

(vi) the involvement of affected communities in, and their support for, participating in the Program;

(vii) the commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety, and to address competition, privacy, and civil liberties concerns; and

(viii) the commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

- (A) promoting innovation and economic development;
- (B) enhancing transportation safety;
- (C) enhancing workplace safety;
- (D) improving emergency response and search and rescue functions; and
- (E) using radio spectrum efficiently and competitively.

(c) Within 180 days of the establishment of the Program, the Secretary shall enter into agreements with State, local, or tribal governments to participate in the Program, with the goal of entering into at least 5 such agreements by that time.

(d) In carrying out subsection (c) of this section, the Secretary shall select State, local, or tribal governments that plan to begin integration of UAS into the NAS in their jurisdictions within 90 days after the date on which the agreement is established.

(e) The Secretary shall consider new proposals for participation in the Program up to 1 year before the Program is scheduled to terminate.

(f) The Secretary shall apply best practices from existing FAA test sites, waivers granted under 14 CFR part 107, exemptions granted under section 333 of the FMRA, the FAA Focus Area Pathfinder Program, and any other relevant programs in order to expedite the consideration of exceptions, exemptions, authorizations, and waivers from FAA regulations to be granted under the Program, as described in subsection (a)(iv) of this section.

(g) The Secretary shall address any non-compliance with the terms of exceptions, exemptions, authorizations, waivers granted, or agreements made with UAS users or participating jurisdictions in a timely and appropriate manner, including by revoking or modifying the relevant terms.

SEC. 4. *Coordination.* (a) The Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, shall apply relevant information collected during the Program and preliminary findings to inform the development of the UAS Traffic Management System under section 2208 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190).

(b) The Secretary, in coordination with the Secretaries of Defense and Homeland Security and the Attorney General, shall take necessary and appropriate steps to:

- (i) mitigate risks to public safety and homeland and national security when selecting proposals and implementing the Program; and
- (ii) monitor compliance with relevant laws and regulations to ensure that Program activities do not interfere with national defense, homeland security, or law enforcement operations and missions.

(c) The heads of executive departments and agencies with relevant law enforcement responsibilities (Federal law enforcement agencies), including the Attorney General and the Secretary of Homeland Security, shall develop and implement best practices to enforce the laws and regulations governing UAS operations conducted under the Program.

(d) In carrying out the responsibilities set forth in subsection (c) of this section, the heads of Federal law enforcement agencies shall coordinate with the Secretaries of Defense and Transportation, as well as with the relevant State, local, or tribal law enforcement agencies.

(e) In implementing the Program, the Secretary shall coordinate with the Secretaries of Defense and Homeland Security and the Attorney General to test

counter-UAS capabilities, as well as platform and system-wide cybersecurity, to the extent appropriate and consistent with law.

SEC. 5. *Evaluation and Termination of UAS Integration Pilot Program.* (a) The Program shall terminate 3 years from the date of this memorandum, unless extended by the Secretary.

(b) Before and after the termination of the Program, the Secretary shall use the information and experience yielded by the Program to inform the development of regulations, initiatives, and plans to enable safer and more complex UAS operations, and shall, as appropriate, share information with the Secretaries of Defense and Homeland Security, the Attorney General, and the heads of other executive departments and agencies.

(c) After the date of this memorandum and until the Program is terminated, the Secretary, in consultation with the Secretaries of Defense and Homeland Security and the Attorney General, shall submit an annual report to the President setting forth the Secretary's interim findings and conclusions concerning the Program. Not later than 90 days after the Program is terminated, the Secretary shall submit a final report to the President setting forth the Secretary's findings and conclusions concerning the Program.

SEC. 6. *Definitions.* As used in this memorandum, the next stated terms, in singular and plural, are defined as follows:

(a) The term "unmanned aircraft system" has the meaning given that term in section 331 of the FMRA.

(b) The term "public unmanned aircraft system" has the meaning given that term in section 331 of the FMRA.

(c) The term "civil unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a civil aircraft, as defined in 49 U.S.C. 40102.

SEC. 7. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof;
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or
- (iii) the conduct of public aircraft operations, as defined in 49 U.S.C. 40102(a)(41) and 40125, by executive departments and agencies, consistent with applicable Federal law.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum 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, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 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 State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

(16) “civil aircraft” means an aircraft except a public aircraft.

(17) “civil aircraft of the United States” means an aircraft registered under chapter 441 of this title.

