 156-158, 192, added items 40125 to 40128.

1997—Pub. L. 105-102, §3(d)(1)(B), Nov. 20, 1997, 111 Stat. 2215, amended Pub. L. 104-287, §5(69)(B). See 1996 Amendment note below.

1996—Pub. L. 104-287, §5(69)(B), Oct. 11, 1996, 110 Stat. 3396, as amended by Pub. L. 105-102, §3(d)(1)(B), Nov. 20, 1997, 111 Stat. 2215, added item 40124.

Pub. L. 104-264, title II, §254, title IV, §§401(b)(2), 402(b), Oct. 9, 1996, 110 Stat. 3238, 3255, 3256, inserted “safety of” before “air commerce” in item 40104 and added item 40121 “Air traffic control modernization reviews” and items 40122 and 40123.

§ 40101. Policy

(a) ECONOMIC REGULATION.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others, as being in the public interest and consistent with public convenience and necessity:

(1) assigning and maintaining safety as the highest priority in air commerce.

(2) before authorizing new air transportation services, evaluating the safety implications of those services.

(3) preventing deterioration in established safety procedures, recognizing the clear in-

tent, encouragement, and dedication of Congress to further the highest degree of safety in air transportation and air commerce, and to maintain the safety vigilance that has evolved in air transportation and air commerce and has come to be expected by the traveling and shipping public.

(4) the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices.

(5) coordinating transportation by, and improving relations among, air carriers, and encouraging fair wages and working conditions.

(6) placing maximum reliance on competitive market forces and on actual and potential competition—

(A) to provide the needed air transportation system; and

(B) to encourage efficient and well-managed air carriers to earn adequate profits and attract capital, considering any material differences between interstate air transportation and foreign air transportation.

(7) developing and maintaining a sound regulatory system that is responsive to the needs of the public and in which decisions are reached promptly to make it easier to adapt the air transportation system to the present and future needs of—

(A) the commerce of the United States;

(B) the United States Postal Service; and

(C) the national defense.

(8) encouraging air transportation at major urban areas through secondary or satellite airports if consistent with regional airport plans of regional and local authorities, and if endorsed by appropriate State authorities—

(A) encouraging the transportation by air carriers that provide, in a specific market, transportation exclusively at those airports; and

(B) fostering an environment that allows those carriers to establish themselves and develop secondary or satellite airport services.

(9) preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation.

(10) avoiding unreasonable industry concentration, excessive market domination, monopoly powers, and other conditions that would tend to allow at least one air carrier or foreign air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation.

(11) maintaining a complete and convenient system of continuous scheduled interstate air transportation for small communities and isolated areas with direct financial assistance from the United States Government when appropriate.

(12) encouraging, developing, and maintaining an air transportation system relying on actual and potential competition—

(A) to provide efficiency, innovation, and low prices; and

(B) to decide on the variety and quality of, and determine prices for, air transportation services.

(13) encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.

(14) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(15) strengthening the competitive position of air carriers to at least ensure equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

(b) ALL-CARGO AIR TRANSPORTATION CONSIDERATIONS.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others and in addition to the matters referred to in subsection (a) of this section, as being in the public interest for all-cargo air transportation:

(1) encouraging and developing an expedited all-cargo air transportation system provided by private enterprise and responsive to—

- (A) the present and future needs of shippers;
- (B) the commerce of the United States; and
- (C) the national defense.

(2) encouraging and developing an integrated transportation system relying on competitive market forces to decide the extent, variety, quality, and price of services provided.

(3) providing services without unreasonable discrimination, unfair or deceptive practices, or predatory pricing.

(c) GENERAL SAFETY CONSIDERATIONS.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator of the Federal Aviation Administration shall consider the following matters:

(1) the requirements of national defense and commercial and general aviation.

(2) the public right of freedom of transit through the navigable airspace.

(d) SAFETY CONSIDERATIONS IN PUBLIC INTEREST.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator shall consider the following matters, among others, as being in the public interest:

(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.

(2) regulating air commerce in a way that best promotes safety and fulfills national defense requirements.

(3) encouraging and developing civil aeronautics, including new aviation technology.

(4) controlling the use of the navigable airspace and regulating civil and military oper-

ations in that airspace in the interest of the safety and efficiency of both of those operations.

(5) consolidating research and development for air navigation facilities and the installation and operation of those facilities.

(6) developing and operating a common system of air traffic control and navigation for military and civil aircraft.

(7) providing assistance to law enforcement agencies in the enforcement of laws related to regulation of controlled substances, to the extent consistent with aviation safety.

(e) INTERNATIONAL AIR TRANSPORTATION.—In formulating United States international air transportation policy, the Secretaries of State and Transportation shall develop a negotiating policy emphasizing the greatest degree of competition compatible with a well-functioning international air transportation system, including the following:

(1) strengthening the competitive position of air carriers to ensure at least equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(2) freedom of air carriers and foreign air carriers to offer prices that correspond to consumer demand.

(3) the fewest possible restrictions on charter air transportation.

(4) the maximum degree of multiple and permissive international authority for air carriers so that they will be able to respond quickly to a shift in market demand.

(5) eliminating operational and marketing restrictions to the greatest extent possible.

(6) integrating domestic and international air transportation.

(7) increasing the number of nonstop United States gateway cities.

(8) opportunities for carriers of foreign countries to increase their access to places in the United States if exchanged for benefits of similar magnitude for air carriers or the traveling public with permanent linkage between rights granted and rights given away.

(9) eliminating discrimination and unfair competitive practices faced by United States airlines in foreign air transportation, including—

- (A) excessive landing and user fees;
- (B) unreasonable ground handling requirements;
- (C) unreasonable restrictions on operations;
- (D) prohibitions against change of gauge; and
- (E) similar restrictive practices.

(10) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(f) STRENGTHENING COMPETITION.—In selecting an air carrier to provide foreign air transportation from among competing applicants, the Secretary of Transportation shall consider, in addition to the matters specified in subsections (a) and (b) of this section, the strengthening of competition among air carriers operating in the

United States to prevent unreasonable concentration in the air carrier industry.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1094; Pub. L. 104-264, title IV, §401(a), Oct. 9, 1996, 110 Stat. 3255; Pub. L. 106-181, title II, §201, Apr. 5, 2000, 114 Stat. 91.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40101(a)	49 App.:1302(a).	Aug. 23, 1958, Pub. L. 85-726, §102(a), 72 Stat. 740; Nov. 9, 1977, Pub. L. 95-163, §16(b)(1), (2), 91 Stat. 1284; Oct. 24, 1978, Pub. L. 95-504, §3(a), 92 Stat. 1705; restated Feb. 15, 1980, Pub. L. 96-192, §2, 94 Stat. 35.
	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.
40101(b)	49 App.:1302(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §102(b); added Nov. 9, 1977, Pub. L. 95-163, §16(b)(3), 91 Stat. 1284.
40101(c)	49 App.:1551(b)(1)(E). 49 App.:1347.	Aug. 23, 1958, Pub. L. 85-726, §306, 72 Stat. 749.
	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.
40101(d)	49 App.:1303.	Aug. 23, 1958, Pub. L. 85-726, §103, 72 Stat. 740; Nov. 13, 1968, Pub. L. 100-690, §7202(b), 102 Stat. 4424.
40101(e)	49 App.:1655(c)(1). 49 App.:1502(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1102(b); added Feb. 15, 1980, Pub. L. 96-192, §17, 94 Stat. 42.
40101(f)	49 App.:1551(b)(1)(E). 49 App.:1302(c).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §102(c); added Oct. 31, 1992, Pub. L. 102-581, §205, 106 Stat. 4894.

In this part, the words “overseas air commerce” and “overseas air transportation” are omitted as obsolete because there no longer is a distinction in economic or safety regulation between “interstate” and “overseas” air commerce or air transportation.

In this section, the words “In carrying out . . . this part” are substituted for “In the exercise and performance of its powers and duties under this chapter” in 49 App.:1302(a), “In the exercise and performance of his powers and duties under this chapter” in 49 App.:1303, and “In exercising the authority granted in, and discharging the duties imposed by, this chapter” in 49 App.:1347 for consistency in the revised title and to eliminate unnecessary words.

In subsections (a) and (b), the reference to subpart II is added because the policy applies only to economic issues, and under the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731), the Civil Aeronautics Board was given responsibility for economic issues.

In subsection (a)(2), the word “full” is omitted as surplus. The words “the recommendations of the Secretary of Transportation on” are omitted as obsolete because the Secretary carries out 49 App.:1302(a). The words “and full evaluation of any report or recommendation submitted under section 1307 of this Appendix” are omitted as obsolete because the report and recommendations are no longer required.

In subsection (a)(4), the words “by air carriers and foreign air carriers” are omitted as surplus. The words “unreasonable discrimination” are substituted for “unjust discriminations, undue preferences or advantages” for consistency in the revised title and to eliminate unnecessary words.

In subsection (a)(6)(B), the words “nevertheless”, “on the one hand”, and “on the other” are omitted as surplus.

In subsection (a)(8), before subclause (A), the word “authorities” is substituted for “entities” for consistency in the revised title and with other titles of the Code.

In subclause (A), the words “sole responsibility” are omitted as unnecessary because of the restatement.

In subsection (a)(15), the words “United States” are omitted as surplus because of the definition of “air carrier” in section 40102(a) of the revised title.

In subsection (b)(3), the words “unreasonable discrimination” are substituted for “unjust discriminations, undue preferences or advantages” for consistency in the revised title and to eliminate unnecessary words.

In subsections (c) and (d), the reference to subpart III is added because the policies apply only to safety issues, and under the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731), the Federal Aviation Administration was given responsibility for safety issues.

In subsection (c), before clause (1), the word “Administrator” in section 306 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 749) is retained on authority of 49:106(g). The words “consider the following matters” are substituted for “give full consideration to” for consistency in this section.

In subsection (d)(3), the word “both” in 49 App.:1303(c) is omitted as surplus the first time it appears. The words “of the United States” are omitted for consistency in the revised title and because of the definition of “navigable airspace” in section 40102(a) of the revised title. The words “of those operations” are added for clarity.

In subsection (d)(5), the word “both” in 49 App.:1303(e) is omitted as surplus.

In subsection (e), before clause (1), the words “the Congress intends that” are omitted as surplus. In clauses (1) and (4), the words “United States” are omitted as surplus because of the definition of “air carrier” in section 40102(a) of the revised title. In clause (2), the word “prices” is substituted for “fares and rates” because of the definition of “price” in section 40102(a).

In clause (8), the words “places in the United States” are substituted for “United States points” for consistency in this chapter. The word “air” is added for clarity and consistency in this subtitle. In clause (9)(C), the word “unreasonable” is substituted for “undue” for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2000—Subsec. (a)(16). Pub. L. 106-181 added par. (16).

1996—Subsec. (d)(1). Pub. L. 104-264, §401(a)(1)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (d)(2). Pub. L. 104-264, §401(a)(1)(A), (2)(A), redesignated par. (1) as (2) and struck out “its development and” after “best promotes”. Former par. (2) redesignated (3).

Subsec. (d)(3). Pub. L. 104-264, §401(a)(1)(A), (2)(B), redesignated par. (2) as (3) and substituted “encouraging and developing civil aeronautics, including new aviation technology” for “promoting, encouraging, and developing civil aeronautics”. Former par. (3) redesignated (4).

Subsec. (d)(4) to (7). Pub. L. 104-264, §401(a)(1)(A), redesignated pars. (3) to (6) as (4) to (7), respectively.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, §3, Feb. 14, 2012, 126 Stat. 15, provided that: “Except as otherwise expressly provided, this Act [see Tables for classification] and the amendments made by this Act shall take effect on the date of enactment of this Act [Feb. 14, 2012].”

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.

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-238, §1, Dec. 18, 2014, 128 Stat. 2842, provided that: “This Act [enacting section 44946 of this title] may be cited as the ‘Aviation Security Stakeholder Participation Act of 2014’.”

Pub. L. 113-221, §1, Dec. 16, 2014, 128 Stat. 2094, provided that: “This Act [enacting section 44928 of this title] may be cited as the ‘Honor Flight Act’.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-27, §1, Aug. 9, 2013, 127 Stat. 503, provided that: “This Act [enacting section 44927 of this title] may be cited as the ‘Helping Heroes Fly Act’.”

Pub. L. 112-271, §1, Jan. 14, 2013, 126 Stat. 2446, provided that: “This Act [amending section 44945 of this title] may be cited as the ‘Clothe a Homeless Hero Act’.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-218, §1, Dec. 20, 2012, 126 Stat. 1593, provided that: “This Act [amending section 44901 of this title] may be cited as the ‘No-Hassle Flying Act of 2012’.”

