(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33118	15:2031.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §614; added Oct. 25, 1984, Pub. L. 98–547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102–519, §306(a), 106 Stat. 3397.

The words ''may not have'' are substituted for ''no . . . shall have any authority either to establish, or to continue in effect'' to eliminate unnecessary words.

SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

SUBPART I—GENERAL

Chapter Sec.

401. General Provisions 40101

SUBPART II—ECONOMIC REGULATION

411. Air Carrier Certificates 41101
413. Foreign Air Transportation 41301
415. Pricing 41501
417. Operations of Carriers 41701
419. Transportation of Mail 41901
421. Labor-Management Provisions 42101
423. Passenger Air Service Improvements 42301

SUBPART III—SAFETY

441. Registration and Recordation of Aircraft 44101
443. Insurance 44301
445. Facilities, Personnel, and Research 44501
447. Safety Regulation 44701
448. Unmanned aircraft systems[1] 44801
449. Security 44901
451. Alcohol and Controlled Substances Testing 45101
453. Fees 45301

SUBPART IV—ENFORCEMENT AND PENALTIES

461. Investigations and Proceedings 46101
463. Penalties 46301
465. Special Aircraft Jurisdiction of the United States 46501

PART B—AIRPORT DEVELOPMENT AND NOISE

471. Airport Development 47101
473. International Airport Facilities 47301
475. Noise 47501

PART C—FINANCING

481. Airport and Airway Trust Fund Authorizations 48101
482. Advance Appropriations for Airport and Airway Trust Facilities 48201
[483. Repealed.]

PART D—PUBLIC AIRPORTS

491. METROPOLITAN WASHINGTON AIRPORTS 49101

PART E—MISCELLANEOUS

501. Buy-American Preferences 50101

[1] So in original. Probably should be ''Unmanned Aircraft Systems''.

Chapter Sec.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. K, title I, §1991(i)(2), Oct. 5, 2018, 132 Stat. 3645, which directed amendment of this analysis by striking item for chapter 483 ''Aviation security funding'', was executed by striking item for chapter 483 ''Aviation Security Funding'' to reflect the probable intent of Congress.

Pub. L. 115–254, div. B, title III, §341(b)(1), Oct. 5, 2018, 132 Stat. 3287, added item for chapter 448.

2012—Pub. L. 112–95, title IV, §415(d), Feb. 14, 2012, 126 Stat. 96, added item for chapter 423.

2001—Pub. L. 107–71, title I, §118(c)(2), Nov. 19, 2001, 115 Stat. 628, added item for chapter 483.

1997—Pub. L. 105–102, §2(20), Nov. 20, 1997, 111 Stat. 2205, substituted ''PUBLIC AIRPORTS'' for ''RESERVED'' in item for part D and added item for chapter 491.

1996—Pub. L. 104–287, §5(64), Oct. 11, 1996, 110 Stat. 3395, substituted ''RESERVED'' for ''MISCELLANEOUS'' in item for part D, struck out item for chapter 491 ''Buy-American Preferences'', and added items for part E and chapter 501.

Pub. L. 104–264, title II, §277(b), Oct. 9, 1996, 110 Stat. 3248, added item for chapter 482.

PART A—AIR COMMERCE AND SAFETY

SUBPART I—GENERAL

CHAPTER 401—GENERAL PROVISIONS

Sec.
40101. Policy.
40102. Definitions.
40103. Sovereignty and use of airspace.
40104. Promotion of civil aeronautics and safety of air commerce.
40105. International negotiations, agreements, and obligations.
40106. Emergency powers.
40107. Presidential transfers.
40108. Training schools.
40109. Authority to exempt.
40110. General procurement authority.
40111. Multiyear procurement contracts for services and related items.
40112. Multiyear procurement contracts for property.
40113. Administrative.
40114. Reports and records.
40115. Withholding information.
40116. State taxation.
40117. Passenger facility charges.
40118. Government-financed air transportation.
40119. [Reserved].
40120. Relationship to other laws.
40121. Air traffic control modernization reviews.
40122. Federal Aviation Administration personnel management system.
40123. Protection of voluntarily submitted information.
40124. Interstate agreements for airport facilities.
40125. Qualifications for public aircraft status.
40126. Severable services contracts for periods crossing fiscal years.
40127. Prohibitions on discrimination.
40128. Overflights of national parks.
40129. Collaborative decisionmaking pilot program.
40130. FAA authority to conduct criminal history record checks.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. K, title I, §1991(c)(4), Oct. 5, 2018, 132 Stat. 3627, substituted ''[Reserved]'' for ''Secu-

rity and research and development activities'' in item 40119.

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 intent, 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 operations 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.
	49 App.:1551(b)(1)(E).	
40101(c)	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. 18, 1988, Pub. L. 100–690, § 7202(b), 102 Stat. 4424.
	49 App.:1655(c)(1).	
40101(e)	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.
	49 App.:1551(b)(1)(E).	
40101(f)	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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 117–328, div. Q, §102(c), Dec. 29, 2022, 136 Stat. 5250, provided that: ''On and after the date of enactment of this section [Dec. 29, 2022], any reference in a law, regulation, document, paper, or other record of the United States to the 'National Air Grant Fellowship Program' shall be deemed to be a reference to the 'Samya Rose Stumo National Air Grant Fellowship Program'.''

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 2023 AMENDMENT

Pub. L. 118–4, §1, June 3, 2023, 137 Stat. 7, provided that: ''This Act [enacting provisions set out as a note under section 44701 of this title] may be cited as the 'NOTAM Improvement Act of 2023'.''

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–328, div. Q, §102(a), Dec. 29, 2022, 136 Stat. 5250, provided that: ''This section [enacting and amending provisions set out as notes under this section] may be cited as the 'Samya Rose Stumo National Air Grant Fellowship Program Act of 2022'.''

Pub. L. 117–254, §1, Dec. 20, 2022, 136 Stat. 2361, provided that: ''This Act [amending section 47109 of this title and enacting provisions set out as notes under section 47109 of this title] may be cited as the 'Preventing PFAS Runoff at Airports Act'.''

Pub. L. 117–203, §1, Oct. 17, 2022, 136 Stat. 2227, provided that: ''This Act [enacting provisions set out as a note below] may be cited as the 'Advanced Air Mobility Coordination and Leadership Act'[.]''

Pub. L. 117–186, §1, Oct. 10, 2022, 136 Stat. 2199, provided that: ''This Act [amending section 47110 of this

title] may be cited as the 'Expedited Delivery of Airport Infrastructure Act of 2021'.''

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116–260, div. V, title I, §101(a), Dec. 27, 2020, 134 Stat. 2309, provided that: ''This title [see Tables for classification] may be cited as the 'Aircraft Certification, Safety, and Accountability Act'.''

Pub. L. 116–190, §1, Oct. 30, 2020, 134 Stat. 974, provided that: ''This Act [amending section 47107 of this title] may be cited as the 'Friendly Airports for Mothers Improvement Act'.''

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116–92, div. A, title XI, §1131(a), Dec. 20, 2019, 133 Stat. 1615, provided that: ''This subtitle [subtitle C (§§1131–1135) of title XI of div. A of Pub. L. 116–92, amending section 44506 of this title] may be cited as the 'ATC Hiring Reform Act'.''

Pub. L. 116–34, §1, July 29, 2019, 133 Stat. 1040, provided that: ''This Act [amending provisions set out as a note under this section] may be cited as the 'Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act'.''

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115–254, §1(a), Oct. 5, 2018, 132 Stat. 3186, provided that: ''This Act [see Tables for classification] may be cited as the 'FAA Reauthorization Act of 2018'.''

Pub. L. 115–254, div. B, title III, §391, Oct. 5, 2018, 132 Stat. 3323, provided that: ''This subtitle [subtitle C (§§391–396) of title III of div. B of Pub. L. 115–254, enacting section 47124a of this title, amending section 44709 of this title, enacting provisions set out as notes under sections 44701 and 46101 of this title, and amending provisions set out as notes under sections 44701 and 44703 of this title] may be cited as the 'Fairness for Pilots Act'.''

Pub. L. 115–254, div. B, title VII, §701, Oct. 5, 2018, 132 Stat. 3409, provided that: ''This title [enacting sections 44518 and 47511 of this title and sections 2801 to 2811 of Title 43, Public Lands, amending sections 44508 and 48102 of this title, and enacting provisions set out as notes under this section and sections 106, 44505, and 44802 of this title and section 2801 of Title 43] may be cited as the 'FAA Leadership in Groundbreaking High-Tech Research and Development Act' or the 'FLIGHT R&D Act'.''

Pub. L. 115–254, div. C, §1101, Oct. 5, 2018, 132 Stat. 3429, provided that: ''This division [enacting section 1140 of this title, amending sections 1111, 1113, 1114, 1116 to 1118, 1131, 1134, 1136, 1138, 1139, 1154, 41113, and 41313 of this title, and enacting provisions set out as notes under sections 1101, 1116, and 1119 of this title] may be cited as the 'National Transportation Safety Board Reauthorization Act'.''

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–242, §1, Oct. 7, 2016, 130 Stat. 978, provided that: ''This Act [amending section 40122 of this title and enacting provisions set out as notes under section 40122 of this title] may be cited as the 'Federal Aviation Administration Veteran Transition Improvement Act of 2016'.''

Pub. L. 114–190, §1(a), July 15, 2016, 130 Stat. 615, provided that: ''This Act [see Tables for classification] may be cited as the 'FAA Extension, Safety, and Security Act of 2016'.''

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–113, div. O, title IV, §401, Dec. 18, 2015, 129 Stat. 3000, provided that: ''This title [enacting section 10609 of Title 42, The Public Health and Welfare, amending section 905 of Title 2, The Congress, enacting provisions set out as a note under section 905 of Title 2, and amending provisions set out as notes under this section] may be cited as the 'James Zadroga 9/11 Victim Compensation Fund Reauthorization Act'.''

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'.''

ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT PROGRAM

Pub. L. 117–328, div. Q, §101, Dec. 29, 2022, 136 Stat. 5246, provided that:

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section [Dec. 29, 2022], the Secretary shall establish a pilot program to provide grants that assist an eligible entity to plan for the development and deployment of infrastructure necessary to facilitate AAM operations, locally and regionally, within the United States.

''(b) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide grants to eligible entities to develop comprehensive plans under paragraph (2) related to AAM infrastructure.

''(2) COMPREHENSIVE PLAN.—

''(A) IN GENERAL.—Not later than 1 year after receiving a grant under this subsection, an eligible entity shall submit to the Secretary a comprehensive plan, including the development of potential public use or private-owned vertiport infrastructure, in a format capable of being published on the website of the Department of Transportation.

''(B) PLAN CONTENTS.—The Secretary shall establish content requirements for comprehensive plans

submitted under this subsection, which shall include as many of the following as possible:

''(i) The identification of planned or potential public use and private-owned vertiport locations.

''(ii) A description of infrastructure necessary to support AAM operations.

''(iii) A description of types of planned or potential AAM operations and a forecast for proposed vertiport operations, including estimates for initial operations and future growth.

''(iv) The identification of physical and digital infrastructure required to meet any standards for vertiport design and performance characteristics established by the Federal Aviation Administration (as in effect on the date on which the Secretary issues a grant to an eligible entity), including modifications to existing infrastructure and ground sensors, electric charging or other fueling requirements, electric utility requirements, wireless and cybersecurity requirements, fire safety, perimeter security, and other necessary hardware or software.

''(v) A description of any hazard associated with planned or potential vertiport infrastructure, such as handling of hazardous materials, batteries, or other fuel cells, charging or fueling of aircraft, aircraft rescue and firefighting response, and emergency planning.

''(vi) A description of potential environmental effects of planned or potential construction or siting of vertiports, including efforts to reduce potential aviation noise.

''(vii) A description of how planned or potential vertiport locations, including new or repurposed infrastructure, fit into State and local transportation systems and networks, including—

''(I) connectivity to existing public transportation hubs and intermodal and multimodal facilities for AAM operations;

''(II) opportunities to create new service to rural areas and areas underserved by air transportation; or

''(III) any potential conflict with existing aviation infrastructure that may arise from the planned or potential location of the vertiport.

''(viii) A description of how vertiport planning will be incorporated in State or metropolitan planning documents.

''(ix) The identification of the process an eligible entity will undertake to ensure an adequate level of engagement with any potentially impacted community for each planned or potential vertiport location and planned or potential AAM operations, such as engagement with communities in rural areas, underserved communities, Tribal communities, individuals with disabilities, or racial and ethnic minorities to address equity of access.

''(x) The identification of State, local, or private sources of funding an eligible entity may use to assist with the construction or operation of a vertiport.

''(xi) The identification of existing Federal aeronautical and airspace requirements that must be met for the eligible entity's planned or potential vertiport location.

''(xii) The identification of the actions necessary for an eligible entity to undertake the construction of a vertiport, such as planning studies to assess existing infrastructure, environmental studies, studies of projected economic benefit to the community, lease or acquisition of an easement or land for new infrastructure, and activities related to other capital costs.

''(3) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall provide to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

''(4) SELECTION.—

''(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider the following:

''(i) Geographic diversity.

''(ii) Diversity of the proposed models of infrastructure financing and management.

''(iii) Diversity of proposed or planned AAM operations.

''(iv) The need for comprehensive plans that—

''(I) ensure the safe and efficient integration of AAM operations into the National Airspace System;

''(II) improve transportation safety, connectivity, access, and equity in both rural and urban regions in the United States;

''(III) leverage existing public transportation systems and intermodal and multimodal facilities;

''(IV) reduce surface congestion and the environmental impacts of transportation;

''(V) grow the economy and create jobs in the United States; and

''(VI) encourage community engagement when planning for AAM-related infrastructure.

''(B) PRIORITY.—The Secretary shall prioritize awarding grants under this subsection to eligible entities that collaborate with commercial AAM entities, institutions of higher education, research institutions, or other relevant stakeholders to develop and prepare a comprehensive plan.

''(C) MINIMUM ALLOCATION TO RURAL AREAS.—The Secretary shall ensure that not less than 20 percent of the amounts made available under subsection (c) are used to award grants to eligible entities that submit a comprehensive plan under paragraph (2) that is related to infrastructure located in a rural area.

''(5) GRANT AMOUNT.—Each grant made under this subsection shall be made in an amount that is not more than $1,000,000.

''(6) BRIEFING.—

''(A) IN GENERAL.—Not later than 180 days after the first comprehensive plan is submitted under paragraph (2), and every 180 days thereafter through September 30, 2025, the Secretary shall provide a briefing to the appropriate committees of Congress on the comprehensive plans submitted to the Secretary under such paragraph.

''(B) CONTENTS.—The briefing required under subparagraph (A) shall include—

''(i) an evaluation of all planned or potential vertiport locations included in the comprehensive plans submitted under paragraph (2) and how such planned or potential vertiport locations may fit into the overall United States transportation system and network; and

''(ii) a description of lessons or best practices learned through the review of comprehensive plans and how the Secretary will incorporate any such lessons or best practices into Federal standards or guidance for the design and operation of AAM infrastructure and facilities.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section $12,500,000 for each of fiscal years 2023 and 2024, to remain available until expended.

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may retain up to 1 percent for personnel, contracting, and other costs to establish and administer the pilot program under this section.

''(d) TERMINATION.—

''(1) IN GENERAL.—No grant may be awarded under this section after September 30, 2024.

''(2) CONTINUED FUNDING.—Funds authorized to be appropriated pursuant to subsection (c) may be expended after September 30, 2024—

''(A) for grants awarded prior to September 30, 2024; and

''(B) for administrative expenses.

''(e) DEFINITIONS.—In this section:

''(1) ADVANCED AIR MOBILITY; AAM.—The terms 'advanced air mobility' and 'AAM' have the meaning given such terms in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act [Pub. L. 117–203] (49 U.S.C. 40101 note).

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(3) COMMERCIAL AAM ENTITIES.—The term 'commercial AAM entities' means—

''(A) manufacturers of aircraft, avionics, propulsion systems, and air traffic management systems related to AAM;

''(B) intended commercial operators of AAM aircraft and systems; and

''(C) intended commercial operators and developers of vertiports.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State, local, or Tribal government, including a political subdivision thereof;

''(B) an airport sponsor;

''(C) a transit agency;

''(D) a port authority;

''(E) a metropolitan planning organization; or

''(F) any combination or consortium of the entities described in subparagraphs (A) through (E).

''(5) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' has the meaning given such term in section 5303(b) of title 49, United States Code.

''(6) RURAL AREA.—The term 'rural area' means an area located outside a metropolitan statistical area (as designated by the Office of Management and Budget).

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

''(9) VERTIPORT.—The term 'vertiport' means a designated location used or intended to be used to support AAM operations, including the landing, take-off, loading, taxiing, parking, and storage of aircraft developed for AAM operations.

''(10) VERTICAL TAKE-OFF AND LANDING AIRCRAFT.—The term 'vertical take-off and landing aircraft' has the meaning given such term in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).

''(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as conferring upon any person, State, local, or Tribal government the authority to determine the safety of any AAM operation or the feasibility of simultaneous operations by AAM and conventional aircraft within any given area of the national airspace system.''

NATIONAL AVIATION PREPAREDNESS PLAN

Pub. L. 117–328, div. Q, §105, Dec. 29, 2022, 136 Stat. 5253, provided that:

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section [Dec. 29, 2022], the Secretary of Transportation, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of such other Federal departments or agencies as the Secretary of Transportation considers appropriate, shall develop a national aviation preparedness plan for communicable disease outbreaks.

''(b) CONTENTS OF PLAN.—The plan developed under subsection (a) shall, at a minimum—

''(1) provide airports and air carriers with an adaptable and scalable framework with which to align the individual plans, including the emergency response plans, of such airports and air carriers and provide guidance as to each individual plan;

''(2) improve coordination among airports, air carriers, the Transportation Security Administration, U.S. Customs and Border Protection, the Centers for Disease Control and Prevention, other appropriate Federal entities, and State and local governments and health agencies with respect to preparing for and responding to communicable disease outbreaks;

''(3) to the extent practicable, improve coordination among relevant international entities;

''(4) create a process to identify appropriate personal protective equipment, if any, for covered employees to reduce the likelihood of exposure to a covered communicable disease, and thereafter issue recommendations for the equipage of such employees;

''(5) create a process to identify appropriate techniques, strategies, and protective infrastructure, if any, for the cleaning, disinfecting, and sanitization of aircraft and enclosed facilities owned, operated, or used by an air carrier or airport, and thereafter issue recommendations pertaining to such techniques, strategies, and protective infrastructure;

''(6) create a process to evaluate technologies and develop procedures to effectively screen passengers for communicable diseases, including through the use of temperature checks if appropriate, for domestic and international passengers, crew members, and other individuals passing through airport security checkpoints;

''(7) identify and assign Federal agency roles in the deployment of emerging and existing technologies and solutions to reduce covered communicable diseases in the aviation ecosystem;

''(8) clearly delineate the responsibilities of the sponsors and operators of airports, air carriers, and Federal agencies in responding to a covered communicable disease;

''(9) incorporate, as appropriate, the recommendations made by the Comptroller General of the United States to the Secretary of Transportation contained in the report titled 'Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System's Preparedness', issued in December 2015 (GAO-16-127);

''(10) consider the latest peer-reviewed scientific studies that address communicable disease with respect to air transportation; and

''(11) consider funding constraints.

''(c) CONSULTATION.—When developing the plan under subsection (a), the Secretary of Transportation shall consult with aviation industry and labor stakeholders, including representatives of—

''(1) air carriers, which shall include domestic air carriers consisting of major air carriers, low-cost carriers, regional air carriers and cargo carriers;

''(2) airport operators, including with respect to large hub, medium hub, small hub, and nonhub commercial service airports;

''(3) labor organizations that represent airline pilots, flight attendants, air carrier airport customer service representatives, and air carrier maintenance, repair, and overhaul workers;

''(4) the labor organization certified under section 7111 of title 5, United States Code, as the exclusive bargaining representative of air traffic controllers of the Federal Aviation Administration;

''(5) the labor organization certified under such section as the exclusive bargaining representative of airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration;

''(6) trade associations representing air carriers and airports;

''(7) aircraft manufacturing companies;

''(8) general aviation; and

''(9) such other stakeholders as the Secretary considers appropriate.

''(d) REPORT.—Not later than 30 days after the plan is developed under subsection (a), the Secretary shall sub-

mit 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 that includes such plan.

''(e) REVIEW OF PLAN.—Not later than 1 year after the date on which a report is submitted under subsection (d), and again not later than 5 years thereafter, the Secretary shall review the plan included in such report and, after consultation with aviation industry and labor stakeholders, make changes by rule as the Secretary considers appropriate.

''(f) GAO STUDY.—Not later than 18 months after the date of enactment of this section [Dec. 29, 2022], the Comptroller General shall conduct and 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 study assessing the national aviation preparedness plan developed under subsection (a), including—

''(1) whether such plan—

''(A) is responsive to any previous recommendations relating to aviation preparedness with respect to an outbreak of a covered communicable disease or global health emergency made by the Comptroller General; and

''(B) meets the obligations of the United States under international conventions and treaties; and

''(2) the extent to which the United States aviation system is prepared to respond to an outbreak of a covered communicable disease.

''(g) DEFINITIONS.—In this section:

''(1) COVERED EMPLOYEE.—The term 'covered employee' means—

''(A) an individual whose job duties require interaction with air carrier passengers on a regular and continuing basis and who is an employee of—

''(i) an air carrier;

''(ii) an air carrier contractor;

''(iii) an airport; or

''(iv) the Federal Government; or

''(B) an air traffic controller or systems safety specialist of the Federal Aviation Administration.

''(2) COVERED COMMUNICABLE DISEASE.—The term 'covered communicable disease' means a communicable disease that has the potential to cause a future epidemic or pandemic of infectious disease that would constitute a public health emergency of international concern as declared, after the date of enactment of this section, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

''(3) TEMPERATURE CHECK.—The term 'temperature check' means the screening of an individual for a fever.''

ADVANCED AIR MOBILITY WORKING GROUP

Pub. L. 117–203, § 2, Oct. 17, 2022, 136 Stat. 2227, provided that:

''(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Oct. 17, 2022], the Secretary of Transportation shall establish an advanced air mobility interagency working group (in this section referred to as the 'working group').

''(b) PURPOSE.—Advanced Air Mobility represents a key area of sustainable transportation and economic growth for the United States and it is imperative that the Federal Government foster leadership and interagency collaboration in the adoption and deployment of this technology. The purpose of the working group established under this section shall be to plan for and coordinate efforts related to safety, operations, infrastructure, physical security and cybersecurity, and Federal investment necessary for maturation of the AAM ecosystem in the United States, particularly passenger-carrying aircraft, in order to—

''(1) grow new transportation options;

''(2) amplify economic activity and jobs;

''(3) advance environmental sustainability and new technologies; and

''(4) support emergency preparedness and competitiveness.

''(c) MEMBERSHIP.—Not later than 60 days after the establishment of the working group under subsection (a), the Secretary of Transportation shall—

''(1) appoint the Under Secretary of Transportation for Policy to chair the working group;

''(2) designate not less than 1 additional representative to participate on the working group from each of—

''(A) the Department of Transportation; and

''(B) the Federal Aviation Administration; and

''(3) invite the heads of each of the following departments or agencies to designate not less than 1 representative to participate on the working group, including—

''(A) the National Aeronautics and Space Administration;

''(B) the Department of Commerce;

''(C) the Department of Defense;

''(D) the Department of Energy;

''(E) the Department of Homeland Security;

''(F) the Department of Agriculture;

''(G) the Department of Labor;

''(H) the Federal Communications Commission; and

''(I) such other departments or agencies as the Secretary of Transportation determines appropriate.

''(d) COORDINATION.—

''(1) IN GENERAL.—The working group shall engage with State, local, and Tribal governments, aviation industry and labor stakeholders, stakeholder associations, and others determined appropriate by the Secretary of Transportation and the Administrator of the Federal Aviation Administration, including—

''(A) manufacturers of aircraft, avionics, propulsion systems, structures, and air traffic management systems;

''(B) commercial air carriers, commercial operators, unmanned aircraft system operators, and general aviation operators, including helicopter operators;

''(C) intended operators of AAM aircraft;

''(D) airports, heliports, fixed-base operators;

''(E) certified labor representatives for pilots associations, air traffic control specialists employed by the Federal Aviation Administration, aircraft mechanics, and aviation safety inspectors;

''(F) State, local, and Tribal officials or public agencies, with representation from both urban and rural areas;

''(G) first responders;

''(H) groups representing environmental interests;

''(I) electric utilities, energy providers and energy market operators;

''(J) academia with experience working with industry on new technology and commercialization;

''(K) groups representing the telecommunications industry; and

''(L) aviation training and maintenance providers.

''(2) ADVISORY COMMITTEES.—The Secretary of Transportation and Administrator of the Federal Aviation Administration may use such Federal advisory committees as may be appropriate to coordinate with the entities listed in paragraph (1).

''(e) REVIEW AND EXAMINATION.—Not later than 1 year after the working group is established under subsection (a), the working group shall complete a review and examination of, at a minimum—

''(1) the steps that will mature AAM aircraft operations, concepts, and regulatory frameworks beyond initial operations;

''(2) the air traffic management and safety concepts that might be considered as part of evolving AAM to higher levels of traffic density;

''(3) current Federal programs and policies that could be leveraged to advance the maturation of the AAM industry;

''(4) infrastructure, including aviation, cybersecurity, telecommunication, multimodal, and

utility infrastructure, necessary to accommodate and support expanded operations of AAM after initial implementation;

''(5) steps needed to ensure a robust and secure domestic supply chain;

''(6) anticipated benefits associated with AAM aircraft operations, including economic, environmental, emergency and natural disaster response, and transportation benefits;

''(7) the interests, roles, and responsibilities of Federal, State, local, and Tribal governments affected by AAM aircraft operations; and

''(8) other factors that may limit the full potential of the AAM industry, including community acceptance or restrictions of such operations.

''(f) AAM NATIONAL STRATEGY.—Based on the review and examination performed under subsection (e), the working group shall develop an AAM National Strategy that includes—

''(1) recommendations regarding the safety, operations, security, infrastructure, air traffic concepts, and other Federal investment or actions necessary to support the evolution of early AAM to higher levels of activity and societal benefit; and

''(2) a comprehensive plan detailing the roles and responsibilities of each Federal department and agency, and of State, local, and Tribal governments, necessary to facilitate or implement the recommendations developed under paragraph (1).

''(g) REPORT.—Not later than 180 days after the completion of the review and examination performed under subsection (e), the working group shall submit to the appropriate committees of Congress a report—

''(1) detailing findings from the review and examination performed under subsection (e); and

''(2) providing the AAM National Strategy, including the plan and associated recommendations developed under subsection (f).

''(h) EVALUATION OF TERMINATION OF WORKING GROUP.—Not later than 30 days after the date on which the working group submits the report required under subsection (g), the Secretary of Transportation shall evaluate and decide whether to terminate the working group and shall notify the appropriate committees of Congress of such decision.

''(i) DEFINITIONS.—For purposes of this section and section 3 [of Pub. L. 117–203, 136 Stat. 2230, which is not classified to the Code]:

''(1) ADVANCED AIR MOBILITY; AAM.—The terms 'advanced air mobility' and 'AAM' mean a transportation system that transports people and property by air between two points in the United States using aircraft with advanced technologies, including electric aircraft or electric vertical take-off and landing aircraft, in both controlled and uncontrolled airspace.

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(3) ELECTRIC AIRCRAFT.—The term 'electric aircraft' means an aircraft with a fully electric or hybrid (fuel and electric) driven propulsion system used for flight.

''(4) FIXED-BASE OPERATOR.—The term 'fixed-base operator' means a business granted the right by an airport sponsor or heliport sponsor to operate on an airport or heliport and provide aeronautical services, including fueling and charging, aircraft hangaring, tiedown and parking, aircraft rental, aircraft maintenance, and flight instruction.

''(5) STATE.—The term 'State' has the meaning given such term in section 47102 of title 49, United States Code.

''(6) VERTICAL TAKE-OFF AND LANDING.—The term 'vertical take-off and landing' means an aircraft with lift/thrust units used to generate powered lift and control and with two or more lift/thrust units used to provide lift during vertical take-off or landing.''

SAMYA ROSE STUMO NATIONAL AIR GRANT FELLOWSHIP PROGRAM

Pub. L. 116–260, div. V, title I, § 131, Dec. 27, 2020, 134 Stat. 2350, as amended by Pub. L. 117–328, div. Q, § 102(b)(1), Dec. 29, 2022, 136 Stat. 5250, provided that:

''(a) PROGRAM.—

''(1) PROGRAM MAINTENANCE.—The Administrator [of the Federal Aviation Administration] shall maintain within the FAA [Federal Aviation Administration] a program to be known as the 'Samya Rose Stumo National Air Grant Fellowship Program'.

''(2) PROGRAM ELEMENTS.—The Samya Rose Stumo National Air Grant Fellowship Program shall provide support for the fellowship program under subsection (b).