(18) “conditional sales contract” means a contract—

(A) for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part, under which the buyer takes possession of the property but title to the property vests in the buyer at a later time on—

- (i) paying any part of the purchase price;
- (ii) performing another condition; or
- (iii) the happening of a contingency; or

(B) to bail or lease an aircraft, aircraft engine, propeller, appliance, or spare part, under which the bailee or lessee—

- (i) agrees to pay an amount substantially equal to the value of the property; and
- (ii) is to become, or has the option of becoming, the owner of the property on complying with the contract.

(19) “conveyance” means an instrument, including a conditional sales contract, affecting title to, or an interest in, property.

(20) “Federal airway” means a part of the navigable airspace that the Administrator designates as a Federal airway.

(21) “foreign air carrier” means a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation.

(22) “foreign air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation, between a place in the United States and a place outside the United States when any part of the transportation or operation is by aircraft.

(23) “foreign air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.

(24) “interstate air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation—

(A) between a place in—

- (i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) a State and another place in the same State through the airspace over a place outside the State;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation or operation is by aircraft.

(25) “interstate air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft—

(A) between a place in—

(i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation is by aircraft.

(26) “intrastate air carrier” means a citizen of the United States undertaking by any means to provide only intrastate air transportation.

(27) “intrastate air transportation” means the transportation by a common carrier of passengers or property for compensation, entirely in the same State, by turbojet-powered aircraft capable of carrying at least 30 passengers.

(28) “landing area” means a place on land or water, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft, even when facilities are not provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.

(29) “large hub airport” means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.

(30) “mail” means United States mail and foreign transit mail.

(31) “medium hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

(32) “navigable airspace” means airspace above the minimum altitudes of flight prescribed by regulations under this subpart and subpart III of this part, including airspace needed to ensure safety in the takeoff and landing of aircraft.

(33) “navigate aircraft” and “navigation of aircraft” include piloting aircraft.

(34) “nonhub airport” means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.

(35) “operate aircraft” and “operation of aircraft” mean using aircraft for the purposes of air navigation, including—

(A) the navigation of aircraft; and

(B) causing or authorizing the operation of aircraft with or without the right of legal control of the aircraft.

(36) “passenger boardings”—

(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

(37) “person”, in addition to its meaning under section 1 of title 1, includes a governmental authority and a trustee, receiver, assignee, and other similar representative.

(38) “predatory” means a practice that violates the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).

(39) “price” means a rate, fare, or charge.

(40) “propeller” includes a part, appurtenance, and accessory of a propeller.

(41) “public aircraft” means any of the following:

(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(E) An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces under the conditions specified by section 40125(c). In the preceding sentence, the term “other commercial air service” means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.

(42) “small hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

(43) “spare part” means an accessory, appurtenance, or part of an aircraft (except an aircraft engine or propeller), aircraft engine (except a propeller), propeller, or appliance, that is to be installed at a later time in an aircraft, aircraft engine, propeller, or appliance.

(44) “State authority” means an authority of a State designated under State law—

(A) to receive notice required to be given a State authority under subpart II of this part; or

(B) as the representative of the State before the Secretary of Transportation in any matter about which the Secretary is required to consult with or consider the views of a State authority under subpart II of this part.

(45) “ticket agent” means a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as a principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.

(46) “United States” means the States of the United States, the District of Columbia, and the territories and possessions of the United States, including the territorial sea and the overlying airspace.

(47) “air traffic control system” means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

(B) laws, regulations, orders, directives, agreements, and licenses;

(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.

(b) LIMITED DEFINITION.—In subpart II of this part, “control” means control by any means.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1097; Pub. L. 103-305, title VI, §601(b)(2)(B), Aug. 23, 1994, 108 Stat. 1606; Pub. L. 103-411, §3(a), Oct. 25, 1994, 108 Stat. 4236; Pub. L. 103-429, §6(46), Oct. 31, 1994, 108 Stat. 4384; Pub. L. 105-137, §6, Dec. 2, 1997, 111 Stat. 2641; Pub. L. 106-181, title III, §301, title VII, §702(a), Apr. 5, 2000, 114 Stat. 115, 155; Pub. L. 108-176, title II, §225(a), title VIII, §807, Dec. 12, 2003, 117 Stat. 2528, 2588; Pub. L. 110-181, div. A, title X, §1078(a), Jan. 28, 2008, 122 Stat. 334; Pub. L. 112-95, title II, §205, Feb. 14, 2012, 126 Stat. 39.)