Pub. L. 112-153, §1, Aug. 3, 2012, 126 Stat. 1159, provided that: “This Act [amending sections 44703, 44709, and 44710 of this title and enacting provisions set out as notes under sections 44701 and 44703 of this title] may be cited as the ‘Pilot’s Bill of Rights’.”

Pub. L. 112-95, §1(a), Feb. 14, 2012, 126 Stat. 11, provided that: “This Act [see Tables for classification] may be cited as the ‘FAA Modernization and Reform Act of 2012’.”

Pub. L. 112-86, §1, Jan. 3, 2012, 125 Stat. 1874, provided that: “This Act [amending section 44903 of this title and enacting provisions set out as a note under section 44903 of this title] may be cited as the ‘Risk-Based Security Screening for Members of the Armed Forces Act’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-216, §1, Aug. 1, 2010, 124 Stat. 2348, provided that: “This Act [amending sections 106, 1135, 40117, 41712, 44302, 44303, 44703, 47104, 47107, 47115, 47141, 48101, 48102, and 49108 of this title and sections 4081, 4261, 4271, and 9502 of Title 26, Internal Revenue Code, enacting provisions set out as notes under sections 40117 and 44701 of this title and sections 4081 and 9502 of Title 26, and amending provisions set out as a note under section 47109 of this title] may be cited as the ‘Airline Safety and Federal Aviation Administration Extension Act of 2010’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-135, §1, Dec. 13, 2007, 121 Stat. 1450, provided that: “This Act [enacting section 44729 of this title] may be cited as the ‘Fair Treatment for Experienced Pilots Act’.”

Pub. L. 110-113, §1, Nov. 8, 2007, 121 Stat. 1039, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Procedural Fairness for September 11 Victims Act of 2007’.”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-297, §1, Aug. 9, 2004, 118 Stat. 1095, provided that: “This Act [enacting section 44113 of this title, amending sections 44107 and 44108 of this title, and enacting provisions set out as notes under section 44101 of this title] may be cited as ‘Cape Town Treaty Implementation Act of 2004’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-176, §1(a), Dec. 12, 2003, 117 Stat. 2490, provided that: “This Act [see Tables for classification]

may be cited as the ‘Vision 100—Century of Aviation Reauthorization Act’.”

Pub. L. 108-176, title III, §301, Dec. 12, 2003, 117 Stat. 2533, provided that: “This title [enacting subchapter III of chapter 471 of this title, amending sections 40104, 40128, 47106, 47503, and 47504 of this title, and enacting provisions set out as notes under this section and sections 40128, 47171, 47503, and 47508 of this title] may be cited as ‘Aviation Streamlining Approval Process Act of 2003’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-296, title XIV, §1401, Nov. 25, 2002, 116 Stat. 2300, provided that: “This title [enacting section 44921 of this title and section 513 of Title 6, Domestic Security, amending sections 44903 and 44918 of this title, amending provisions set out as a note under section 114 of this title, and repealing provisions set out as a note under section 44903 of this title] may be cited as the ‘Arming Pilots Against Terrorism Act’.”

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-71, §1, Nov. 19, 2001, 115 Stat. 597, provided that: “This Act [see Tables for classification] may be cited as the ‘Aviation and Transportation Security Act’.”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-528, §1, Nov. 22, 2000, 114 Stat. 2517, provided that: “This Act [amending sections 106, 41104, 44903, 44935, and 44936 of this title, enacting provisions set out as notes under sections 106, 44903, and 44936 of this title, and amending provisions set out as notes under sections 40128 and 47501 of this title] may be cited as the ‘Airport Security Improvement Act of 2000’.”

Pub. L. 106-181, §1(a), Apr. 5, 2000, 114 Stat. 61, provided that: “This Act [see Tables for classification] may be cited as the ‘Wendell H. Ford Aviation Investment and Reform Act for the 21st Century’.”

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-6, §1, Mar. 31, 1999, 113 Stat. 10, provided that: “This Act [amending sections 106, 44310, 47104, 47115 to 47117, 48101, and 48103 of this title] may be cited as the ‘Interim Federal Aviation Administration Authorization Act’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-155, §1, Feb. 11, 1998, 112 Stat. 5, provided that: “This Act [amending section 48102 of this title and enacting provisions set out as a note under section 48102 of this title] may be cited as the ‘FAA Research, Engineering, and Development Authorization Act of 1998’.”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-137, §1, Dec. 2, 1997, 111 Stat. 2640, provided that: “This Act [amending sections 40102, 44302, 44305, 44306, 44308, and 44310 of this title and enacting provisions set out as a note under section 44310 of this title] may be cited as the ‘Aviation Insurance Reauthorization Act of 1997’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-264, §1(a), Oct. 9, 1996, 110 Stat. 3213, provided that: “This Act [see Tables for classification] may be cited as the ‘Federal Aviation Reauthorization Act of 1996’.”

Pub. L. 104-264, title II, §201, Oct. 9, 1996, 110 Stat. 3227, provided that: “This title [enacting sections 40121, 40122, 45301, 45303, 48111, and 48201 of this title, amending sections 106 and 41742 of this title, renumbering section 45303 of this title as section 45304, repealing former section 45301 of this title, and enacting provisions set out as notes under this section and sections 106, 40110, and 41742 of this title] may be cited as the ‘Air Traffic Management System Performance Improvement Act of 1996’.”

Pub. L. 104-264, title II, §278(a), Oct. 9, 1996, 110 Stat. 3249, provided that: "This section [amending section 41742 of this title and enacting provisions set out as a note under section 41742 of this title] may be cited as the 'Rural Air Service Survival Act'."

Pub. L. 104-264, title V, §501, Oct. 9, 1996, 110 Stat. 3259, provided that: "This title [amending sections 30305, 44936, and 46301 of this title and enacting provisions set out as notes under sections 30305 and 44935 of this title] may be cited as the 'Pilot Records Improvement Act of 1996'."

Pub. L. 104-264, title VI, §601, Oct. 9, 1996, 110 Stat. 3263, provided that: "This title [enacting section 44724 of this title] may be cited as the 'Child Pilot Safety Act'."

Pub. L. 104-264, title VII, §701, Oct. 9, 1996, 110 Stat. 3264, provided that: "This title [enacting sections 1136 and 41113 of this title and provisions set out as notes under section 41113 of this title] may be cited as the 'Aviation Disaster Family Assistance Act of 1996'."

Pub. L. 104-264, title VIII, §801, Oct. 9, 1996, 110 Stat. 3269, provided that: "This title [enacting section 47133 of this title, amending sections 46301 and 47107 of this title and section 9502 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under section 47107 of this title] may be cited as the 'Airport Revenue Protection Act of 1996'."

Pub. L. 104-264, title XI, §1101, Oct. 9, 1996, 110 Stat. 3278, provided that: "This title [amending sections 44501, 44508, and 48102 of this title] may be cited as the 'FAA Research, Engineering, and Development Management Reform Act of 1996'."

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-305, §1(a), Aug. 23, 1994, 108 Stat. 1569, provided that: "This Act [enacting sections 41311, 41714, 41715, 47129, 47130, and 47509 of this title, amending sections 106, 10521, 11501, 40102, 40113, 40116, 40117, 41713, 41734, 44502, 44505, 44938, 45301, 46301, 47101, 47102, 47104 to 47107, 47109 to 47111, 47115, 47117 to 47119, 47504, 48101 to 48104, and 48108 of this title and section 9502 of Title 26, Internal Revenue Code, renumbering former section 47129 of this title as section 47131 of this title, enacting provisions set out as notes under this section and sections 10521, 11501, 40102, 40105, 40117, 41311, 41715, 44502, 45102, 47101, 47107, 47124, and 49101 of this title, and repealing provisions set out as a note under section 1348 of former Title 49, Transportation] may be cited as the 'Federal Aviation Administration Authorization Act of 1994'."

Pub. L. 103-305, title III, §301, Aug. 23, 1994, 108 Stat. 1589, provided that: "This title [enacting section 47509 of this title, amending sections 44505 and 48102 of this title, and enacting provisions set out as notes under this section and section 49101 of this title] may be cited as the 'Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1994'."

UNMANNED AIRCRAFT JOINT TRAINING AND USAGE PLAN

Pub. L. 113-66, div. A, title X, §1075(a), Dec. 26, 2013, 127 Stat. 870, provided that:

"(1) METHODS.—The Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly develop and implement plans and procedures to review the potential of joint testing and evaluation of unmanned aircraft equipment and systems with other appropriate departments and agencies of the Federal Government that may serve the dual purpose of providing capabilities to the Department of Defense to meet the future requirements of combatant commanders and domestically to strengthen international border security.

"(2) REPORT.—Not later than 270 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly submit to Congress a report on the status of the development of the plans and proce-

dures required under paragraph (1), including a cost-benefit analysis of the shared expenses between the Department of Defense and other appropriate departments and agencies of the Federal Government to support such plans."

INTERAGENCY COLLABORATION

Pub. L. 112-239, div. A, title X, §1052(b), (c), Jan. 2, 2013, 126 Stat. 1935, 1936, provided that:

"(b) INTERAGENCY COLLABORATION.—

"(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 126 Stat. 72) [set out as a note below].

"(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

"(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

"(4) REPORTS.—

"(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

"(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration;

"(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace; and

"(iii) progress in sharing with the Federal Aviation Administration safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the National Airspace System.

"(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act [Jan. 2, 2013].

"(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term 'UAS Executive Committee' means the National Aeronautics and Space and [sic] Administration and the Department of Defense—Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 [Pub. L. 110-417; 122 Stat. 4597] and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration."

PROHIBITION ON PARTICIPATION IN EUROPEAN UNION'S
EMISSIONS TRADING SCHEME

Pub. L. 112–200, Nov. 27, 2012, 126 Stat. 1477, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘European Union Emissions Trading Scheme Prohibition Act of 2011’.

“SEC. 2. PROHIBITION ON PARTICIPATION IN THE
EUROPEAN UNION'S EMISSIONS TRADING
SCHEME.

“(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

“(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

“(2) the impacts on the economic, energy, and environmental security of the United States; and

“(3) the impacts on U.S. foreign relations, including existing international commitments.

“(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

“(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

“(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

“(2) shall reassess such a determination after—

“(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

“(B) the adoption of any international agreement pursuant to section 3(1). [sic]

“(C) enactment of a public law or issuance of a final rule after formal agency rulemaking, in the United States[s] to address aircraft emissions.

“SEC. 3. NEGOTIATIONS.

“(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

“(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

“(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

“(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 [9502] of the Internal Revenue Code of 1986 [26 U.S.C. 9502], or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

“SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE
UNITED STATES.

“In this Act, the term ‘civil aircraft of the United States’ has the meaning given the term under section 40102(a) of title 49, United States Code.”

NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR
TRAFFIC CONTROL MODERNIZATION

Pub. L. 112–95, title II, §§ 201, 202, 211–222, Feb. 14, 2012, 126 Stat. 36, 44–54, provided that:

“SEC. 201. DEFINITIONS.

“In this title [amending sections 106, 40102, 40110, and 40113 of this title, enacting provisions set out as notes under this section and sections 106 and 44506 of this title, and amending provisions set out as notes under this section], the following definitions apply:

“(1) NEXTGEN.—The term ‘NextGen’ means the Next Generation Air Transportation System.

“(2) ADS-B.—The term ‘ADS-B’ means automatic dependent surveillance-broadcast.

“(3) ADS-B OUT.—The term ‘ADS-B Out’ means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

“(4) ADS-B IN.—The term ‘ADS-B In’ means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.

“(5) RNAV.—The term ‘RNAV’ means area navigation.

“(6) RNP.—The term ‘RNP’ means required navigation performance.

“SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.

“In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

“(1) Next Generation Transportation System—Demonstrations and Infrastructure Development.

“(2) Next Generation Transportation System—Trajectory Based Operations.

“(3) Next Generation Transportation System—Reduce Weather Impact.

“(4) Next Generation Transportation System—Arrivals/Departures at High Density Airports.

“(5) Next Generation Transportation System—Collaborative ATM.

“(6) Next Generation Transportation System—Flexible Terminals and Airports.

“(7) Next Generation Transportation System—Safety, Security, and Environment.

“(8) Next Generation Transportation System—Systems Network Facilities.

“(9) Center for Advanced Aviation System Development.

“(10) Next Generation Transportation System—System Development.