''(3) RESPONSIBILITIES OF ADMINISTRATOR.—

''(A) GUIDELINES.—The Administrator shall establish guidelines related to the activities and responsibilities of air grant fellowships under subsection (b).

''(B) QUALIFICATIONS.—The Administrator shall by regulation prescribe the qualifications required for designation of air grant fellowships under subsection (b).

''(C) AUTHORITY.—In order to carry out the provisions of this section, the Administrator may—

''(i) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

''(ii) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

''(iii) enter into contracts, cooperative agreements, and other transactions without regard to section 6101 of title 41, United States Code;

''(iv) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

''(v) accept funds from other Federal departments and agencies, including agencies within the FAA, to pay for and add to activities authorized by this section; and

''(vi) promulgate such rules and regulations as may be necessary and appropriate.

''(4) DIRECTOR OF SAMYA ROSE STUMO NATIONAL AIR GRANT FELLOWSHIP PROGRAM.—

''(A) IN GENERAL.—The Administrator shall appoint, as the Director of the Samya Rose Stumo National Air Grant Fellowship Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to aerospace. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

''(B) DUTIES.—Subject to the supervision of the Administrator, the Director shall administer the Samya Rose Stumo National Air Grant Fellowship Program. In addition to any other duty prescribed by law or assigned by the Administrator, the Director shall—

''(i) cooperate with institutions of higher education that offer degrees in fields related to aerospace;

''(ii) encourage the participation of graduate and post-graduate students in the Samya Rose Stumo National Air Grant Fellowship Program; and

''(iii) cooperate and coordinate with other Federal activities in fields related to aerospace.

''(b) FELLOWSHIPS.—

''(1) IN GENERAL.—The Administrator shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be in fields related to aerospace and awarded pursuant to guidelines established by the Administrator. The Administrator shall strive to ensure

equal access for minority and economically disadvantaged students to the program carried out under this paragraph.

''(2) AEROSPACE POLICY FELLOWSHIP.—

''(A) IN GENERAL.—The Administrator shall award aerospace policy fellowships to support the placement of individuals at the graduate level of education in fields related to aerospace in positions with—

''(i) the executive branch of the United States Government; and

''(ii) the legislative branch of the United States Government.

''(B) PLACEMENT PRIORITIES FOR LEGISLATIVE FELLOWSHIPS.—

''(i) IN GENERAL.—In considering the placement of individuals receiving a fellowship for a legislative branch position under subparagraph (A)(ii), the Administrator shall give priority to placement of such individuals in the following:

''(I) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the FAA.

''(II) Positions in offices of Members of Congress that have a demonstrated interest in aerospace policy.

''(ii) EQUITABLE DISTRIBUTION.—In placing fellows in positions described under clause (i), the Administrator shall ensure that placements are equally distributed among the political parties.

''(C) DURATION.—A fellowship awarded under this paragraph shall be for a period of not more than 1 year.

''(3) RESTRICTION ON USE OF FUNDS.—Amounts available for fellowships under this subsection, including amounts accepted under subsection (a)(3)(C)(v) or appropriated under subsection (d) to carry out this subsection, shall be used only for award of such fellowships and administrative costs of implementing this subsection.

''(c) INTERAGENCY COOPERATION.—Each department, agency, or other instrumentality of the Federal Government that is engaged in or concerned with, or that has authority over, matters relating to aerospace—

''(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility that the Administrator deems necessary to carry out any provision of this section;

''(2) shall, upon a written request from the Administrator, furnish any available data or other information that the Administrator deems necessary to carry out any provision of this section; and

''(3) shall cooperate with the FAA and duly authorized officials thereof.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 2021 through 2025 to carry out this section. Amounts appropriated under the preceding sentence shall remain available until expended.

''(e) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Samya Rose Stumo National Air Grant Fellowship Program, appointed pursuant to subsection (a)(4).

''(2) FIELDS RELATED TO AEROSPACE.—The term 'fields related to aerospace' means any discipline or field that is concerned with, or likely to improve, the development, assessment, operation, safety, or repair of aircraft and other airborne objects and systems, including the following:

''(A) Aerospace engineering.

''(B) Aerospace physiology.

''(C) Aeronautical engineering.

''(D) Airworthiness engineering.

''(E) Electrical engineering.

''(F) Human factors.

''(G) Software engineering.

''(H) Systems engineering.''

EMERGING SAFETY TRENDS IN AVIATION

Pub. L. 116–260, div. V, title I, §132, Dec. 27, 2020, 134 Stat. 2352, provided that:

''(a) GENERAL.—Not later than 180 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall enter into an agreement with the Transportation Research Board for the purposes of developing an annual report identifying, categorizing, and analyzing emerging safety trends in air transportation.

''(b) FACTORS.—The emerging safety trends report should be based on the following data:

''(1) The National Transportation Safety Board's investigation of accidents under section 1132 of title 49, United States Code.

''(2) The Administrator's investigations of accidents and incidents under section 40113 of title 49, United States Code.

''(3) Information provided by air operators pursuant to safety management systems.

''(4) International investigations of accidents and incidents, including reports, data, and information from foreign authorities and ICAO.

''(5) Other sources deemed appropriate for establishing emerging safety trends in the aviation sector, including the FAA's annual safety culture assessment required under subsection (c).

''(c) SAFETY CULTURE ASSESSMENT.—The Administrator shall conduct an annual safety culture assessment through fiscal year 2031, which shall include surveying all employees in the FAA's Aviation Safety organization (AVS) to determine the employees' collective opinion regarding, and to assess the health of, AVS' safety culture and implementation of any voluntary safety reporting program.

''(d) EXISTING REPORTING SYSTEMS.—The Executive Director of the Transportation Research Board, in consultation with the Secretary of Transportation and Administrator, may take into account and, as necessary, harmonize data and sources from existing reporting systems within the Department of Transportation and FAA.

''(e) BIENNIAL REPORT TO CONGRESS.—One year after the Administrator enters into the agreement with the Transportation Research Board as set forth in subsection (a), and biennially thereafter through fiscal year 2031, the Executive Director, in consultation with the Secretary and Administrator, shall submit to the congressional committees of jurisdiction a report identifying the emerging safety trends in air transportation.''

[For definitions of terms used in section 132 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note below.]

FAA LEADERSHIP ON CIVIL SUPERSONIC AIRCRAFT

Pub. L. 115–254, div. B, title I, §181, Oct. 5, 2018, 132 Stat. 3230, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft.

''(b) EXERCISE OF LEADERSHIP.—In carrying out subsection (a), the Administrator shall—

''(1) consider the needs of the aerospace industry and other stakeholders when creating policies, regulations, and standards that enable the safe commercial deployment of civil supersonic aircraft technology and the safe and efficient operation of civil supersonic aircraft; and

''(2) obtain the input of aerospace industry stakeholders regarding—

''(A) the appropriate regulatory framework and timeline for permitting the safe and efficient operation of civil supersonic aircraft within United States airspace, including updating or modifying existing regulations on such operation;

''(B) issues related to standards and regulations for the type certification and safe operation of civil supersonic aircraft, including noise certification, including—

''(i) the operational differences between subsonic aircraft and supersonic aircraft;

''(ii) costs and benefits associated with landing and takeoff noise requirements for civil supersonic aircraft, including impacts on aircraft emissions;

''(iii) public and economic benefits of the operation of civil supersonic aircraft and associated aerospace industry activity; and

''(iv) challenges relating to ensuring that standards and regulations aimed at relieving and protecting the public health and welfare from aircraft noise and sonic booms are economically reasonable, technologically practicable, and appropriate for civil supersonic aircraft; and

''(C) other issues identified by the Administrator or the aerospace industry that must be addressed to enable the safe commercial deployment and safe and efficient operation of civil supersonic aircraft.

''(c) INTERNATIONAL LEADERSHIP.—The Administrator, in the appropriate international forums, shall take actions that—

''(1) demonstrate global leadership under subsection (a);

''(2) address the needs of the aerospace industry identified under subsection (b); and

''(3) protect the public health and welfare.

''(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report detailing—

''(1) the Administrator's actions to exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft;

''(2) planned, proposed, and anticipated actions to update or modify existing policies and regulations related to civil supersonic aircraft, including those identified as a result of industry consultation and feedback; and

''(3) a timeline for any actions to be taken to update or modify existing policies and regulations related to civil supersonic aircraft.

''(e) LONG-TERM REGULATORY REFORM.—

''(1) NOISE STANDARDS.—Not later than March 31, 2020, the Administrator shall issue a notice of proposed rulemaking to revise part 36 of title 14, Code of Federal Regulations, to include supersonic aircraft in the applicability of such part. The proposed rule shall include necessary definitions, noise standards for landing and takeoff, and noise test requirements that would apply to a civil supersonic aircraft.

''(2) SPECIAL FLIGHT AUTHORIZATIONS.—Not later than December 31, 2019, the Administrator shall issue a notice of proposed rulemaking to revise appendix B of part 91 of title 14, Code of Federal Regulations, to modernize the application process for a person applying to operate a civil aircraft at supersonic speeds for the purposes stated in that rule.

''(f) NEAR-TERM CERTIFICATION OF SUPERSONIC CIVIL AIRCRAFT.—

''(1) IN GENERAL.—If a person submits an application requesting type certification of a civil supersonic aircraft pursuant to part 21 of title 14, Code of Federal Regulations, before the Administrator promulgates a final rule amending part 36 of title 14, Code of Federal Regulations, in accordance with subsection (e)(1), the Administrator shall, not later than 18 months after having received such application, issue a notice of proposed rulemaking applicable solely for the type certification, inclusive of the aircraft engines, of the supersonic aircraft design for which such application was made.

''(2) CONTENTS.—A notice of proposed rulemaking described in paragraph (1) shall—

''(A) address safe operation of the aircraft type, including development and flight testing prior to type certification;

''(B) address manufacturing of the aircraft;

''(C) address continuing airworthiness of the aircraft;

''(D) specify landing and takeoff noise standards for that aircraft type that the Administrator considers appropriate, practicable, and consistent with section 44715 of title 49, United States Code; and

''(E) consider differences between subsonic and supersonic aircraft including differences in thrust requirements at equivalent gross weight, engine requirements, aerodynamic characteristics, operational characteristics, and other physical properties.

''(3) NOISE AND PERFORMANCE DATA.—The requirement of the Administrator to issue a notice of proposed rulemaking under paragraph (1) shall apply only if an application contains sufficient aircraft noise and performance data as the Administrator finds necessary to determine appropriate noise standards and operating limitations for the aircraft type consistent with section 44715 of title 49, United States Code.

''(4) FINAL RULE.—Not later than 18 months after the end of the public comment period provided in the notice of proposed rulemaking required under paragraph (1), the Administrator shall publish in the Federal Register a final rule applying solely to the aircraft model submitted for type certification.

''(5) REVIEW OF RULES OF CIVIL SUPERSONIC FLIGHTS.—Beginning December 31, 2020, and every 2 years thereafter, the Administrator shall review available aircraft noise and performance data, and consult with heads of appropriate Federal agencies, to determine whether section 91.817 of title 14, Code of Federal Regulations, and Appendix B of part 91 of title 14, Code of Federal Regulations, may be amended, consistent with section 44715 of title 49, United States Code, to permit supersonic flight of civil aircraft over land in the United States.

''(6) IMPLEMENTATION OF NOISE STANDARDS.—The portion of the regulation issued by the Administrator of the Federal Aviation Administration titled 'Revision of General Operating and Flight Rules' and published in the Federal Register on August 18, 1989 (54 Fed. Reg. 34284) that restricts operation of civil aircraft at a true flight Mach number greater than 1 shall have no force or effect beginning on the date on which the Administrator publishes in the Federal Register a final rule specifying sonic boom noise standards for civil supersonic aircraft.''

AIRCRAFT AIR QUALITY

Pub. L. 115–254, div. B, title III, §326, Oct. 5, 2018, 132 Stat. 3271, provided that:

''(a) EDUCATIONAL MATERIALS.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, in consultation with relevant stakeholders, establish and make available on a publicly available Internet website of the Administration, educational materials for flight attendants, pilots, and aircraft maintenance technicians on how to respond to incidents on board aircraft involving smoke or fumes.

''(b) REPORTING OF INCIDENTS OF SMOKE OR FUMES ON BOARD AIRCRAFT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall, in consultation with relevant stakeholders, issue guidance for flight attendants, pilots, and aircraft maintenance technicians to report incidents of smoke or fumes on board an aircraft operated by a commercial air carrier and with respect to the basis on which commercial air carriers shall report such incidents through the Service Difficulty Reporting System.

''(c) RESEARCH TO DEVELOP TECHNIQUES TO MONITOR BLEED AIR QUALITY.—Not later than 180 days after the

date of enactment of this Act, the Administrator shall commission a study by the Airliner Cabin Environment Research Center of Excellence—

''(1) to identify and measure the constituents and levels of constituents resulting from bleed air in the cabins of a representative set of commercial aircraft in operation of the United States;

''(2) to assess the potential health effects of such constituents on passengers and cabin and flight deck crew;

''(3) to identify technologies suitable to provide reliable and accurate warning of bleed air contamination, including technologies to effectively monitor the aircraft air supply system when the aircraft is in flight; and

''(4) to identify potential techniques to prevent fume events.

''(d) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the feasibility, efficacy, and cost-effectiveness of certification and installation of systems to evaluate bleed air quality.

''(e) PILOT PROGRAM.—The FAA may conduct a pilot program to evaluate the effectiveness of technologies identified in subsection (c).''

PERFORMANCE-BASED STANDARDS

Pub. L. 115–254, div. B, title III, § 329, Oct. 5, 2018, 132 Stat. 3272, provided that: ''The Administrator [of the Federal Aviation Administration] shall, to the maximum extent possible and consistent with Federal law, and based on input by the public, ensure that regulations, guidance, and policies issued by the FAA on and after the date of enactment of this Act [Oct. 5, 2018] are issued in the form of performance-based standards, providing an equal or higher level of safety.''

RETURN ON INVESTMENT REPORT

Pub. L. 115–254, div. B, title V, § 503(a)–(d), Oct. 5, 2018, 132 Stat. 3352, 3353, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], and annually thereafter until the date that each NextGen [Next Generation Air Transportation System] program has a positive return on investment, the Administrator [of the Federal Aviation Administration] shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the status of each NextGen program, including the most recent NextGen priority list under subsection (c).

''(b) CONTENTS.—The report under subsection (a) shall include, for each NextGen program—

''(1) an estimate of the date the program will have a positive return on investment;

''(2) an explanation for any delay in the delivery of expected benefits from previously published estimates on delivery of such benefits, in implementing or utilizing the program;

''(3) an estimate of the completion date;

''(4) an assessment of the long-term and near-term user benefits of the program for—

''(A) the Federal Government; and

''(B) the users of the national airspace system; and

''(5) a description of how the program directly contributes to a safer and more efficient air traffic control system.

''(c) NEXTGEN PRIORITY LIST.—Based on the assessment under subsection (a), the Administrator shall—

''(1) develop, in coordination with the NextGen Advisory Committee and considering the need for a balance between long-term and near-term user benefits, a prioritization of the NextGen programs;

''(2) annually update the priority list under paragraph (1); and

''(3) prepare budget submissions to reflect the current status of NextGen programs and projected returns on investment for each NextGen program.

''(d) DEFINITION OF RETURN ON INVESTMENT.—In this section, the term 'return on investment' means the cost associated with technologies that are required by law or policy as compared to the financial benefits derived from such technologies by a government or a user of airspace.''

HUMAN FACTORS

Pub. L. 115–254, div. B, title V, § 507, Oct. 5, 2018, 132 Stat. 3354, provided that:

''(a) IN GENERAL.—In order to avoid having to subsequently modify products and services developed as a part of NextGen [Next Generation Air Transportation System], the Administrator [of the Federal Aviation Administration] shall—

''(1) recognize and incorporate, in early design phases of all relevant NextGen programs, the human factors and procedural and airspace implications of stated goals and associated technical changes; and

''(2) ensure that a human factors specialist, separate from the research and certification groups, is directly involved with the NextGen approval process.

''(b) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the progress made toward implementing the requirements under subsection (a).''

PROGRAMMATIC RISK MANAGEMENT

Pub. L. 115–254, div. B, title V, § 508, Oct. 5, 2018, 132 Stat. 3355, provided that: ''To better inform the [Federal Aviation] Administration's decisions regarding the prioritization of efforts and allocation of resources for NextGen [Next Generation Air Transportation System], the Administrator [of the Federal Aviation Administration] shall—

''(1) solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen; and

''(2) develop a method to manage and mitigate the risks identified in paragraph (1).''

PART 91 REVIEW, REFORM, AND STREAMLINING

Pub. L. 115–254, div. B, title V, § 513, Oct. 5, 2018, 132 Stat. 3357, provided that:

''(a) ESTABLISHMENT OF TASK FORCE.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall establish a task force comprised of representatives of the general aviation industry who regularly perform part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Government to—

''(1) conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and

''(2) make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.

''(b) CONTENTS.—In conducting the assessment and making recommendations under subsection (a), the task force shall consider—

''(1) process reforms and improvements to allow the FAA to review and approve applications in a fair and timely fashion;

''(2) the appropriateness of requiring an authorization for each experimental aircraft rather than using a broader all-makes-and-models approach;

''(3) ways to improve the timely response to letters of authorization applications for aircraft owners and operators who operate pursuant to part 91, including setting deadlines and granting temporary or automatic authorizations if deadlines are missed by the FAA;

''(4) methods for enhancing the effective use of delegation systems;

''(5) methods for training the FAA's field office employees in risk-based and safety management system oversight; and

''(6) such other matters related to streamlining part 91 authorization and approval processes as the task force considers appropriate.

''(c) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the task force's assessment.

''(2) CONTENTS.—The report shall include an explanation of how the Administrator will—

''(A) implement the recommendations of the task force;

''(B) measure progress in implementing the recommendations; and

''(C) measure the effectiveness of the implemented recommendations.

''(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall implement the recommendations made under this section.

''(e) DEFINITION.—In this section, the term 'part 91' means part 91 of title 14, Code of Federal Regulations.

''(f) APPLICABLE LAW.—Public Law 92–463 [Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to the task force.

''(g) SUNSET.—The task force shall terminate on the day the Administrator submits the report required under subsection (c).''

PILOTS SHARING FLIGHT EXPENSES WITH PASSENGERS

Pub. L. 115–254, div. B, title V, §515, Oct. 5, 2018, 132 Stat. 3358, provided that:

''(a) GUIDANCE.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall make publicly available, in a clear and concise format, advisory guidance that describes how a pilot may share flight expenses with passengers in a manner consistent with Federal law, including regulations.

''(2) EXAMPLES INCLUDED.—The guidance shall include examples of—

''(A) flights for which pilots and passengers may share expenses;

''(B) flights for which pilots and passengers may not share expenses;

''(C) the methods of communication that pilots and passengers may use to arrange flights for which expenses are shared; and

''(D) the methods of communication that pilots and passengers may not use to arrange flights for which expenses are shared.

''(b) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date on which guidance is made publicly available under subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report analyzing Federal policy with respect to pilots sharing flight expenses with passengers.

''(2) EVALUATIONS INCLUDED.—The report submitted under paragraph (1) shall include an evaluation of—

''(A) the rationale for such Federal policy;

''(B) safety and other concerns related to pilots sharing flight expenses with passengers; and

''(C) benefits related to pilots sharing flight expenses with passengers.''

GEOSYNTHETIC MATERIALS

Pub. L. 115–254, div. B, title V, §525, Oct. 5, 2018, 132 Stat. 3364, provided that: ''The Administrator [of the Federal Aviation Administration], to the extent practicable, shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Aviation Administration.''

TREATMENT OF MULTIYEAR LESSEES OF LARGE AND TURBINE-POWERED MULTIENGINE AIRCRAFT

Pub. L. 115–254, div. B, title V, §550, Oct. 5, 2018, 132 Stat. 3378, provided that: ''The Secretary of Transportation shall revise such regulations as may be necessary to ensure that multiyear lessees and owners of large and turbine-powered multiengine aircraft are treated equally for purposes of joint ownership policies of the FAA.''

ENHANCED SURVEILLANCE CAPABILITY

Pub. L. 115–254, div. B, title V, §562, Oct. 5, 2018, 132 Stat. 3384, provided that: ''Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall identify and implement a strategy to—

''(1) advance near-term and long-term uses of enhanced surveillance systems, such as space-based ADS–B [automatic dependent surveillance-broadcast], within United States airspace or international airspace delegated to the United States;

''(2) exercise leadership on setting global standards for the separation of aircraft in oceanic airspace by working with—

''(A) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

''(B) other international organizations and fora; and

''(C) the private sector; and

''(3) ensure the participation of the [Federal Aviation] Administration in the analysis of trials of enhanced surveillance systems, such as space-based ADS–B, performed by foreign air navigation service providers in North Atlantic airspace.''

AVIATION WORKFORCE DEVELOPMENT PROGRAMS

Pub. L. 115–254, div. B, title VI, §625, Oct. 5, 2018, 132 Stat. 3405, as amended by Pub. L. 116–92, div. A, title XVII, §1743(a), Dec. 20, 2019, 133 Stat. 1842, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall establish—

''(1) a program to provide grants for eligible projects to support the education of future aircraft pilots and the development of the aircraft pilot workforce; and

''(2) a program to provide grants for eligible projects to support the education and recruitment of aviation maintenance technical workers and the development of the aviation maintenance workforce.

''(b) PROJECT GRANTS.—

''(1) IN GENERAL.—Out of amounts made available under section 48105 of title 49, United States Code, not more than $5,000,000 for each of fiscal years 2019 through 2023 is authorized to be expended to provide grants under the program established under subsection (a)(1), and $5,000,000 for each of fiscal years 2019 through 2023 is authorized to provide grants under the program established under subsection (a)(2).

''(2) DOLLAR AMOUNT LIMIT.—Not more than $500,000 shall be available for any 1 grant in any 1 fiscal year under the programs established under subsection (a).

''(c) ELIGIBLE APPLICATIONS.—

''(1) An application for a grant under the program established under subsection (a)(1) shall be submitted, in such form as the Secretary may specify, by—

''(A) an air carrier, as defined in section 40102 of title 49, United States Code, or a labor organization representing aircraft pilots;

''(B) an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a high school or secondary school (as defined in section 7801 [probably should be ''8101''] of the Higher Education Act of 1965 (20 U.S.C. 7801));

''(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

''(D) a State or local governmental entity; or

''(E) an organization representing aircraft users, aircraft owners, or aircraft pilots.

''(2) An application for a grant under the pilot program established under subsection (a)(2) shall be submitted, in such form as the Secretary may specify, by—

''(A) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers;

''(B) an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a high school or secondary school (as defined in section 7801 [8101] of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and [sic]

''(C) a State or local governmental entity.

''(d) ELIGIBLE PROJECTS.—

''(1) For purposes of the program established under subsection (a)(1), an eligible project is a project—

''(A) to create and deliver curriculum designed to provide high school students with meaningful aviation education that is designed to prepare the students to become aircraft pilots, aerospace engineers, or unmanned aircraft systems operators; or

''(B) to support the professional development of teachers using the curriculum described in subparagraph (A).

''(2) For purposes of the pilot program established under subsection (a)(2), an eligible project is a project—

''(A) to establish new educational programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing such programs;

''(B) to establish scholarships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

''(C) to support outreach about careers in the aviation maintenance industry to—

''(i) primary, secondary, and post-secondary school students; or

''(ii) to [sic] communities underrepresented in the industry;

''(D) to support educational opportunities related to aviation maintenance in economically disadvantaged geographic areas;

''(E) to support transition to careers in aviation maintenance, including for members of the Armed Forces; or

''(F) to otherwise enhance aviation maintenance technical education or the aviation maintenance industry workforce.

''(e) GRANT APPLICATION REVIEW.—In reviewing and selecting applications for grants under the programs established under subsection (a), the Secretary shall—

''(1) prior to selecting among competing applications, consult, as appropriate, with representatives of aircraft repair stations, design and production approval holders, air carriers, labor organizations, business aviation, general aviation, educational institutions, and other relevant aviation sectors; and

''(2) ensure that the applications selected for projects established under subsection (a)(1) will allow participation from a diverse collection of public and private schools in rural, suburban, and urban areas.''

[Pub. L. 116–92, div. A, title XVII, § 1743(b), Dec. 20, 2019, 133 Stat. 1842, provided that: ''The amendments made by subsection (a) [amending section 625 of Pub. L. 115–254, set out above] shall take effect as if included in the enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254).'']

COMMUNITY AND TECHNICAL COLLEGE CENTERS OF EXCELLENCE IN SMALL UNMANNED AIRCRAFT SYSTEM TECHNOLOGY TRAINING

Pub. L. 115–254, div. B, title VI, § 631, Oct. 5, 2018, 132 Stat. 3407, provided that:

''(a) DESIGNATION.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation, in consultation with the Secretary of Education and the Secretary of Labor, shall establish a process to designate consortia of public, 2-year institutions of higher education as Community and Technical College Centers of Excellence in Small Unmanned Aircraft System Technology Training (in this section referred to as the 'Centers of Excellence').

''(b) FUNCTIONS.—A Center of Excellence designated under subsection (a) shall have the capacity to train students for career opportunities in industry and government service related to the use of small unmanned aircraft systems.

''(c) EDUCATION AND TRAINING REQUIREMENTS.—In order to be designated as a Center of Excellence under subsection (a), a consortium shall be able to address education and training requirements associated with various types of small unmanned aircraft systems, components, and related equipment, including with respect to—

''(1) multirotor and fixed-wing small unmanned aircraft;

''(2) flight systems, radio controllers, components, and characteristics of such aircraft;

''(3) routine maintenance, uses and applications, privacy concerns, safety, and insurance for such aircraft;

''(4) hands-on flight practice using small unmanned aircraft systems and computer simulator training;

''(5) use of small unmanned aircraft systems in various industry applications and local, State, and Federal government programs and services, including in agriculture, law enforcement, monitoring oil and gas pipelines, natural disaster response and recovery, fire and emergency services, and other emerging areas;

''(6) Federal policies concerning small unmanned aircraft;

''(7) dual credit programs to deliver small unmanned aircraft training opportunities to secondary school students; or

''(8) training with respect to sensors and the processing, analyzing, and visualizing of data collected by small unmanned aircraft.

''(d) COLLABORATION.—Each Center of Excellence shall seek to collaborate with institutions participating in the Alliance for System Safety of UAS through Research Excellence of the Federal Aviation Administration and with the test ranges defined under section 44801 of title 49, United States Code, as added by this Act.

''(e) INSTITUTION OF HIGHER EDUCATION.—In this section, the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''

COLLEGIATE TRAINING INITIATIVE PROGRAM FOR UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–254, div. B, title VI, § 632, Oct. 5, 2018, 132 Stat. 3408, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Admin-

istrator of the Federal Aviation Administration shall establish a collegiate training initiative program relating to unmanned aircraft systems by making new agreements or continuing existing agreements with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) under which the institutions prepare students for careers involving unmanned aircraft systems. The Administrator may establish standards for the entry of such institutions into the program and for their continued participation in the program.

''(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term 'unmanned aircraft system' has the meaning given that term by section 44801 of title 49, United States Code, as added by this Act.''

CYBER TESTBED

Pub. L. 115–254, div. B, title VII, §731, Oct. 5, 2018, 132 Stat. 3411, provided that: ''Not later than 6 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall develop an integrated Cyber Testbed for research, development, evaluation, and validation of air traffic control modernization technologies, before they enter the national airspace system, as being compliant with FAA data security regulations. The Cyber Testbed shall be part of an integrated research and development test environment capable of creating, identifying, defending, and solving cybersecurity-related problems for the national airspace system. This integrated test environment shall incorporate integrated test capacities within the FAA related to the national airspace system and NextGen.''

MITIGATION OF OPERATIONAL RISKS POSED TO CERTAIN MILITARY AIRCRAFT BY AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST EQUIPMENT

Pub. L. 115–232, div. A, title X, §1046, Aug. 13, 2018, 132 Stat. 1959, provided that:

''(a) IN GENERAL.—The Secretary of Transportation may not—

''(1) directly or indirectly require the installation of automatic dependent surveillance-broadcast (hereinafter in this section referred to as 'ADS-B') equipment on fighter aircraft, bomber aircraft, or other special mission aircraft owned or operated by the Department of Defense;

''(2) deny or reduce air traffic control services in United States airspace or international airspace delegated to the United States to any aircraft described in paragraph (1) on the basis that such aircraft is not equipped with ADS-B equipment; or

''(3) restrict or limit airspace access for aircraft described in paragraph (1) on the basis such aircraft are not equipped with ADS-B equipment.

''(b) TERMINATION.—Subsection (a) shall cease to be effective on the date that the Secretary of Transportation and the Secretary of Defense jointly submit to the appropriate congressional committees notice that the Secretaries have entered into a memorandum of agreement or other similar agreement providing that fighter aircraft, bomber aircraft, and other special mission aircraft owned or operated by the Department of Defense that are not equipped or not yet equipped with ADS-B equipment will be reasonably accommodated for safe operations in the National Airspace System and provided with necessary air traffic control services.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

''(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49, United States Code, or any other provision of law;

''(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under title 10, United States Code, or any other provision of law; or

''(3) limit the authority or discretion of the Secretary of Transportation or the Administrator of the Federal Aviation Administration to operate air traffic control services to ensure the safe minimum separation of aircraft in flight and the efficient use of airspace.