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40102(a)(2) ..	49 App.:1301(3) (less proviso).	
40102(a)(3) ..	49 App.:1301(4).	Aug. 23, 1958, Pub. L. 85-726, §101(4), 72 Stat. 737; Sept. 5, 1961, Pub. L. 87-197, §3, 75 Stat. 467.
40102(a)(4) ..	49 App.:1301(8).	
40102(a)(5) ..	49 App.:1301(10).	
40102(a)(6), (7).	49 App.:1301(5), (6).	
40102(a)(8) ..	49 App.:1301(7). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1963, Pub. L. 97-449, §7(b), 96 Stat. 2444.
40102(a)(9) ..	49 App.:1301(9).	
40102(a)(10)	49 App.:1301(11).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §101(11); added Nov. 9, 1977, Pub. L. 95-163, §17(b)(2), 91 Stat. 1286; restated Oct. 4, 1984, Pub. L. 98-443, §9(a)(1), 98 Stat. 1706.
40102(a)(11)	49 App.:1301(12).	Aug. 23, 1958, Pub. L. 85-726, §101(12), (16)-(34), (37), (40), (41), 72 Stat. 737, 739; July 10, 1962, Pub. L. 87-528, §1, 76 Stat. 143; Sept. 26, 1968, Pub. L. 90-514, §1, 82 Stat. 867; Oct. 14, 1970, Pub. L. 91-449, §1(2), 84 Stat. 921; Aug. 5, 1974, Pub. L. 93-366, §206, 88 Stat. 419; Nov. 9, 1977, Pub. L. 95-163, §17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub. L. 95-504, §2(a)(4), (b), 92 Stat. 1705.
40102(a)(12)	(no source).	
40102(a)(13)	49 App.:1301(14) (less certificate).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §101(14) (less certificate), (15); added Oct. 24, 1978, Pub. L. 95-504, §2(a)(1), 92 Stat. 1705.
40102(a)(14)	49 App.:1301(15). 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.
40102(a)(15)-(18).	49 App.:1301(16)-(19).	
40102(a)(19)	49 App.:1301(20).	
40102(a)(20)	49 App.:1301(21).	
40102(a)(21)	49 App.:1655(c)(1).	
40102(a)(22)	49 App.:1301(22).	
40102(a)(23)	49 App.:1301(23) (related to foreign air commerce).	
40102(a)(24)	49 App.:1301(24) (related to foreign air transportation).	
40102(a)(25)	49 App.:1301(23) (related to interstate and overseas air commerce). 49 App.:1301(24) (related to interstate and overseas air transportation).	
40102(a)	49 App.:1305(b)(2), (d) (related to (b)(2)).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §105(b)(2), (d) (related to (b)(2)); added Oct. 24, 1978, Pub. L. 95-504, §4(a), 92 Stat. 1708.
40102(a)(26)-(32).	49 App.:1301(25)-(31).	
40102(a)(33)	49 App.:1301(32).	
40102(a)(34)	49 App.:1301(35).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §101(35), (39); added Oct. 24, 1978, Pub. L. 95-504, §2(a)(2), (3), (b), 92 Stat. 1705.
40102(a)(35)	(no source).	
40102(a)(36)	49 App.:1301(33), (34).	
40102(a)(37)	49 App.:1301(36).	Aug. 23, 1958, Pub. L. 85-726, §101(36), 72 Stat. 739; Aug. 5, 1974, Pub. L. 93-366, §206, 88 Stat. 419; Nov. 9, 1977, Pub. L. 95-163, §17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub. L. 95-504, §2, 92 Stat. 1705; Dec. 30, 1987, Pub. L. 100-223, §207, 101 Stat. 1523.
40102(a)(38)	49 App.:1301(37).	

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40102(a)(1) ..	49 App.:1301(2).	Aug. 23, 1958, Pub. L. 85-726, §§101(2), (3) (less proviso), (5)-(10), 413, 72 Stat. 737, 770.

HISTORICAL AND REVISION NOTES—CONTINUED
 PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40102(a)(39)	49 App.:1301(39).	
40102(a)(40)	49 App.:1301(40).	
40102(a)(41)	49 App.:1301(41).	
40102(b)	49 App.:1383.	

In subsection (a)(2), the words “by any means” are substituted for “whether . . . or by a lease or any other arrangement” to eliminate unnecessary words. The word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (a)(3), the words “or navigation” are omitted as being included in the definition of “operation of aircraft” in this subsection.

In subsection (a)(4)(D), the words “having a similar purpose” are omitted as surplus.

In subsection (a)(6), the words “now known or hereafter” are omitted as surplus.

In subsection (a)(7), the words “of the engine” are substituted for “thereof” for clarity.

In subsection (a)(8)(A), the words “as the person” are omitted as surplus.

In subsection (a)(10), the word “transportation” is substituted for “carriage” for consistency in the revised title.