“(11) Data Communications in support of Next Generation Air Transportation System.

“(12) ADS-B NAS-Wide Implementation.

“(13) System-Wide Information Management.

“(14) Next Generation Transportation System—Facility Consolidation and Realignment.

“(15) En Route Modernization—D-Position Upgrade and System Enhancements.

“(16) National Airspace System Voice System.

“(17) Next Generation Network Enabled Weather.

“(18) NextGen Performance Based Navigation Metroplex Area Navigation/Required Navigation Performance.

“SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

“(a) REVIEW BY DOT INSPECTOR GENERAL.—

“(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration’s award and oversight of any contracts entered into by the Administration to provide ADS-B services for the national airspace system.

“(2) CONTENTS.—The review shall include, at a minimum—

“(A) an examination of how the Administration manages program risks;

“(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the Administration’s plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;

“(C) an assessment of the Administration’s analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS-B In and ADS-B Out avionics equipage for airspace users;

“(D) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

“(E) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration’s program for providing ADS-B services;

“(F) an assessment of how security issues are being addressed in the overall design and implementation of the ADS-B system;

“(G) identification of any potential operational or workforce changes resulting from deployment of ADS-B; and

“(H) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

“(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at least an annual basis), 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 review conducted under this subsection.

“(b) RULEMAKING.—

“(1) ADS-B IN.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS-B In technology that—

“(A) identify the ADS-B In technology that will be required under NextGen;

“(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS-B In technology by 2020; and

“(C) identify—

“(i) the type of avionics required of aircraft for all classes of airspace;

“(ii) the expected costs associated with the avionics; and

“(iii) the expected uses and benefits of the avionics.

“(2) READINESS VERIFICATION.—Before the Administrator completes an ADS-B In equipage rulemaking proceeding or issues an interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

“(A) the necessary ground infrastructure is installed and functioning properly;

“(B) certification standards have been approved; and

“(C) appropriate operational platforms interface safely and efficiently.

“(c) USE OF ADS-B TECHNOLOGY.—

“(1) PLANS.—Not later than 18 months after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS-B technology for surveillance and active air traffic control.

“(2) CONTENTS.—The plan shall—

“(A) include provisions to test the use of ADS-B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;

“(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

“(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and

“(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS-B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.

“SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.

“(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.

“(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

“(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

“(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

“(3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

“(c) REPORT.—Not later than 1 year 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 containing the results of the review conducted pursuant to subsection (a).

“SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.

“(a) OPERATIONAL EVOLUTION PARTNERSHIP (OEP) AIRPORT PROCEDURES.—

“(1) OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as ‘qualified third parties’) that includes the following:

“(A) RNP/RNAV OPERATIONS FOR OEP AIRPORTS.—

The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the fuel efficiency and airspace capacity of NextGen commercial operations at each of the 35 operational evolution partnership airports identified by the Administration and any medium or small hub airport located within the same metroplex area considered appropriate by the Administrator. The Administrator shall, to the maximum extent practicable, avoid overlays of existing

flight procedures, but if unavoidable, the Administrator shall clearly identify each required navigation performance and area navigation procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.

“(B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and utilize the procedures at OEP airports.

“(C) IMPLEMENTATION PLAN FOR OEP AIRPORTS.—A plan for implementing the procedures for OEP airports under subparagraph (A) that establishes—

“(i) clearly defined budget, schedule, project organization, and leadership requirements;

“(ii) specific implementation and transition steps;

“(iii) baseline and performance metrics for—

“(I) measuring the Administration’s progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

“(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance;

“(iv) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii);

“(v) coordination and communication mechanisms with qualified third parties, if applicable;

“(vi) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment; and

“(vii) a lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.

“(D) ADDITIONAL PROCEDURES FOR OEP AIRPORTS.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may provide operational benefits at OEP airports, and any medium or small hub airport located within the same metroplex area as the OEP airport, in the future.

“(2) IMPLEMENTATION SCHEDULE FOR OEP AIRPORTS.—The Administrator shall certify, publish, and implement—

“(A) not later than 18 months after the date of enactment of this Act [Feb. 14, 2012], 30 percent of the required procedures at OEP airports;

“(B) not later than 36 months after the date of enactment of this Act, 60 percent of the required procedures at OEP airports; and

“(C) before June 30, 2015, 100 percent of the required procedures at OEP airports.

“(b) NON-OEP AIRPORTS.—

“(1) NON-OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as ‘qualified third parties’) that includes the following:

“(A) RNP OPERATIONS FOR NON-OEP AIRPORTS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the fuel effi-

ciency and airspace capacity of NextGen commercial operations at 35 non-OEP small, medium, and large hub airports other than those referred to in subsection (a)(1). The Administrator shall choose such non-OEP airports considered appropriate by the Administrator to produce maximum operational benefits, including improved fuel efficiency and emissions reductions that do not have public RNP procedures that produce such benefits on the date of enactment of this Act. The Administrator shall, to the maximum extent practicable, avoid overlays of existing flight procedures, but if unavoidable, the Administrator shall clearly identify each required navigation performance procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.

“(B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR NON-OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and to utilize the procedures required by subparagraph (A) at each of the airports described in such subparagraph.

“(C) IMPLEMENTATION PLAN FOR NON-OEP AIRPORTS.—A plan for implementation of the procedures required by subparagraph (A) that establishes—

“(i) clearly defined budget, schedule, project organization, and leadership requirements;

“(ii) specific implementation and transition steps;

“(iii) coordination and communications mechanisms with qualified third parties;

“(iv) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment;

“(v) baseline and performance metrics for—

“(I) measuring the Administration’s progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

“(II) achieving measurable fuel burn and carbon dioxide emissions reduction compared to current performance;

“(vi) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics established under clause (v);

“(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration; and

“(viii) lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.

“(D) ADDITIONAL PROCEDURES FOR NON-OEP AIRPORTS.—A process for the identification, certification, and publication of additional required navigation performance procedures that may provide operational benefits at non-OEP airports in the future.

“(2) IMPLEMENTATION SCHEDULE FOR NON-OEP AIRPORTS.—The Administrator shall certify, publish, and implement—

“(A) not later than 18 months after the date of enactment of this Act [Feb. 14, 2012], 25 percent of the required procedures for non-OEP airports;

“(B) not later than 36 months after the date of enactment of this Act, 50 percent of the required procedures for non-OEP airports; and

“(C) before June 30, 2016, 100 percent of the required procedures for non-OEP airports.

“(c) COORDINATED AND EXPEDITED REVIEW.—

“(1) IN GENERAL.—Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

“(2) NEXTGEN PROCEDURES.—Any navigation performance or other performance based navigation procedure developed, certified, published, or implemented that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace, shall be presumed to have no significant affect on the quality of the human environment and the Administrator shall issue and file a categorical exclusion for the new procedure.

“(d) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], 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 plan for implementation of a nationwide data communications system. The plan shall include—

“(1) clearly defined budget, schedule, project organization, and leadership requirements;

“(2) specific implementation and transition steps; and

“(3) baseline and performance metrics for measuring the Administration’s progress in implementing the plan.

“(e) IMPROVED PERFORMANCE STANDARDS.—

“(1) ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—

“(A) whether utilization of ADS-B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and

“(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.

“(2) AIRCRAFT SEPARATION STANDARDS.—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.

“(f) THIRD-PARTY USAGE.—The Administration shall establish a program under which the Administrator is authorized to use qualified third parties in the development, testing, and maintenance of flight procedures.

“SEC. 214. PERFORMANCE METRICS.

“(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 establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—

“(1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;

“(2) average gate-to-gate times;

“(3) fuel burned between key city pairs;

“(4) operations using the advanced navigation procedures, including performance based navigation procedures;

“(5) the average distance flown between key city pairs;

“(6) the time between pushing back from the gate and taking off;

“(7) continuous climb or descent;

“(8) average gate arrival delay for all arrivals;

“(9) flown versus filed flight times for key city pairs;

“(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;

“(11) the Administration’s unit cost of providing air traffic control services; and

“(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.

“(b) BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.

“(c) PUBLICATION.—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.

“(d) REPORT.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], 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 that contains—

“(1) a description of the metrics that will be used to measure the Administration’s progress in implementing NextGen capabilities and operational results;

“(2) information on any additional metrics developed; and

“(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

“SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.

“(a) PROCESS FOR CERTIFICATION.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

“(1) establishment of updated project plans and timelines;

“(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipment, installation of equipment, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

“(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;

“(4) establishment of a program under which the Administration will use third parties in the certification process; and

“(5) establishment of performance metrics to measure the Administration’s progress.

“(b) CERTIFICATION INTEGRITY.—The Administrator shall ensure that equipment, systems, or services used in the national airspace system meet appropriate certification requirements regardless of whether the equipment, system, or service is publicly or privately owned.

“SEC. 216. SURFACE SYSTEMS ACCELERATION.

“(a) IN GENERAL.—The Chief Operating Officer of the Air Traffic Organization shall—

“(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

“(2) evaluate airport surveillance technologies and associated collaborative surface management soft-

ware for potential contributions to implementation of NextGen surface management;

“(3) accelerate implementation of the program referred to in paragraph (1); and

“(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.

“(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

“(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

“(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by December 31, 2012.

“SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

“(a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration impacted by the air traffic control modernization process to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

“(b) ADHERENCE TO DEADLINES.—Participants in these processes shall adhere, to the greatest extent possible, to all deadlines and milestones established pursuant to this title.

“(c) NO CHANGE IN EMPLOYEE STATUS.—Participation in these processes by an employee shall not—

“(1) serve as a waiver of any bargaining obligations or rights;

“(2) entitle the employee to any additional compensation or benefits with the exception of a per diem, if appropriate; or

“(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.

“(d) WORKING GROUPS.—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.

“(e) REPORT.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

“SEC. 218. AIRSPACE REDESIGN.

“(a) FINDINGS.—Congress finds the following:

“(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

“(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.

“(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

“(4) New runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.

“(b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.—

“(1) MONITORING.—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

“(2) REPORT.—Not later than 1 year following the first day of completion of the New York/New Jersey/

Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

“SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.

“(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

“(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

“SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist in the establishment of a center of excellence for the research and development of NextGen technologies.

“(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

“(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

“(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

“SEC. 221. PUBLIC-PRIVATE PARTNERSHIPS.

“(a) IN GENERAL.—The Secretary may establish an avionics equipage incentive program for the purpose of equipping general aviation and commercial aircraft with communications, surveillance, navigation, and other avionics equipment as determined by the Secretary to be in the interest of achieving NextGen capabilities for such aircraft.

“(b) NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.—The incentive program established under subsection (a) shall, at a minimum—

“(1) be based on public-private partnership principles; and

“(2) leverage and maximize the use of private sector capital.

“(c) FINANCIAL INSTRUMENTS.—Subject to the availability of appropriated funds, the Secretary may use financial instruments to facilitate public-private financing for the equipage of general aviation and commercial aircraft registered under section 44103 of title 49, United States Code. To the extent appropriations are not made available, the Secretary may establish the program, provided the costs are covered by the fees and premiums authorized by subsection (d)(2). For purposes of this section, the term ‘financial instruments’ means loan guarantees and other credit assistance designed to leverage and maximize private sector capital.

“(d) PROTECTION OF THE TAXPAYER.—

“(1) LIMITATION ON PRINCIPAL.—The amount of any guarantee under this program shall be limited to 90 percent of the principal amount of the underlying loan.

“(2) COLLATERAL, FEES, AND PREMIUMS.—The Secretary shall require applicants for the incentive program to post collateral and pay such fees and premiums if feasible, as determined by the Secretary, to offset costs to the Government of potential defaults, and agree to performance measures that the Secretary considers necessary and in the best interest of implementing the NextGen program.

“(3) USE OF FUNDS.—Applications for this program shall be limited to equipment that is installed on general aviation or commercial aircraft and is necessary for communications, surveillance, navigation, or other purposes determined by the Secretary to be in the interests of achieving NextGen capabilities for commercial and general aviation.

“(e) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue such financial instruments under this section shall terminate 5 years after the date of the establishment of the incentive program.

“SEC. 222. OPERATIONAL INCENTIVES.

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue a report that—

“(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;

“(2) identifies the costs and benefits of each option; and

“(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

“(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

“(1) the date that is 6 months after the date of enactment of this Act [Feb. 14, 2012]; or

“(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to the rulemaking under section 211(b).”

CONTINGENCY PLANNING

Pub. L. 112-95, title II, §208(d), Feb. 14, 2012, 126 Stat. 43, provided that: “The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.”