''(d) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall provide to the Secretary of Transportation notification of any aircraft the Secretary of Defense designates as a special mission aircraft pursuant to subsection (e)(3).

''(e) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(2) The term 'air traffic control services' means services used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information.

''(3) The term 'special mission aircraft' means an aircraft the Secretary of Defense designates for a unique mission to which ADS-B equipment creates a unique risk.''

COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–91, div. A, title X, §1092, Dec. 12, 2017, 131 Stat. 1610, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

UNMANNED AIRCRAFT JOINT TRAINING AND USAGE PLAN

Pub. L. 113–66, div. A, title X, §1075(a), Dec. 26, 2013, 127 Stat. 870, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

INTERAGENCY COLLABORATION

Pub. L. 112–239, div. A, title X, §1052(b), (c), Jan. 2, 2013, 126 Stat. 1935, 1936, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

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 State[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, as amended by Pub. L. 114–328, div. A, title III, § 341(b), Dec. 23, 2016, 130 Stat. 2081; Pub. L. 115–254, div. B, title V, §§ 503(e), 522(a), Oct. 5, 2018, 132 Stat. 3353, 3363, 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. Repealed. Pub. L. 115–254, div. B, title V, § 503(e), Oct. 5, 2018, 132 Stat. 3353.]

''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) Repealed. Pub. L. 115–254, div. B, title V, § 522(a), Oct. 5, 2018, 132 Stat. 3363.]

''(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 efficiency 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.

''(3) NOTIFICATIONS AND CONSULTATIONS.—Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

''(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

''(B) consider consultations or other engagement with the community in the [sic] which the airport is located to inform the public of the procedure.

''(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

''(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph [Dec. 23, 2016] to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located.

''(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

''(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

''(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

''(C) HUMAN ENVIRONMENT DEFINED.—In this paragraph, the term 'human environment' has the meaning given such term in section 1508.14 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this paragraph).

''(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 equipage, installation of equipage, 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 publically 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 software 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 [former] section 211(b).''

[Pub. L. 115–254, div. B, title V, §522(b), Oct. 5, 2018, 132 Stat. 3363, provided that: ''The Administrator [of the Federal Aviation Administration] shall ensure that any regulation issued pursuant to such subsection [subsec. (b) of section 211 of Pub. L. 112–95, formerly set out above] has no force or effect.'']

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. 114–190, title II, subtitle B, July 15, 2016, 130 Stat. 628, as amended, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

Pub. L. 112–95, title III, subtitle B, Feb. 14, 2012, 126 Stat. 72, as amended, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

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, formerly set out as a note under this section, was transferred and is set out as a note under section 44802 of this title.

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; Pub. L. 115–254, div. B, title V, § 545(b)(1), Oct. 5, 2018, 132 Stat. 3376, 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 envi-

ronmental 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 Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator and in consultation with the Chief Technology 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 consider 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 architec-

ture 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.''

[Next Generation Air Transportation System Senior Policy Committee to terminate on date of initial appointment of the members of the advisory committee established under section 439 of Pub. L. 115–254, see section 439(h) of Pub. L. 115–254, set out as a note under section 41705 of this title.]

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) [now 34 U.S.C. 20102] shall not render that program ineligible for future grants under the Victims of Crime Act of 1984 [34 U.S.C. 20101 et seq.].''

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION

Pub. L. 112–10, div. B, title III, § 1347, Apr. 15, 2011, 125 Stat. 124, as amended by Pub. L. 114–113, div. O, title IV, § 402(h), Dec. 18, 2015, 129 Stat. 3007, 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) and (2) of such Act. Costs for payments for compensation for claims in Group A, as described in section 405(a)(3)(C)(ii) of such Act, shall be paid from amounts made available under section 406 of such Act. Costs for payments for compensation for claims in Group B, as described in section 405(a)(3)(C)(iii) of such Act, shall be paid from amounts in the Victims Compensation Fund established under section 410 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; Pub. L. 114–113, div. O, title IV, § 402(a)–(g), Dec. 18, 2015, 129 Stat. 3000–3006; Pub. L. 115–123, div. C, title II, § 30203(b), Feb. 9, 2018, 132 Stat. 126; Pub. L. 116–34, §§ 2, 3, July 29, 2019, 133 Stat. 1040, 1042, 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 Transportation 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, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and past out-of-pocket medical expense loss but not future medical expense loss) 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) WTC PROGRAM ADMINISTRATOR.—The term 'WTC Program Administrator' has the meaning given such term in section 3306 of the Public Health Service Act (42 U.S.C. 300mm–5).

''(15) WTC-RELATED PHYSICAL HEALTH CONDITION.—The term 'WTC-related physical health condition'—

''(A) means, subject to subparagraph (B), a WTC-related health condition as defined by section 3312(a) of the Public Health Service Act (42 U.S.C. 300mm–22(a)), including the conditions listed in section 3322(b) of such Act (42 U.S.C. 300mm–32(b)); and

''(B) does not include—

''(i) a mental health condition described in paragraph (1)(A)(ii) or (3)(B) of section 3312(a) of such Act (42 U.S.C. 300mm–22(a));

''(ii) any mental health condition certified under section 3312(b)(2)(B)(iii) of such Act (42 U.S.C. 300mm–22(b)(2)(B)(iii)) (including such certification as applied under section 3322(a) of such Act (42 U.S.C. 300mm–32(a));

''(iii) a mental health condition described in section 3322(b)(2) of such Act (42 U.S.C. 300mm–32(b)(2)); or

''(iv) any other mental health condition.

''(16) 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) the area in Manhattan that is south of the line that runs along Canal Street from the Hudson River to the intersection of Canal Street and East Broadway, north on East Broadway to Clinton Street, and east on Clinton Street to the East River;

''(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 full 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, or the rescue and recovery efforts during the immediate aftermath of such crashes.

''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) APPOINTMENT OF SPECIAL MASTER AND DEPUTY SPECIAL MASTERS.—The Attorney General may appoint a Special Master and no more than two Deputy Special Masters without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such employee shall serve at the pleasure of the Attorney General. The Attorney General shall fix the annual salary of the Special Master and the Deputy Special Masters.

''(c) 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)(1) and ending on October 1, 2090.

''(C) SPECIAL MASTER DETERMINATION.—

''(i) IN GENERAL.—For claims filed under this title during the period described in subparagraph (B), the Special Master shall establish a system for determining whether, for purposes of this title, the claim is—

''(I) a claim in Group A, as described in clause (ii); or

''(II) a claim in Group B, as described in clause (iii).

''(ii) GROUP A CLAIMS.—A claim under this title is a claim in Group A if—

''(I) the claim is filed under this title during the period described in subparagraph (B); and

''(II) on or before the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master postmarks and transmits a final award determination to the claimant filing such claim.

''(iii) GROUP B CLAIMS.—A claim under this title is a claim in Group B if the claim—

''(I) is filed under this title during the period described in subparagraph (B); and

''(II) is not a claim described in clause (ii).

''(iv) DEFINITION OF FINAL AWARD DETERMINATION.—For purposes of this subparagraph, the term 'final award determination' means a letter from the Special Master indicating the total amount of compensation to which a claimant is entitled for a claim under this title without regard to the limitation under the second sentence of section 406(d)(1), as such section was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act.

''(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) subject to paragraph (7), 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.—

''(A) IN GENERAL.—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.

''(B) GROUP B CLAIMS.—Notwithstanding any other provision of this title, in the case of a claim in Group B as described in subsection (a)(3)(C)(iii), a claimant filing such claim shall receive an amount of compensation under this title for such claim that is not greater than the amount determined under paragraph (1)(B)(ii) less the amount of any collateral source compensation that such claimant has received or is entitled to receive for such claim as a result of the terrorist-related aircraft crashes of September 11, 2001.

''(7) LIMITATIONS FOR GROUP B CLAIMS.—

''(A) NONECONOMIC LOSSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), with respect to a claim in Group B as described in subsection (a)(3)(C)(iii), the total amount of compensation to which a claimant filing such claim is entitled to receive for such claim under this title on account of any noneconomic loss—

''(I) that results from any type of cancer shall not exceed $250,000; and

''(II) that does not result from any type of cancer shall not exceed $90,000.

''(ii) EXCEPTION.—The Special Master may exceed the applicable limitation in clause (i) for a claim in Group B as described in subsection (a)(3)(C)(iii) if the Special Master determines that the claim presents special circumstances.

''(B) DETERMINATION OF ECONOMIC LOSS.—

''(i) IN GENERAL.—Subject to the limitation described in clause (ii) and with respect to a claim in Group B as described in subsection (a)(3)(C)(iii), the Special Master shall, for purposes of calculating the amount of compensation to which a claimant is entitled under this title for such claim on account of any economic loss, determine the loss of earnings or other benefits related to employment by using the applicable methodology described in section 104.43 or 104.45 of title 28, Code of Federal Regulations, as such Code was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act [Dec. 18, 2015].

''(ii) ANNUAL GROSS INCOME LIMITATION.—In considering annual gross income under clause (i) for the purposes described in such clause, the Special Master shall, for each year of any loss of earnings or other benefits related to employment, limit the annual gross income of the claimant (or decedent in the case of a personal representative) for each such year to an amount that is not greater than the annual gross income limitation. The annual gross income limitation in effect on the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act [July 29, 2018] is $200,000. The Special Master shall periodically adjust that annual gross income limitation to account for inflation.

''(C) GROSS INCOME DEFINED.—For purposes of this paragraph, the term 'gross income' has the meaning given such term in section 61 of the Internal Revenue Code of 1986 [26 U.S.C. 61].

''(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.—Except with respect to claims in Group B as described in subsection (a)(3)(C)(iii), 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(b)(1).

''(iv) GROUP B CLAIMS.—

''(I) IN GENERAL.—Subject to subclause (II), an individual filing a claim in Group B as described in subsection (a)(3)(C)(iii) may be eligible for compensation under this title only if the Special Master, with assistance from the WTC Program Administrator as necessary, determines based on the evidence presented that the individual has a WTC-related physical health condition, as defined by section 402 of this Act.

''(II) PERSONAL REPRESENTATIVES.—An individual filing a claim in Group B, as described in subsection (a)(3)(C)(iii), who is a personal representative described in paragraph (2)(C) may be eligible for compensation under this title only if the Special Master, with assistance from the WTC Program Administrator as necessary, determines based on the evidence presented that the applicable decedent suffered from a condition that was, or would have been determined to be, a WTC-related physical health condition, as defined by section 402 of this Act.

''(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)(1).

''(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.—For the purpose of providing compensation for claims in Group A as described in section 405(a)(3)(C)(ii), 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) LIMITATIONS.—

''(1) GROUP A CLAIMS.—

''(A) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims in Group A as described in section 405(a)(3)(C)(ii), shall not exceed $2,775,000,000.

''(B) REMAINDER OF CLAIM AMOUNTS.—In the case of a claim in Group A as described in section 405(a)(3)(C)(ii) and for which the Special Master has ratably reduced the amount of compensation for such claim pursuant to paragraph (2) of this subsection, as this subsection was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act [Dec. 18, 2015], the Special Master shall, as soon as practicable after the date of enactment of such Act, authorize payment of the amount of compensation that is equal to the difference between—

''(i) the amount of compensation that the claimant would have been paid under this title for such claim without regard to the limitation under the second sentence of paragraph (1) of this subsection, as this subsection was in effect on the day before the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act; and

''(ii) the amount of compensation the claimant was paid under this title for such claim prior to the date of enactment of such Act.

''(2) GROUP B CLAIMS.—

''(A) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims in Group B as described in section 405(a)(3)(C)(iii), shall not exceed the amount of funds deposited into the Victims Compensation Fund under section 410.

''(B) PAYMENT SYSTEM.—The Special Master shall establish a system for providing compensation for claims in Group B as described in section 405(a)(3)(C)(iii) in accordance with this subsection and section 405(b)(7).

''(C) DEVELOPMENT OF AGENCY POLICIES AND PROCEDURES.—

''(i) DEVELOPMENT.—

''(I) IN GENERAL.—Not later than 30 days after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, the Special Master shall develop agency policies and procedures that meet the requirements under subclauses (II) and (III) for providing compensation for claims in Group B as described in section 405(a)(3)(C)(iii), including policies and procedures for presumptive award schedules, administrative expenses, and related internal memoranda.

''(II) LIMITATION.—The policies and procedures developed under subclause (I) shall ensure that total expenditures, including administrative expenses, in providing compensation for claims in Group B, as described in section 405(a)(3)(C)(iii), do not exceed the amount of funds deposited into the Victims Compensation Fund under section 410.

''(III) PRIORITIZATION.—The policies and procedures developed under subclause (I) shall prioritize claims for claimants who are determined by the Special Master as suffering from the most debilitating physical conditions to ensure, for purposes of equity, that such claimants are not unduly burdened by such policies or procedures.

''(ii) REASSESSMENT.—Beginning 1 year after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, and each year thereafter until the Victims Compensation Fund is permanently closed under section 410(e), the Special Master shall conduct a reassessment of the agency policies and procedures developed under clause (i) to ensure that such policies and procedures continue to satisfy the requirements under subclauses (II) and (III) of such clause. If the Special Master determines, upon reassessment, that such agency policies or procedures do not achieve the requirements of such subclauses, the Special Master shall take additional actions or make such modifications as necessary to achieve such requirements.

''(D) COMPENSATION REDUCED BY SPECIAL MASTER DUE TO INSUFFICIENT FUNDING.—

''(i) IN GENERAL.—In any claim in Group B as described in section 405(a)(3)(C)(iii) in which, prior to the enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act [July 29, 2019], the Special Master had advised the claimant that the amount of compensation has been reduced on the basis of insufficient funding, the Special Master shall, in the first fiscal year beginning after sufficient funding becomes available under such Act [amending this note], pay to the claimant an amount that is, as determined by the Special Master, equal to the difference between—

''(I) the amount the claimant would have been paid under this title if sufficient funding was available to the Special Master at the time the Special Master determined the amount due the claimant under this title; and

''(II) the amount the claimant was paid under this title.

''(ii) DEFINITIONS.—For purposes of this subparagraph:

''(I) INSUFFICIENT FUNDING.—The term 'insufficient funding' means funding—

''(aa) that is available to the Special Master under section 410(c) on the day before the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii); and

''(bb) that the Special Master determines is insufficient for purposes of compensating all such claims and complying with subparagraph (A).

''(II) SUFFICIENT FUNDING.—The term 'sufficient funding' means funding—

''(aa) made available to the Special Master for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii) through an Act of Congress that is enacted after the date on which the amount of the claim described in clause (i) has been reduced; and

''(bb) that the Special Master determines is sufficient for purposes of compensating all claims in such Group B.

''(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.—

''(1) JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010.—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].

''(2) JAMES ZADROGA 9/11 VICTIM COMPENSATION FUND REAUTHORIZATION ACT.—Not later than 180 days after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act [Dec. 18, 2015], the Special Master shall update the regulations promulgated under subsection (a), and updated under paragraph (1), to the extent necessary to comply with the amendments made by such Act [amending section 905 of Title 2, The Congress, and amending this note and section 1347 of div. B of Pub. L. 112–10, set out as a note above].

''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 liability 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.

''SEC. 410. VICTIMS COMPENSATION FUND.

''(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Victims Compensation Fund', consisting of amounts deposited into such fund under subsection (b).

''(b) DEPOSITS INTO FUND.—There shall be deposited into the Victims Compensation Fund each of the following:

''(1) Effective on the day after the date on which all claimants who file a claim in Group A, as described in section 405(a)(3)(C)(ii), have received the full compensation due such claimants under this title for such claim, any amounts remaining from the total amount made available under section 406 to compensate claims in Group A as described in section 405(a)(3)(C)(ii).

''(2) The amount appropriated under subsection (c).

''(c) APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for fiscal year 2019 and each fiscal year thereafter through fiscal year 2092, to remain available until expended, to provide compensation for claims in Group B as described in section 405(a)(3)(C)(iii).

''(d) AVAILABILITY OF FUNDS.—Amounts deposited into the Victims Compensation Fund shall be available, without further appropriation, to the Special Master to provide compensation for claims in Group B as described in section 405(a)(3)(C)(iii).

''(e) TERMINATION.—On October 1, 2092, or at such time thereafter as all funds are expended, the Victims Compensation Fund shall be permanently closed.

''SEC. 411. 9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT FEE.

''(a) TEMPORARY L-1 VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, during the period beginning on the date of the enactment of this section [Dec. 18, 2015] and ending on September 30, 2027, the combined filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), including an application for an extension of such status, shall be increased by $4,500 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are nonimmigrants admitted pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) of such Act.

''(b) TEMPORARY H-1B VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, during the period beginning on the date of the enactment of this section and ending on September 30, 2027, the combined filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), including an application for an extension of such status, shall be increased by $4,000 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are such nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

''(c) 9-11 RESPONSE AND BIOMETRIC EXIT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the '9–11 Response and Biometric Exit Account'.

''(2) DEPOSITS.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the amounts collected pursuant to the fee increases authorized under subsections (a) and (b)—

''(i) 50 percent shall be deposited in the general fund of the Treasury; and

''(ii) 50 percent shall be deposited as offsetting receipts into the 9–11 Response and Biometric Exit Account, and shall remain available until expended.

''(B) TERMINATION OF DEPOSITS IN ACCOUNT.—After a total of $1,000,000,000 is deposited into the 9–11 Response and Biometric Exit Account under subparagraph (A)(ii), all amounts collected pursuant to the fee increases authorized under subsections (a) and (b) shall be deposited in the general fund of the Treasury.

''(3) USE OF FUNDS.—For fiscal year 2017, and each fiscal year thereafter, amounts in the 9–11 Response and Biometric Exit Account shall be available to the Secretary of Homeland Security without further appropriation for implementing the biometric entry and exit data system described in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b).

''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; Pub. L. 117–286, §4(a)(311), Dec. 27, 2022, 136 Stat. 4340, 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) CHAPTER 10 OF TITLE 5, UNITED STATES CODE, NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of chapter 10 of title 5, United States Code.

''(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 comprehen-

sive 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 reallocation 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.

DEFINITIONS OF TERMS IN TITLE I OF DIV. V OF PUB. L. 116–260

Pub. L. 116–260, div. V, title I, §137, Dec. 27, 2020, 134 Stat. 2360, provided that: ''In this title [see Tables for classification]:

''(1) ADMINISTRATION; FAA.—The terms 'Administration' and 'FAA' mean the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the FAA.

''(3) CONGRESSIONAL COMMITTEES OF JURISDICTION.—The term 'congressional committees of jurisdiction' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(4) ICAO.—The term 'ICAO' means the International Civil Aviation Organization.

''(5) ORGANIZATION DESIGNATION AUTHORIZATION.—The term 'organization designation authorization' has the same meaning given such term in section 44736(c) of title 49, United States Code.

''(6) TRANSPORT AIRPLANE.—The term 'transport airplane' means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

''(7) TYPE CERTIFICATE.—The term 'type certificate'—

''(A) means a type certificate issued pursuant to section 44704(a) of title 49, United States Code, or an amendment to such certificate; and

''(B) does not include a supplemental type certificate issued under section 44704(b) of such section.''

DEFINITIONS OF TERMS IN PUB. L. 115–254

Pub. L. 115–254, div. B, § 101, Oct. 5, 2018, 132 Stat. 3199, provided that: ''In this division [see Tables for classification], the term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''

Pub. L. 115–254, div. B, title IV, § 401, Oct. 5, 2018, 132 Stat. 3328, provided that: ''In this title [see Tables for classification]:

''(1) COVERED AIR CARRIER.—The term 'covered air carrier' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

''(2) ONLINE SERVICE.—The term 'online service' means any service available over the internet, or that connects to the internet or a wide-area network.

''(3) TICKET AGENT.—The term 'ticket agent' has the meaning given the term in section 40102 of title 49, United States Code.''

Pub. L. 115–254, div. B, title V, § 501, Oct. 5, 2018, 132 Stat. 3350, provided that: ''In this title [see Tables for classification], the following definitions apply:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the FAA.

''(3) ADS–B.—The term 'ADS–B' means automatic dependent surveillance-broadcast.

''(4) 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.

''(5) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(6) NEXTGEN.—The term 'NextGen' means the Next Generation Air Transportation System.''

Pub. L. 115–254, div. B, title VII, § 702, Oct. 5, 2018, 132 Stat. 3409, provided that: ''In this title [see Short Title of 2018 Amendment note set out above], the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(2) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(3) NASA.—The term 'NASA' means the National Aeronautics and Space Administration.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.''

DEFINITION OF TERM IN PUB. L. 114–190

Pub. L. 114–190, § 2, July 15, 2016, 130 Stat. 617, provided that: ''In this Act [see Tables for classification], unless expressly provided otherwise, the term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''

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.

Executive Documents

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 noncooperative 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.

§ 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.

(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).

(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; Pub. L. 115–254, div. B, title III, § 355(a), Oct. 5, 2018, 132 Stat. 3305.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.
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, 1983, 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).	
	49 App.:1655(c)(1).	

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40102(a)(21)	49 App.:1301(22).	
40102(a)(22)	49 App.:1301(23) (related to foreign air commerce).	
40102(a)(23)	49 App.:1301(24) (related to foreign air transportation).	
40102(a)(24)	49 App.:1301(23) (related to interstate and overseas air commerce).	
40102(a)(25)	49 App.:1301(24) (related to interstate and overseas air transportation).	
	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).	
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 substituted 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 ''department, 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.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(41)(F). Pub. L. 115–254 added subpar. (F).

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.''

Statutory Notes and Related Subsidiaries

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.

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.''

Executive Documents

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.

§ 40103. Sovereignty and use of airspace

(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSIT.—(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;

(C) using the navigable airspace efficiently; and

(D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

(A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and

(B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.

(c) FOREIGN AIRCRAFT.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States as provided in section 41703 of this title.

(d) AIRCRAFT OF ARMED FORCES OF FOREIGN COUNTRIES.—Aircraft of the armed forces of a foreign country may be navigated in the United States only when authorized by the Secretary of State.

(e) NO EXCLUSIVE RIGHTS AT CERTAIN FACILITIES.—A person does not have an exclusive right to use an air navigation facility on which Government money has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

(1) it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

(2) allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1101.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40103(a)(1) ..	49 App.:1508(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §§307(a), (c), (d), 308(a) (3d sentence), 1108(a), 1201, 1202, 72 Stat. 749, 750, 751, 798, 800.
40103(a)(2) ..	49 App.:1304.	Aug. 23, 1958, Pub. L. 85–726, §104, 72 Stat. 740; Oct. 4, 1984, Pub. L. 98–443, §14, 98 Stat. 1711.
	49 App.:1551(b)(1)(E).	Aug. 28, 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.
40103(b)(1) ..	49 App.:1348(a).	
	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.
40103(b)(2) ..	49 App.:1348(c).	
	49 App.:1655(c)(1).	
40103(b)(3) ..	49 App.:1521.	
	49 App.:1522.	
	49 App.:1655(c)(1).	
40103(b)(4) ..	49 App.:1348(d).	
40103(c)	(no source).	
40103(d)	49 App.:1508(a) (last sentence).	
40103(e)	49 App.:1349(a) (3d sentence).	
	49 App.:1349(a) (last sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §308(a) (last sentence); added Sept. 3, 1982, Pub. L. 97–248, §524(a)(1), 96 Stat. 695.

In subsection (a)(1), the word ''has'' is substituted for ''is declared to possess and exercise complete and'' to eliminate surplus words. The word ''national'' is omitted as surplus. The text of 49 App.:1508(a) (1st sentence words after 1st comma) is omitted as surplus.

In subsection (a)(2), 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 ''or amending'' are omitted as surplus.

In subsection (b), the word ''Administrator'' in section 307(a), (c), and (d) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 749, 750) is retained on authority of 49:106(g).

In subsection (b)(1) and (3)(B), the word ''rule'' is omitted as being synonymous with ''regulation''.

In subsection (b)(1), the words ''under such terms, conditions, and limitations as he may deem'' are omitted as surplus. The words ''In the exercise of his authority under section 1348(a) of this Appendix'' in 49 App.:1522 are omitted as unnecessary because of the restatement.

In subsection (b)(2), before clause (A), the word ''shall'' is substituted for ''is further authorized and directed'' for consistency in the revised title and to eliminate unnecessary words.

In subsection (b)(3), before clause (A), the words ''In the exercise of his authority under section 1348(a) of this Appendix'' in 49 App.:1522 are omitted as surplus. The word ''navigable'' is added for clarity and consistency. In clause (A), the words ''such zones or'' are omitted as surplus.

In subsection (b)(4), the words ''the military exception'' are substituted for ''any exception relating to military or naval functions'' to eliminate unnecessary words and because ''naval'' is included in ''military''. The words ''applies to a regulation prescribed under'' are substituted for ''In the exercise of the rulemaking authority . . . the Secretary of Transportation shall be subject to'' to eliminate unnecessary words and because ''rules'' and ''regulations'' are synonymous.

Subsection (c) is added for clarity.

In subsection (d), the words ''including the Canal Zone'' are omitted because of the Panama Canal Treaty of 1977.

In subsection (e), before clause (1), the words ''any landing area'' are omitted as being included in the definition of ''air navigation facility'' in section 40102(a) of the revised title. The word ''only'' is added for clarity. In clause (2), the words ''on September 3, 1982'' are added for clarity.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 85–726, title VI, §613(a), (b), as added by Pub. L.101–508, title IX, §9124, Nov. 5, 1990, 104 Stat. 1388–370, provided that:

''(a) NATIONAL DISASTER AREAS.—Before the 180th day following the date of the enactment of this section [Nov. 5, 1990], the Administrator, for safety and humanitarian reasons, shall issue such regulations as may be necessary to prohibit or otherwise restrict aircraft overflights of any inhabited area which has been declared a national disaster area in the State of Hawaii.

''(b) EXCEPTIONS.—Regulations issued pursuant to subsection (a) shall not be applicable in the case of aircraft overflights involving an emergency or a ligitimate [sic] scientific purpose.''

DYNAMIC AIRSPACE PILOT PROGRAM

Pub. L. 117–263, div. A, title X, §1093, Dec. 23, 2022, 136 Stat. 2812, provided that:

''(a) PILOT PROGRAM.—

''(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program for the purpose of developing, testing, and assessing dynamic scheduling and management of special activity airspace in order to accommodate emerging military testing and training requirements, including—

''(A) special activity airspace for use by the Department of Defense for emerging military testing and training requirements of infrequent or limited durations; and

''(B) streamlining the process for the Department of Defense to request the designation of special activity airspace for activities described in subparagraph (A).

''(2) DEVELOPMENT, TEST, AND ASSESSMENT OF DYNAMIC AIRSPACE.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not less than two use cases concerning temporary or permanent special activity airspace established by the Federal Aviation Administration for use by the Department of Defense that develop, test, and assess—

''(A) the availability of such airspace on an infrequent or limited duration necessary to accommodate the Department of Defense's emerging military testing and training requirements; and

''(B) whether the processes for the Department of Defense to request special activity airspace for infrequent or limited duration military testing and training events meet Department of Defense testing and training requirements.

''(b) REQUIREMENTS.—The pilot program established by subsection (a) shall not interfere with—

''(1) the public's right of transit consistent with national security;

''(2) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System;

''(3) the use of airspace necessary to ensure the efficient use of the National Airspace System; and

''(4) Department of Defense use of special activity airspace that is established through means other than the pilot program established by subsection (a).

''(c) REPORT BY THE ADMINISTRATOR.—

''(1) IN GENERAL.—Not later than two years after the date of the establishment of the pilot program under subsection (a)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

''(2) ELEMENTS.—The report submitted under paragraph (1) shall include an analysis of the following:

''(A) How the pilot program established under subsection (a)(1) affected policies on establishing and scheduling special activity airspace with an emphasis on the impact of allocation and utilization policies to other nonparticipating aviation users of the National Airspace System.

''(B) Whether the streamlined processes for dynamic scheduling and management of special activity airspace involved in the pilot program established under subsection (a)(1) contributed to—

''(i) the public's right of transit consistent with national security;

''(ii) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System; and

''(iii) the use of airspace necessary to ensure the efficient use of the National Airspace System.

''(d) REPORT BY THE SECRETARY OF DEFENSE.—Not later than two years after the date of the establishment of the pilot program under subsection (a)(1), the Secretary shall submit to the appropriate committees of Congress a report on the interim findings of the Secretary with respect to the pilot program. Such report shall include an analysis of how the pilot program affected military testing and training.

''(e) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

''(2) The term 'special activity airspace' means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

''(A) Restricted areas.

''(B) Military operations areas.

''(C) Air traffic control assigned airspace.

''(D) Warning areas.

''(3) The term 'use cases' means a compendium of airspace utilization data collected from the development, testing, and assessment conducted under subsection (a)(1), and other test points or metrics as agreed to by the Administrator and the Secretary, within a specific geographic region as determined by the Administrator and Secretary.