In subsection (a)(11), the words “of whatever description” are omitted as surplus. The word “navigation” is omitted as being included in the definition of “operate aircraft” in this subsection. The words “or mechanisms” are omitted because of 1:1.

Subsection (a)(12) is added for clarity to distinguish between cargo (which includes mail) and property (which does not include mail).

In subsection (a)(13), the word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (a)(14), the words “including inclusive tour charter trips” are omitted as obsolete. The words “authorized under this part” are substituted for “rendered pursuant to authority conferred under this chapter under regulations prescribed by the Board” to eliminate unnecessary words.

In subsection (a)(15)(A), the words “or of one of its possessions” are omitted as being included in the definition of “United States” in this subsection.

In subsection (a)(15)(C), the words “created or” are omitted as being included in “organized”.

In subsection (a)(17), the words “chapter 441 of this title” are substituted for “this chapter” for clarity because aircraft are registered only under chapter 441.

In subsection (a)(18), the text of 49 App.:1301(19) (last sentence) is omitted as surplus.

In subsection (a)(18)(A), before subclause (i), the words “title to” are added for clarity and consistency in this section.

In subsection (a)(18)(B)(i), the words “as compensation” are omitted as surplus.

In subsection (a)(18)(B)(ii), the words “it is agreed that”, “bound”, “full”, and “the terms of” are omitted as surplus.

In subsection (a)(19), the words “bill of sale . . . mortgage, assignment of mortgage, or other” are omitted as being included in “instrument”.

In subsection (a)(20), the words “of the United States” are omitted for consistency in the revised title and because of the definition of “navigable airspace” in this subsection.

In subsection (a)(21), the words “by any means” are substituted for “whether . . . or by lease or any other arrangement” to eliminate unnecessary words. The word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (a)(22)–(25) and (27), the words “transportation” and “passengers” are substituted for “carriage” and “persons”, respectively, for consistency in the revised title. The word “compensation” is sub-

stituted for, and is coextensive with, “compensation or hire”.

In subsection (a)(22) and (24), the words “or navigation” are omitted as being included in the definition of “operation of aircraft” in this subsection. The words “the conduct or” and “in commerce” are omitted as surplus. The words “when any part of the transportation or operation is by aircraft” are substituted for 49 App.:1301(23) (words after last semicolon) to eliminate unnecessary words.

In subsection (a)(23) and (25), the words “in commerce” are omitted as surplus. The words “when any part of the transportation is by aircraft” are substituted for 49 App.:1301(24) (words after last semicolon) to eliminate unnecessary words.

In subsection (a)(24), (25), and (27), the words “of the United States” are omitted as surplus.

In subsection (a)(24)(A)(i) and (25)(A)(i), the words “or the District of Columbia” the first time they appear are omitted as surplus.

In subsection (a)(25)(A)(ii), the text of 49 App.:1301(24)(a) (words between semicolons) is omitted because 49 App.:1305(b)(2) removes the subject matter of the text from the definition. See H. Rept. No. 95-1211, 95th Cong., 2d Sess., p.16 (1978).

In subsection (a)(26), the words “by any means” are substituted for “whether . . . or by a lease or any other arrangement” to eliminate unnecessary words. The word “provide” is substituted for “engage” for consistency in the revised title.

In subsection (a)(28), the word “place” is substituted for “locality” for consistency in the revised title.

In subsection (a)(32)(B), the words “(in the capacity of owner, lessee, or otherwise)” are omitted as surplus.

In subsection (a)(33), the words “in addition to its meaning under section 1 of title 1” are substituted for “any individual, firm, copartnership, corporation, company, association, joint stock association” for clarity because 1:1 is applicable to all laws unless otherwise provided. The words “governmental authority” are substituted for “body politic” for consistency in the revised title and with other titles of the United States Code.

Subsection (a)(35) is added to eliminate repetition of the words “rates, fares, or charges” throughout this part.

In subsection (a)(36), the text of 49 App.:1301(34) (1st sentence) is omitted as obsolete. Reference to the Canal Zone is omitted because of the Panama Canal Treaty of 1977. The text of 49 App.:1301(34) (last sentence) is omitted because of 48:734.

Subsection (a)(37)(A)(i) is substituted for “used exclusively in the service of any government” and “For purposes of this paragraph, ‘used exclusively in the service of’ means, for other than the Federal Government” for clarity and to eliminate unnecessary words.