REPORTS ON STATUS OF GREENER SKIES PROJECT

Pub. L. 112-95, title II, §225, Feb. 14, 2012, 126 Stat. 55, provided that:

“(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

“(b) SUBSEQUENT REPORTS.—

“(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and annually thereafter until the pilot program terminates, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

“(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

“(B) A description of the progress made in carrying out such strategy.

“(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.”

[For definition of “NextGen” as used in section 225 of Pub. L. 112-95, set out above, see section 201 of Pub. L. 112-95, set out as a note above.]

UNMANNED AIRCRAFT SYSTEMS

Pub. L. 112-95, title III, subtitle B, Feb. 14, 2012, 126 Stat. 72, provided that:

“SEC. 331. DEFINITIONS.

“In this subtitle, the following definitions apply:

“(1) ARCTIC.—The term ‘Arctic’ means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

“(2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms ‘certificate of waiver’ and ‘certificate of authorization’ mean a Federal Aviation Administration grant of approval for a specific flight operation.

“(3) PERMANENT AREAS.—The term ‘permanent areas’ means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

“(4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ‘public unmanned aircraft system’ means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).

“(5) SENSE AND AVOID CAPABILITY.—The term ‘sense and avoid capability’ means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

“(6) SMALL UNMANNED AIRCRAFT.—The term ‘small unmanned aircraft’ means an unmanned aircraft weighing less than 55 pounds.

“(7) TEST RANGE.—The term ‘test range’ means a defined geographic area where research and development are conducted.

“(8) UNMANNED AIRCRAFT.—The term ‘unmanned aircraft’ means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

“(9) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

“SEC. 332. INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.

“(a) REQUIRED PLANNING FOR INTEGRATION.—

“(1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

“(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

“(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

“(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

“(ii) ensure that any civil unmanned aircraft system includes a sense and avoid capability; and

“(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

“(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

“(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

“(D) a timeline for the phased-in approach described under subparagraph (C);

“(E) creation of a safe [sic]

“(F) airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

“(G) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

“(H) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

“(I) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

“(3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.

“(4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

“(5) ROADMAP.—Not later than 1 year after the date of enactment of this Act, the Secretary shall approve and make available in print and on the Administration’s Internet Web site a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update the roadmap annually.

“(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

“(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 333 of this Act;

“(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

“(3) an update to the Administration’s most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA–2006–25714.

“(c) PILOT PROJECTS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall establish a program to integrate unmanned aircraft systems into the national airspace system at 6 test ranges. The program shall terminate 5 years after the date of enactment of this Act.

“(2) PROGRAM REQUIREMENTS.—In establishing the program under paragraph (1), the Administrator shall—

“(A) safely designate airspace for integrated manned and unmanned flight operations in the national airspace system;

“(B) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

“(C) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

“(D) address both civil and public unmanned aircraft systems;

“(E) ensure that the program is coordinated with the Next Generation Air Transportation System; and

“(F) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

“(3) TEST RANGE LOCATIONS.—In determining the location of the 6 test ranges of the program under paragraph (1), the Administrator shall—

“(A) take into consideration geographic and climatic diversity;

“(B) take into consideration the location of ground infrastructure and research needs; and

“(C) consult with the National Aeronautics and Space Administration and the Department of Defense.

“(4) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

“(5) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 90 days after the date of the termination of the program under paragraph (1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report setting forth the Administrator’s findings and conclusions concerning the projects.

“(B) ADDITIONAL CONTENTS.—The report under subparagraph (A) shall include a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense—

“(i) to develop detection techniques for small unmanned aircraft systems; and

“(ii) to validate the sense and avoid capability and operation of unmanned aircraft systems.

“(d) EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS IN ARCTIC.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes. The plan for operations in these permanent areas shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond line of sight. Such areas shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

“(2) AGREEMENTS.—To implement the plan under paragraph (1), the Secretary may enter into an agreement with relevant national and international communities.

“(3) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this subsection, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

“SEC. 333. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

“(a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 332 of this Act or the guidance required by section 334 of this Act.

“(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

“(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, oper-

ational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

“(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

“(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

“SEC. 334. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

“(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

“(1) expedite the issuance of a certificate of authorization process;

“(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

“(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

“(4) provide guidance on a public entity’s responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

“(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Administrator shall develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.

“(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

“(2) CONTENTS.—The agreements shall—

“(A) with respect to an application described in paragraph (1)—

“(i) provide for an expedited review of the application;

“(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

“(iii) allow for an expedited appeal if the application is disapproved;

“(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

“(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, if operated—

“(i) within the line of sight of the operator;

“(ii) less than 400 feet above the ground;

“(iii) during daylight conditions;

“(iv) within Class G airspace; and

“(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

“SEC. 335. SAFETY STUDIES.

“The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to

support the integration of unmanned aircraft systems into the national airspace system.

“SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

“(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if—

“(1) the aircraft is flown strictly for hobby or recreational use;

“(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

“(3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

“(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and

“(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

“(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

“(c) MODEL AIRCRAFT DEFINED.—In this section, the term ‘model aircraft’ means an unmanned aircraft that is—

“(1) capable of sustained flight in the atmosphere;

“(2) flown within visual line of sight of the person operating the aircraft; and

“(3) flown for hobby or recreational purposes.”

CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS

Pub. L. 112-95, title VIII, §821, Feb. 14, 2012, 126 Stat. 128, provided that:

“(a) REIMBURSEMENT OF FUEL COSTS.—Notwithstanding any other law or regulation, in administering section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation), the Administrator of the Federal Aviation Administration shall allow an aircraft owner or operator to accept reimbursement from a volunteer pilot organization for the fuel costs associated with a flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals), if the aircraft owner or operator has—

“(1) volunteered to provide such transportation; and

“(2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

“(b) CONDITIONS TO ENSURE SAFETY.—The Administrator may impose minimum standards with respect to training and flight hours for single-engine, multi-engine, and turbine-engine operations conducted by an aircraft owner or operator that is being reimbursed for fuel costs by a volunteer pilot organization, including mandating that the pilot in command of such aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure the safety of flight operations described in subsection (a).

“(c) VOLUNTEER PILOT ORGANIZATION.—In this section, the term ‘volunteer pilot organization’ means an organization that—

“(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and is exempt from taxation under section 501(a) of such Code; and

“(2) is organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.”

INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT

Pub. L. 112–95, title IX, §909, Feb. 14, 2012, 126 Stat. 141, provided that:

“(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation activities on the environment and, if warranted, to evaluate approaches to address any such effect.

“(b) RESEARCH PLAN.—

“(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

“(2) CONTENTS.—The plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

“(3) REQUIREMENTS.—The plan—

“(A) shall be completed not later than 1 year after the date of enactment of this Act [Feb. 14, 2012];

“(B) shall be submitted to Congress for review; and

“(C) shall be updated, as appropriate, every 3 years after the initial submission.”

UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE

Pub. L. 112–81, div. A, title X, §1097, Dec. 31, 2011, 125 Stat. 1608, provided that:

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011], the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

“(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

“(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

“(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

“(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

“(4) address both civil and public unmanned aircraft systems;

“(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

“(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

“(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

“(1) take into consideration geographic and climatic diversity;

“(2) take into consideration the location of ground infrastructure and research needs; and

“(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

“(d) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

“(e) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator’s findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

“(f) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act [Dec. 31, 2011].

“(g) DEFINITION.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) The term ‘test range’ means a defined geographic area where research and development are conducted.”

FINDINGS

Pub. L. 110–113, §2, Nov. 8, 2007, 121 Stat. 1039, provided that: “Congress finds the following:

“(1) The September 11th Victims Compensation Fund of 2001 [title IV of Pub. L. 107–42] (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

“(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure [28 U.S.C. App.] effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

“(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.”

REVITALIZATION OF AVIATION AND AERONAUTICS

Pub. L. 108–176, §4, Dec. 12, 2003, 117 Stat. 2493, provided that: “Congress finds the following:

“(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

“(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

“(3) The total impact of civil aviation on the United States economy exceeds \$900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation’s highly skilled, technologically qualified work force.

“(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

“(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

“(6) Revitalization and coordination of the United States efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

“(7) A recent report by the Commission on the Future of the United States Aerospace Industry outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that—

“(A) aerospace will be at the core of the Nation’s leadership and strength throughout the 21st century;

“(B) aerospace will play an integral role in the Nation’s economy, security, and mobility; and

“(C) global leadership in aerospace is a national imperative.

“(8) Despite the downturn in the global economy, projections of the Federal Aviation Administration indicate that upwards of 1,000,000,000 people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

“(9) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.”

REPORT ON LONG-TERM ENVIRONMENTAL IMPROVEMENTS

Pub. L. 108-176, title III, § 321, Dec. 12, 2003, 117 Stat. 2540, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

“(1) explore new operational procedures for aircraft to achieve those goals;

“(2) identify both near-term and long-term options to achieve those goals;

“(3) identify infrastructure changes that would contribute to attainment of those goals;

“(4) identify emerging technologies that might contribute to attainment of those goals;

“(5) develop a research plan for application of such emerging technologies, including new combustor and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and

“(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

“(b) REPORT.—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act [Dec. 12, 2003].

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$500,000 for fiscal year 2004 to carry out this section.”

REDUCTION OF NOISE AND EMISSIONS FROM CIVILIAN AIRCRAFT

Pub. L. 108-176, title III, § 326, Dec. 12, 2003, 117 Stat. 2542, provided that:

“(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to reducing community exposure to civilian aircraft noise or emissions through grants or other measures authorized

under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities for developing and testing noise reduction engine technology.

“(b) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—The Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Noise and Emission Research.”

AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE

Pub. L. 108-176, title VII, § 709, Dec. 12, 2003, 117 Stat. 2582, as amended by Pub. L. 112-95, title II, § 208(a)–(c), Feb. 14, 2012, 126 Stat. 40-43, provided that:

“(a) ESTABLISHMENT.—(1) The Secretary of Transportation shall establish in the Federal Aviation Administration a joint planning and development office to manage work related to the Next Generation Air Transportation System. The office shall be known as the Next Generation Air Transportation System Joint Planning and Development Office (in this section referred to as the ‘Office’).

“(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration, with the approval of the Secretary. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.

“(3) The responsibilities of the Office shall include—

“(A) creating and carrying out an integrated plan for a Next Generation Air Transportation System pursuant to subsection (b);

“(B) overseeing research and development on that system;

“(C) creating a transition plan for the implementation of that system;

“(D) coordinating aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

“(E) coordinating goals and priorities and coordinating research activities within the Federal Government with United States aviation and aeronautical firms;

“(F) coordinating the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

“(G) facilitating the transfer of technology from research programs such as the National Aeronautics and Space Administration program and the Department of Defense Advanced Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector;

“(H) reviewing activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense;

“(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals;

“(J) working to ensure global interoperability of the Next Generation Air Transportation System;

“(K) working to ensure the use of weather information and space weather information in the Next Gen-

eration Air Transportation System as soon as possible;

“(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and

“(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.

“(4)(A) The Office shall operate in conjunction with relevant programs in the Department of Defense, the National Aeronautics and Space Administration, the Department of Commerce and the Department of Homeland Security. The Secretary of Transportation may request assistance from staff from those Departments and other Federal agencies.

“(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

“(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

“(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

“(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

“(C) The head of a Federal agency referred to in subparagraph (B) shall—

“(i) ensure that the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);

“(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official’s annual performance evaluations and compensation;

“(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

“(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency’s Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

“(D) Not later than 6 months after the date of enactment of this subparagraph [Feb. 14, 2012], the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.

“(5) In developing and carrying out its plans, the Office shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

“(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and con-

sider the Next Generation Air Transportation System as a unified, cross-agency program.

“(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

“(i) ensure that—

“(I) each Federal agency covered by the plan has sufficient funds requested in the President’s budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

“(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

“(ii) include, in the President’s budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and

“(iii) identify and justify as part of the President’s budget submission any inconsistencies between the plan and amounts requested in the budget.

“(7) The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.