''(f) DURATION.—The pilot program under subsection (a)(1) shall continue for not more than three years after the date on which it is established.''

DEPLOYMENT OF REAL-TIME STATUS OF SPECIAL USE AIRSPACE

Pub. L. 116–283, div. A, title X, §1085, Jan. 1, 2021, 134 Stat. 3877, provided that: ''Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], to the maximum extent practicable, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall enable the automated public dissemination of information on the real-time status of the activation or deactivation of military operations areas and restricted areas in a manner that is similar to the manner that temporary flight restrictions are published and disseminated.''

AIR TRAFFIC CONTROL OPERATIONAL CONTINGENCY PLANS

Pub. L. 115–254, div. B, title V, §504, Oct. 5, 2018, 132 Stat. 3353, provided that:

''(a) AIR TRAFFIC CONTROL OPERATIONAL CONTINGENCY PLANS.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall review the Administration's air traffic control operational contingency plans (FAA Order JO 1900.47E), and, as the Administrator considers appropriate, update such plans, to address potential air traffic facility outages that could have a major impact on the operation of the national airspace system, including the most recent findings and recommendations in the report under subsection (c).

''(b) UPDATES.—Not later than 60 days after the date the air traffic control operational contingency plans are reviewed under subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the review, including any recommendations for ensuring air traffic facility outages do not have a major impact on the operation of the national airspace system.

''(c) RESILIENCY RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, and periodically thereafter as the Administrator considers appropriate, the Administrator shall convene NextGen [Next Generation Air Transportation System] program officials to evaluate, expedite, and complete a report on how planned NextGen capabilities can enhance the resiliency and continuity of national airspace system operations and mitigate the impact of future air traffic control disruptions.''

AIR SHOWS

Pub. L. 115–254, div. B, title V, §512, Oct. 5, 2018, 132 Stat. 3356, provided that: ''On an annual basis, the Administrator [of the Federal Aviation Administration] shall work with representatives of [Federal Aviation] Administration-approved air shows, the general aviation community, and stadiums and other large outdoor events and venues to identify and resolve, to the maximum extent practicable, scheduling conflicts between Administration-approved air shows and large outdoor events and venues where—

''(1) flight restrictions will be imposed pursuant to section 521 of title V of division F of Public Law 108–199 (118 Stat. 343) [set out below]; or

''(2) any other restriction will be imposed pursuant to Federal Aviation Administration Flight Data Center Notice to Airmen 4/3621 (or any successor notice to airmen).''

AIR TRAFFIC SERVICES AT AVIATION EVENTS

Pub. L. 115–254, div. B, title V, §530, Oct. 5, 2018, 132 Stat. 3365, provided that:

''(a) REQUIREMENT TO PROVIDE SERVICES AND RELATED SUPPORT.—The Administrator [of the Federal Aviation Administration] shall provide air traffic services and aviation safety support for large, multiday aviation events, including airshows and fly-ins, where the average daily number of manned operations were 1,000 or greater in at least one of the preceding two years, without the imposition or collection of any fee, tax, or other charge for that purpose. Amounts for the provision of such services and support shall be derived from amounts appropriated or otherwise available for the [Federal Aviation] Administration.

''(b) DETERMINATION OF SERVICES AND SUPPORT TO BE PROVIDED.—In determining the services and support to be provided for an aviation event for purposes of subsection (a), the Administrator shall take into account the following:

''(1) The services and support required to meet levels of activity at prior events, if any, similar to the event.

''(2) The anticipated need for services and support at the event.''

ENHANCED AIR TRAFFIC SERVICES

Pub. L. 115–254, div. B, title V, § 547, Oct. 5, 2018, 132 Stat. 3377, as amended by Pub. L. 118–15, div. B, title II, § 2202(u), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, § 102(u), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall establish a pilot program to provide air traffic control services on a preferential basis to aircraft equipped with certain NextGen [Next Generation Air Transportation System] avionics that—

''(1) lasts at least 2 years; and

''(2) operates in at least 3 suitable airports.

''(b) DURATION OF DAILY SERVICE.—The air traffic control services provided under the pilot program established under subsection (a) shall occur for at least 3 consecutive hours between 0600 and 2200 local time during each day of the pilot program.

''(c) AIRPORT SELECTION.—The Administrator shall designate airports for participation in the pilot program after consultation with aircraft operators, manufacturers, and airport sponsors.

''(d) DEFINITIONS.—

''(1) CERTAIN NEXTGEN AVIONICS.—The term 'certain NextGen avionics' means those avionics and related software designated by the Administrator after consultations with aircraft operators and manufacturers.

''(2) PREFERENTIAL BASIS.—The term 'preferential basis' means—

''(A) prioritizing aircraft equipped with certain NextGen avionics during a Ground Delay Program by assigning them fewer minutes of delay relative to other aircraft based upon principles established after consultation with aircraft operators and manufacturers; or

''(B) sequencing aircraft equipped with certain NextGen avionics ahead of other aircraft in the Traffic Flow Management System to the maximum extent consistent with safety.

''(e) SUNSET.—The pilot program established under subsection (a) shall terminate on March 8, 2024.

''(f) REPORT.—Not later than 90 days after the date on which the pilot program terminates, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the pilot program.''

MAINTAINING RESTRICTIONS UNDER CERTAIN NOTAMS

Pub. L. 108–199, div. F, title V, § 521, Jan. 23, 2004, 118 Stat. 343, provided that:

''(a) IN GENERAL.—The Secretary of Transportation—

''(1) shall, without regard to any fiscal year limitation, maintain in full force and effect the restrictions imposed under Federal Aviation Administration Notices to Airmen FDC 3/2122, FDC 3/2123, and FDC 2/0199; and

''(2) may not grant any waivers or exemptions from such restrictions, except—

''(A) as authorized by air traffic control for operational or safety purposes;

''(B) with respect to an event, stadium, or other venue—

''(i) for operational purposes;

''(ii) for the transport of team members, officials of the governing body, and immediate family members and guests of such team members and officials to and from such event, stadium, or venue;

''(iii) in the case of a sporting event, for the transport of equipment or parts to and from such sporting event;

''(iv) to permit a broadcast rights holder to provide broadcast coverage of such event, stadium, or venue; and

''(v) for safety and security purposes related to such event, stadium, or venue; and

''(C) to allow the operation of an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic control procedures.

''(b) LIMITATIONS ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by title I of this Act [div. F of Pub. L. 108–199, see Tables for classification] may be obligated or expended to terminate or limit the restrictions imposed under the Federal Aviation Administration Notices to Airmen referred to in subsection (a), or to grant waivers of, or exemptions from, such restrictions except as provided under subsection (a)(2).

''(c) BROADCAST CONTRACTS NOT AFFECTED.—Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.''

NATIONAL AIRSPACE REDESIGN

Pub. L. 106–181, title VII, § 736, Apr. 5, 2000, 114 Stat. 171, provided that:

''(a) FINDINGS.—Congress makes the following findings:

''(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

''(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

''(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

''(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

''(b) REDESIGN.—The Administrator [of the Federal Aviation Administration], with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

''(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

''(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section $12,000,000 for each of fiscal years 2000, 2001, and 2002.''

§ 40104. Promotion of civil aeronautics and safety of air commerce

(a) DEVELOPING CIVIL AERONAUTICS AND SAFETY OF AIR COMMERCE.—The Administrator of the Federal Aviation Administration shall encourage the development of civil aeronautics and safety of air commerce in and outside the United States. In carrying out this subsection, the Administrator shall take action that the Administrator considers necessary to establish, within available resources, a program to distribute civil aviation information in each region served by the Administration. The program shall provide, on request, informational material and expertise on civil aviation to State and local school administrators, college and university officials, and officers of other interested organizations.

(b) INTERNATIONAL ROLE OF THE FAA.—

(1) IN GENERAL.—The Administrator shall promote and achieve global improvements in

the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator's foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.

(2) BILATERAL AND MULTILATERAL ENGAGEMENT; TECHNICAL ASSISTANCE.—The Administrator shall—

(A) in consultation with the Secretary of State, engage bilaterally and multilaterally, including with the International Civil Aviation Organization, on an ongoing basis to bolster international collaboration, data sharing, and harmonization of international aviation safety requirements including through—

(i) sharing of continued operational safety information;

(ii) prioritization of pilot training deficiencies, including manual flying skills and flight crew training, to discourage over reliance on automation, further bolstering the components of airmanship;

(iii) encouraging the consideration of the safety advantages of appropriate Federal regulations, which may include relevant Federal regulations pertaining to flight crew training requirements; and

(iv) prioritizing any other flight crew training areas that the Administrator believes will enhance all international aviation safety; and

(B) seek to expand technical assistance provided by the Federal Aviation Administration in support of enhancing international aviation safety, including by—

(i) promoting and enhancing effective oversight systems, including operational safety enhancements identified through data collection and analysis;

(ii) promoting and encouraging compliance with international safety standards by counterpart civil aviation authorities;

(iii) minimizing cybersecurity threats and vulnerabilities across the aviation ecosystem;

(iv) supporting the sharing of safety information, best practices, risk assessments, and mitigations through established international aviation safety groups; and

(v) providing technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.

(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47175.

(d) PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Secretary shall take appropriate actions to—

(1) promote United States aerospace-related safety standards abroad;

(2) facilitate and vigorously defend approvals of United States aerospace products and services abroad;

(3) with respect to bilateral partners, utilize bilateral safety agreements and other mechanisms to improve validation of United States certificated aeronautical products, services, and appliances and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

(4) with respect to the aeronautical safety authorities of a foreign country, streamline validation and coordination processes.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1102; Pub. L. 103–429, § 6(47), Oct. 31, 1994, 108 Stat. 4384; Pub. L. 104–264, title IV, § 401(b)(1), Oct. 9, 1996, 110 Stat. 3255; Pub. L. 108–176, title III, § 303, title VIII, § 813, Dec. 12, 2003, 117 Stat. 2533, 2590; Pub. L. 115–254, div. B, title II, § 241, title V, § 539(a), Oct. 5, 2018, 132 Stat. 3257, 3370; Pub. L. 116–260, div. V, title I, § 119(f)(1), (2), Dec. 27, 2020, 134 Stat. 2342.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40104	49 App.:1346.	Aug. 23, 1958, Pub. L. 85–726, § 305, 72 Stat. 749.
	49 App.:1346a.	July 12, 1976, Pub. L. 94–353, § 21, 90 Stat. 884.
	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.

The words ''and foster'' in 49 App.:1346 are omitted as surplus. The words ''In carrying out this section'' are substituted for ''In furtherance of his mandate to promote civil aviation'' in 49 App.:1346a because of the restatement. The word ''Administrator'' is substituted for ''Secretary of Transportation acting through the Administrator of the Federal Aviation Administration'' for consistency with the source provisions restated in this section. The words ''be designed so as to'', ''various aspects of'', and ''civil and'' are omitted as surplus.

PUB. L. 103–429, § 6(47)(A), (B)

This makes conforming amendments to 49:40104, as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1102), because of the restatement of 49 App.:1655(c)(1) (words after last comma) as 49:40104(b) by section 6(47)(C) of the bill.

PUB. L. 103–429, § 6(47)(C)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40104(b)	49 App.:1655(c)(1) (words after last comma).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1) (words after last comma), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

Editorial Notes

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–260 designated existing provisions as par. (1), inserted heading, and added par. (2).

2018—Subsec. (c). Pub. L. 115–254, § 539(a), substituted ''section 47175'' for ''section 47176''.

Subsec. (d). Pub. L. 115–254, § 241, added subsec. (d).

2003—Subsec. (b). Pub. L. 108–176, § 813, amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: ''The Secretary of Transportation may develop and construct a civil supersonic aircraft.''

Subsec. (c). Pub. L. 108–176, § 303, added subsec. (c).

1996—Pub. L. 104–264, § 401(b)(1)(A), inserted ''safety of'' before ''air commerce'' in section catchline.

Subsec. (a). Pub. L. 104–264, § 401(b)(1)(B), (C), inserted ''SAFETY OF'' before ''AIR COMMERCE'' in heading and ''safety of'' before ''air commerce'' in text.

1994—Pub. L. 103–429 designated existing provisions as subsec. (a), inserted heading, substituted ''carrying out this subsection'' for ''carrying out this section'', and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

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

INTERNATIONAL PILOT TRAINING

Pub. L. 116–260, div. V, title I, § 119(e), Dec. 27, 2020, 134 Stat. 2341, provided that:

''(1) IN GENERAL.—The Secretary of Transportation, the Administrator, and other appropriate officials of the Government shall exercise leadership in setting global standards to improve air carrier pilot training and qualifications for—

''(A) monitoring and managing the behavior and performance of automated systems;

''(B) controlling the flightpath of aircraft without autoflight systems engaged;

''(C) effectively utilizing and managing autoflight systems, when appropriate;

''(D) effectively identifying situations in which the use of autoflight systems is appropriate and when such use is not appropriate; and

''(E) recognizing and responding appropriately to non-normal conditions.

''(2) INTERNATIONAL LEADERSHIP.—The Secretary, the Administrator, and other appropriate officials of the Government shall exercise leadership under paragraph (1) by working with—

''(A) foreign counterparts of the Administrator in the ICAO and its subsidiary organizations;

''(B) other international organizations and fora; and

''(C) the private sector.

''(3) CONSIDERATIONS.—In exercising leadership under paragraph (1), the Secretary, the Administrator, and other appropriate officials of the Government shall consider—

''(A) the latest information relating to human factors;

''(B) aircraft manufacturing trends, including those relating to increased automation in the cockpit;

''(C) the extent to which cockpit automation improves aviation safety and introduces novel risks;

''(D) the availability of opportunities for pilots to practice manual flying skills;

''(E) the need for consistency in maintaining and enhancing manual flying skills worldwide;

''(F) recommended practices of other countries that enhance manual flying skills and automation management; and

''(G) whether a need exists for initial and recurrent training standards for improve pilots' proficiency in manual flight and in effective management of autoflight systems.

''(4) CONGRESSIONAL BRIEFING.—The Secretary, the Administrator, and other appropriate officials of the Government shall provide to the congressional committees of jurisdiction regular briefings on the status of efforts undertaken pursuant to this subsection.''

[For definitions of terms used in section 119(e) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

INTERNATIONAL EFFORTS REGARDING TRACKING OF CIVIL AIRCRAFT

Pub. L. 115–254, div. B, title III, § 304, Oct. 5, 2018, 132 Stat. 3261, provided that: ''The Administrator [of the Federal Aviation Administration] shall exercise leadership on creating a global approach to improving aircraft tracking by working with—

''(1) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

''(2) other international organizations and fora; and

''(3) the private sector.''

§ 40105. International negotiations, agreements, and obligations

(a) ADVICE AND CONSULTATION.—The Secretary of State shall advise the Administrator of the Federal Aviation Administration and the Secretaries of Transportation and Commerce, and consult with them as appropriate, about negotiations for an agreement with a government of a foreign country to establish or develop air navigation, including air routes and services. The Secretary of Transportation shall consult with the Secretary of State in carrying out this part to the extent this part is related to foreign air transportation.

(b) ACTIONS OF SECRETARY AND ADMINISTRATOR.—(1) In carrying out this part, the Secretary of Transportation and the Administrator—

(A) shall act consistently with obligations of the United States Government under an international agreement;

(B) shall consider applicable laws and requirements of a foreign country; and

(C) may not limit compliance by an air carrier with obligations or liabilities imposed by the government of a foreign country when the Secretary takes any action related to a certificate of public convenience and necessity issued under chapter 411 of this title.

(2) This subsection does not apply to an agreement between an air carrier or an officer or representative of an air carrier and the government of a foreign country, if the Secretary of Transportation disapproves the agreement because it is not in the public interest. Section 40106(b)(2) of this title applies to this subsection.

(c) CONSULTATION ON INTERNATIONAL AIR TRANSPORTATION POLICY.—In carrying out section 40101(e) of this title, the Secretaries of State and Transportation, to the maximum extent practicable, shall consult on broad policy goals and individual negotiations with—

(1) the Secretaries of Commerce and Defense;

(2) airport operators;

(3) scheduled air carriers;

(4) charter air carriers;

(5) airline labor;

(6) consumer interest groups;

(7) travel agents and tour organizers; and

(8) other groups, institutions, and governmental authorities affected by international aviation policy.

(d) CONGRESSIONAL OBSERVERS AT INTERNATIONAL AVIATION NEGOTIATIONS.—The President shall grant to at least one representative of each House of Congress the privilege of attending international aviation negotiations as an observer if the privilege is requested in advance in writing.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1102.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40105(a)	49 App.:1462.	Aug. 23, 1958, Pub. L. 85–726, §802, 72 Stat. 783.
	49 App.:1551(b)(1)(B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(B); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1745.
	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.
40105(b)	49 App.:1502(a).	Aug. 23, 1958, Pub. L. 85–726, §1102(a), 72 Stat. 797; Feb. 15, 1980, Pub. L. 96–192, §17, 94 Stat. 42.
	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.
	49 App.:1655(c)(1).	
40105(c)	49 App.:1502(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1102(c), (d); added Feb. 15, 1980, Pub. L. 96–192, §17, 94 Stat. 43.
	49 App.:1551(b)(1)(E).	
40105(d)	49 App.:1502(d).	

In subsection (a), the words ''government of a foreign country'' are substituted for ''foreign governments'' in 49 App.:1462 and ''foreign country'' in 49 App.:1502(a) for consistency in the revised title and with other titles of the United States Code. The words ''Secretary of Transportation'' are substituted for ''Department of Transportation'' in 49 App.:1551(b)(1)(B) because of 49:102(b). The words ''Secretary of State'' are substituted for ''Department of State'' because of 22:2651.

In subsection (b)(1), before clause (A), the words ''carrying out'' are substituted for ''exercising and performing . . . powers and duties'' for consistency in the revised title and with other titles of the Code. In clause (A), the words ''an international agreement'' are substituted for ''any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries'' for consistency and to eliminate unnecessary words. In clause (C), the word ''public'' is added for consistency in this part.

In subsection (b)(2), the words ''obligation, duty, or liability arising out of a contract or other'' and ''heretofore or hereafter'' are omitted as surplus. The words ''government of a foreign country'' are substituted for ''foreign country'' for consistency in the revised title and with other titles of the Code. The last sentence is inserted to inform the reader that section 40106(b)(2) of the revised title qualifies this subsection.

In subsection (c), before clause (1), the words ''To assist'' are omitted as surplus. The words ''carrying out'' are substituted for ''developing and implementing'' for consistency in the revised title and with other titles of the Code. The word ''both'' is omitted as surplus. In clause (8), the word ''authorities'' is substituted for ''agencies'' for consistency in the revised title and with other titles of the Code.

Statutory Notes and Related Subsidiaries

RECIPROCAL AIRWORTHINESS CERTIFICATION

Pub. L. 108–176, title VIII, §812, Dec. 12, 2003, 117 Stat. 2590, provided that:

''(a) IN GENERAL.—As part of their bilateral negotiations with foreign nations and their civil aviation counterparts, the Secretary of State and the Administrator of the Federal Aviation Administration shall facilitate the reciprocal airworthiness certification of aviation products.

''(b) RECIPROCAL AIRWORTHINESS DEFINED.—In this section, the term 'reciprocal airworthiness certification of aviation products' means that the regulatory authorities of each nation perform a similar review in certifying or validating the certification of aircraft and aircraft components of other nations.''

REPORT ON CERTAIN BILATERAL NEGOTIATIONS

Pub. L. 103–305, title V, §519, Aug. 23, 1994, 108 Stat. 1600, provided that: ''The Secretary shall report every other month to the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of all active aviation bilateral and multilateral negotiations and informal government-to-government consultations with United States aviation trade partners.''

§ 40106. Emergency powers

(a) DEVIATIONS FROM REGULATIONS.—Appropriate military authority may authorize aircraft of the armed forces of the United States to deviate from air traffic regulations prescribed under section 40103(b)(1) and (2) of this title when the authority decides the deviation is essential to the national defense because of a military emergency or urgent military necessity. The authority shall—

(1) give the Administrator of the Federal Aviation Administration prior notice of the deviation at the earliest practicable time; and

(2) to the extent time and circumstances allow, make every reasonable effort to consult with the Administrator and arrange for the deviation in advance on a mutually agreeable basis.

(b) SUSPENSION OF AUTHORITY.—(1) When the President decides that the government of a foreign country is acting inconsistently with the Convention for the Suppression of Unlawful Seizure of Aircraft or that the government of a foreign country allows territory under its jurisdiction to be used as a base of operations or training of, or as a sanctuary for, or arms, aids, or abets, a terrorist organization that knowingly uses the unlawful seizure, or the threat of an unlawful seizure, of an aircraft as an instrument of policy, the President may suspend the authority of—

(A) an air carrier or foreign air carrier to provide foreign air transportation to and from that foreign country;

(B) a person to operate aircraft in foreign air commerce to and from that foreign country;

(C) a foreign air carrier to provide foreign air transportation between the United States and another country that maintains air service with the foreign country; and

(D) a foreign person to operate aircraft in foreign air commerce between the United States and another country that maintains air service with the foreign country.

(2) The President may act under this subsection without notice or a hearing. The suspension remains in effect for as long as the President decides is necessary to ensure the security of aircraft against unlawful seizure. Notwithstanding section 40105(b) of this title, the au-

thority of the President to suspend rights under this subsection is a condition to a certificate of public convenience and necessity, air carrier operating certificate, foreign air carrier or foreign aircraft permit, or foreign air carrier operating specification issued by the Secretary of Transportation under this part.

(3) An air carrier or foreign air carrier may not provide foreign air transportation, and a person may not operate aircraft in foreign air commerce, in violation of a suspension of authority under this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40106(a)	49 App.:1348(f).	Aug. 23, 1958, Pub. L. 85–726, §307(f), 72 Stat. 750.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
40106(b)	49 App.:1514.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1114; added Aug. 5, 1974, Pub. L. 93–366, §106, 88 Stat. 413.
	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.
	49 App.:1655(c)(1).	

In subsection (a), before clause (1), the words ''armed forces'' are substituted for ''national defense forces'' because of 10:101. The words ''section 40103(b)(1) and (2) of this title'' are substituted for ''this subchapter'' as being more precise. In clauses (1) and (2), the word ''Administrator'' in section 307(f) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 750) is retained on authority of 49:106(g). In clause (2), the words ''fully'' and ''required'' are omitted as surplus.

In subsection (b)(1), the words ''government of a foreign country'' are substituted for ''foreign nation'' for consistency in the revised title and with other titles of the Code. Before clause (A), the words ''in a manner'' and ''in any way'' are omitted as surplus. The word ''authority'' is substituted for ''right'' as being more precise and for consistency in the revised title.

In subsection (b)(2), the words ''deemed to be'' are omitted because a legal conclusion is being stated.

In subsection (b)(3), the words ''by the President'' are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT PIRACY

The United States is a party to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, Dec. 16, 1970, entered into force as to the United States, Oct. 14, 1971, 22 UST 1641.

§ 40107. Presidential transfers

(a) GENERAL AUTHORITY.—The President may transfer to the Administrator of the Federal Aviation Administration a duty, power, activity, or facility of a department, agency, or instrumentality of the executive branch of the United States Government, or an officer or unit of a department, agency, or instrumentality of the executive branch, related primarily to selecting, developing, testing, evaluating, establishing, operating, or maintaining a system, procedure, facility, or device for safe and efficient air navigation and air traffic control. In making a transfer, the President may transfer records and property and make officers and employees from the department, agency, instrumentality, or unit available to the Administrator.

(b) DURING WAR.—If war occurs, the President by executive order may transfer to the Secretary of Defense a duty, power, activity, or facility of the Administrator. In making the transfer, the President may transfer records, property, officers, and employees of the Administration to the Department of Defense.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1104.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40107(a)	49 App.:1345.	Aug. 23, 1958, Pub. L. 85–726, §§302(e), 304, 72 Stat. 746, 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.
40107(b)	49 App.:1343(c). 49 App.:1655(c)(1).	

In this section, the words ''functions (including . . . parts of functions)'' are omitted as included in ''duty, power, activity, or facility''.

In subsection (a), the words ''of a department, agency, or instrumentality of the executive branch of the United States Government'' are substituted for ''the executive departments or agencies of the Government'' for consistency in the revised title and with other titles of the United States Code. The word ''unit'' is substituted for ''organizational entity'' for clarity. The words ''appropriate'' and ''civilian and military'' are omitted as surplus. The words ''officers and employees'' are substituted for ''personnel'' for consistency in the revised title and with other titles of the Code. The words ''to the Administrator'' are added for clarity.

In subsection (b), the text of 49 App.:1343(c) (words before proviso) is omitted as obsolete. The words ''Secretary of Defense'' are substituted for ''Department of Defense'' because of 10:133(a). The words ''prior to enactment of such proposed legislation'' are omitted as obsolete because the legislation was not enacted. The word ''appropriate'' is omitted as surplus. The words ''of the Administration to the Department of Defense'' are added for clarity.

Executive Documents

EX. ORD. NO. 10786. TRANSFER OF FUNCTIONS OF THE AIRWAYS MODERNIZATION BOARD TO THE ADMINISTRATOR

Ex. Ord. No. 10786, Nov. 1, 1958, 23 F.R. 8573, provided:

SECTION 1. All functions (including powers, duties, activities, and parts of functions) of the Airways Modernization Board, including those of the Chairman thereof, are hereby transferred to the Administrator of the Federal Aviation Agency; and all records, property, facilities, employees, and unexpended balances of appropriations, allocations, and other funds of the Airways Modernization Board, are hereby transferred to the Federal Aviation Agency [now Federal Aviation Administration].

SEC. 2. Such further measures and dispositions, if any, as the Director of the Bureau of the Budget [now the Office of Management and Budget] shall determine to be necessary in connection with the transfers provided for hereinabove in respect of records, property, facilities, employees, and balances shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 3. The provisions of this order shall become effective concurrently with the entering upon office as Administrator of the Federal Aviation Agency [now Federal Aviation Administration] of the first person appointed as Administrator. The functions transferred by section 1 hereof may be performed by the Adminis-

trator until the effective date of the repeal [Aug. 23, 1958] of the Airways Modernization Act of 1957 [former 49 U.S.C. 1211 et seq.] effected by section 1401(d) of the Federal Aviation Act of 1958 [Pub. L. 85–726].

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10797. DELEGATION OF AUTHORITY TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 10797, Dec. 24, 1958, 23 F.R. 10391, provided:

SECTION 1. There is hereby delegated to the Director of the Bureau of the Budget [now the Office of Management and Budget] all authority vested in the President by the last sentence of section 304 [see 49 U.S.C. 40107(a)], and by sections 1502(a) and 1502(b), of the Federal Aviation Act of 1958 (72 Stat. 749, 810) [Pub. L. 85–726, former 49 U.S.C. 1341 note], relating, respectively, (1) to providing in connection with transfers of functions made under other provisions of section 304, (i) for appropriate transfers of records and property, and (ii) for necessary civilian and military personnel to be made available from any office, department, or other agency from which transfers of functions are so made; (2) to determining the employees and property (including office equipment and official equipment and official records) employed by the Civil Aeronautics Board in the exercise and performance of those powers and duties which are vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended [former 49 U.S.C. 401 et seq.], and which are vested by the Federal Aviation Act of 1958 [see 49 U.S.C. 40101 et seq.] in the Federal Aviation Agency, and to specifying the date or dates upon which the transfers of officers, employees, and property (including office equipment and official records) under section 1502(a) shall occur; and (3) specifying the date or dates upon which transfers of unexpended balances of appropriations under section 1502(b) shall occur. Such further measures and dispositions as the Director of the Bureau of the Budget [now the Office of Management and Budget] shall determine to be necessary in connection with the exercise of the authority delegated to him by this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 2. Executive Order No. 10731 of October 10, 1957, delegating to the Director of the Bureau of the Budget [now the Office of Management and Budget] the authority vested in the President by a certain provision of the Airways Modernization Act of 1957 [former 49 U.S.C. 1211 et seq.], is hereby revoked, such revocation to become effective on the date the repeal of that act takes effect under sections 1401(d) [repealing former 49 U.S.C. 1211–1215] and 1505(2) [former 49 U.S.C. 1301 note] of the Federal Aviation Act of 1958 (72 Stat. 806, 811).

SEC. 3. Except as otherwise provided in section 2 hereof, the provisions of this order shall become effective immediately.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 11047. DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE AND ADMINISTRATOR

Ex. Ord. No. 11047, Aug. 28, 1962, 27 F.R. 8665, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By the virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense and the Administrator of the Federal Aviation Administration are hereby designated and empowered to exercise jointly, without the approval, ratification, or other action of the President, the authority vested in the President by the first sentence of section 304 of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1345 (first sentence)) [see 49 U.S.C. 40107(a)] to transfer functions (including, as used in this order, powers, duties, activities, facilities, and parts of functions) as described in that sentence to the extent that the said authority is in respect of transfers from the Department of Defense or any officer or organizational entity thereof to the Administrator of the Federal Aviation Administration of functions relating to flight inspection of air navigation facilities.