Subsection (a)(37)(A)(ii) is substituted for “used exclusively in the service of any government or of any political subdivision thereof, including the government of any State, Territory, or possession of the United States, or the District of Columbia” and “For purposes of this paragraph, ‘used exclusively in the service of’ means, for other than the Federal Government, an aircraft which is owned and operated by a governmental entity for other than commercial purposes or which is exclusively leased by such governmental entity for not less than 90 continuous days” for clarity and to eliminate unnecessary words.

In subsection (a)(37)(B), the words “transporting passengers or property” are substituted for “engaged in carrying persons or property” for consistency in the revised title.

In subsection (a)(38), the words “that is to be installed at a later time” are substituted for “maintained for installation or use . . . but which at the time are not installed therein or attached thereto” to eliminate unnecessary words.

In subsection (a)(39), the word “authority” is substituted for “agency” and “entity” for consistency in the revised title. Before subclause (A), the words “de-

partment, agency, officer, or other” are omitted as being included in “authority”.

In subsection (a)(40), the words “bona fide” and “by solicitation, advertisement, or otherwise” are omitted as surplus. The words “furnishes, contracts” are omitted as being included in “providing, or arranging”.

In subsection (a)(41), the words “States of the United States” are substituted for “several States”, and the word “sea” is substituted for “waters”, for consistency in the revised title and with other titles of the Code.

Subsection (b) is substituted for 49 App.:1383 to eliminate unnecessary words.

PUB. L. 103-429

This makes a conforming amendment for consistency with the style of title 49.

AMENDMENTS

2012—Subsec. (a)(4). Pub. L. 112-95 added subpars. (B) to (D), redesignated former subpar. (D) as (E) and substituted “any structure, equipment,” for “another structure” and “; and” for period at end, added subpar. (F), and struck out former subpars. (B) and (C) which read as follows:

“(B) a light;

“(C) apparatus or equipment for distributing weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and”.

2008—Subsec. (a)(41)(E). Pub. L. 110-181 inserted “or other commercial air service” after “transportation” and inserted at end “In the preceding sentence, the term ‘other commercial air service’ means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.”

2003—Subsec. (a)(15)(C). Pub. L. 108-176, § 807, inserted “which is under the actual control of citizens of the United States,” before “and in which”.

Subsec. (a)(29) to (47). Pub. L. 108-176, § 225(a), added pars. (29), (31), (34), (36), and (42) and redesignated former pars. (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), and (42) as (30), (32), (33), (35), (37), (38), (39), (40), (41), (43), (44), (45), (46), and (47), respectively.

2000—Subsec. (a)(37). Pub. L. 106-181, § 702(a), amended par. (37) generally, revising and restating provisions defining “public aircraft” to include references to qualifications found in section 40125(b) and (c).

Subsec. (a)(42). Pub. L. 106-181, § 301, added par. (42).

1997—Subsec. (a)(37)(A). Pub. L. 105-137 struck out “or” at end of cl. (i), added cl. (ii), and redesignated former cl. (ii) as (iii).

1994—Subsec. (a)(30). Pub. L. 103-429 substituted “this subpart and subpart III” for “subparts I and III”.

Subsec. (a)(35). Pub. L. 103-305 struck out “for air transportation” after “charge”.

Subsec. (a)(37)(B). Pub. L. 103-411 added subpar. (B) and struck out former subpar. (B) which read as follows: “does not include a government-owned aircraft transporting passengers or property for commercial purposes.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENTS

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

Amendment by Pub. L. 103-411 effective on the 180th day following Oct. 25, 1994, see section 3(d) of Pub. L. 103-411, set out as a note under section 1131 of this title.

Amendment by Pub. L. 103-305 effective Jan. 1, 1995, see section 601(d) of Pub. L. 103-305, set out as a note under section 10521 of this title.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

DEFINITIONS OF TERMS IN PUB. L. 107-71

Pub. L. 107-71, title I, § 133, Nov. 19, 2001, 115 Stat. 636, provided that: “Except as otherwise explicitly provided, any term used in this title [see Tables for classification] that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.”

DEFINITIONS APPLICABLE TO PUB. L. 106-181

Pub. L. 106-181, § 4, Apr. 5, 2000, 114 Stat. 64, provided that: “Except as otherwise provided in this Act [see Tables for classification], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”

DEFINITIONS APPLICABLE TO PUB. L. 103-305

Pub. L. 103-305, § 2, Aug. 23, 1994, 108 Stat. 1570, provided that: “In this Act [see Short Title of 1994 Amendment note set out under section 40101 of this title], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”

§ 40103. Sovereignty and use of airspace

(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSPORT.—(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.

(b) USE OF AIRSPACE.—(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

(A) navigating, protecting, and identifying aircraft;

(B) protecting individuals and property on the ground;