“(b) INTEGRATED PLAN.—The integrated plan shall be designed to ensure that the Next Generation Air Transportation System meets anticipated future air transportation safety, security, mobility, efficiency, and capacity needs and accomplishes the goals under subsection (c). The integrated plan shall include—

“(1) a national vision statement for an air transportation system capable of meeting potential air traffic demand by 2025;

“(2) a description of the demand and the performance characteristics that will be required of the Nation’s future air transportation system, and an explanation of how those characteristics were derived, including the national goals, objectives, and policies the system is designed to further, and the underlying socioeconomic determinants, and associated models and analyses;

“(3) a multiagency research and development roadmap for creating the Next Generation Air Transportation System with the characteristics outlined under clause (ii) [(2)], including—

“(A) the most significant technical obstacles and the research and development activities necessary to overcome them, including for each project, the role of each Federal agency, corporations, and universities;

“(B) the annual anticipated cost of carrying out the research and development activities; and

“(C) the technical milestones that will be used to evaluate the activities;

“(4) a description of the operational concepts to meet the system performance requirements for all system users and a timeline and anticipated expenditures needed to develop and deploy the system to meet the vision for 2025; and

“(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

“(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

“(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

“(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that

year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

“(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

“(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

“(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

“(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

“(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.

“(c) GOALS.—The Next Generation Air Transportation System shall—

“(1) improve the level of safety, security, efficiency, quality, and affordability of the National Airspace System and aviation services;

“(2) take advantage of data from emerging ground-based and space-based communications, navigation, and surveillance technologies;

“(3) integrate data streams from multiple agencies and sources to enable situational awareness and seamless global operations for all appropriate users of the system, including users responsible for civil aviation, homeland security, and national security;

“(4) leverage investments in civil aviation, homeland security, and national security and build upon current air traffic management and infrastructure initiatives to meet system performance requirements for all system users;

“(5) be scalable to accommodate and encourage substantial growth in domestic and international transportation and anticipate and accommodate continuing technology upgrades and advances;

“(6) accommodate a wide range of aircraft operations, including airlines, air taxis, helicopters, general aviation, and unmanned aerial vehicles; and

“(7) take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.

“(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the NextGen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office \$50,000,000 for each of the fiscal years 2004 through 2010.”

NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE

Pub. L. 108-176, title VII, §710, Dec. 12, 2003, 117 Stat. 2584, as amended by Pub. L. 112-95, title II, §209, Feb. 14, 2012, 126 Stat. 43, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary and shall meet at least twice each year.

“(b) MEMBERSHIP.—In addition to the Secretary, the senior policy committee shall be composed of—

“(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

“(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

“(3) the Secretary of Defense (or the Secretary's designee);

“(4) the Secretary of Homeland Security (or the Secretary's designee);

“(5) the Secretary of Commerce (or the Secretary's designee);

“(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

“(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

“(c) FUNCTION.—The senior policy committee shall—

“(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

“(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

“(3) provide ongoing policy review for the transformation of the air transportation system;

“(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

“(5) make legislative recommendations, as appropriate, for the future air transportation system.

“(d) CONSULTATION.—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

“(e) ANNUAL REPORT.—

“(1) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection [Feb. 14, 2012], and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) [of Pub. L. 108-176, set out as a note above] and any changes in that plan.

“(2) CONTENTS.—The report shall include—

“(A) a copy of the updated integrated work plan;

“(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

“(C) a detailed description of—

“(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

“(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

“(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

“(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.”

REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES

Pub. L. 108-176, title VIII, §817, Dec. 12, 2003, 117 Stat. 2592, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

“(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

“(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act [Dec. 12, 2003] and general aviation entities operating at those airports.

“(3) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

“(4) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/1099 and 3/1862 or section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108-7, division I) [117 Stat. 420], or both.

“(5) Sightseeing operations that were not authorized to resume in enhanced class B air space under Federal Aviation Administration notice to airmen 1/1225.

“(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

“(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ‘general aviation entity’ means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

“(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

“(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

“(3) provides services necessary for nonmilitary operations under such part 91; or

“(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

“(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

“(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002. Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000. Such sums shall remain available until expended.”

GAO REPORT ON AIRLINES’ ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION

Pub. L. 108-176, title VIII, §826, Dec. 12, 2003, 117 Stat. 2596, provided that:

“(a) FINDING.—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In

order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

“(b) GAO REPORT.—Not later than one year after the date of enactment of this Act [Dec. 12, 2003], the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self-sufficient.

“(c) GAO AUTHORITY.—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General’s duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

“(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.”

MAIL AND FREIGHT WAIVERS

Pub. L. 107-71, title I, §127, Nov. 19, 2001, 115 Stat. 632, provided that:

“(a) IN GENERAL.—During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Transportation Security Oversight Board, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within a State if the Secretary determines that—

“(1) extraordinary air transportation needs or concerns exist; and

“(2) the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of the State.

“(b) LIMITATIONS.—The Secretary may impose reasonable limitations on any such waiver.”

AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE

Pub. L. 107-71, title I, §145, Nov. 19, 2001, 115 Stat. 645, as amended by Pub. L. 108-7, div. I, title III, §372, Feb. 20, 2003, 117 Stat. 427; Pub. L. 108-176, title IV, §428, Dec. 12, 2003, 117 Stat. 2556; Pub. L. 108-458, title VIII, §8404, Dec. 17, 2004, 118 Stat. 3872; Pub. L. 109-115, div. A, title I, §178, Nov. 30, 2005, 119 Stat. 2427, required each air carrier providing scheduled air transportation on a route to provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspended, interrupted, or discontinued air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier occurring on or before Nov. 30, 2006.

RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO SEPTEMBER 11TH VICTIM COMPENSATION FUND

Pub. L. 107-56, title VI, §622(e)(2), Oct. 26, 2001, 115 Stat. 372, provided that: “With respect to any compensation payable under title IV of Public Law 107-42 [set out as a note below], the failure of a crime victim compensation program, after the effective date of final

regulations issued pursuant to section 407 of Public Law 107-42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984 [42 U.S.C. 10601 et seq.].”

AIR TRANSPORTATION SAFETY AND SYSTEM
STABILIZATION

Pub. L. 112-10, div. B, title III, §1347, Apr. 15, 2011, 125 Stat. 124, provided that: “Notwithstanding any other provision of law, in fiscal year 2012 and thereafter payments for costs described in subsection (a) of section 404 of Public Law 107-42, as amended [set out below], shall be considered to be, and included in, payments for compensation for the purposes of sections 406(b) and (d)(1) of such Act.”

Pub. L. 107-42, Sept. 22, 2001, 115 Stat. 230, as amended by Pub. L. 107-71, title I, §124(a), (c), (d), title II, §201, Nov. 19, 2001, 115 Stat. 631, 645; Pub. L. 107-134, title I, §114(a), Jan. 23, 2002, 115 Stat. 2435; Pub. L. 107-296, title VIII, §890, title XII, §1201(2), Nov. 25, 2002, 116 Stat. 2251, 2286; Pub. L. 110-113, §3, Nov. 8, 2007, 121 Stat. 1039; Pub. L. 110-161, div. D, title I, Dec. 26, 2007, 121 Stat. 1974; Pub. L. 111-347, title II, Jan. 2, 2011, 124 Stat. 3659, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Air Transportation Safety and System Stabilization Act’.

“TITLE I—AIRLINE STABILIZATION

“SEC. 101. AVIATION DISASTER RELIEF.

“(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

“[(1) Repealed. Pub. L. 110-161, div. D, title I, Dec. 26, 2007, 121 Stat. 1974.]

“(2) Compensate air carriers in an aggregate amount equal to \$5,000,000,000 for—

“(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

“(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

“(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act [see Short Title note set out under section 900 of Title 2, The Congress], is transmitted by the President to Congress.

“[SEC. 102. Repealed. Pub. L. 110-161, div. D, title I, Dec. 26, 2007, 121 Stat. 1974.]

“SEC. 103. SPECIAL RULES FOR COMPENSATION.

“(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

“(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

“(1) the amount of such air carrier’s direct and incremental losses described in section 101(a)(2); or

“(2) in the case of—

“(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

“(i) \$4,500,000,000; and

“(ii) the ratio of—

“(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

“(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

“(B) flights involving cargo-only transportation, the product of—

“(i) \$500,000,000; and

“(ii) the ratio of—

“(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

“(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

“(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

“(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

“(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to classes of air carriers, such as air tour operators and air ambulances (including hospitals operating air ambulances) for whom the application of a distribution formula containing available seat miles as a factor would inadequately reflect their share of direct and incremental losses. The President shall reduce the \$4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

“(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among such air carriers based on an appropriate auditable measure, as determined by the President.

“[SEC. 104. Repealed. Pub. L. 110-161, div. D, title I, Dec. 26, 2007, 121 Stat. 1974.]

“SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

“(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

“(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, \$120,000,000 for fiscal year 2002.

“(c) SECRETARIAL OVERSIGHT.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

“(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

“SEC. 106. REPORTS.

“(a) REPORT.—Not later than February 1, 2002, the President shall transmit to the Committee on Trans-

portation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

“(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act [Sept. 22, 2001], the President shall update and transmit the report to the Committees.

“SEC. 107. DEFINITIONS.

“In this title, the following definitions apply:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning such term has under section 40102 of title 49, United States Code.

“(2) Repealed. Pub. L. 110-161, div. D, title I, Dec. 26, 2007, 121 Stat. 1974.]

“(3) INCREMENTAL LOSS.—The term ‘incremental loss’ does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

“TITLE II—AVIATION INSURANCE

“SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

“(a) IN GENERAL.—[Amended section 44302 of this title.]

“(b) COVERAGE.—

“(1) IN GENERAL.—[Amended section 44303 of this title.]

“(2) [Transferred to section 44303(b) of this title.]

“(c) REINSURANCE.—[Amended section 44304 of this title.]

“(d) PREMIUMS.—[Amended section 44306 of this title.]

“(e) CONFORMING AMENDMENT.—[Amended section 44305(b) of this title.]

“SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

“Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act [Sept. 22, 2001], the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities’ liability coverage, as determined by the Secretary.

“TITLE III—TAX PROVISIONS

“SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

“(a) EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.—

“(1) IN GENERAL.—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 [26 U.S.C. 6302] to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code [26 U.S.C. 1 et seq.] as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for ‘November 15, 2001’ each place it appears—

“(A) ‘January 15, 2002’; or

“(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

“(2) ELIGIBLE AIR CARRIER.—For purposes of this subsection, the term ‘eligible air carrier’ means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

“(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term ‘airline-related deposit’ means any deposit of taxes imposed by subchapter C of chapter 33 of such Code [26 U.S.C. 4261 et seq.] (relating to transportation by air).

“(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

“TITLE IV—VICTIM COMPENSATION

“SEC. 401. SHORT TITLE.

“This title may be cited as the ‘September 11th Victim Compensation Fund of 2001’.

“SEC. 402. DEFINITIONS.

“In this title, the following definitions apply:

“(1) AIR CARRIER.—The term ‘air carrier’ means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents (including persons engaged in the business of providing air transportation security and their affiliates) of such citizen. For purposes of the preceding sentence, the term ‘agent’, as applied to persons engaged in the business of providing air transportation security, shall only include persons that have contracted directly with the Federal Aviation Administration on or after and commenced services no later than February 17, 2002, to provide such security, and had not been or are not debarred for any period within 6 months from that date.

“(2) AIR TRANSPORTATION.—The term ‘air transportation’ means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

“(3) AIRCRAFT MANUFACTURER.—The term ‘aircraft manufacturer’ means any entity that manufactured the aircraft or any parts or components of the aircraft involved in the terrorist related aircraft crashes of September 11, 2001, including employees and agents of that entity.

“(4) AIRPORT SPONSOR.—The term ‘airport sponsor’ means the owner or operator of an airport (as defined in section 40102 of title 49, United States Code).

“(5) CLAIMANT.—The term ‘claimant’ means an individual filing a claim for compensation under section 405(a)(1).

“(6) COLLATERAL SOURCE.—The term ‘collateral source’ means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001, or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act [probably means section 3301 of the Public Health Service Act, 42 U.S.C. 300mm], and payments made pursuant to the settlement of a civil action described in section 405(c)(3)(C)(iii).

“(7) CONTRACTOR AND SUBCONTRACTOR.—The term ‘contractor and subcontractor’ means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

“(8) DEBRIS REMOVAL.—The term ‘debris removal’ means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.

“(9) ECONOMIC LOSS.—The term ‘economic loss’ means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

“(10) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual determined to be eligible for compensation under section 405(c).

“(11) IMMEDIATE AFTERMATH.—The term ‘immediate aftermath’ means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on May 30, 2002.

“(12) NONECONOMIC LOSSES.—The term ‘noneconomic losses’ means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

“(13) SPECIAL MASTER.—The term ‘Special Master’ means the Special Master appointed under section 404(a).

“(14) 9/11 CRASH SITE.—The term ‘9/11 crash site’ means—

“(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

“(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

“(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

“(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.