SEC. 2. The Administrator and the Secretary shall exercise the authority hereinabove delegated to them only as they shall deem such exercise to be necessary or desirable in the interest of promoting, in respect of either civil or military aviation or both, safe and efficient air navigation and air traffic control.

SEC. 3. (a) To the extent necessitated by transfers of functions effected under the provisions of Section 1 of this order:

(1) Transfers of balances of appropriations available and necessary to finance and discharge the transferred functions shall be made under the authority of Section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b) [see 31 U.S.C. 1531]) as affected by the provisions of section 1(k) of Executive Order No. 10530 of May 10, 1954 [set out as a note under section 301 of Title 3, The President].

(2) Provisions for appropriate transfers of records and property shall be made under the authority of the last sentence of Section 304 of the Federal Aviation Act of 1958 [see 49 U.S.C. 40107(a)] as affected by the provisions of Section 1 of Executive Order No. 10797 of December 24, 1958 [set out above].

(b) Neither this order nor the said Executive Order No. 10797 shall be deemed to require or authorize the transfer of any civilian or military personnel from the Department of Defense to the Federal Aviation Administration, under authority of the said Section 304 [see 49 U.S.C. 40107(a)], in connection with transfers of functions effected under the provisions of Section 1 of this order.

SEC. 4. (a) In order to facilitate the orderly and timely accomplishment of the transfers and other arrangements mentioned in Section 3(a) of this order, the Secretary of Defense and the Administrator of the Federal Aviation Administration shall transmit to the Director of the Office of Management and Budget, not less than 30 days prior to the execution by them of any order or other transfer instrument in pursuance of the provisions of Section 1 of this order, all appropriate information in respect to any transfers or other arrangements proposed to be made in connection therewith under the provisions of Section 3 hereof, together with copy of the order or other transfer instrument proposed to be executed by them.

(b) In connection with any particular action or actions under Section 1 of this order, the Director of the Office of Management and Budget may either waive the requirements of Section 4(a), above, or reduce the 30 day period there prescribed.

EX. ORD. NO. 11161. TRANSFER OF FEDERAL AVIATION AGENCY TO DEFENSE DEPARTMENT IN EVENT OF WAR

Ex. Ord. No. 11161, eff. July 7, 1964, 29 F.R. 9317, as amended by Ex. Ord. No. 11382, eff. Nov. 28, 1967, 32 F.R. 16247, provided:

WHEREAS Section 302(e) of the Federal Aviation Act of 1958 [see 49 U.S.C. 40107(b)] provides, in part, that in the event of war the President by Executive order may transfer to the Department of Defense any functions (including powers, duties, activities, facilities, and parts of functions) of the Federal Aviation Administration; and

WHEREAS it appears that the defense of the United States would require the transfer of the Federal Aviation Administration to the Department of Defense in the event of war; and

WHEREAS if any such transfer were to be made it would be essential to the defense of the United States that the transition be accomplished promptly and with maximum ease and effectiveness; and

WHEREAS these objectives require that the relationships that would obtain in the event of such a transfer as between the Federal Aviation Administration and the Department of Defense be understood in advance by the two agencies concerned and be developed in necessary detail by them in advance of transfer:

NOW, THEREFORE, by virtue of the authority vested in me by Section 302(e) (72 Stat. 746; 49 U.S.C. 1343(c)) [see 49 U.S.C. 40107(b)], and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense and the Secretary of Transportation are hereby directed to prepare and develop plans, procedures, policies, programs, and courses of action in anticipation of the probable transfer of the Federal Aviation Administration to the Department of Defense in the event of war. Those plans, policies, procedures, programs, and courses of action shall be prepared and developed in conformity with the following-described standards and conditions—

(A) The Federal Aviation Administration will function as an adjunct of the Department of Defense with the Federal Aviation Administrator being responsible directly to the Secretary of Defense and subject to his authority, direction, and control to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

(B) To the extent deemed by the Secretary of Defense to be necessary for the accomplishment of the military mission, he will be empowered to direct the Administrator to place operational elements of the Federal Aviation Administration under the direct operational control of appropriate military commanders.

(C) While functioning as an adjunct of the Department of Defense, the Federal Aviation Administration will remain organizationally intact and the Administrator thereof will retain responsibility for administration of his statutory functions, subject to the authority, direction, and control of the Secretary of Defense to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

SEC. 2. In furtherance of the objectives of the foregoing provisions of this order, the Secretary of Defense and the Secretary of Transportation shall, to the extent permitted by law, make such arrangements and take such actions as they deem necessary to assure—

(A) That the functions of the Federal Aviation Administration are performed during any period of national emergency short of war in a manner that will assure that essential national defense requirements will be satisfied during any such period of national emergency.

(B) Consistent with the provisions of paragraphs (A), (B), and (C) of Section 1 of this order, that any transfer of the Federal Aviation Administration to the Department of Defense, in the event of war, will be accomplished smoothly and rapidly and effective operation of the agencies and functions affected by the transfer will be achieved after the transfer.

LYNDON B. JOHNSON.

§ 40108. Training schools

(a) AUTHORITY TO OPERATE.—The Administrator of the Federal Aviation Administration may operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.

(b) ATTENDANCE.—The Administrator may authorize officers and employees of other departments, agencies, or instrumentalities of the United States Government, officers and employees of governments of foreign countries, and individuals from the aeronautics industry to attend those schools. However, if the attendance of any of those officers, employees, or individuals increases the cost of operating the schools, the Administrator may require the payment or transfer of amounts or other consideration to offset the additional cost. The amount received may be credited to the appropriation current when the expenditures are or were paid, the appropriation current when the amount is received, or both.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1104.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40108(a)	49 App.:1354(d) (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, § 313(d), 72 Stat. 753. 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.
40108(b)	49 App.:1354(d) (2d–last sentences). 49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 313(d) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 753) is retained on authority of 49:106(g). The words ''school or'' are omitted because of 1:1.

In subsection (a), the words ''officers and'' are added for clarity and consistency in the revised title and with other titles of the United States Code. The words ''to carry out duties, powers, and activities of the Administrator'' are substituted for ''in those subjects necessary for the proper performance of all authorized functions of the Administration'' for clarity and consistency in the revised title.

In subsection (b), the words ''officers and employees'' are substituted for ''personnel'', the words ''departments, agencies, or instrumentalities of the United States Government'' are substituted for ''governmental'', and the words ''governments of foreign countries'' are substituted for ''foreign governments'', for consistency in the revised title and with other titles of the Code. The words ''courses given in'', ''sufficient'', and ''appropriate'' are omitted as surplus. The text of 49 App.:1354(d) (3d sentence) is omitted as unnecessary because chapter 41 of title 5, United States Code, applies to all training of employees. The words ''or both'' are substituted for ''(3) in part as provided under clause (1) and in part as provided under clause (2)'' to eliminate unnecessary words.

§ 40109. Authority to exempt

(a) AIR CARRIERS AND FOREIGN AIR CARRIERS NOT ENGAGED DIRECTLY IN OPERATING AIRCRAFT.—(1) The Secretary of Transportation may exempt from subpart II of this part—

(A) an air carrier not engaged directly in operating aircraft in air transportation; or

(B) a foreign air carrier not engaged directly in operating aircraft in foreign air transportation.

(2) The exemption is effective to the extent and for periods that the Secretary decides are in the public interest.

(b) SAFETY REGULATION.—The Administrator of the Federal Aviation Administration may grant an exemption from a regulation prescribed in carrying out sections[1] 40103(b)(1) and (2) of this title when the Administrator decides the exemption is in the public interest.

(c) OTHER ECONOMIC REGULATION.—Except as provided in this section, the Secretary may exempt to the extent the Secretary considers necessary a person or class of persons from a provision of chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and

[1] So in original. Probably should be ''section''.

41714), chapter 419, subchapter II of chapter 421, and sections 44909(a), 44909(b), and 46301(b) of this title, or a regulation or term prescribed under any of those provisions, when the Secretary decides that the exemption is consistent with the public interest.

(d) LABOR REQUIREMENTS.—The Secretary may not exempt an air carrier from section 42112 of this title. However, the Secretary may exempt from section 42112(b)(1) and (2) an air carrier not providing scheduled air transportation, and the operations conducted during daylight hours by an air carrier providing scheduled air transportation, when the Secretary decides that—

(1) because of the limited extent of, or unusual circumstances affecting, the operation of the air carrier, the enforcement of section 42112(b)(1) and (2) of this title is or would be an unreasonable burden on the air carrier that would obstruct its development and prevent it from beginning or continuing operations; and

(2) the exemption would not affect adversely the public interest.

(e) MAXIMUM FLYING HOURS.—The Secretary may not exempt an air carrier under this section from a provision referred to in subsection (c) of this section, or a regulation or term prescribed under any of those provisions, that sets maximum flying hours for pilots or copilots.

(f) SMALLER AIRCRAFT.—(1) An air carrier is exempt from section 41101(a)(1) of this title, and the Secretary may exempt an air carrier from another provision of subpart II of this part, if the air carrier—

(A)(i) provides passenger transportation only with aircraft having a maximum capacity of 55 passengers; or

(ii) provides the transportation of cargo only with aircraft having a maximum payload of less than 18,000 pounds; and

(B) complies with liability insurance requirements and other regulations the Secretary prescribes.

(2) The Secretary may increase the passenger or payload capacities when the public interest requires.

(3)(A) An exemption under this subsection applies to an air carrier providing air transportation between 2 places in Alaska, or between Alaska and Canada, only if the carrier is authorized by Alaska to provide the transportation.

(B) The Secretary may limit the number or location of places that may be served by an air carrier providing transportation only in Alaska under an exemption from section 41101(a)(1) of this title, or the frequency with which the transportation may be provided, only when the Secretary decides that providing the transportation substantially impairs the ability of an air carrier holding a certificate issued by the Secretary to provide its authorized transportation, including the minimum transportation requirement for Alaska specified under section 41732(b)(1)(B) of this title.

(g) EMERGENCY AIR TRANSPORTATION BY FOREIGN AIR CARRIERS.—(1) To the extent that the Secretary decides an exemption is in the public interest, the Secretary may exempt by order a foreign air carrier from the requirements and limitations of this part for not more than 30 days to allow the foreign air carrier to carry passengers or cargo in interstate air transportation in certain markets if the Secretary finds that—

(A) because of an emergency created by unusual circumstances not arising in the normal course of business, air carriers holding certificates under section 41102 of this title cannot accommodate traffic in those markets;

(B) all possible efforts have been made to accommodate the traffic by using the resources of the air carriers, including the use of—

(i) foreign aircraft, or sections of foreign aircraft, under lease or charter to the air carriers; and

(ii) the air carriers' reservations systems to the extent practicable;

(C) the exemption is necessary to avoid unreasonable hardship for the traffic in the markets that cannot be accommodated by the air carriers; and

(D) granting the exemption will not result in an unreasonable advantage to any party in a labor dispute where the inability to accommodate traffic in a market is a result of the dispute.

(2) When the Secretary grants an exemption to a foreign air carrier under this subsection, the Secretary shall—

(A) ensure that air transportation that the foreign air carrier provides under the exemption is made available on reasonable terms;

(B) monitor continuously the passenger load factor of air carriers in the market that hold certificates under section 41102 of this title; and

(C) review the exemption at least every 30 days (or, in the case of an exemption that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a, at least every 180 days) to ensure that the unusual circumstances that established the need for the exemption still exist.

(3) RENEWAL OF EXEMPTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days.

(B) EXCEPTION.—The Secretary may renew an exemption (including renewals) under this subsection that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a for not more than 180 days.

(4) CONTINUATION OF EXEMPTIONS.—An exemption granted by the Secretary under this subsection may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.

(h) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary may act under subsections (d) and (f)(3)(B) of this section only after giving the air carrier notice and an opportunity for a hearing.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1104; Pub. L. 104–287, § 5(65), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 115–254, div. B, title IV, § 402, div. K, title I, § 1991(c)(1), Oct. 5, 2018, 132 Stat. 3328, 3627.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40109(a)	49 App.:1301(3) (proviso).	Aug. 23, 1958, Pub. L. 85–726, §§101(3) (proviso), 307(e), 416(b)(2), 72 Stat. 737, 750, 771.
	49 App.:1386(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §416(b)(3)–(6); added Oct. 24, 1978, Pub. L. 95–504, §§31(b), 32, 92 Stat. 1732.
	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.
40109(b)	49 App.:1348(e).	
	49 App.:1551(b)(1)(E).	
	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.
40109(c)	49 App.:1386(b)(1).	Aug. 23, 1958, Pub. L. 85–726, §416(b)(1), 72 Stat. 771; restated Oct. 24, 1978, Pub. L. 95–504, §31(a), 92 Stat. 1731.
	49 App.:1551(b)(1)(E).	
40109(d)	49 App.:1386(b)(2) (less words between 6th and 7th commas, proviso).	
	49 App.:1551(b)(1)(E).	
40109(e)	49 App.:1386(b)(2) (proviso).	
	49 App.:1551(b)(1)(E).	
40109(f)	49 App.:1386(b)(4), (5), (6) (less words between 5th and 6th commas).	
	49 App.:1551(b)(1)(E).	
40109(g)	49 App.:1386(b)(7).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §416(b)(7); added Feb. 15, 1980, Pub. L. 96–192, §13, 94 Stat. 39.
	49 App.:1551(b)(1)(E).	
40109(h)	49 App.:1386(b)(2) (words between 6th and 7th commas), (6) (words between 5th and 6th commas).	
	49 App.:1551(b)(1)(E).	

In this section, the words ''requirements of'', ''term'', and ''or limitation'' are omitted as surplus. The word ''rule'' is omitted as being synonymous with ''regulation''. The word ''unreasonable'' is substituted for ''undue'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), before clause (A), the words ''by order'' are omitted as unnecessary because of 5:ch. 5, subch. II. The word ''exempt'' is substituted for ''relieve'' for consistency in this section.

In subsection (a)(2), the words ''that the Secretary decides'' are added for clarity.

In subsections (b), (c), and (f)(1)(B), the words ''from time to time'' are omitted as unnecessary.

In subsection (b), the word ''Administrator'' in section 307(e) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 750) is retained on authority of 49:106(g).

In subsection (d), before clause (1), the words ''to the extent'' are omitted as surplus.

In subsection (f)(1), before clause (A), the words ''Subject to paragraph (5) of this subsection'' and ''in air transportation'' are omitted as surplus. The words ''the Secretary may exempt'' are substituted for ''as may be prescribed in regulations promulgated by the Board'' for clarity and to eliminate unnecessary words. In clause (A)(ii), the word ''capacity'' is omitted as surplus. In clause (B), the word ''reasonable'' is omitted as surplus. The word ''prescribes'' is substituted for ''adopt'' for consistency in the revised title and with other titles of the Code. The words ''in the public interest'' are omitted as surplus.

In subsection (f)(2), the words ''by regulation'' are omitted as surplus. The word ''payload'' is substituted for ''property'' for consistency in this subsection. The words ''specified in this paragraph'' are omitted as surplus.

In subsection (f)(3), the words ''the State of'' are omitted as surplus.

In subsection (f)(3)(A), the words ''under this subsection'' are substituted for ''from section 1371 of this title or any other requirement of this chapter'', the words ''2 places'' are substituted for ''points both of which are'', and the word ''between'' is substituted for ''one of which is in . . . and the other in'', to eliminate unnecessary words.

In subsection (f)(3)(B), the word ''only'' is added for clarity. The words ''promulgated by the Board'', ''by such air carrier to points within such State'', and ''but not limited to'' are omitted as surplus. The word ''Alaska'' is substituted for ''such State'' for clarity. The cross-reference is to section 41732(b)(1)(B) to correct an error in the source provisions. The cross-reference in 49 App.:1386(b)(6) to 49 App.:1389(c)(2) should have been to 49 App.:1389(f)(2). This error was not corrected when 49 App.:1389 was restated by section 202(b) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223, 101 Stat. 1508). The comparable provision is 49 App.:1389(k)(1)(A)(ii), restated as section 41732(b)(1)(B).

In subsection (g), the word ''exemption'' is substituted for ''authorization'' and ''authority'' for clarity and consistency.

In subsection (g)(1), before clause (A), the words ''required'', ''a period'', and ''to the extent necessary'' are omitted as surplus. The word ''mail'' is omitted as being included in ''cargo''. In clause (B), before subclause (i), the words ''for example'' are omitted as surplus.

In subsection (g)(3), the words ''a period'' are omitted as surplus.

In subsection (h), the words ''The Secretary may act under subsections (d) and (f)(3)(B) of this section'' are added because of the restatement. The word ''notice'' does not appear in 49 App.:1386(b)(6) (words between 5th and 6th commas) but is made applicable to both of the restated source provisions for consistency with subchapter II of chapter 5 of title 5, United States Code. The words ''opportunity for a'' are added for consistency in the revised title.

PUB. L. 104–287

This amends 49:40109(c) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1105), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, §1991(c)(1)(A), struck out '', 40119, 44901, 44903, 44906, and 44935–44937'' before ''of this title''.

Subsec. (c). Pub. L. 115–254, §1991(c)(1)(B), substituted ''sections 44909(a), 44909(b), and'' for ''sections 44909 and''.

Subsec. (g)(2)(C). Pub. L. 115–254, §402(1), added subpar. (C) and struck out former subpar. (C) which read as follows: ''review the exemption at least every 30 days to ensure that the unusual circumstances that established the need for the exemption still exist.''

Subsec. (g)(3), (4). Pub. L. 115–254, §402(2), added pars. (3) and (4) and struck out former par. (3) which read as follows: ''The Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days. An exemption may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.''

1996—Subsec. (c). Pub. L. 104–287, §5(65)(B), substituted ''sections 44909 and 46301(b)'' for ''section 46301(b)''.

Pub. L. 104–287, §5(65)(A), substituted ''chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (ex-

cept sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),'' for ''sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742,''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

AUTHORITY TO GRANT EXEMPTIONS TO GOVERNMENT AIRCRAFT

Pub. L. 103–411, § 3(b), Oct. 25, 1994, 108 Stat. 4237, provided that:

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may grant an exemption to any unit of Federal, State, or local government from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the amendment made by subsection (a) of this section [amending section 40102 of this title].

''(2) REQUIREMENTS.—The Administrator may grant an exemption under paragraph (1) only if—

''(A) the Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government; and

''(B) the Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.''

§ 40110. General procurement authority

(a) GENERAL.—In carrying out this part, the Administrator of the Federal Aviation Administration—

(1) to the extent that amounts are available for obligation, may acquire services or, by condemnation or otherwise, an interest in property, including an interest in airspace immediately adjacent to and needed for airports and other air navigation facilities owned by the United States Government and operated by the Administrator;

(2) may construct and improve laboratories and other test facilities; and

(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

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

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

(C) remain available until expended.

(b) PURCHASE OF HOUSING UNITS.—

(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $300,000 or less.

(2) ADJUSTMENTS FOR INFLATION.—For fiscal years beginning after September 30, 1997, the Administrator may adjust the dollar amount specified in paragraph (1) to take into account increases in local housing costs.

(3) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

(4) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(A) a description of the housing unit and its price;

(B) a certification that the price does not exceed the median price of housing units in the area; and

(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

(5) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.

(c) DUTIES AND POWERS.—When carrying out subsection (a) of this section, the Administrator of the Federal Aviation Administration may—

(1) notwithstanding section 1341(a)(1) of title 31, lease an interest in property for not more than 20 years;

(2) consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace;

(3) construct, or acquire an interest in, a public building (as defined in section 3301(a) of title 40) only under a delegation of authority from the Administrator of General Services; and

(4) dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under sections 121, 123, and 126 and chapter 5 of title 40.

(d) ACQUISITION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for—

(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.

(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

(A) Division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(B) Division B (except sections 1704 and 2303) of subtitle I of title 41.

(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355). However, section 4705 of title 41 shall apply to the new acquisition management system developed and implemented pursuant to paragraph (1). For the purpose of applying section 4705 of title 41 to the system, the term ''executive agency'' is deemed to refer to the Federal Aviation Administration.

(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

(E) The Competition in Contracting Act.

(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

(G) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (F) providing authority to promulgate regulations in the Federal Acquisition Regulation.

(3) CERTAIN PROVISIONS OF DIVISION B (EXCEPT SECTIONS 1704 AND 2303) OF SUBTITLE I OF TITLE 41.—Notwithstanding paragraph (2)(B), chapter 21 of title 41 shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

(A) Sections 2101 and 2106 of title 41 shall not apply.

(B) Within 90 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.[1]

(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act[1] apply to the acquisition management system.

(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act[1] in accordance with the procedures contained in the Administration's personnel management system.

(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.

(5) ANNUAL REPORT ON THE PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

(A) REPORT.—(i) Not later than 90 days after the end of the fiscal year, the Secretary of Transportation shall submit a report to Congress on the dollar amount of acquisitions subject to the Buy American Act made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in such fiscal year.

(ii) The report required by clause (i) shall only include acquisitions with total value exceeding the micro-purchase level.

(B) CONTENTS.—The report required by subparagraph (A) shall separately indicate—

(i) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; and

(ii) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(C) AVAILABILITY OF REPORT.—The Secretary shall make the report under subparagraph (A) publicly available on the agency's website not later than 30 days after submission to Congress.

(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

(3) PROPOSAL DEFINED.—In this subsection, the term ''proposal'' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1106; Pub. L. 103–429, § 6(48), (80), Oct. 31, 1994, 108 Stat. 4384, 4388; Pub. L. 104–264, title XII, § 1201, Oct. 9, 1996, 110 Stat. 3279; Pub. L. 106–181, title III, § 307(b), title VII, § 703, Apr. 5, 2000, 114 Stat. 125, 156; Pub. L. 107–217, § 3(n)(5), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 108–176, title II, §§ 222, 224(a), (b), Dec. 12, 2003, 117 Stat. 2527; Pub. L. 108–178, § 4(k), Dec. 15, 2003, 117 Stat. 2642; Pub. L. 111–350, § 5(*o*)(7), Jan. 4, 2011, 124 Stat. 3853; Pub. L. 112–95, title II, §§ 206, 210, Feb. 14, 2012, 126 Stat. 39, 44; Pub. L. 115–254, div. B, title V, § 544, Oct. 5, 2018, 132 Stat. 3374.)

[1] See References in Text note below.

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40110(a)	49 App.:1344(a)(1) (less term of lease), (2) (words before 1st semicolon), (3).	Aug. 23, 1958, Pub. L. 85–726, § 303(a)–(d), 72 Stat. 747; May 21, 1970, Pub. L. 91–258, § 51(a)(1), 84 Stat. 234; July 12, 1976, Pub. L. 94–353, § 16, 90 Stat. 882; Oct. 19, 1980, Pub. L. 96–470, § 112(e), 94 Stat. 2240; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444; restated Nov. 5, 1990, Pub. L. 101–508, § 9118(a), 104 Stat. 1388–365.
40110(b)(1) ..	49 App.:1344(d).	
40110(b)(2)(A).	49 App.:1344(a)(1) (related to term of lease).	
40110(b)(2)(B).	49 App.:1344(b)(1).	
40110(b)(2)(C).	49 App.:1344(b)(2).	
40110(b)(2)(D).	49 App.:1344(c).	
40110(b)(2)(E).	49 App.:1344(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 747, § 303(g); added Oct. 31, 1992, Pub. L. 102–581, § 201(a), 106 Stat. 4890.
40110(b)(2)(F).	49 App.:1344(a)(2) (words after 1st semicolon).	

In this section, the word ''Administrator'' in section 303(a)–(d) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 747) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words ''In carrying out this part'' are added for clarity. The words ''on behalf of the United States . . . where appropriate'' are omitted as surplus. In clause (1), the words ''made by the Congress'', ''by purchase, condemnation . . . or otherwise'', and ''easements through or other'' are omitted as surplus. In clause (2), the words ''by sale, lease, or otherwise'' and ''real or personal'' are omitted as surplus. In clause (3), the word ''renovate'' is omitted as surplus. The words ''and to purchase or otherwise acquire real property required therefor'' are omitted as surplus because of the authority of the Administrator to acquire real property under clause (1) of this subsection.

In subsection (b)(1), the words ''procedures other than competitive procedures'' are substituted for ''noncompetitive procedures'' for consistency with subsection (b)(2)(D) of this section and 41:253(f).

In subsection (b)(2)(B), the text of 49 App.:1344(b)(1) (words before semicolon) and the words ''easements through or other'' are omitted as surplus.

In subsection (b)(2)(C), the words ''by purchase, condemnation, or lease'' are omitted as surplus.

Subsection (b)(2)(E) is substituted for 49 App.:1344(g) to eliminate the cross-references to other laws and for clarity and is based on the text of 10:2304(c)(1).

PUB. L. 103–429

This amends 49:40110(a) to clarify the restatement of 49 App.:1344(a)(1)–(3) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1106).

Editorial Notes

REFERENCES IN TEXT

The Federal Acquisition Streamlining Act of 1994, referred to in subsec. (d)(2)(C), is Pub. L. 103–355, Oct. 13, 1994, 108 Stat. 3243. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 101 of Title 41, Public Contracts, and Tables.

The Small Business Act, referred to in subsec. (d)(2)(D), is Pub. L. 85–536, § 2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

The Competition in Contracting Act, referred to in subsec. (d)(2)(E), probably means the Competition in Contracting Act of 1984, which is title VII of Pub. L. 98–369, div. B, July 18, 1984, 98 Stat. 1175. For complete classification of this Act to the Code, see Short Title of 1984 Act note set out under section 101 of Title 41, Public Contracts, and Tables.

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

The Office of Federal Procurement Policy Act, referred to in subsec. (d)(3)(B)–(D), is Pub. L. 93–400, Aug. 30, 1974, 88 Stat. 796, which was classified principally to chapter 7 (§ 401 et seq.) of former Title 41, Public Contracts, and was substantially repealed and restated in division B (§ 1101 et seq.) of subtitle I of Title 41, Public Contracts, by Pub. L. 111–350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. Section 27(e)(3)(A)(iv) of the Act was repealed and restated as section 2105(c)(1)(D) of Title 41. For complete classification of this Act to the Code, see Short Title of 1974 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

The Buy American Act, referred to in subsec. (d)(5)(A), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, which was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§ 8301 et seq.) of Title 41, Public Contracts, by Pub. L. 111–350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1933 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

AMENDMENTS

2018—Subsec. (d)(5). Pub. L. 115–254 added par. (5).

2012—Subsec. (a)(2), (3). Pub. L. 112–95, § 210, added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

''(2) may dispose of an interest in property for adequate compensation; and

''(3) may construct and improve laboratories and other test facilities.''

Subsec. (c)(3) to (5). Pub. L. 112–95, § 206, inserted ''and'' at end of par. (3), redesignated par. (5) as (4), and struck out former par. (4) which read as follows: ''use procedures other than competitive procedures only when the property or services needed by the Administrator of the Federal Aviation Administration are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the Administrator; and''.

2011—Subsec. (d)(2)(A). Pub. L. 111–350, § 5(*o*)(7)(A), substituted ''Division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41'' for ''Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266)''.

Subsec. (d)(2)(B). Pub. L. 111–350, § 5(*o*)(7)(B), substituted ''Division B (except sections 1704 and 2303) of subtitle I of title 41'' for ''The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)''.

Subsec. (d)(2)(C). Pub. L. 111–350, § 5(*o*)(7)(C), substituted ''(Public Law 103–355). However, section 4705 of title 41 shall apply to the new acquisition management system developed and implemented pursuant to paragraph (1). For the purpose of applying section 4705 of title 41 to the system,'' for ''(Public Law 103–355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system,''.

Subsec. (d)(3). Pub. L. 111–350, § 5(*o*)(7)(D)(i), (ii), substituted ''division b (except sections 1704 and 2303) of subtitle i of title 41'' for ''the office of federal procure-

ment policy act'' in heading and ''chapter 21 of title 41'' for ''section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)'' in text.

Subsec. (d)(3)(A). Pub. L. 111–350, §5(*o*)(7)(D)(iii), substituted ''Sections 2101 and 2106 of title 41'' for ''Subsections (f) and (g)''.

2003—Subsec. (c). Pub. L. 108–176, §224(a), struck out par. (1), which related to the senior procurement executive, par. (2) designation before ''may—'', and subpar. (D) of par. (2), which related to use procedures other than competitive procedures, redesignated subpars. (A), (B), (C), (E), and (F) of par. (2) as pars. (1) to (5), respectively, and realigned margins.

Subsec. (d)(1). Pub. L. 108–176, §224(b)(1), struck out '', not later than January 1, 1996,'' after ''shall develop and implement'', substituted ''provides for—'' for ''provides for more timely and cost-effective acquisitions of equipment and materials.'', and added subpars. (A) and (B).

Subsec. (d)(2)(C). Pub. L. 108–176, §222, substituted ''(Public Law 103–355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term 'executive agency' is deemed to refer to the Federal Aviation Administration.'' for ''(Public Law 103–355).''

Subsec. (d)(2)(G). Pub. L. 108–178, §4(k)(3), substituted ''subparagraphs (A) through (F)'' for ''subparagraphs (A) through (G)''.