“SEC. 403. PURPOSE.

“It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

“SEC. 404. ADMINISTRATION.

“(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

“(1) administer the compensation program established under this title;

“(2) promulgate all procedural and substantive rules for the administration of this title; and

“(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

“SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

“(a) FILING OF CLAIM.—

“(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

“(2) CLAIM FORM.—

“(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special

Master shall ensure that such form can be filed electronically, if determined to be practicable.

“(B) CONTENTS.—The form developed under subparagraph (A) shall request—

“(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent’s death, as a result of the terrorist-related aircraft crashes of September 11, 2001, or debris removal during the immediate aftermath;

“(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes or debris removal during the immediate aftermath; and

“(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes or debris removal during the immediate aftermath.

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

“(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on the date that is 5 years after the date on which such regulations are updated.

“(b) REVIEW AND DETERMINATION.—

“(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

“(A) whether the claimant is an eligible individual under subsection (c);

“(B) with respect to a claimant determined to be an eligible individual—

“(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

“(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

“(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

“(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

“(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

“(A) the right to be represented by an attorney;

“(B) the right to present evidence, including the presentation of witnesses and documents; and

“(C) any other due process rights determined appropriate by the Special Master.

“(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

“(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

“(A) is an individual described in paragraph (2); and

“(B) meets the requirements of paragraph (3).

“(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

“(A) an individual who—

“(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

“(ii) suffered physical harm or death as a result of such an air crash or debris removal;

“(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

“(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

“(3) REQUIREMENTS.—

“(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

“(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—

An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

“(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

“(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

“(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

“(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

“(II) the individual’s physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

“(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).

“(B) Single claim.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

“(C) Limitation on civil action.—

“(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, or for damages arising from or related to debris removal. The preceding sentence does not apply to a civil action to recover collateral source obligations, or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

“(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

“(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

“(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).

“(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 [Pub. L. 111-347] was enacted [Jan. 2, 2011].

“SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

“(a) IN GENERAL.—Subject to the limitations under subsection (d), not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

“(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts in the amounts provided under subsection (d)(1) and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title subject to the limitations under subsection (d).

“(c) ADDITIONAL FUNDING.—

“(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

“(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

“(d) LIMITATION.—

“(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed \$2,775,000,000. Of such amounts, not to exceed \$875,000,000 shall be available to pay such claims during the 5-year period beginning on such date.

“(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

“(A) IN GENERAL.—The Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

“(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 5-

year period, receive a payment during such period; and

“(ii) the total amount of all such payments made during such 5-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

“(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 5-year period described in paragraph (1), but in no event later than 1 year after such 5-year period, the Special Master shall pay to the claimant the amount that is equal to the difference between—

“(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

“(ii) the amount the claimant was paid under this title during such period.

“(C) TERMINATION.—Upon completion of all payments pursuant to this subsection, the Victim’s Compensation Fund shall be permanently closed.

“(e) ATTORNEY FEES.—

“(1) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

“(2) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

“(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement, the representative of such individual may charge an amount for compensation for services rendered to the extent that such amount charged is not more than—

“(i) 10 percent of such aggregate amount through the settlement, minus

“(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

“(3) DISCRETION TO LOWER FEE.—In the event that the special master [probably should be capitalized] finds that the fee limit set by paragraph (1) or (2) provides excessive compensation for services rendered in connection with such claim, the Special Master may, in the discretion of the Special Master, award as reasonable compensation for services rendered an amount lesser than that permitted for in paragraph (1).

“SEC. 407. REGULATIONS.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Sept. 22, 2001], the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

“(1) forms to be used in submitting claims under this title;

“(2) the information to be included in such forms;

“(3) procedures for hearing and the presentation of evidence;

“(4) procedures to assist an individual in filing and pursuing claims under this title; and

“(5) other matters determined appropriate by the Attorney General.

“(b) UPDATED REGULATIONS.—Not later than 180 days after the date of the enactment of the James Zadroga

9/11 Health and Compensation Act of 2010 [Jan. 2, 2011], the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act [title II of Pub. L. 111-347, amending this note].

“SEC. 408. LIMITATION ON LIABILITY.

“(a) IN GENERAL.—

“(1) LIABILITY LIMITED TO INSURANCE COVERAGE.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against an air carrier, aircraft manufacturer, airport sponsor, or person with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect, or their directors, officers, employees, or agents, shall not be in an amount greater than the limits of liability insurance coverage maintained by that air carrier, aircraft manufacturer, airport sponsor, or person.

“(2) WILLFUL DEFAULTS ON REBUILDING OBLIGATION.—Paragraph (1) does not apply to any such person with a property interest in the World Trade Center if the Attorney General determines, after notice and an opportunity for a hearing on the record, that the person has defaulted willfully on a contractual obligation to rebuild, or assist in the rebuilding of, the World Trade Center.

“(3) LIMITATIONS ON LIABILITY FOR NEW YORK CITY.—Liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity arising from the terrorist-related aircraft crashes of September 11, 2001, against the City of New York shall not exceed the greater of the city’s insurance coverage or \$350,000,000. If a claimant who is eligible to seek compensation under section 405 of this Act, submits a claim under section 405, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, including any such action against the City of New York. The preceding sentence does not apply to a civil action to recover collateral source obligations.

“(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

“(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

“(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

“(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York’s insurance coverage or \$350,000,000. In determining the amount of the City’s insurance coverage for purposes of the previous sentence, any amount described in subparagraphs (A) and (B) shall not be included.

“(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liabil-

ity insurance coverage maintained by any such entity.

“(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

“(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4) applies, shall be paid solely from the following funds in the following order, as may be applicable:

“(A) The funds described in subparagraph (A) or (B) of paragraph (4).

“(B) If there are no funds available as described in subparagraph (A) or (B) of paragraph (4), the funds described in subparagraph (C) of such paragraph.

“(C) If there are no funds available as described in subparagraph (A), (B), or (C) of paragraph (4), the funds described in subparagraph (D) of such paragraph.

“(D) If there are no funds available as described in subparagraph (A), (B), (C), or (D) of paragraph (4), the funds described in subparagraph (E) of such paragraph.

“(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any claimant to a claim or action to which paragraph (4) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved, except that no such action for declaratory judgment or direct action may be commenced until after the funds available in subparagraph[s] (A), (B), (C), and (D) of paragraph (5) have been exhausted consistent with the order described in such paragraph for payment.

“(b) FEDERAL CAUSE OF ACTION.—

“(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

“(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

“(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

“(4) NATIONWIDE SUBPOENAS.—

“(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure [28 U.S.C. App.].

“(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. Subsections (a) and (b) do not apply to civil actions to recover collateral source obligations.

“SEC. 409. RIGHT OF SUBROGATION.

“The United States shall have the right of subrogation with respect to any claim paid by the United States under this title, subject to the limitations described in section 408.

“TITLE V—AIR TRANSPORTATION SAFETY

“SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

“Congress affirms the President’s decision to spend \$3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

“SEC. 502. CONGRESSIONAL COMMITMENT.

“Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

“TITLE VI—SEPARABILITY

“SEC. 601. SEPARABILITY.

“If any provision of this Act (including any amendment made by this Act [amending sections 44302 to 44306 of this title]) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.”

[Pub. L. 107–134, title I, §114(b), Jan. 23, 2002, 115 Stat. 2436, provided that: “The amendment made by this section [amending Pub. L. 107–42, set out above] shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42).”]

[Memorandum of President of the United States, Sept. 25, 2001, 66 F.R. 49507, delegated to the Secretary of Transportation the authority vested in the President under section 101(a)(2) of Pub. L. 107–42, set out above, to compensate air carriers for direct and incremental losses they incurred from the terrorist attacks of Sept. 11, 2001, and any resulting ground stop order.]

INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS

Pub. L. 106–181, title III, §309, Apr. 5, 2000, 114 Stat. 127, provided that:

“(a) INDEPENDENT ASSESSMENT.—

“(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

“(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

“(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

“(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

“(i) The Administration’s cost input data, including the reliability of the Administration’s source documents and the integrity and reliability of the Administration’s data collection process.

“(ii) The Administration’s system for tracking assets.

“(iii) The Administration’s bases for establishing asset values and depreciation rates.

“(iv) The Administration’s system of internal controls for ensuring the consistency and reliability of reported data.

“(v) The Administration’s definition of the services to which the Administration ultimately attributes its costs.

“(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

“(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

“(i) review costs that cannot reliably be attributed to specific Administration services or activities (called ‘common and fixed costs’ in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

“(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

“(3) COST EFFECTIVENESS.—

“(A) IN GENERAL.—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

“(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

“(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator [of the Federal Aviation Administration] shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

“(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

OPERATIONS OF AIR TAXI INDUSTRY

Pub. L. 106-181, title VII, §735, Apr. 5, 2000, 114 Stat. 171, provided that:

“(a) STUDY.—The Administrator [of the Federal Aviation Administration], in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

“(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a report on the results of the study.”

FINDINGS

Pub. L. 104-264, title II, §271, Oct. 9, 1996, 110 Stat. 3238, provided that: “Congress finds the following:

“(1) The Administration [Federal Aviation Administration] is recognized throughout the world as a leader in aviation safety.

“(2) The Administration certifies aircraft, engines, propellers, and other manufactured parts.

“(3) The Administration certifies more than 650 training schools for pilots and nonpilots, more than 4,858 repair stations, and more than 193 maintenance schools.

“(4) The Administration certifies pilot examiners, who are then qualified to determine if a person has the skills necessary to become a pilot.

“(5) The Administration certifies more than 6,000 medical examiners, each of whom is then qualified to medically certify the qualifications of pilots and nonpilots.

“(6) The Administration certifies more than 470 airports, and provides a limited certification for another 205 airports. Other airports in the United States are also reviewed by the Administration.

“(7) The Administration each year performs more than 355,000 inspections.

“(8) The Administration issues more than 655,000 pilot's licenses and more than 560,000 nonpilot's licenses (including mechanics).

“(9) The Administration's certification means that the product meets world-wide recognized standards of safety and reliability.

“(10) The Administration's certification means aviation-related equipment and services meet world-wide recognized standards.

“(11) The Administration's certification is recognized by governments and businesses throughout the world and as such may be a valuable element for any company desiring to sell aviation-related products throughout the world.

“(12) The Administration's certification may constitute a valuable license, franchise, privilege or benefits for the holders.

“(13) The Administration also is a major purchaser of computers, radars, and other systems needed to run the air traffic control system. The Administration's design, acceptance, commissioning, or certification of such equipment enables the private sector to market those products around the world, and as such confers a benefit on the manufacturer.

“(14) The Administration provides extensive services to public use aircraft.”

PURPOSES

Pub. L. 104-264, title II, §272, Oct. 9, 1996, 110 Stat. 3239, provided that: “The purposes of this subtitle [subtitle C (§§271-278) of title II of Pub. L. 104-264, enacting sections 45301, 45303, 48111, and 48201 of this title, amending section 41742 of this title, renumbering section 45303 of this title as section 45304, repealing former section 45301 of this title, and enacting provisions set out as notes under this section and section 41742 of this title] are—

“(1) to provide a financial structure for the Administration [Federal Aviation Administration] so that it will be able to support the future growth in the national aviation and airport system;

“(2) to review existing and alternative funding options, including incentive-based fees for services, and establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

“(3) to ensure that any funding will be dedicated solely for the use of the Administration;

“(4) to authorize the Administration to recover the costs of its services from those who benefit from, but do not contribute to, the national aviation system and the services provided by the Administration;

“(5) to consider a fee system based on the cost or value of the services provided and other funding alternatives;

“(6) to develop funding options for Congress in order to provide for the long-term efficient and cost-effective support of the Administration and the aviation system; and

“(7) to achieve a more efficient and effective Administration for the benefit of the aviation transportation industry.”

INDEPENDENT ASSESSMENT OF FAA FINANCIAL REQUIREMENTS; ESTABLISHMENT OF NATIONAL CIVIL AVIATION REVIEW COMMISSION

Pub. L. 104-264, title II, §274, Oct. 9, 1996, 110 Stat. 3240, as amended by Pub. L. 106-181, title III, §307(c)(3), Apr. 5, 2000, 114 Stat. 126, provided that:

“(a) INDEPENDENT ASSESSMENT.—

“(1) INITIATION.—Not later than 30 days after the date of the enactment of this Act [Oct. 9, 1996], the Administrator [of the Federal Aviation Administration] shall contract with an entity independent of the Administration [Federal Aviation Administration] and the Department of Transportation to conduct a complete independent assessment of the financial requirements of the Administration through the year 2002.

“(2) ASSESSMENT CRITERIA.—The Administrator shall provide to the independent entity estimates of

the financial requirements of the Administration for the period described in paragraph (1), using as a base the fiscal year 1997 appropriation levels established by Congress. The independent assessment shall be based on an objective analysis of agency funding needs.

“(3) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including—

- “(A) anticipated air traffic forecasts;
- “(B) other workload measures;
- “(C) estimated productivity gains, if any, which contribute to budgetary requirements;
- “(D) the need for programs; and
- “(E) the need to provide for continued improvements in all facets of aviation safety, along with operational improvements in air traffic control.

“(4) COST ALLOCATION.—The independent assessment shall also assess the costs to the Administration occasioned by the provision of services to each segment of the aviation system.

“(5) DEADLINE.—The independent assessment shall be completed no later than 90 days after the contract is awarded, and shall be submitted to the Commission established under subsection (b), the Secretary [of Transportation], the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

“(b) NATIONAL CIVIL AVIATION REVIEW COMMISSION.—

“(1) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the ‘Commission’).

“(2) MEMBERSHIP.—The Commission shall consist of 21 members to be appointed as follows:

“(A) 13 members to be appointed by the Secretary, in consultation with the Secretary of the Treasury, from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member appointed under this subparagraph shall have detailed knowledge of the congressional budgetary process.

“(B) Two members appointed by the Speaker of the House of Representatives.

“(C) Two members appointed by the minority leader of the House of Representatives.

“(D) Two members appointed by the majority leader of the Senate.

“(E) Two members appointed by the minority leader of the Senate.

“(3) TASK FORCES.—The Commission shall establish an aviation funding task force and an aviation safety task force to carry out the responsibilities of the Commission under this subsection.

“(4) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

“(5) HEARINGS AND CONSULTATION.—

“(A) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

“(B) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

“(C) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

“(6) DUTIES OF AVIATION FUNDING TASK FORCE.—

“(A) REPORT TO SECRETARY.—

“(i) IN GENERAL.—The aviation funding task force established pursuant to paragraph (3) shall submit a report setting forth a comprehensive analysis of the Administration’s budgetary requirements through fiscal year 2002, based upon the independent assessment under subsection (a), that analyzes alternative financing and funding means for meeting the needs of the aviation system through the year 2002. The task force shall submit a preliminary report of that analysis to the Secretary not later than 6 months after the independent assessment is completed under subsection (a). The Secretary shall provide comments on the preliminary report to the task force within 30 days after receiving the report. The task force shall issue a final report of such comprehensive analysis within 30 days after receiving the Secretary’s comments on its preliminary report.

“(ii) CONTENTS.—The report submitted by the aviation funding task force under clause (i)—

“(I) shall consider the independent assessment under subsection (a);

“(II) shall consider estimated cost savings, if any, resulting from the procurement and personnel reforms included in this Act [see Tables for classification] or in sections 40110(d) and 40122(g) of title 49, United States Code, and additional financial initiatives;

“(III) shall include specific recommendations to Congress on how the Administration can reduce costs, raise additional revenue for the support of agency operations, and accelerate modernization efforts; and

“(IV) shall include a draft bill containing the changes in law necessary to implement its recommendations.

“(B) RECOMMENDATIONS.—The aviation funding task force shall make such recommendations under subparagraph (A)(ii)(III) as the task force deems appropriate. Those recommendations may include—

“(i) proposals for off-budget treatment of the Airport and Airway Trust Fund;

“(ii) alternative financing and funding proposals, including linked financing proposals;

“(iii) modifications to existing levels of Airport and Airways Trust Fund receipts and taxes for each type of tax;

“(iv) establishment of a cost-based user fee system based on, but not limited to, criteria under subparagraph (F) and methods to ensure that costs are borne by users on a fair and equitable basis;

“(v) methods to ensure that funds collected from the aviation community are able to meet the needs of the agency;

“(vi) methods to ensure that funds collected from the aviation community and passengers are used to support the aviation system;

“(vii) means of meeting the airport infrastructure needs for large, medium, and small airports; and

“(viii) any other matter the task force deems appropriate to address the funding and needs of the Administration and the aviation system.

“(C) ADDITIONAL RECOMMENDATIONS.—The aviation funding task force report may also make recommendations concerning—

“(i) means of improving productivity by expanding and accelerating the use of automation and other technology;

“(ii) means of contracting out services consistent with this Act, other applicable law, and safety and national defense needs;

“(iii) methods to accelerate air traffic control modernization and improvements in aviation safety and safety services;

“(iv) the elimination of unneeded programs; and

“(v) a limited innovative program based on funding mechanisms such as loan guarantees, financial partnerships with for-profit private sector entities, government-sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

“(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the aviation funding task force’s report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

“(i) safety;

“(ii) administrative costs;

“(iii) the congressional budget process;

“(iv) the economics of the industry (including the proportionate share of all users);

“(v) the ability of the Administration to utilize the sums collected; and

“(vi) the funding needs of the Administration.

“(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force’s report includes a recommendation that the existing Airport and Airways Trust Fund tax structure be modified, the report shall—

“(i) state the specific rates for each group affected by the proposed modifications;

“(ii) consider the impact such modifications shall have on specific users and the public (including passengers); and

“(iii) state the basis for the recommendations.

“(F) FEE SYSTEM RECOMMENDATIONS.—If the task force’s report includes a recommendation that a fee system be established, including an air traffic control performance-based user fee system, the report shall consider—

“(i) the impact such a recommendation would have on passengers, air fares (including low-fare, high frequency service), service, and competition;

“(ii) existing contributions provided by individual air carriers toward funding the Administration and the air traffic control system through contributions to the Airport and Airways Trust Fund;

“(iii) continuing the promotion of fair and competitive practices;

“(iv) the unique circumstances associated with interisland air carrier service in Hawaii and rural air service in Alaska;

“(v) the impact such a recommendation would have on service to small communities;

“(vi) the impact such a recommendation would have on services provided by regional air carriers;

“(vii) alternative methodologies for calculating fees so as to achieve a fair and reasonable distribution of costs of service among users;

“(viii) the usefulness of phased-in approaches to implementing such a financing system;

“(ix) means of assuring the provision of general fund contributions, as appropriate, toward the support of the Administration; and

“(x) the provision of incentives to encourage greater efficiency in the provision of air traffic services by the Administration and greater efficiency in the use of air traffic services by aircraft operators.

“(7) DUTIES OF AVIATION SAFETY TASK FORCE.—

“(A) REPORT TO ADMINISTRATOR.—Not later than 1 year after the date of the enactment of this Act [Oct. 9, 1996], the aviation safety task force established pursuant to paragraph (3) shall submit to the Administrator a report setting forth a comprehensive analysis of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry.

“(B) CONTENTS.—The report to be submitted under subparagraph (A) shall include an assessment of—

“(i) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors;

“(ii) the Administration’s processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action; and

“(iii) the ability of the Administration to anticipate changes in the aviation industry and to develop policies and actions to ensure the highest level of aviation safety in the 21st century.

“(8) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Commission appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

“(9) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

“(10) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Commission such staff, information, and administrative services and assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this subsection.

“(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

“(c) REPORTS TO CONGRESS.—

“(1) REPORT BY THE SECRETARY BASED ON FINAL REPORT OF AVIATION FUNDING TASK FORCE.—

“(A) CONSIDERATION OF TASK FORCE’S PRELIMINARY REPORT.—Not later than 30 days after receiving the preliminary report of the aviation funding task force, the Secretary, in consultation with the Secretary of the Treasury, shall furnish comments on the report to the task force.

“(B) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the aviation funding task force, and in no event more than 1 year after the date of the enactment of this Act, the Secretary, after consulting the Secretary of the Treasury, shall transmit a report to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives. Such report shall be based upon the final report of the task force and shall contain the Secretary’s recommendations for funding the needs of the aviation system through the year 2002.

“(C) CONTENTS.—The Secretary shall include in the report to Congress under subparagraph (B)—

“(i) a copy of the final report of the task force; and

“(ii) a draft bill containing the changes in law necessary to implement the Secretary’s recommendations.

“(D) PUBLICATION.—The Secretary shall cause a copy of the report to be printed in the Federal Register upon its transmittal to Congress under subparagraph (B).

“(2) REPORT BY THE ADMINISTRATOR BASED ON FINAL REPORT OF AVIATION SAFETY TASK FORCE.—Not later

than 30 days after receiving the report of the aviation safety task force, the Administrator shall transmit the report to Congress, together with the Administrator's recommendations for improving aviation safety in the United States.

“(d) GAO AUDIT OF COST ALLOCATION.—The Comptroller General shall conduct an assessment of the manner in which costs for air traffic control services are allocated between the Administration and the Department of Defense. The Comptroller General shall report the results of the assessment, together with any recommendations the Comptroller General may have for re-allocation of costs and for opportunities to increase the efficiency of air traffic control services provided by the Administration and by the Department of Defense, to the Commission, the Administrator, the Secretary of Defense, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of the enactment of this Act.

“(e) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.”

JOINT AVIATION RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 103-305, title III, §303, Aug. 23, 1994, 108 Stat. 1590, provided that:

“(a) ESTABLISHMENT.—The Administrator [of the Federal Aviation Administration], in consultation with the heads of other appropriate Federal agencies, shall jointly establish a program to conduct research on aviation technologies that enhance United States competitiveness. The program shall include—

- “(1) next-generation satellite communications, including global positioning satellites;
- “(2) advanced airport and airplane security;
- “(3) environmentally compatible technologies, including technologies that limit or reduce noise and air pollution;
- “(4) advanced aviation safety programs; and
- “(5) technologies and procedures to enhance and improve airport and airway capacity.

“(b) PROCEDURES FOR CONTRACTS AND GRANTS.—The Administrator and the heads of the other appropriate Federal agencies shall administer contracts and grants entered into under the program established under subsection (a) in accordance with procedures developed jointly by the Administrator and the heads of the other appropriate Federal agencies. The procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the Federal Aviation Administration, the other Federal agencies involved, and industry.

“(c) PROGRAM ELEMENTS.—The program established under subsection (a) shall include—

- “(1) selected programs that jointly enhance public and private aviation technology development;
- “(2) an opportunity for private contractors to be involved in such technology research and development; and
- “(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

“(d) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.”

AIR QUALITY IN AIRCRAFT CABINS

Pub. L. 108-176, title VIII, §815, Dec. 12, 2003, 117 Stat. 2592, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ‘The Airliner Cabin Environment and the Health of Passengers and Crew’.

“(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

- “(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;
- “(2) collect pesticide exposure data to determine exposures of passengers and crew;
- “(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;
- “(4) analyze and study cabin air pressure and altitude; and
- “(5) establish an air quality incident reporting system.

“(c) REPORT.—Not later than 30 months after the date of enactment of this Act [Dec. 12, 2003], the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.”

Pub. L. 106-181, title VII, §725, Apr. 5, 2000, 114 Stat. 166, provided that:

“(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

- “(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator [of the Federal Aviation Administration] shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

“(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

“(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

- “(A) Contaminants of concern, as determined by the National Academy of Sciences.
- “(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.
- “(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.
- “(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

“(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

“(4) PROVISION OF CURRENT DATA.—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

“(b) COLLECTION OF AIRCRAFT AIR QUALITY DATA.—

“(1) IN GENERAL.—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

“(2) PASSENGER CABINS.—The Administrator may also consider the feasibility of using the flight data

recording system to monitor and record data related to the air quality in passengers cabins of aircraft.”

Pub. L. 103-305, title III, §304, Aug. 23, 1994, 108 Stat. 1591, provided that:

“(a) ESTABLISHMENT.—The Administrator [of the Federal Aviation Administration], in consultation with the heads of other appropriate Federal agencies, shall establish a research program to determine—

“(1) what, if any, aircraft cabin air conditions, including pressure altitude systems, on flights within the United States are harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness; and

“(2) the risk of airline passengers and crew contracting infectious diseases during flight.

“(b) CONTRACT WITH CENTER FOR DISEASE CONTROL.—In carrying out the research program established under subsection (a), the Administrator and the heads of the other appropriate Federal agencies shall contract with the Center for Disease Control [now Centers for Disease Control and Prevention] and other appropriate agencies to carry out any studies necessary to meet the goals of the program set forth in subsection (c).