Pub. L. 108–178, §4(k)(1), (2), redesignated subpar. (H) as (G) and struck out former subpar. (G) which read as follows: ''The Brooks Automatic Data Processing Act (40 U.S.C. 759).''

Subsec. (d)(2)(H). Pub. L. 108–178, §4(k)(2), redesignated subpar. (H) as (G).

Subsec. (d)(4). Pub. L. 108–176, §224(b)(2), added par. (4) and struck out heading and text of former par. (4). Text read as follows: ''This subsection shall take effect on April 1, 1996.''

2002—Subsec. (c)(2)(C). Pub. L. 107–217, §3(n)(5)(A), substituted ''(as defined in section 3301(a) of title 40)'' for ''(as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612))''.

Subsec. (c)(2)(F). Pub. L. 107–217, §3(n)(5)(B), substituted ''sections 121, 123, and 126 and chapter 5 of title 40'' for ''title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)''.

2000—Subsecs. (d), (e). Pub. L. 106–181 added subsecs. (d) and (e).

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

1994—Subsec. (a). Pub. L. 103–429, §6(48), in introductory provisions, struck out ''may'' after ''Administration'', in par. (1), struck out ''acquire,'' before ''to the extent'' and substituted ''may acquire services or, by condemnation or otherwise,'' for ''services or'', and in pars. (2) and (3), inserted ''may'' after par. designation.

Subsec. (b)(2)(A). Pub. L. 103–429, §6(80), inserted ''notwithstanding section 1341(a)(1) of title 31,'' before ''lease''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENTS

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

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 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.

EFFECTIVE DATE OF 1994 AMENDMENT

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

CONTRACTING

Pub. L. 112–95, title VIII, §814, Feb. 14, 2012, 126 Stat. 125, provided that: ''When drafting contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration, the Administrator of the Federal Aviation Administration shall ensure—

''(1) the proposal is drafted so that all parties can fairly compete; and

''(2) the proposal takes into consideration the most cost-effective location, accessibility, and services options.''

FAA EVALUATION OF LONG-TERM CAPITAL LEASING

Pub. L. 106–181, title VII, §704, Apr. 5, 2000, 114 Stat. 157, authorized the Administrator of the Federal Aviation Administration to carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities and to enter into certain types of contracts for this purpose.

ASSESSMENT OF ACQUISITION MANAGEMENT SYSTEM

Pub. L. 104–264, title II, §251, Oct. 9, 1996, 110 Stat. 3236, provided that: ''Not later than April 1, 1999, the Administrator [of the Federal Aviation Administration] shall employ outside experts to provide an independent evaluation of the effectiveness of the Administration's [Federal Aviation Administration] acquisition management system within 3 months after such date. The Administrator shall transmit a copy of the evaluation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''

Pub. L. 104–205, title III, §351, Sept. 30, 1996, 110 Stat. 2979, provided that: ''Not later than December 31, 1997, the Administrator of the Federal Aviation Administration shall—

''(a) take such action as may be necessary to provide for an independent assessment of the acquisition management system of the Federal Aviation Administration that includes a review of any efforts of the Administrator in promoting and encouraging the use of full and open competition as the preferred method of procurement with respect to any contract that involves an amount greater than $50,000,000; and

''(b) submit to the Congress a report on the findings of that independent assessment: *Provided*, That for purposes of this section, the term 'full and open competition' has the meaning provided that term in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).''

ACQUISITION MANAGEMENT SYSTEM FOR FEDERAL AVIATION ADMINISTRATION

Pub. L. 104–50, title III, §348, Nov. 15, 1995, 109 Stat. 460, required the Administrator of the Federal Aviation Administration to develop and implement, not later than Jan. 1, 1996, an acquisition management system, exempt from specified federal procurement and acquisition laws, to provide for more timely and cost-effective acquisitions of equipment and materials, prior to repeal by Pub. L. 106–181, title III, §307(d), Apr. 5, 2000, 114 Stat. 126.

ALTERNATIVE PROCUREMENT AND ACQUISITION PILOT PROGRAM

Pub. L. 103–355, title V, §5063, Oct. 13, 1994, 108 Stat. 3356, provided that:

''(a) AUTHORITY.—The Secretary of Transportation may conduct a test of alternative and innovative procurement procedures in carrying out acquisitions for one of the modernization programs under the Airway Capital Investment Plan prepared pursuant to section 44501(b) of title 49, United States Code. In conducting such test, the Secretary shall consult with the Administrator for Federal Procurement Policy.

''(b) PILOT PROGRAM IMPLEMENTATION.—(1) The Secretary of Transportation should prescribe policies and procedures for the interaction of the program manager and the end user executive responsible for the requirement for the equipment acquired. Such policies and procedures should include provisions for enabling the end user executive to participate in acceptance testing.

''(2) Not later than 45 days after the date of enactment of this Act [Oct. 13, 1994], the Secretary of Transportation shall identify for the pilot program quantitative measures and goals for reducing acquisition management costs.

''(3) The Secretary of Transportation shall establish for the pilot program a review process that provides senior acquisition officials with reports on the minimum necessary data items required to ensure the appropriate expenditure of funds appropriated for the program and that—

''(A) contain essential information on program results at appropriate intervals, including the criteria to be used in measuring the success of the program; and

''(B) reduce data requirements from the current program review reporting requirements.

''(c) SPECIAL AUTHORITIES.—The authority provided by subsection (a) shall include authority for the Secretary of Transportation—

''(1) to apply any amendment or repeal of a provision of law made in this Act [see Short Title of 1994 Amendment note set out under section 251 of Title 41, Public Contracts] to the pilot program before the effective date of such amendment or repeal; and

''(2) to apply to a procurement of items other than commercial items under such program—

''(A) any authority provided in this Act (or in an amendment made by a provision of this Act) to waive a provision of law in the case of commercial items, and

''(B) any exception applicable under this Act (or an amendment made by a provision of this Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

''(d) APPLICABILITY.—Subsection (c) applies with respect to—

''(1) a contract that is awarded or modified after the date occurring 45 days after the date of the enactment of this Act [Oct. 13, 1994]; and

''(2) a contract that is awarded before such date and is to be performed (or may be performed), in whole or in part, after such date.

''(e) PROCEDURES AUTHORIZED.—The test conducted under this section may include any of the following procedures:

''(1) Restriction of competitions to sources determined capable in a precompetition screening process, provided that the screening process affords all interested sources a fair opportunity to be considered.

''(2) Restriction of competitions to sources of preevaluated products, provided that the preevaluation process affords all interested sources a fair opportunity to be considered.

''(3) Alternative notice and publication requirements.

''(4) A process in which—

''(A) the competitive process is initiated by publication in the Commerce Business Daily, or by dissemination through FACNET, of a notice that—

''(i) contains a synopsis of the functional and performance needs of the executive agency conducting the test, and, for purposes of guidance only, other specifications; and

''(ii) invites any interested source to submit information or samples showing the suitability of its product for meeting those needs, together with a price quotation, or, if appropriate, showing the source's technical capability, past performance, product supportability, or other qualifications (including, as appropriate, information regarding rates and other cost-related factors);

''(B) contracting officials develop a request for proposals (including appropriate specifications and evaluation criteria) after reviewing the submissions of interested sources and, if the officials determine necessary, after consultation with those sources; and

''(C) a contract is awarded after a streamlined competition that is limited to all sources that timely provided product information in response to the notice or, if appropriate, to those sources determined most capable based on the qualification-based factors included in an invitation to submit information pursuant to subparagraph (A).

''(f) WAIVER OF PROCUREMENT REGULATIONS.—(1) In conducting the test under this section, the Secretary of Transportation, with the approval of the Administrator for Federal Procurement Policy, may waive—

''(A) any provision of the Federal Acquisition Regulation that is not required by statute; and

''(B) any provision of the Federal Acquisition Regulation that is required by a provision of law described in paragraph (2), the waiver of which the Administrator determines in writing to be necessary to test procedures authorized by subsection (e).

''(2) The provisions of law referred to in paragraph (1) are as follows:

''(A) Subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637).

''(B) The following provisions of the Federal Property and Administrative Services Act of 1949:

''(i) Section 303 ([former] 41 U.S.C. 253) [see 41 U.S.C. 3105, 3301, 3303 to 3305].

''(ii) Section 303A ([former] 41 U.S.C. 253a) [see 41 U.S.C. 3306].

''(iii) Section 303B ([former] 41 U.S.C. 253b) [now 41 U.S.C. 3308, 3701 to 3708, 4702].

''(iv) Section 303C [former] (41 U.S.C. 253c) [now 41 U.S.C. 3311].

''(C) The following provisions of the Office of Federal Procurement Policy Act:

''(i) Section 4(6) ([former] 41 U.S.C. 403(6)) [see 41 U.S.C. 107].

''(ii) Section 18 ([former] 41 U.S.C. 416) [see 41 U.S.C. 1708].

''(g) DEFINITION.—In this section, the term 'commercial item' has the meaning provided that term in section 4(12) of the Office of Federal Procurement Policy Act [see 41 U.S.C. 103].

''(h) EXPIRATION OF AUTHORITY.—The authority to conduct the test under subsection (a) and to award contracts under such test shall expire 4 years after the date of the enactment of this Act. Contracts entered into before such authority expires shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the test conducted pursuant to subsection (a).''

§ 40111. Multiyear procurement contracts for services and related items

(a) GENERAL AUTHORITY.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator of the Federal Aviation Administration may make a contract of not more than 5 years for the following types of services and items of supply related to those services for which

amounts otherwise would be available for obligation only in the fiscal year for which appropriated:

(1) operation, maintenance, and support of facilities and installations.

(2) operation, maintenance, and modification of aircraft, vehicles, and other highly complex equipment.

(3) specialized training requiring high quality instructor skills, including training of pilots and aircrew members and foreign language training.

(4) base services, including ground maintenance, aircraft refueling, bus transportation, and refuse collection and disposal.

(b) REQUIRED FINDINGS.—The Administrator may make a contract under this section only if the Administrator finds that—

(1) there will be a continuing requirement for the service consistent with current plans for the proposed contract period;

(2) providing the service will require a substantial initial investment in plant or equipment, or will incur a substantial contingent liability for assembling, training, or transporting a specialized workforce; and

(3) the contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

(c) CONSIDERATIONS.—When making a contract under this section, the Administrator shall be guided by the following:

(1) The part of the cost of a plant or equipment amortized as a cost of contract performance may not be more than the ratio between the period of contract performance and the anticipated useful commercial life (instead of physical life) of the plant or equipment, considering the location and specialized nature of the plant or equipment, obsolescence, and other similar factors.

(2) The Administrator shall consider the desirability of—

(A) obtaining an option to renew the contract for a reasonable period of not more than 3 years, at a price that does not include charges for nonrecurring costs already amortized; and

(B) reserving in the Administrator the right, on payment of the unamortized part of the cost of the plant or equipment, to take title to the plant or equipment under appropriate circumstances.

(d) ENDING CONTRACTS.—A contract made under this section shall be ended if amounts are not made available to continue the contract into a subsequent fiscal year. The cost of ending the contract may be paid from—

(1) an appropriation originally available for carrying out the contract;

(2) an appropriation currently available for procuring the type of service concerned and not otherwise obligated; or

(3) amounts appropriated for payments to end the contract.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1107.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40111(a)	49 App.:1344(e)(1).	Aug. 23, 1958, Pub. L. 85–726, §303(e), 72 Stat. 747; May 21, 1970, Pub. L. 91–258, §51(a)(1), 84 Stat. 234; July 12, 1976, Pub. L. 94–353, §16, 90 Stat. 882; Oct. 19, 1980, Pub. L. 96–470, §112(e), 94 Stat. 2240; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444; restated Nov. 5, 1990, Pub. L. 101–508, §9118(a), 104 Stat. 1388–366.
40111(b)	49 App.:1344(e)(2).	
40111(c)	49 App.:1344(e)(3).	
40111(d)	49 App.:1344(e)(4).	

In this section, the word ''Administrator'' in section 303(e) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 747) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words ''periods of'' are omitted as surplus. In clause (3), the words ''training of'' are added for clarity. In clause (4), the word ''aircraft'' is substituted for ''in-plane'' for clarity.

In subsection (c)(2)(A), the words ''plant, equipment, and other'' are omitted as surplus.

In subsection (d), the words ''canceled or'' and ''cancellation or'' are omitted as being included in ''ended'' and ''ending'', respectively.

§ 40112. Multiyear procurement contracts for property

(a) GENERAL AUTHORITY.—Notwithstanding section 1341(a)(1)(B) of title 31 and to the extent that amounts otherwise are available for obligation, the Administrator of the Federal Aviation Administration may make a contract of more than one but not more than 5 fiscal years to purchase property, except a contract to construct, alter, or make a major repair or improvement to real property.

(b) REQUIRED FINDINGS.—The Administrator may make a contract under this section if the Administrator finds that—

(1) the contract will promote the safety or efficiency of the national airspace system and will result in reduced total contract costs;

(2) the minimum need for the property to be purchased is expected to remain substantially unchanged during the proposed contract period in terms of production rate, procurement rate, and total quantities;

(3) there is a reasonable expectation that throughout the proposed contract period the Administrator will request appropriations for the contract at the level required to avoid cancellation;

(4) there is a stable design for the property to be acquired and the technical risks associated with the property are not excessive; and

(5) the estimates of the contract costs and the anticipated savings from the contract are realistic.

(c) REGULATIONS.—The Administrator shall prescribe regulations for acquiring property under this section to promote the use of contracts under this section in a way that will allow the most efficient use of those contracts. The regulations may provide for a cancellation provision in the contract to the extent the provision is necessary and in the best interest of the United States. The provision may include

consideration of recurring and nonrecurring costs of the contractor associated with producing the item to be delivered under the contract. The regulations shall provide that, to the extent practicable—

(1) to broaden the aviation industrial base—

(A) a contract under this section shall be used to seek, retain, and promote the use under that contract of subcontractors, vendors, or suppliers; and

(B) on accrual of a payment or other benefit accruing on a contract under this section to a subcontractor, vendor, or supplier participating in the contract, the payment or benefit shall be delivered in the most expeditious way practicable; and

(2) this section and regulations prescribed under this section may not be carried out in a way that precludes or curtails the existing ability of the Administrator to provide for—

(A) competition in producing items to be delivered under a contract under this section; or

(B) ending a prime contract when performance is deficient with respect to cost, quality, or schedule.

(d) CONTRACT PROVISIONS.—(1) A contract under this section may—

(A) be used for the advance procurement of components, parts, and material necessary to manufacture equipment to be used in the national airspace system;

(B) provide that performance under the contract after the first year is subject to amounts being appropriated; and

(C) contain a negotiated priced option for varying the number of end items to be procured over the period of the contract.

(2) If feasible and practicable, an advance procurement contract may be made to achieve economic-lot purchases and more efficient production rates.

(e) CANCELLATION PAYMENT AND NOTICE OF CANCELLATION CEILING.—(1) If a contract under this section provides that performance is subject to an appropriation being made, it also may provide for a cancellation payment to be made to the contractor if the appropriation is not made.

(2) Before awarding a contract under this section containing a cancellation ceiling of more than $100,000,000, the Administrator shall give written notice of the proposed contract and cancellation ceiling to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The contract may not be awarded until the end of the 30-day period beginning on the date of the notice.

(f) ENDING CONTRACTS.—A contract made under this section shall be ended if amounts are not made available to continue the contract into a subsequent fiscal year. The cost of ending the contract may be paid from—

(1) an appropriation originally available for carrying out the contract;

(2) an appropriation currently available for procuring the type of property concerned and not otherwise obligated; or

(3) amounts appropriated for payments to end the contract.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1108; Pub. L. 104–106, div. E, title LVI, § 5606, Feb. 10, 1996, 110 Stat. 700; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40112(a)	49 App.:1344(f)(1) (words before 4th comma), (6), (7) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 303(f), 72 Stat. 747; May 21, 1970, Pub. L. 91–258, § 51(a)(1), 84 Stat. 234; July 12, 1976, Pub. L. 94–353, § 16, 90 Stat. 882; Oct. 19, 1980, Pub. L. 96–470, § 112(e), 94 Stat. 2240; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444; restated Nov. 5, 1990, Pub. L. 101–508, § 9118(a), 104 Stat. 1388–367.
40112(b)	49 App.:1344(f)(1) (words after 4th comma).	
40112(c)	49 App.:1344(f)(2).	
40112(d)(1)(A).	49 App.:1344(f)(4) (words before 3d comma).	
40112(d)(1)(B).	49 App.:1344(f)(7) (last sentence words before ''and (if'').	
40112(d)(1)(C).	49 App.:1344(f)(8).	
40112(d)(2) ..	49 App.:1344(f)(4) (words after 3d comma).	
40112(e)(1) ..	49 App.:1344(f)(7) (last sentence words after ''of funds'').	
40112(e)(2) ..	49 App.:1344(f)(3).	
40112(f)	49 App.:1344(f)(5).	

In this section, the word ''Administrator'' in section 303(f) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 747) is retained on authority of 49:106(g).

In subsection (a), the reference in 49 App.:1344(f)(7) to a contract for the purchase of services is omitted as surplus because 49 App.:1344(f)(1) states that the subsection is concerned only with contracts for the purchase of property.

In subsection (b)(5), the word ''savings'' is substituted for ''cost avoidance'' for clarity.

In subsection (c), before clause (1), the word ''both'' is omitted as surplus. In clause (1)(A), the words ''in such a manner as'' and ''companies that are'' are omitted as surplus. In clause (1)(B), the words ''accruing on'' are substituted for ''under'' for clarity. The words ''subcontractor'' and ''contract'' are substituted for ''subcontract'' and ''contractor'', respectively, to correct errors in the source provisions being restated.

In subsection (d)(1)(B), the words ''after the first year'' are substituted for ''during the second and subsequent years of the contract'' to eliminate unnecessary words.

In subsection (e)(2), the words ''a clause setting forth'' are omitted as surplus.

In subsection (f), the words ''canceled or'' and ''cancellation or'' are omitted as being included in ''ended'' and ''ending'', respectively.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–106 struck out ''or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies'' after ''improvement to real property''.

Subsec. (e)(2). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 702.

§ 40113. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by that Administrator) may take action the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, considers necessary to carry out this part, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) HAZARDOUS MATERIAL.—In carrying out this part, the Secretary has the same authority to regulate the transportation of hazardous material by air that the Secretary has under section 5103 of this title. However, this subsection does not prohibit or regulate the transportation of a firearm (as defined in section 232 of title 18) or ammunition for a firearm, when transported by an individual for personal use.

(c) GOVERNMENTAL ASSISTANCE.—The Secretary (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may use the assistance of the Administrator of the National Aeronautics and Space Administration and any research or technical department, agency, or instrumentality of the United States Government on matters related to aircraft fuel and oil, and to the design, material, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each department, agency, and instrumentality may conduct scientific and technical research, investigations, and tests necessary to assist the Secretary or Administrator of the Federal Aviation Administration in carrying out this part. This part does not authorize duplicating laboratory research activities of a department, agency, or instrumentality.

(d) INDEMNIFICATION.—The Administrator of the Federal Aviation Administration may indemnify an officer or employee of the Federal Aviation Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

(e) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—

(1) SAFETY-RELATED TRAINING AND OPERATIONAL SERVICES.—The Administrator may provide safety-related training and operational services to foreign aviation authorities (whether public or private) with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety or efficiency. The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(*l*)(6). To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

(2) REIMBURSEMENT SOUGHT.—The Administrator shall actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement. The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.

(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—

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

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

(C) remain available until expended.

(4) REPORTING.—Not later than December 31, 1995, and annually thereafter, the Administrator shall transmit to Congress a list of the foreign aviation authorities to which the Administrator provided services under this subsection in the preceding fiscal year. Such list shall specify the dollar value of such services and any reimbursement received for such services.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, $5,000,000 for each of fiscal years 2021 through 2023, to carry out this subsection. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1110; Pub. L. 103–305, title II, § 202, Aug. 23, 1994, 108 Stat. 1582; Pub. L. 106–181, title I, § 156(a), Apr. 5, 2000, 114 Stat. 89; Pub. L. 107–71, title I, § 140(c), Nov. 19, 2001, 115 Stat. 641; Pub. L. 112–95, title II, § 207, Feb. 14, 2012, 126 Stat. 39; Pub. L. 115–254, div. K, title I, § 1991(c)(2), Oct. 5, 2018, 132 Stat. 3627; Pub. L. 116–260, div. V, title I, § 119(g), Dec. 27, 2020, 134 Stat. 2342.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40113(a)	49 App.:1324(a).	Aug. 23, 1958, Pub. L. 85–726, §§204(a), 313(a), 72 Stat. 743, 752.
	49 App.:1354(a).	
	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.
	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.
40113(b)	49 App.:1472(h)(1), (3).	Aug. 23, 1958, Pub. L. 85–726, §902(h)(1), (3), 72 Stat. 785; restated Jan. 3, 1975, Pub. L. 93–633, §113(c), 88 Stat. 2162, 2163.
40113(c)	49 App.:1505.	Aug. 23, 1958, Pub. L. 85–726, §1105, 72 Stat. 798; Oct. 15, 1962, Pub. L. 87–810, §3, 76 Stat. 921.
	49 App.:1655(c)(1).	
40113(d)	49 App.:1354(e).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §313(e); added Dec. 30, 1987, Pub. L. 100–223, §205, 101 Stat. 1521.

In subsections (a), (c), and (d), the word ''Administrator'' in sections 313(a) and (e) and 1105 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 752, 798) is retained on authority of 49:106(g).

Subsection (a) is substituted for 49 App.:1324(a) and 1354(a) to eliminate unnecessary words. The word ''standards'' is added for consistency.

In subsection (b), the words ''his responsibilities under'' and ''safe'' are omitted as surplus.

In subsection (c), the words ''department, agency, and instrumentality'' are substituted for ''agency'' and ''governmental agency'' for consistency in the revised title and with other titles of the United States Code. The text of 49 App.:1505 (2d, 3d sentences) is omitted as superseded by 49 App.:1903(b), restated in sections 1105, 1110, and 1111 of the revised title. The word ''existing'' is omitted as surplus.

In subsection (d), the text of 49 App.:1354(e) (last sentence) is omitted because of 49:322(a).

Editorial Notes

AMENDMENTS

2020—Subsec. (e)(1). Pub. L. 116–260, §119(g)(1), inserted ''The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship.'' after ''safety or efficiency.''

Subsec. (e)(5). Pub. L. 116–260, §119(g)(2), added par. (5).

2018—Subsec. (a). Pub. L. 115–254, §1991(c)(2)(A), substituted ''the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or'' for ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'', ''carried out by that Administrator'' for ''carried out by the Administrator'', and '', Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration,'' for '', Under Secretary, or Administrator,''.

Subsec. (d). Pub. L. 115–254, §1991(c)(2)(B), struck out ''Under Secretary of Transportation for Security or the'' before ''Administrator of the Federal Aviation Administration'' and substituted ''employee of the Federal Aviation Administration'' for ''employee of the Transportation Security Administration or Federal Aviation Administration, as the case may be,'' and ''that the Administrator'' for ''that the Under Secretary or Administrator, as the case may be,''.

2012—Subsec. (e)(1). Pub. L. 112–95, §207(1), inserted ''(whether public or private)'' after ''authorities'' and substituted ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(*l*)(6).'' for ''safety.''

Subsec. (e)(2). Pub. L. 112–95, §207(2), inserted at end ''The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.''

Subsec. (e)(3). Pub. L. 112–95, §207(3), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: ''Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.''

2001—Subsec. (a). Pub. L. 107–71, §140(c)(1), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' before ''the Administrator of the Federal Aviation Administration'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsec. (d). Pub. L. 107–71, §140(c)(2), inserted ''Under Secretary of Transportation for Security or the'' after ''The'' and substituted ''employee of the Transportation Security Administration or Federal Aviation Administration, as the case may be,'' for ''employee of the Administration'' and ''the Under Secretary or Administrator, as the case may be, decides'' for ''the Administrator decides''.

2000—Subsec. (f). Pub. L. 106–181 added subsec. (f).

1994—Subsec. (e). Pub. L. 103–305 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

INTRA-AGENCY COORDINATION

Pub. L. 115–254, div. B, title V, §520, Oct. 5, 2018, 132 Stat. 3362, provided that: ''Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall implement a policy that—

''(1) designates the Associate Administrator for Commercial Space Transportation as the primary liaison between the commercial space transportation industry and the [Federal Aviation] Administration;

''(2) recognizes the necessity of, and set [sic] forth processes for, launch license and permit holder coordination with the Air Traffic Organization on matters including—

''(A) the use of air navigation facilities;

''(B) airspace safety; and

''(C) planning of commercial space launch and launch support activities;

''(3) designates a single point of contact within the Air Traffic Organization who is responsible for—

''(A) maintaining letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility;

''(B) making such letters of agreement available to the Associate Administrator for Commercial Space Transportation;

''(C) ensuring that a facility that has entered into such a letter of agreement is aware of and fulfills its responsibilities under the letter; and

''(D) liaising between the Air Traffic Organization and the Associate Administrator for Commercial Space Transportation on any matter relating to such a letter of agreement; and

''(4) requires the Associate Administrator for Commercial Space Transportation to facilitate, upon the request of a launch license or permit holder—

''(A) coordination between a launch license and permit holder and the Air Traffic Organization; and

''(B) the negotiation of letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility or the Air Traffic Organization.''

ADMINISTRATIVE SERVICES FRANCHISE FUND

Pub. L. 104–205, title I, Sept. 30, 1996, 110 Stat. 2957, provided in part that: ''There is hereby established in the Treasury a fund, to be available without fiscal year limitation, for the costs of capitalizing and operating such administrative services as the FAA Administrator determines may be performed more advantageously as centralized services, including accounting, international training, payroll, travel, duplicating, multimedia and information technology services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the FAA and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automated Data Processing (ADP) software and systems (either required or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the FAA Administrator: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of FAA financial management, ADP, and support systems: *Provided further*, That no later than thirty days after the end of each fiscal year, amounts in excess of this reserve limitation shall be transferred to miscellaneous receipts in the Treasury.''

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Pub. L. 106–69, title III, §337, Oct. 9, 1999, 113 Stat. 1022, which provided that none of the funds in Pub. L. 106–69 were to be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000, was from the Department of Transportation and Related Agencies Appropriations Act, 2000, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–277, div. A, §101(g) [title I], Oct. 21, 1998, 112 Stat. 2681–439, 2681–446.
Pub. L. 105–66, title I, Oct. 27, 1997, 111 Stat. 1431.
Pub. L. 104–205, title I, Sept. 30, 1996, 110 Stat. 2957.
Pub. L. 104–50, title I, Nov. 15, 1995, 109 Stat. 442.
Pub. L. 103–331, title I, Sept. 30, 1994, 108 Stat. 2476.
Pub. L. 103–122, title I, Oct. 27, 1993, 107 Stat. 1205.
Pub. L. 102–388, title I, Oct. 6, 1992, 106 Stat. 1527.
Pub. L. 102–143, title I, Oct. 28, 1991, 105 Stat. 924.
Pub. L. 101–516, title I, Nov. 5, 1990, 104 Stat. 2161.
Pub. L. 101–164, title I, Nov. 21, 1989, 103 Stat. 1076.
Pub. L. 100–457, title I, Sept. 30, 1988, 102 Stat. 2131.
Pub. L. 100–202, §101(*l*) [title I], Dec. 22, 1987, 101 Stat. 1329–358, 1329–363.
Pub. L. 99–500, §101(*l*) [H.R. 5205, title I], Oct. 18, 1986, 100 Stat. 1783–308, and Pub. L. 99–591, §101(*l*) [H.R. 5205, title I], Oct. 30, 1986, 100 Stat. 3341–308.
Pub. L. 99–190, §101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1273.
Pub. L. 98–473, title I, §3101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1950.
Pub. L. 98–78, title I, Aug. 15, 1983, 97 Stat. 458.
Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 339.

§ 40114. Reports and records

(a) WRITTEN REPORTS.—(1) Except as provided in this part, the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) shall make a written report of each proceeding and investigation under this part in which a formal hearing was held and shall provide a copy to each party to the proceeding or investigation. The report shall include the decision, conclusions, order, and requirements of the Secretary or Administrator as appropriate.

(2) The Secretary (or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator) shall have all reports, orders, decisions, and regulations the Secretary or Administrator, as appropriate, issues or prescribes published in the form and way best adapted for public use. A publication of the Secretary or Administrator is competent evidence of its contents.

(b) PUBLIC RECORDS.—Except as provided in subpart II of this part, copies of tariffs and arrangements filed with the Secretary under subpart II, and the statistics, tables, and figures contained in reports made to the Secretary under subpart II, are public records. The Secretary is the custodian of those records. A public record, or a copy or extract of it, certified by the Secretary under the seal of the Department of Transportation is competent evidence in an investigation by the Secretary and in a judicial proceeding.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1110.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40114(a)(1) ..	49 App.:1324(d) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, §§204(d), 313(b), 1103, 72 Stat. 743, 753, 797.
	49 App.:1354(b) (1st, 2d sentences).	
	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.
	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.
40114(a)(2) ..	49 App.:1324(d) (3d, last sentences).	
	49 App.:1354(b) (3d, last sentences).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
40114(b)	49 App.:1503.	
	49 App.:1551(b)(1)(E).	

In subsection (a), the word ''Administrator'' in section 313(b) of the Federal Aviation Act of 1958 (Public

Law 85–726, 72 Stat. 753) is retained on authority of 49:106(g).

In subsection (a)(1), the words ''otherwise'', ''requirement in the premises'', and ''shall be entered of record'' are omitted as surplus.

In subsection (a)(2), the word ''rules'' is omitted as being synonymous with ''regulations''. The word ''prescribes'' is added for consistency in the revised title and with other titles of the United States Code. The words ''under this chapter'' and ''information and'' are omitted as surplus. The words ''A publication of the Secretary or Administrator is competent evidence of its contents'' is substituted for 49 App.:1324(d) (last sentence) to eliminate unnecessary words and for consistency.

In subsection (b), the words ''otherwise'', ''all contracts, agreements, understandings, and'', ''annual or other'', ''of air carriers and other persons'', and ''preserved as'' are omitted as surplus. The last sentence is substituted for 49 App.:1503 (words after 7th comma) to eliminate unnecessary words and for consistency.

Statutory Notes and Related Subsidiaries

CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT

Pub. L. 112–95, title VIII, § 806, Feb. 14, 2012, 126 Stat. 121, provided that:

''(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act [Feb. 14, 2012], and every 2 years thereafter, the Administrator of the Federal Aviation Administration 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 containing—

''(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

''(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

''(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

''(A) may not publish any report required or authorized by law in a printed format; and

''(B) shall publish any such report by posting it on the Administration's Internet Web site in an easily accessible and downloadable electronic format.

''(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

''(A) its publication in a printed format is essential to the mission of the Administration; or

''(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

''(i) described in section 552(b) of title 5, United States Code; or

''(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.''

§ 40115. Withholding information

(a) OBJECTIONS TO DISCLOSURE.—(1) A person may object to the public disclosure of information—

(A) in a record filed under this part; or

(B) obtained under this part by the Secretary of Transportation or State or the United States Postal Service.

(2) An objection must be in writing and must state the reasons for the objection. The Secretary of Transportation or State or the Postal Service shall order the information withheld from public disclosure when the appropriate Secretary or the Postal Service decides that disclosure of the information would—

(A) prejudice the United States Government in preparing and presenting its position in international negotiations; or

(B) have an adverse effect on the competitive position of an air carrier in foreign air transportation.

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1111.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40115	49 App.:1504.	Aug. 23, 1958, Pub. L. 85–726, § 1104, 72 Stat. 797; restated Oct. 24, 1978, Pub. L. 95–504, § 39, 92 Stat. 1743; Feb. 15, 1980, Pub. L. 96–192, § 19, 94 Stat. 43.

In subsection (a)(1)(B), the words ''the Secretary of Transportation or State or the United States Postal Service'' are substituted for ''the Board, the Secretary of State, or the Secretary of Transportation'' because under 49 App.:1551 the duties of the Civil Aeronautics Board were transferred to the Secretary of Transportation and the Postal Service.

In subsection (a)(2), the words ''shall order the information withheld from public disclosure when the appropriate Secretary or the Postal Service decides that disclosure of the information'' are substituted for ''shall be withheld from public disclosure by the Board, the Secretary of State or the Secretary of Transportation'' for clarity and because of the restatement.

In subsection (b), the words ''The Board, the Secretary of State, or the Secretary of Transportation, as the case may be, shall be responsible for classified information in accordance with appropriate law'' are omitted as surplus.

§ 40116. State taxation

(a) DEFINITION.—In this section, ''State'' includes the District of Columbia, a territory or possession of the United States, and a political authority of at least 2 States.

(b) PROHIBITIONS.—Except as provided in subsection (c) of this section and section 40117 of this title, a State, a political subdivision of a State, and any person that has purchased or leased an airport under section 47134 of this title may not levy or collect a tax, fee, head charge, or other charge on—

(1) an individual traveling in air commerce;

(2) the transportation of an individual traveling in air commerce;

(3) the sale of air transportation; or

(4) the gross receipts from that air commerce or transportation.

(c) AIRCRAFT TAKING OFF OR LANDING IN STATE.—A State or political subdivision of a State may levy or collect a tax on or related to a flight of a commercial aircraft or an activity or service on the aircraft only if the aircraft takes off or lands in the State or political subdivision as part of the flight.

(d) UNREASONABLE BURDENS AND DISCRIMINATION AGAINST INTERSTATE COMMERCE.—(1) In this subsection—

(A) ''air carrier transportation property'' means property (as defined by the Secretary of Transportation) that an air carrier providing air transportation owns or uses.

(B) ''assessment'' means valuation for a property tax levied by a taxing district.

(C) ''assessment jurisdiction'' means a geographical area in a State used in determining the assessed value of property for ad valorem taxation.

(D) ''commercial and industrial property'' means property (except transportation property and land used primarily for agriculture or timber growing) devoted to a commercial or industrial use and subject to a property tax levy.

(2)(A) A State, political subdivision of a State, or authority acting for a State or political subdivision may not do any of the following acts because those acts unreasonably burden and discriminate against interstate commerce:

(i) assess air carrier transportation property at a value that has a higher ratio to the true market value of the property than the ratio that the assessed value of other commercial and industrial property of the same type in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

(ii) levy or collect a tax on an assessment that may not be made under clause (i) of this subparagraph.

(iii) levy or collect an ad valorem property tax on air carrier transportation property at a tax rate greater than the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

(iv) levy or collect a tax, fee, or charge, first taking effect after August 23, 1994, exclusively upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge wholly utilized for airport or aeronautical purposes.

(v) except as otherwise provided under section 47133, levy or collect a tax, fee, or charge, first taking effect after the date of enactment of this clause, upon any business located at a commercial service airport or operating as a permittee of such an airport that is not generally imposed on sales or services by that State, political subdivision, or authority unless wholly utilized for airport or aeronautical purposes.

(B) Subparagraph (A) of this paragraph does not apply to an in lieu tax completely used for airport and aeronautical purposes.

(e) OTHER ALLOWABLE TAXES AND CHARGES.—Except as provided in subsection (d) of this section, a State or political subdivision of a State may levy or collect—

(1) taxes (except those taxes enumerated in subsection (b) of this section), including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and

(2) reasonable rental charges, landing fees, and other service charges from aircraft operators for using airport facilities of an airport owned or operated by that State or subdivision.

(f) PAY OF AIR CARRIER EMPLOYEES.—(1) In this subsection—

(A) ''pay'' means money received by an employee for services.

(B) ''State'' means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(C) an employee is deemed to have earned 50 percent of the employee's pay in a State or political subdivision of a State in which the scheduled flight time of the employee in the State or subdivision is more than 50 percent of the total scheduled flight time of the employee when employed during the calendar year.

(2) The pay of an employee of an air carrier having regularly assigned duties on aircraft in at least 2 States is subject to the income tax laws of only the following:

(A) the State or political subdivision of the State that is the residence of the employee.

(B) the State or political subdivision of the State in which the employee earns more than 50 percent of the pay received by the employee from the carrier.

(3) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall be subject to the income tax laws of only the following:

(A) The State or political subdivision of the State that is the residence of the employee.

(B) The State or political subdivision of the State in which the employee's scheduled flight time would have been more than 50 percent of the employee's total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier's aircraft.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1111; Pub. L. 103–305, title I, §112(e), title II, §208, Aug. 23, 1994, 108 Stat. 1576, 1588; Pub. L. 104–264, title I, §149(b), Oct. 9, 1996, 110 Stat. 3226; Pub. L. 104–287, §5(66), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 115–254, div. B, title I, §159(a), Oct. 5, 2018, 132 Stat. 3220.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40116(a)	49 App.:1513(d)(2)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(d); added Sept. 3, 1982, Pub. L. 97–248, §532(b), 96 Stat. 701.
	49 App.:1513(f) (words in parentheses).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(f); added Nov. 5, 1990, Pub. L. 101–508, §9125, 104 Stat. 1388–370.
40116(b)	49 App.:1513(a).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(a); added June 18, 1973, Pub. L. 93–44, §7(a), 87 Stat. 90; Nov. 5, 1990, Pub. L. 101–508, §9110(1), 104 Stat. 1388–357.

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40116(c)	49 App.:1513(f) (less words in parentheses).	
40116(d)	49 App.:1513(d)(1), (2)(A)–(D), (3).	
40116(e)	49 App.:1513(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(b); added June 18, 1973, Pub. L. 93–44, §7(a), 87 Stat. 90; Sept. 3, 1982, Pub. L. 97–248, §532(a), 96 Stat. 701.
40116(f)(1)(A), (B).	49 App.:1512(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1112; added Dec. 23, 1970, Pub. L. 91–569, §4(a), 84 Stat. 1502; restated Feb. 18, 1980, Pub. L. 96–193, §402, 94 Stat. 57.
40116(f)(1)(C).	49 App.:1512(b).	
40116(f)(2) ...	49 App.:1512(a).	

Subsection (a) is made applicable to subsections (b) and (e) of this section to avoid having to repeat the term being defined. In subsection (a), the words ''Commonwealth of Puerto Rico, the Virgin Islands, Guam'' are omitted as surplus because of the definition of ''territory or possession of the United States'' in section 40102(a) of the revised title. The word ''authority'' is substituted for ''agencies'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), before clause (1), reference to 49 App.:1513(f), restated as subsection (c) of this section, is added for clarity. The words ''directly or indirectly'' are omitted as surplus. The text of 49 App.:1513(a) (words after ''subsection (e) and'') is omitted as surplus.

In subsections (d)(2)(A), before clause (i), and (f)(1)(C) and (2), the word ''political'' is added for consistency in the revised title and with other titles of the Code.

In subsection (f)(1)(A), the word ''pay'' is substituted for ''compensation'' for consistency in the revised title and with chapter 55 of title 5, United States Code. The words ''rendered by the employee in the performance of his duties and shall include wages and salary'' are omitted as surplus.

In subsection (f)(1)(B), the words ''means a State of the United States'' are substituted for ''also means'' for clarity.

In subsection (f)(1)(C), the words ''of a State'' are added for clarity.

In subsection (f)(2), before clause (A), the words ''as such an employee'' are omitted as surplus.

PUB. L. 104–287

This amends 49:40116(d)(2)(A)(iv) to conform to the style of title 49 and to set out the effective date for this clause.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this clause, referred to in subsec. (d)(2)(A)(v), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (d)(2)(A)(v). Pub. L. 115–254 added cl. (v).

1996—Subsec. (b). Pub. L. 104–264, in introductory provisions, substituted ''a State, a'' for ''a State or'' and inserted '', and any person that has purchased or leased an airport under section 47134 of this title'' after ''of a State''.

Subsec. (d)(2)(A)(iv). Pub. L. 104–287, which directed substitution of ''August 23, 1994'' for ''the date of enactment of this clause'', was executed by making the substitution for ''the date of the enactment of this clause'' to reflect the probable intent of Congress.

Pub. L. 104–287 substituted ''levy'' for ''Levy''.

1994—Subsec. (d)(2)(A)(iv). Pub. L. 103–305, §112(e), added cl. (iv).

Subsec. (f)(3). Pub. L. 103–305, §208, added par. (3).

Statutory Notes and Related Subsidiaries

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.

CONSTRUCTION OF 2018 AMENDMENT

Pub. L. 115–254, div. B, title I, §159(b), Oct. 5, 2018, 132 Stat. 3220, provided that: ''Nothing in this section [amending this section] or an amendment made by this section shall affect a change to a rate or other provision of a tax, fee, or charge under section 40116 of title 49, United States Code, that was enacted prior to the date of enactment of this Act [Oct. 5, 2018]. Such provision of a tax, fee, or charge shall continue to be subject to the requirements to which such provision was subject under that section as in effect on the day before the date of enactment of this Act.''

§ 40117. Passenger facility charges

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

(1) AIRPORT, COMMERCIAL SERVICE AIRPORT, AND PUBLIC AGENCY.—The terms ''airport'', ''commercial service airport'', and ''public agency'' have the meaning those terms have under section 47102.

(2) ELIGIBLE AGENCY.—The term ''eligible agency'' means a public agency that controls a commercial service airport.

(3) ELIGIBLE AIRPORT-RELATED PROJECT.—The term ''eligible airport-related project'' means any of the following projects:

(A) A project for airport development or airport planning under subchapter I of chapter 471.

(B) A project for terminal development described in section 47119(a).

(C) A project for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997.

(D) A project for airport noise capability planning under section 47505.

(E) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

(F) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls

and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.

(4) GROUND SUPPORT EQUIPMENT.—The term ''ground support equipment'' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.

(5) PASSENGER FACILITY CHARGE.—The term ''passenger facility charge'' means a charge imposed under this section.

(6) PASSENGER FACILITY REVENUE.—The term ''passenger facility revenue'' means revenue derived from a passenger facility charge.

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may authorize under this section an eligible agency to impose a passenger facility charge of $1, $2, or $3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, to be carried out in connection with the airport or any other airport the agency controls.

(2) A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not regulate or prohibit the imposition or collection of a passenger facility charge or the use of the passenger facility revenue.

(3) A passenger facility charge may be imposed on a passenger of an air carrier or foreign air carrier originating or connecting at the commercial service airport that the agency controls.

(4) In lieu of authorizing a charge under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility charge of $4.00 or $4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project.

(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility charge under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.

(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.

(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

(i) the Secretary determines that the building is adversely affected by airport noise;

(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term ''eligible project costs'' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.

(c) APPLICATIONS.—(1) An eligible agency must submit to the Secretary an application for au-

thority to impose a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation.

(2) Before submitting an application, the eligible agency must provide reasonable notice to, and an opportunity for consultation with, air carriers and foreign air carriers operating at the airport. The Secretary shall prescribe regulations that define reasonable notice and contain at least the following requirements:

(A) The agency must provide written notice of individual projects being considered for financing by a passenger facility charge and the date and location of a meeting to present the projects to air carriers and foreign air carriers operating at the airport.

(B) Not later than 30 days after written notice is provided under subparagraph (A) of this paragraph, each air carrier and foreign air carrier operating at the airport must provide to the agency written notice of receipt of the notice. Failure of a carrier to provide the notice may be deemed certification of agreement with the project by the carrier under subparagraph (D) of this paragraph.

(C) Not later than 45 days after written notice is provided under subparagraph (A) of this paragraph, the agency must conduct a meeting to provide air carriers and foreign air carriers with descriptions of projects and justifications and a detailed financial plan for projects.

(D) Not later than 30 days after the meeting, each air carrier and foreign air carrier must provide to the agency certification of agreement or disagreement with projects (or total plan for the projects). Failure to provide the certification is deemed certification of agreement with the project by the carrier. A certification of disagreement is void if it does not contain the reasons for the disagreement.

(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term ''significant business interest'' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.

(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected. The public notice may include—

(i) publication in local newspapers of general circulation;

(ii) publication in other local media; and

(iii) posting the notice on the agency's Internet website.

(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).

(4) After receiving an application, the Secretary may provide notice and an opportunity to air carriers, foreign air carriers, and other interested persons to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.

(d) LIMITATIONS ON APPROVING APPLICATIONS.—The Secretary may approve an application that an eligible agency has submitted under subsection (c) of this section to finance a specific project only if the Secretary finds, based on the application, that—

(1) the amount and duration of the proposed passenger facility charge will result in revenue (including interest and other returns on the revenue) that is not more than the amount necessary to finance the specific project;

(2) each project is an eligible airport-related project that will—

(A) preserve or enhance capacity, safety, or security of the national air transportation system;

(B) reduce noise resulting from an airport that is part of the system; or

(C) provide an opportunity for enhanced competition between or among air carriers and foreign air carriers;

(3) the application includes adequate justification for each of the specific projects; and

(4) in the case of an application to impose a charge of more than $3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.

(e) LIMITATIONS ON IMPOSING CHARGES.—(1) An eligible agency may impose a passenger facility charge only—

(A) if the Secretary approves an application that the agency has submitted under subsection (c) of this section; and

(B) subject to terms the Secretary may prescribe to carry out the objectives of this section.

(2) A passenger facility charge may not be collected from a passenger—

(A) for more than 2 boardings on a one-way trip or a trip in each direction of a round trip;

(B) for the boarding to an eligible place under subchapter II of chapter 417 of this title for which essential air service compensation is paid under subchapter II;

(C) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment;

(D) on flights, including flight segments, between 2 or more points in Hawaii;

(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers; and

(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.

(f) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—(1) A contract between an air carrier or foreign air carrier and an eligible agency made at any time may not impair the authority of the agency to impose a passenger facility charge or to use the passenger facility revenue as provided in this section.

(2) A project financed with a passenger facility charge may not be subject to an exclusive long-term lease or use agreement of an air carrier or foreign air carrier, as defined by regulations of the Secretary.

(3) A lease or use agreement of an air carrier or foreign air carrier related to a project whose construction or expansion was financed with a passenger facility charge may not restrict the eligible agency from financing, developing, or assigning new capacity at the airport with passenger facility revenue.

(g) TREATMENT OF REVENUE.—(1) Passenger facility revenue is not airport revenue for purposes of establishing a price under a contract between an eligible agency and an air carrier or foreign air carrier.

(2) An eligible agency may not include in its price base the part of the capital costs of a project paid for by using passenger facility revenue to establish a price under a contract between the agency and an air carrier or foreign air carrier.

(3) For a project for terminal development, gates and related areas, or a facility occupied or used by at least one air carrier or foreign air carrier on an exclusive or preferential basis, a price payable by an air carrier or foreign air carrier using the facilities must at least equal the price paid by an air carrier or foreign air carrier using a similar facility at the airport that was not financed with passenger facility revenue.

(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility charge constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the charge. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.

(h) COMPLIANCE.—(1) As necessary to ensure compliance with this section, the Secretary shall prescribe regulations requiring record-keeping and auditing of accounts maintained by an air carrier or foreign air carrier and its agent collecting a passenger facility charge and by the eligible agency imposing the charge.

(2) The Secretary periodically shall audit and review the use by an eligible agency of passenger facility revenue. After review and a public hearing, the Secretary may end any part of the authority of the agency to impose a passenger facility charge to the extent the Secretary decides that the revenue is not being used as provided in this section.

(3) The Secretary may set off amounts necessary to ensure compliance with this section against amounts otherwise payable to an eligible agency under subchapter I of chapter 471 of this title if the Secretary decides a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section.

(i) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section. The regulations—

(1) may prescribe the time and form by which a passenger facility charge takes effect;

(2) shall—

(A) require an air carrier or foreign air carrier and its agent to collect a passenger facility charge that an eligible agency imposes under this section;

(B) establish procedures for handling and remitting money collected;

(C) ensure that the money, less a uniform amount the Secretary determines reflects the average necessary and reasonable expenses (net of interest accruing to the carrier and agent after collection and before remittance) incurred in collecting and handling the charge, is paid promptly to the eligible agency for which they are collected; and

(D) require that the amount collected for any air transportation be noted on the ticket for that air transportation; and

(3) may permit an eligible agency to request that collection of a passenger facility charge be waived for—

(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the charge is imposed; or

(B) passengers enplaned on a flight to an airport—

(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.

(j) LIMITATION ON CERTAIN ACTIONS.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility charge or the use of the revenue from the passenger facility charge.

(k) COMPETITION PLANS.—

(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility charge under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility charges in effect before the date of the enactment of this subsection.

(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time-to-time to ensure that each covered airport successfully implements its plan.

(*l*) PILOT PROGRAM FOR PASSENGER FACILITY CHARGE AUTHORIZATIONS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for airports to impose passenger facility charges. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility charge under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility charge under this subsection. The notice shall include—

(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility charge is sought;

(B) the amount of revenue from passenger facility charges that is proposed to be collected for each project; and

(C) the level of the passenger facility charge that is proposed.

(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility charge under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

(5) AUTHORITY TO IMPOSE CHARGE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility charge in accordance with the terms of its notice under this subsection.

(6) REGULATIONS.—The Secretary shall propose such regulations as may be necessary to carry out this subsection.

(7) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110.

(m) FINANCIAL MANAGEMENT OF CHARGES.—

(1) HANDLING OF CHARGES.—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for charges collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

(2) TRUST FUND STATUS.—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

(3) PROHIBITION.—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

(4) COMPENSATION TO ELIGIBLE ENTITIES.—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

(5) INTEREST ON AMOUNTS.—A covered air carrier that collects passenger facility charges is entitled to receive the interest on passenger facility charge accounts if the accounts are established and maintained in compliance with this subsection.

(6) EXISTING REGULATIONS.—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility charges with other air carrier revenue shall not apply to a covered air carrier.

(7) COVERED AIR CARRIER DEFINED.—In this section, the term ''covered air carrier'' means an air carrier that files for chapter 7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection.

(n) USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

(1) the eligible agency seeking to impose the new charge controls an airport where a $2.00 passenger facility charge became effective on January 1, 2013; and

(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1113; Pub. L. 103–305, title II, §§ 203, 204(a)(1), (b), Aug. 23, 1994, 108 Stat. 1582, 1583; Pub. L. 104–264, title I, § 142(b)(2), title XII, § 1202, Oct. 9, 1996, 110 Stat.

3221, 3280; Pub. L. 104–287, §5(67), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 106–181, title I, §§105(a), (b), 135(a), (b), 151, 152(a), 155(c), Apr. 5, 2000, 114 Stat. 71, 83, 86–88; Pub. L. 108–176, title I, §§121(a)–(c), 122–123(d), 124, Dec. 12, 2003, 117 Stat. 2499–2502; Pub. L. 110–253, §3(c)(1), June 30, 2008, 122 Stat. 2417; Pub. L. 110–330, §5(a), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 110–337, §1, Oct. 2, 2008, 122 Stat. 3729; Pub. L. 111–12, §5(a), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(a), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(a), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §5(a), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(a), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(a), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(a), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(a), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(a), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(a), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(a), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(a), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(a), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(a), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(a), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §§111(a)–(c)(1), 152(e)(1), Feb. 14, 2012, 126 Stat. 17, 18, 34; Pub. L. 114–190, title II, §2302, July 15, 2016, 130 Stat. 638; Pub. L. 115–254, div. B, title I, §121, div. B, title V, §539(b), Oct. 5, 2018, 132 Stat. 3201, 3370.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40117(a)(1) ..	49 App.:1513(e)(15)(A), (B), (D).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(e)(1)–(3), (5)–(15); added Nov. 5, 1990, Pub. L. 101–508, §9110(2), 104 Stat. 1388–357.
40117(a)(2) ..	(no source).	
40117(a)(3) ..	49 App.:1513(e)(15)(C).	
40117(a)(4), (5).	(no source).	
40117(b)(1) ..	49 App.:1513(e)(1).	
40117(b)(2) ..	49 App.:1513(e)(8) (1st sentence).	
40117(b)(3) ..	49 App.:1513(e)(6) (1st sentence).	
40117(c)(1), (2).	49 App.:1513(e)(11)(A)–(C).	
40117(c)(3) ..	49 App.:1513(e)(11)(D), (E) (last sentence).	
40117(d)	49 App.:1513(e)(2), (5).	
40117(e)(1)(A).	49 App.:1513(e)(11)(E) (1st sentence).	
40117(e)(1)(B).	49 App.:1513(e)(13).	
40117(e)(2)(A).	49 App.:1513(e)(6) (last sentence).	
40117(e)(2)(B).	49 App.:1513(e)(3).	
40117(e)(2)(C).	49 App.:1513(e)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1113(e)(4); added Nov. 5, 1990, Pub. L. 101–508, §9110(2), 104 Stat. 1388–357; Oct. 31, 1992, Pub. L. 102–581, §105, 106 Stat. 4877.
40117(f)(1) ...	49 App.:1513(e)(8) (last sentence).	
40117(f)(2), (3).	49 App.:1513(e)(9).	
40117(g)	49 App.:1513(e)(7).	
40117(h)	49 App.:1513(e)(12).	
40117(i)	49 App.:1513(e)(10), (14).	

In subsection (a), before clause (1), the text of 49 App.:1513(e)(15)(A) is omitted for clarity and because the terms ''air carrier'' and ''foreign air carrier'' are used the first time they appear in each subsection. The text of 49 App.:1513(e)(15)(D) is omitted because the complete name of the Secretary of Transportation is used the first time the term appears in this section. Clauses (2), (4), and (5) are added to avoid repeating the source provisions throughout this section. In clause (3)(D), the words ''without regard to'' are omitted as surplus.

In subsection (b)(1), the words ''bonds and other'' are omitted as surplus.

In subsection (b)(2), the word ''limit'' is omitted as being included in ''regulate''.

In subsection (d), before clause (1), the text of 49 App.:1513(e)(5) is omitted as executed. The words ''approve an application that an eligible agency has submitted under subsection (c) of this section'' are substituted for ''grant a public agency which controls a commercial service airport authority to impose a fee under this subsection'' for clarity.

In subsection (e)(1)(B), the words ''and conditions'' are omitted as being included in ''terms''.

Subsection (e)(2)(A) is substituted for 49 App.:1513(e)(6) (last sentence) to eliminate unnecessary words.

In subsection (e)(2)(B), the words ''a public agency which controls any other airport'', ''If a passenger of an air carrier is being provided air service'', and ''with respect to such air service'' are omitted as surplus.

In subsection (f)(3), the words ''financed with'' are substituted for ''carried out through the use of'' for consistency in this section and to eliminate unnecessary words.

In subsection (g), the word ''price'' is substituted for ''rate, fee, or charge'' and ''rates, fees, and charges'' to eliminate unnecessary words.

In subsection (g)(2), the words ''Except as provided by subparagraph (C)'' and ''by means of depreciation, amortization, or any other method'' are omitted as surplus.

In subsection (h)(1), the word ''agent'' is substituted for ''agency'' to correct an error in the source provisions.

In subsection (i), before clause (1), the words ''Not later than May 4, 1991'' are omitted as obsolete.

PUB. L. 104–287

This repeals 49:40117(e)(2)(C) to eliminate an executed provision and makes conforming amendments.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (k)(1), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

The date of enactment of this subsection, referred to in subsec. (m)(7), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2018—Subsec. (a)(5). Pub. L. 115–254, §539(b), substituted ''charge imposed'' for ''charge or charge imposed''.

Subsec. (b)(4). Pub. L. 115–254, §121(a), substituted ''project.'' for ''project, if the Secretary finds—'' and struck out subpars. (A) and (B) which read as follows:

''(A) in the case of an airport that has more than .25 percent of the total number of annual boardings in the United States, that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport; and

''(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.''

Subsec. (*l*). Pub. L. 115–254, §121(b)(1), struck out ''at Nonhub Airports'' after ''Authorizations'' in heading.

Subsec. (*l*)(1). Pub. L. 115–254, §121(b)(2), struck out ''nonhub'' before ''airports''.

Subsec. (*l*)(6). Pub. L. 115–254, §121(b)(3), substituted ''The'' for ''Not later than 180 days after the date of enactment of this subsection, the''.

2016—Subsec. (n). Pub. L. 114–190 added subsec. (n).

2012—Pub. L. 112–95, §111(c)(1)(H), substituted ''charges'' for ''fees'' wherever appearing in text.

Pub. L. 112–95, §111(c)(1)(G), substituted ''charge'' for ''fee'' wherever appearing in text other than the second sentence of subsec. (g)(4).

Pub. L. 112–95, §111(c)(1)(A), substituted ''charges'' for ''fees'' in section catchline.

Subsec. (a)(3)(B). Pub. L. 112–95, §152(e)(1), substituted ''section 47119(a)'' for ''section 47110(d)''.

Subsec. (a)(5). Pub. L. 112–95, §111(a), amended par. (5) generally. Prior to amendment, text read as follows: ''The term 'passenger facility fee' means a fee imposed under this section.''

Subsec. (e). Pub. L. 112–95, §111(c)(1)(B), substituted ''Charges'' for ''Fees'' in heading.

Subsec. (*l*). Pub. L. 112–95, §111(c)(1)(C), substituted ''Charge'' for ''Fee'' in heading.

Subsec. (*l*)(5). Pub. L. 112–95, §111(c)(1)(D), substituted ''charge'' for ''fee'' in heading.

Subsec. (*l*)(7). Pub. L. 112–95, §111(b), redesignated par. (8) as (7) and struck out former par. (7). Prior to amendment, text read as follows: ''This subsection shall cease to be effective beginning on February 18, 2012.''

Pub. L. 112–91 substituted ''February 18, 2012.'' for ''February 1, 2012.''

Subsec. (*l*)(8). Pub. L. 112–95, §111(b), redesignated par. (8) as (7).

Subsec. (m). Pub. L. 112–95, §111(c)(1)(E), substituted ''Charges'' for ''Fees'' in heading.

Subsec. (m)(1). Pub. L. 112–95, §111(c)(1)(F), substituted ''charges'' for ''fees'' in heading.

2011—Subsec. (*l*)(7). Pub. L. 112–30 substituted ''February 1, 2012.'' for ''September 17, 2011.''