“(c) GOALS.—The goals of the research program established under subsection (a) shall be—

“(1) to determine what, if any, cabin air conditions currently exist on domestic aircraft used for flights within the United States that could be harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness, and including the risk of infection by bacteria and viruses;

“(2) to determine to what extent, changes in, cabin air pressure, temperature, rate of cabin air circulation, the quantity of fresh air per occupant, and humidity on current domestic aircraft would reduce or eliminate the risk of illness or discomfort to airline passengers and crew; and

“(3) to establish a long-term research program to examine potential health problems to airline passengers and crew that may arise in an airplane cabin on a flight within the United States because of cabin air quality as a result of the conditions and changes described in paragraphs (1) and (2).

“(d) PARTICIPATION.—In carrying out the research program established under subsection (a), the Administrator shall encourage participation in the program by representatives of aircraft manufacturers, air carriers, aviation employee organizations, airline passengers, and academia.

“(e) REPORT.—(1) Within six months after the date of enactment of this Act [Aug. 23, 1994], the Administrator shall submit to the Congress a plan for implementation of the research program established under subsection (a).

“(2) The Administrator shall annually submit to the Congress a report on the progress made during the year for which the report is submitted toward meeting the goals set forth in subsection (c).

“(f) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.”

INFORMATION ON DISINSECTION OF AIRCRAFT

Pub. L. 103-305, title V, §507, Aug. 23, 1994, 108 Stat. 1595, provided that:

“(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

“(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

“(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days

after the date of the enactment of this Act [Aug. 23, 1994]. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).”

GENERAL AVIATION REVITALIZATION ACT OF 1994

Pub. L. 103-298, Aug. 17, 1994, 108 Stat. 1552, as amended by Pub. L. 105-102, §3(e), Nov. 20, 1997, 111 Stat. 2215, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘General Aviation Revitalization Act of 1994’.

“SEC. 2. TIME LIMITATIONS ON CIVIL ACTIONS AGAINST AIRCRAFT MANUFACTURERS.

“(a) IN GENERAL.—Except as provided in subsection (b), no civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of the aircraft or the manufacturer of any new component, system, subassembly, or other part of the aircraft, in its capacity as a manufacturer if the accident occurred—

“(1) after the applicable limitation period beginning on—

“(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

“(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such aircraft; or

“(2) with respect to any new component, system, subassembly, or other part which replaced another component, system, subassembly, or other part originally in, or which was added to, the aircraft, and which is alleged to have caused such death, injury, or damage, after the applicable limitation period beginning on the date of completion of the replacement or addition.

“(b) EXCEPTIONS.—Subsection (a) does not apply—

“(1) if the claimant pleads with specificity the facts necessary to prove, and proves, that the manufacturer with respect to a type certificate or airworthiness certificate for, or obligations with respect to continuing airworthiness of, an aircraft or a component, system, subassembly, or other part of an aircraft knowingly misrepresented to the Federal Aviation Administration, or concealed or withheld from the Federal Aviation Administration, required information that is material and relevant to the performance or the maintenance or operation of such aircraft, or the component, system, subassembly, or other part, that is causally related to the harm which the claimant allegedly suffered;

“(2) if the person for whose injury or death the claim is being made is a passenger for purposes of receiving treatment for a medical or other emergency;

“(3) if the person for whose injury or death the claim is being made was not aboard the aircraft at the time of the accident; or

“(4) to an action brought under a written warranty enforceable under law but for the operation of this Act.

“(c) GENERAL AVIATION AIRCRAFT DEFINED.—For the purposes of this Act, the term ‘general aviation aircraft’ means any aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator of the Federal Aviation Administration, which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than 20 passengers, and which was not, at the time of the accident, engaged in scheduled passenger-carrying operations as defined under regulations in effect under part A of subtitle VII of title 49, United States Code, at the time of the accident.

“(d) RELATIONSHIP TO OTHER LAWS.—This section supersedes any State law to the extent that such law permits a civil action described in subsection (a) to be brought after the applicable limitation period for such civil action established by subsection (a).

“SEC. 3. OTHER DEFINITIONS.

“For purposes of this Act—

“(1) the term ‘aircraft’ has the meaning given such term in section 40102(a)(6) of title 49, United States Code;

“(2) the term ‘airworthiness certificate’ means an airworthiness certificate issued under section 44704(c)(1) of title 49, United States Code, or under any predecessor Federal statute;

“(3) the term ‘limitation period’ means 18 years with respect to general aviation aircraft and the components, systems, subassemblies, and other parts of such aircraft; and

“(4) the term ‘type certificate’ means a type certificate issued under section 44704(a) of title 49, United States Code, or under any predecessor Federal statute.

“SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.

“(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act [Aug. 17, 1994].

“(b) APPLICATION OF ACT.—This Act shall not apply with respect to civil actions commenced before the date of the enactment of this Act.”

NATIONAL COMMISSION TO ENSURE A STRONG
COMPETITIVE AIRLINE INDUSTRY

Pub. L. 102-581, title II, §204, Oct. 31, 1992, 106 Stat. 4891, as amended Pub. L. 103-13, §1, Apr. 7, 1993, 107 Stat. 43, provided for establishment of National Commission to Ensure a Strong Competitive Airline Industry to make a complete investigation and study of financial condition of the airline industry, adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry, to report to President and Congress not later than 90 days after the date on which initial appointments of members to the Commission were completed, and to terminate on the 30th day following transmission of report.

EX. ORD. NO. 13479. TRANSFORMATION OF THE NATIONAL
AIR TRANSPORTATION SYSTEM

Ex. Ord. No. 13479, Nov. 18, 2008, 73 F.R. 70241, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* It is the policy of the United States to establish and maintain a national air transportation system that meets the present and future civil aviation, homeland security, economic, environmental protection, and national defense needs of the United States, including through effective implementation of the Next Generation Air Transportation System (NextGen).

SEC. 2. *Definitions.* As used in this order the term “Next Generation Air Transportation System” means the system to which section 709 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176) (Act) refers.

SEC. 3. *Functions of the Secretary of Transportation.* Consistent with sections 709 and 710 of the Act and the policy set forth in section 1 of this order, the Secretary of Transportation shall:

(a) take such action within the authority of the Secretary, and recommend as appropriate to the President such action as is within the authority of the President, to implement the policy set forth in section 1 of this order and in particular to implement the NextGen in a safe, secure, timely, environmentally sound, efficient, and effective manner;

(b) convene quarterly, unless the Secretary determines that meeting less often is consistent with effective implementation of the policy set forth in section 1 of this order, the Senior Policy Committee established pursuant to section 710 of the Act (Committee);

(c) not later than 60 days after the date of this order, establish within the Department of Transportation a

support staff (Staff), including employees from departments and agencies assigned pursuant to subsection 4(e) of this order, to support, as directed by the Secretary, the Secretary and the Committee in the performance of their duties relating to the policy set forth in section 1 of this order; and

(d) not later than 180 days after the date of this order, establish an advisory committee to provide advice to the Secretary and, through the Secretary, the Committee concerning the implementation of the policy set forth in section 1 of this order, including aviation-related subjects and any related performance measures specified by the Secretary, pursuant to section 710 of the Act.

SEC. 4. *Functions of Other Heads of Executive Departments and Agencies.* Consistent with the policy set forth in section 1 of this order:

(a) the Secretary of Defense shall assist the Secretary of Transportation by:

(i) collaborating, as appropriate, and verifying that the NextGen meets the national defense needs of the United States consistent with the policies and plans established under applicable Presidential guidance; and

(ii) furnishing, as appropriate, data streams to integrate national defense capabilities of the United States civil and military systems relating to the national air transportation system, and coordinating the development of requirements and capabilities to address tracking and other activities relating to non-cooperative aircraft in consultation with the Secretary of Homeland Security, as appropriate;

(b) the Secretary of Commerce shall:

(i) develop and make available, as appropriate, the capabilities of the Department of Commerce, including those relating to aviation weather and spectrum management, to support the NextGen; and

(ii) take appropriate account of the needs of the NextGen in the trade, commerce, and other activities of the Department of Commerce, including those relating to the development and setting of standards;

(c) the Secretary of Homeland Security shall assist the Secretary of Transportation by ensuring that:

(i) the NextGen includes the aviation-related security capabilities necessary to ensure the security of persons, property, and activities within the national air transportation system consistent with the policies and plans established under applicable Presidential guidance; and

(ii) the Department of Homeland Security shall continue to carry out all statutory and assigned responsibilities relating to aviation security, border security, and critical infrastructure protection in consultation with the Secretary of Defense, as appropriate;

(d) the Administrator of the National Aeronautics and Space Administration shall carry out the Administrator’s duties under Executive Order 13419 of December 20, 2006, in a manner consistent with that order and the policy set forth in section 1 of this order;

(e) the heads of executive departments and agencies shall provide to the Secretary of Transportation such information and assistance, including personnel and other resources for the Staff to which subsection 3(c) of this order refers, as may be necessary and appropriate to implement this order as agreed to by the heads of the departments and agencies involved; and

(f) the Director of the Office of Management and Budget may issue such instructions as may be necessary to implement subsection 5(b) of this order.

SEC. 5. *Additional Functions of the Senior Policy Committee.* In addition to performing the functions specified in section 710 of the Act, the Committee shall:

(a) report not less often than every 2 years to the President, through the Secretary of Transportation, on progress made and projected to implement the policy set forth in section 1 of this order, together with such recommendations including performance measures for administrative or other action as the Committee determines appropriate;

(b) review the proposals by the heads of executive departments and agencies to the Director of the Office of Management and Budget with respect to programs affecting the policy set forth in section 1 of this order, and make recommendations including performance measures thereon, through the Secretary of Transportation, to the Director; and

(c) advise the Secretary of Transportation and, through the Secretary of Transportation, the Secretaries of Defense, Commerce, and Homeland Security, and the Administrator of the National Aeronautics and Space Administration, with respect to the activities of their departments and agencies in the implementation of the policy set forth in section 1 of this order.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

DEFINITIONS OF TERMS IN TITLE II OF PUB. L. 112-95

Pub. L. 112-95, title IX, §902, Feb. 14, 2012, 126 Stat. 138, provided that: “ In this title [amending sections 44504, 44505, 44511, 44513, and 48102 of this title, enacting provisions set out as notes under this section and sections 44501, 44504, 44505, and 44513 of this title, and amending provisions set out as notes under section 44504 of this title], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(4) NASA.—The term ‘NASA’ means the National Aeronautics and Space Administration.

“(5) NOAA.—The term ‘NOAA’ means the National Oceanic and Atmospheric Administration.”

DEFINITIONS OF TERMS IN PUB. L. 107-71

For definitions of terms used in sections 127 and 145 of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.

§ 40102. Definitions

(a) GENERAL DEFINITIONS.—In this part—

(1) “aeronautics” means the science and art of flight.

(2) “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

(3) “air commerce” means foreign air commerce, interstate air commerce, the transportation of mail by aircraft, the operation of aircraft within the limits of a Federal airway, or the operation of aircraft that directly affects, or may endanger safety in, foreign or interstate air commerce.

(4) “air navigation facility” means a facility used, available for use, or designed for use, in aid of air navigation, including—

(A) a landing area;

(B) runway lighting and airport surface visual and other navigation aids;

(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;

(E) any structure, equipment, or mechanism for guiding or controlling flight in the air or the landing and takeoff of aircraft; and

(F) buildings, equipment, and systems dedicated to the national airspace system.

(5) “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(6) “aircraft” means any contrivance invented, used, or designed to navigate, or fly in, the air.

(7) “aircraft engine” means an engine used, or intended to be used, to propel an aircraft, including a part, appurtenance, and accessory of the engine, except a propeller.

(8) “airman” means an individual—

(A) in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;

(B) except to the extent the Administrator of the Federal Aviation Administration may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or

(C) who serves as an aircraft dispatcher or air traffic control-tower operator.

(9) “airport” means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) “all-cargo air transportation” means the transportation by aircraft in interstate air transportation of only property or only mail, or both.

(11) “appliance” means an instrument, equipment, apparatus, a part, an appurtenance, or an accessory used, capable of being used, or intended to be used, in operating or controlling aircraft in flight, including a parachute, communication equipment, and another mechanism installed in or attached to aircraft during flight, and not a part of an aircraft, aircraft engine, or propeller.

(12) “cargo” means property, mail, or both.

(13) “charter air carrier” means an air carrier holding a certificate of public convenience and necessity that authorizes it to provide charter air transportation.

(14) “charter air transportation” means charter trips in air transportation authorized under this part.

(15) “citizen of the United States” means—

(A) an individual who is a citizen of the United States;

(B) a partnership each of whose partners is an individual who is a citizen of the United States; or

(C) a corporation or association organized under the laws of the United States or a