Pub. L. 112–27 substituted ''September 17, 2011.'' for ''July 23, 2011.''

Pub. L. 112–21 substituted ''July 23, 2011.'' for ''July 1, 2011.''

Pub. L. 112–16 substituted ''July 1, 2011.'' for ''June 1, 2011.''

Pub. L. 112–7 substituted ''June 1, 2011.'' for ''April 1, 2011.''

2010—Subsec. (*l*)(7). Pub. L. 111–329 substituted ''April 1, 2011.'' for ''January 1, 2011.''

Pub. L. 111–249 substituted ''January 1, 2011.'' for ''October 1, 2010.''

Pub. L. 111–216 substituted ''October 1, 2010.'' for ''August 2, 2010.''

Pub. L. 111–197 substituted ''August 2, 2010.'' for ''July 4, 2010.''

Pub. L. 111–161 substituted ''July 4, 2010.'' for ''May 1, 2010.''

Pub. L. 111–153 substituted ''May 1, 2010.'' for ''April 1, 2010.''

2009—Subsec. (*l*)(7). Pub. L. 111–116 substituted ''April 1, 2010.'' for ''January 1, 2010.''

Pub. L. 111–69 substituted ''January 1, 2010.'' for ''October 1, 2009.''

Pub. L. 111–12 substituted ''October 1, 2009.'' for ''April 1, 2009.''

2008—Subsec. (b)(7). Pub. L. 110–337 added par. (7).

Subsec. (*l*)(7). Pub. L. 110–330 substituted ''April 1, 2009'' for ''September 30, 2008''.

Pub. L. 110–253 substituted ''September 30, 2008'' for ''the date that is 3 years after the date of issuance of regulations to carry out this subsection''.

2003—Subsec. (a)(3)(C). Pub. L. 108–176, §123(d), substituted ''A project for costs'' for ''for costs'' and a period for the semicolon at end.

Subsec. (a)(3)(G). Pub. L. 108–176, §121(a), added subpar. (G).

Subsec. (a)(4) to (6). Pub. L. 108–176, §121(c), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 108–176, §121(b), added par. (5).

Subsec. (b)(6). Pub. L. 108–176, §122, added par. (6).

Subsec. (c)(2)(E), (F). Pub. L. 108–176, §123(a)(1), added subpars. (E) and (F).

Subsec. (c)(3), (4). Pub. L. 108–176, §123(a)(2)–(4), added par. (3), redesignated former par. (3) as (4), and substituted ''may'' for ''shall'' in first sentence of par. (4).

Subsec. (e)(2)(C). Pub. L. 108–176, §123(c)(1), substituted a semicolon for period at end.

Subsec. (e)(2)(F). Pub. L. 108–176, §123(c)(2)–(4), added subpar. (F).

Subsec. (*l*). Pub. L. 108–176, §123(b), added subsec. (*l*).

Subsec. (m). Pub. L. 108–176, §124, added subsec. (m).

2000—Subsec. (a). Pub. L. 106–181, §151, amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: ''In this section—

''(1) 'airport', 'commercial service airport', and 'public agency' have the same meanings given those terms in section 47102 of this title.

''(2) 'eligible agency' means a public agency that controls a commercial service airport.

''(3) 'eligible airport-related project' means a project—

''(A) for airport development or airport planning under subchapter I of chapter 471 of this title;

''(B) for terminal development described in section 47110(d) of this title;

''(C) for airport noise capability planning under section 47505 of this title;

''(D) to carry out noise compatibility measures eligible for assistance under section 47504 of this title, whether or not a program for those measures has been approved under section 47504; and

''(E) for constructing gates and related areas at which passengers board or exit aircraft.

''(4) 'passenger facility fee' means a fee imposed under this section.

''(5) 'passenger facility revenue' means revenue derived from a passenger facility fee.''

Subsec. (a)(3)(C) to (F). Pub. L. 106–181, §152(a), added subpar. (C) and redesignated former subpars. (C) to (E) as (D) to (F), respectively.

Subsec. (b)(4). Pub. L. 106–181, §105(a), added par. (4).

Subsec. (d)(4). Pub. L. 106–181, §105(b), added par. (4).

Subsec. (e)(2)(D), (E). Pub. L. 106–181, §135(a), added subpars. (D) and (E).

Subsec. (i)(3). Pub. L. 106–181, §135(b)(1)–(3), added par. (3).

Subsec. (j). Pub. L. 106–181, §135(b)(4), added subsec. (j).

Subsec. (k). Pub. L. 106–181, §155(c), added subsec. (k).

1996—Subsec. (a)(3)(D) to (F). Pub. L. 104–264, §142(b)(2), inserted ''and'' at end of subpar. (D), substituted a period for ''; and'' at end of subpar. (E), and struck out subpar. (F) which read as follows: ''in addition to projects eligible under subparagraph (A), the construction, reconstruction, repair, or improvement of areas of an airport used for the operation of aircraft or actions to mitigate the environmental effects of such construction, reconstruction, repair, or improvement when the construction, reconstruction, repair, improvement, or action is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, or the Federal Water Pollution Control Act with respect to the airport.''

Subsec. (e)(2)(B) to (D). Pub. L. 104–287 inserted ''and'' at end of subpar. (B), redesignated subpar. (D) as (C), and struck out former subpar. (C) which read as follows: ''for a project the Secretary does not approve under this section before October 1, 1993, if, during the fiscal year ending September 30, 1993, the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000, except that this clause—

''(i) does not apply if the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000 because of sequestration or other general appropriations reductions applied proportionately to appropriations accounts throughout an appropriation law; and

''(ii) does not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues, derived from a fee imposed under an approval made under this section, by a public agency that has received an approval to impose a fee under this section before September 30, 1993, regardless of whether the fee is being imposed on September 30, 1993; and''.

Subsec. (g)(4). Pub. L. 104–264, §1202, added par. (4).

1994—Subsec. (a)(3)(F). Pub. L. 103–305, §203, added subpar. (F).

Subsec. (d)(3). Pub. L. 103–305, §204(b), added par. (3).

Subsec. (e)(2)(D). Pub. L. 103–305, §204(a)(1), added subpar. (D).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–27, §5(j), Aug. 5, 2011, 125 Stat. 271, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on July 23, 2011.''

Pub. L. 112–21, §5(j), June 29, 2011, 125 Stat. 235, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on July 1, 2011.''

Pub. L. 112–16, §5(j), May 31, 2011, 125 Stat. 220, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on June 1, 2011.''

Pub. L. 112–7, §5(j), Mar. 31, 2011, 125 Stat. 33, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on April 1, 2011.''

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–329, §5(j), Dec. 22, 2010, 124 Stat. 3568, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on January 1, 2011.''

Pub. L. 111–249, §5(*l*), Sept. 30, 2010, 124 Stat. 2628, provided that: ''The amendments made by this section [amending this section, sections 41743, 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as notes under sections 41731 and 47109 of this title] shall take effect on October 1, 2010.''

Pub. L. 111–216, title I, §104(j), Aug. 1, 2010, 124 Stat. 2350, provided that: ''The amendments made by this section [amending this section, sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as a note under section 47109 of this title] shall take effect on August 2, 2010.''

Pub. L. 111–197, §5(j), July 2, 2010, 124 Stat. 1354, provided that: ''The amendments made by this section [amending this section, sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as a note under section 47109 of this title] shall take effect on July 4, 2010.''

Pub. L. 111–161, §5(j), Apr. 30, 2010, 124 Stat. 1127, provided that: ''The amendments made by this section [amending this section, sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as a note under section 47109 of this title] shall take effect on May 1, 2010.''

Pub. L. 111–153, §5(j), Mar. 31, 2010, 124 Stat. 1085, provided that: ''The amendments made by this section [amending this section, sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as a note under section 47109 of this title] shall take effect on April 1, 2010.''

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–116, §5(j), Dec. 16, 2009, 123 Stat. 3032, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on January 1, 2010.''

Pub. L. 111–69, §5(*l*), Oct. 1, 2009, 123 Stat. 2055, provided that: ''The amendments made by this section [amending this section and sections 41743, 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as notes under sections 41731 and 47109 of this title] shall take effect on October 1, 2009.''

Pub. L. 111–12, §5(j), Mar. 30, 2009, 123 Stat. 1458, provided that: ''The amendments made by this section [amending this section and sections 44302, 44303, 47107, 47115, 47141, and 49108 of this title and provisions set out as a note under section 47109 of this title] shall take effect on April 1, 2009.''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–330, §5(*l*), Sept. 30, 2008, 122 Stat. 3719, provided that: ''The amendments made by this section [amending this section, sections 41743, 44302, 44303, 47107, 47115, 47141, and 49108 of this title, and provisions set out as notes under sections 41731 and 47109 of this title] shall take effect on October 1, 2008.''

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 3(d) of Pub. L. 110–253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

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 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.

GUIDANCE

Pub. L. 108–176, title I, §121(d), Dec. 12, 2003, 117 Stat. 2500, provided that: ''The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance determining eligibility of projects, and how benefits to air quality must be demonstrated, under the amendments made by this section [amending this section].''

ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS

Pub. L. 108–176, title I, §123(e), Dec. 12, 2003, 117 Stat. 2502, provided that: ''Not later than 60 days after the enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration, consistent with current law, with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.''

COMPETITION PLANS

Pub. L. 106–181, title I, §155(a), Apr. 5, 2000, 114 Stat. 88, provided that: ''The Congress makes the following findings:

''(1) Major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

''(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

''(3) The General Accounting Office [now Government Accountability Office] has found that such levels of concentration lead to higher air fares.

''(4) The United States Government must take every step necessary to reduce those levels of concentration.

''(5) Consistent with air safety, spending at these airports must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.''

LIMITATION ON STATUTORY CONSTRUCTION OF SUBSECTION (e)(2)(D)

Pub. L. 103–305, title II, § 204(a)(2), Aug. 23, 1994, 108 Stat. 1583, provided that: ''The amendment made by paragraph (1) [amending this section] shall not be construed as requiring any person to refund any fee paid before the date of the enactment of this Act [Aug. 23, 1994].''

§ 40118. Government-financed air transportation

(a) TRANSPORTATION BY AIR CARRIERS HOLDING CERTIFICATES.—A department, agency, or instrumentality of the United States Government shall take necessary steps to ensure that the transportation of passengers and property by air is provided by an air carrier holding a certificate under section 41102 of this title if—

(1) the department, agency, or instrumentality—

(A) obtains the transportation for itself or in carrying out an arrangement under which payment is made by the Government or payment is made from amounts provided for the use of the Government; or

(B) provides the transportation to or for a foreign country or international or other organization without reimbursement;

(2) the transportation is authorized by the certificate or by regulation or exemption of the Secretary of Transportation; and

(3) the air carrier is—

(A) available, if the transportation is between a place in the United States and a place outside the United States; or

(B) reasonably available, if the transportation is between 2 places outside the United States.

(b) TRANSPORTATION BY FOREIGN AIR CARRIERS.—This section does not preclude the transportation of passengers and property by a foreign air carrier if the transportation is provided under a bilateral or multilateral air transportation agreement to which the Government and the government of a foreign country are parties if the agreement—

(1) is consistent with the goals for international aviation policy of section 40101(e) of this title; and

(2) provides for the exchange of rights or benefits of similar magnitude.

(c) PROOF.—The Administrator of General Services shall prescribe regulations under which agencies may allow the expenditure of an appropriation for transportation in violation of this section only when satisfactory proof is presented showing the necessity for the transportation.

(d) CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES.—Notwithstanding subsections (a) and (c) of this section, any amount appropriated to the Secretary of State or the Administrator of the Agency for International Development may be used to pay for the transportation of an officer or employee of the Department of State or one of those agencies, a dependent of the officer or employee, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States.

(e) RELATIONSHIP TO OTHER LAWS.—This section does not affect the application of the antidiscrimination provisions of this part.

(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial products in order to implement a requirement in this section.

(2) In paragraph (1), the term ''commercial product'' has the meaning given such term in section 103 of title 41, except that it shall not include a contract for the transportation by air of passengers.

(g) TRAINING REQUIREMENTS.—The Administrator of General Services shall ensure that any contract entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier submits to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, the Secretary of Labor and the Commissioner of U.S. Customs and Border Protection an annual report regarding—

(1) the number of personnel trained in the detection and reporting of potential human trafficking (as described in paragraphs (9) and (10)[1] of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);

(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and

(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking victim for each such notification of potential human trafficking, and if so, when the notification was made.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1116; Pub. L. 103–355, title VIII, § 8301(h), Oct. 13, 1994, 108 Stat. 3398; Pub. L. 104–287, § 5(68), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 104–316, title I, § 127(d), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105–277, div. G, subdiv. A, title XII, § 1225(h), title XIII, § 1335(p), title XIV, § 1422(b)(6), Oct. 21, 1998, 112 Stat. 2681–775, 2681–789, 2681–793; Pub. L. 108–176, title VIII, § 806, Dec. 12, 2003, 117 Stat. 2588; Pub. L. 111–350, § 5(*o*)(8), Jan. 4, 2011, 124 Stat. 3854; Pub. L. 115–232, div. A, title VIII, § 836(g)(9), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 115–425, title I, § 111(a), Jan. 8, 2019, 132 Stat. 5475.)

[1] See References in Text note below.

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40118(a)	49 App.:1517(a), (b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1117; added Jan. 3, 1975, Pub. L. 93–623, §5(a), 88 Stat. 2104; restated Feb. 15, 1980, Pub. L. 96–192, §21, 94 Stat. 43.
	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.
40118(b)	49 App.:1517(c).	
40118(c)	49 App.:1517(d) (1st sentence).	
40118(d)	49 App.:1518.	Oct. 7, 1978, Pub. L. 95–426, §706, 92 Stat. 992.
40118(e)	49 App.:1517(d) (last sentence).	

In this section, the word ''passengers'' is substituted for ''persons'' for consistency in the revised title. The words ''(and their personal effects)'' are omitted as being included in ''property''.

In subsection (a), before clause (1), the words ''Except as provided in subsection (c) of this section'' are omitted as surplus. The words ''department, agency, or instrumentality'' are substituted for ''agency'' for consistency in the revised title and with other titles of the United States Code. The words ''or agencies'' are omitted because of 1:1. In clause (1), before subclause (A), the words ''executive'' and ''other'' are omitted as surplus. In subclause (A), the words ''procure, contract for, or otherwise'' are omitted as surplus. The words ''for itself or in carrying out an arrangement under which payment is made by the Government or payment is made from amounts provided for the use of the Government'' are substituted for ''in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted or utilized by or otherwise'' for clarity and to eliminate unnecessary words. In subclause (B), the word ''country'' is substituted for ''nation'' for consistency in the revised title and with other titles of the Code. The words ''international or other organization'' are substituted for ''international agency, or other organization, of whatever nationality'' to eliminate unnecessary words. The words ''provisions for'' are omitted as surplus.

In subsection (b), before clause (1), the words ''government of a foreign country'' are substituted for ''foreign government'' for consistency in the revised title and with other titles of the Code. The words ''or governments'' are omitted because of 1:1.

In subsection (c), the words ''for payment for personnel or cargo transportation'' are omitted as surplus.

In subsection (d), the words ''the limitations established by'' are omitted as surplus. The words ''after October 7, 1978'' are omitted as executed. The words ''Secretary of State'' are substituted for ''Department of State'' because of 22:2651. The words ''Director of the United States Information Agency'' are substituted for ''International Communication Agency'' in section 706 of the Act of October 7, 1978 (Public Law 95–426, 92 Stat. 992), because of section 2 of Reorganization Plan No. 2 of 1977 (eff. July 1, 1978, 91 Stat. 1636) and section 303(b) of the United States Information Agency Authorization Act, Fiscals Year 1982 and 1983 (Public Law 97–241, 96 Stat. 291). The words ''Director of the United States International Development Cooperation Agency'' are substituted for ''Agency for International Development (or any successor agency)'' in section 706 because of section 6(a)(3) of Reorganization Plan No. 2 of 1979 (eff. October 1, 1979, 93 Stat. 1379). The words ''a foreign air carrier'' are substituted for ''air carriers which do not hold certificates under section 1371 of this Appendix'' for clarity. See H. Conf. Rept. No. 95–1535, 95th Cong., 2d Sess., p. 45 (1978).

In subsection (e), the word ''affect'' is substituted for ''prevent'' for clarity. The words ''to such traffic'' are omitted as surplus.

PUB. L. 104–287, §5(68)(A)

This amends the catchline for 49:40118(d) to make a clarifying amendment.

PUB. L. 104–287, §5(68)(B)

This amends 49:40118(f)(1) to make a clarifying amendment.

Editorial Notes

REFERENCES IN TEXT

Paragraphs (9) and (10) of section 103 of the Trafficking Victims Protection Act of 2000, referred to in subsec. (g)(1), were redesignated pars. (11) and (12), respectively, of section 103 of that Act by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503, and are classified to section 7102(11) and (12) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2019—Subsec. (g). Pub. L. 115–425 added subsec. (g).

2018—Subsec. (f)(1). Pub. L. 115–232, §836(g)(9)(A), substituted ''commercial products'' for ''commercial items''.

Subsec. (f)(2). Pub. L. 115–232, §836(g)(9)(B), substituted ''commercial product'' for ''commercial item''.

2011—Subsec. (f)(2). Pub. L. 111–350 substituted ''section 103 of title 41'' for ''section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))''.

2003—Subsec. (f)(2). Pub. L. 108–176 inserted '', except that it shall not include a contract for the transportation by air of passengers'' before period at end.

1998—Subsec. (d). Pub. L. 105–277, §1422(b)(6), substituted ''or the Administrator of the Agency for International Development'' for ''the Director of the United States International Development Cooperation Agency''.

Pub. L. 105–277, §1335(p), struck out '', the Director of the United States Information Agency,'' after ''Secretary of State''.

Pub. L. 105–277, §1225(h), struck out '', or the Director of the Arms Control and Disarmament Agency'' before ''may be used to pay''.

1996—Subsec. (c). Pub. L. 104–316 substituted ''Administrator of General Services shall prescribe regulations under which agencies may'' for ''Comptroller General shall''.

Subsec. (d). Pub. L. 104–287, §5(68)(A), substituted ''CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES'' for ''TRANSPORTATION BY FOREIGN AIR CARRIERS'' in heading.

Subsec. (f). Pub. L. 104–287, §5(68)(B), inserted heading.

1994—Subsec. (f). Pub. L. 103–355 added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 115–425, title I, §111(b), Jan. 8, 2019, 132 Stat. 5475, provided that: ''The amendment made by subsection (a) [amending this section] shall apply to any contract entered into after the date of enactment of this Act [Jan. 8, 2019] except for contracts entered into by the Secretary of Defense.''

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115–232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103–355, see section 10001 of Pub. L. 103–355, set

out as a note under section 8752 of Title 10, Armed Forces.

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 1998 AMENDMENT

Amendment by section 1225(h) of Pub. L. 105–277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States Arms Control and Disarmament Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of Title 22.

Amendment by section 1335(p) of Pub. L. 105–277 effective on earlier of Oct. 1, 1999, or date of abolition of the United States Information Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of Title 22.

Amendment by section 1422(b)(6) of Pub. L. 105–277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States International Development Cooperation Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1401 of Pub. L. 105–277, set out as an Effective Date note under section 6561 of Title 22.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103–355, see section 10001 of Pub. L. 103–355, set out as a note under section 251 of Title 41, Public Contracts.

[§ 40119. Repealed. Pub. L. 115–254, div. K, title I, § 1991(c)(3), Oct. 5, 2018, 132 Stat. 3627]

Section, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1117; Pub. L. 107–71, title I, § 101(e), Nov. 19, 2001, 115 Stat. 603; Pub. L. 107–296, title XVI, § 1601(a), Nov. 25, 2002, 116 Stat. 2312; Pub. L. 111–83, title V, § 561(c)(2), Oct. 28, 2009, 123 Stat. 2182; Pub. L. 112–95, title VIII, § 801, Feb. 14, 2012, 126 Stat. 118, related to research and development activities to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security and regulations prohibiting disclosure of information obtained or developed in ensuring security under this title.

§ 40120. Relationship to other laws

(a) NONAPPLICATION.—Except as provided in the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.), the navigation and shipping laws of the United States and the rules for the prevention of collisions do not apply to aircraft or to the navigation of vessels related to those aircraft.

(b) EXTENDING APPLICATION OUTSIDE UNITED STATES.—The President may extend (in the way and for periods the President considers necessary) the application of this part to outside the United States when—

(1) an international arrangement gives the United States Government authority to make the extension; and

(2) the President decides the extension is in the national interest.

(c) ADDITIONAL REMEDIES.—A remedy under this part is in addition to any other remedies provided by law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1117.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40120(a)	49 App.:1509(a).	Aug. 23, 1958, Pub. L. 85–726, §§ 1106, 1109(a), 1110, 72 Stat. 798, 799, 800.
40120(b)	49 App.:1510.	
40120(c)	49 App.:1506.	

In subsection (a), the words ''International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.)'' are substituted for ''sections 143 to 147d of title 33'' because those sections were repealed by section 3 of the Act of September 24, 1963 (Public Law 88–131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95–75, 91 Stat. 311) and replaced by 33:1601–1608. The words ''including any definition of 'vessel' or 'vehicle' found therein'' and ''be construed to'' are omitted as surplus.

In subsection (b), before clause (1), the words ''to the extent'', ''of time'', and ''any areas of land or water'' are omitted as surplus. The words ''and the overlying airspace thereof'' are omitted as being included in ''outside the United States''. In clause (1), the words ''treaty, agreement or other lawful'' and ''necessary legal'' are omitted as surplus.

Subsection (c) is substituted for 49 App.:1506 to eliminate unnecessary words and for clarity and consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

The International Navigational Rules Act of 1977, referred to in subsec. (a), is Pub. L. 95–75, July 27, 1977, 91 Stat. 308, which is classified principally to chapter 30 (§ 1601 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 33 and Tables.

Executive Documents

EX. ORD. NO. 10854. EXTENSION OF APPLICATION

Ex. Ord. No. 10854, Nov. 27, 1959, 24 F.R. 9565, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, provided:

The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C.A. § 1301 et seq. [see 49 U.S.C. 40101 et seq.]), to the extent necessary to permit the Secretary of Transportation to accomplish the purposes and objectives of Titles III [former 49 U.S.C. 1341 et seq., see Disposition Table at beginning of this title] and XII [see 49 U.S.C. 40103(b)(3), 46307] thereof, is hereby extended to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: *Provided*, That the Secretary of Transportation, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

§ 40121. Air traffic control modernization reviews

(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Ad-

ministration shall terminate any acquisition program initiated after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and funded under the Facilities and Equipment account that—

(1) is more than 50 percent over the cost goal established for the program;

(2) fails to achieve at least 50 percent of the performance goals established for the program; or

(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program.

(b) AUTHORIZED TERMINATION OF ACQUISITION PROGRAMS.—The Administrator shall consider terminating, under the authority of subsection (a), any substantial acquisition program that—

(1) is more than 10 percent over the cost goal established for the program;

(2) fails to achieve at least 90 percent of the performance goals established for the program; or

(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program.

(c) EXCEPTIONS AND REPORT.—

(1) CONTINUANCE OF PROGRAM, ETC.—Notwithstanding subsection (a), the Administrator may continue an acquisitions program required to be terminated under subsection (a) if the Administrator determines that termination would be inconsistent with the development or operation of the national air transportation system in a safe and efficient manner.

(2) DEPARTMENT OF DEFENSE.—The Department of Defense shall have the same exemptions from acquisition laws as are waived by the Administrator under section 40110(d)(2) of this title when engaged in joint actions to improve or replenish the national air traffic control system. The Administration may acquire real property, goods, and services through the Department of Defense, or other appropriate agencies, but is bound by the acquisition laws and regulations governing those cases.

(3) REPORT.—If the Administrator makes a determination under paragraph (1), the Administrator shall transmit a copy of the determination, together with a statement of the basis for the determination, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(Added Pub. L. 104–264, title II, § 252, Oct. 9, 1996, 110 Stat. 3236; amended Pub. L. 106–181, title III, § 307(c)(2), Apr. 5, 2000, 114 Stat. 126.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (a), is the date of enactment of Pub. L. 104–264, which was approved Oct. 9, 1996.

CODIFICATION

Another section 40121 was renumbered section 40124 of this title.

AMENDMENTS

2000—Subsec. (c)(2). Pub. L. 106–181 substituted ''section 40110(d)(2) of this title'' for ''section 348(b) of Public Law 104–50''.

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

§ 40122. Federal Aviation Administration personnel management system

(a) IN GENERAL.—

(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator of the Federal Aviation Administration on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

(2) DISPUTE RESOLUTION.—

(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Modernization and Reform Act of 2012); or

(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

(C) BINDING ARBITRATION FOR TERM BARGAINING.—

(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the ''parties'') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;

(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget; and

(III) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

(vii) COSTS.—The parties shall share costs of the arbitration equally.

(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

(4) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

(5) ANNUAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

(c) PAY RESTRICTION.—No officer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 2635 of title 5 of the Code of Federal Regulations.

(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representative agree to the contrary.

(g) PERSONNEL MANAGEMENT SYSTEM.—

(1) IN GENERAL.—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and not-

withstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

(B) sections 3304(f), to the extent consistent with the Federal Aviation Administration's status as an excepted service agency, 3308–3320, 3330a, 3330b, 3330c, and 3330d, relating to veterans' preference;

(C) chapter 71, relating to labor-management relations;

(D) section 7204, relating to antidiscrimination;

(E) chapter 73, relating to suitability, security, and conduct;

(F) chapter 81, relating to compensation for work injury;

(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage;

(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board;

(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

(i) for purposes of applying such provisions to the personnel management system—

(I) the term ''agency'' means the Department of Transportation;

(II) the term ''senior executive'' means a Federal Aviation Administration executive;

(III) the term ''career appointee'' means a Federal Aviation Administration career executive; and

(IV) the term ''senior career employee'' means a Federal Aviation Administration career senior professional;

(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.

(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996. Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.

(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.

(5) PAID PARENTAL LEAVE.—The Administrator shall implement a paid parental leave benefit for employees of the Administration that is, at a minimum, consistent with the paid parental leave benefits provided under section 6382 of title 5.

(6) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.

(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

(j) DEFINITION.—In this section, the term ''major adverse personnel action'' means a sus-

pension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.

(Added Pub. L. 104–264, title II, § 253, Oct. 9, 1996, 110 Stat. 3237; amended Pub. L. 106–181, title III, §§ 307(a), 308, Apr. 5, 2000, 114 Stat. 124, 126; Pub. L. 112–95, title VI, §§ 601, 602, 611, Feb. 14, 2012, 126 Stat. 109, 111, 117; Pub. L. 114–242, § 2(a), (b), Oct. 7, 2016, 130 Stat. 978; Pub. L. 115–254, div. B, title V, § 531, Oct. 5, 2018, 132 Stat. 3366; Pub. L. 116–283, div. A, title XI, § 1103(c)(1), Jan. 1, 2021, 134 Stat. 3887.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (a)(2)(A)(i), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

Executive Order No. 12674, referred to in subsec. (d), is set out as a note under section 7301 of Title 5, Government Organization and Employees.

The effective date of the Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f), is the date that is 30 days after Oct. 9, 1996. See section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

AMENDMENTS

2021—Subsec. (g)(5), (6). Pub. L. 116–283 added par. (5) and redesignated former par. (5) as (6).

2018—Subsec. (g)(2)(B). Pub. L. 115–254 inserted ''3304(f), to the extent consistent with the Federal Aviation Administration's status as an excepted service agency,'' before ''3308–3320'' and ''3330a, 3330b, 3330c, and 3330d,'' before ''relating''.

2016—Subsec. (g)(2)(J). Pub. L. 114–242, § 2(a), added subpar. (J).

Subsec. (g)(4), (5). Pub. L. 114–242, § 2(b), added par. (4) and redesignated former par. (4) as (5).

2012—Subsec. (a)(2) to (5). Pub. L. 112–95, § 601, added pars. (2) and (3), redesignated former pars. (3) and (4) as (4) and (5), respectively, and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: ''If the Administrator does not reach an agreement under paragraph (1) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted the proposed change, along with the objections of the exclusive bargaining representatives to the change, and the reasons for such objections, to Congress. The 60-day period shall not include any period during which Congress has adjourned sine die.''

Subsec. (g)(2)(I). Pub. L. 112–95, § 602, added subpar. (I).

Subsec. (g)(3). Pub. L. 112–95, § 611, inserted at end ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''

2000—Subsec. (a)(2). Pub. L. 106–181, § 308(a), inserted at end ''The 60-day period shall not include any period during which Congress has adjourned sine die.''

Subsec. (g). Pub. L. 106–181, § 307(a), added subsec. (g).

Subsecs. (h) to (j). Pub. L. 106–181, § 308(b), added subsecs. (h) to (j).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116–283, div. A, title XI, § 1103(c)(2), Jan. 1, 2021, 134 Stat. 3887, provided that: ''The amendments made by paragraph (1) [amending this section] shall apply with respect to any birth or placement occurring on or after October 1, 2020.''

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

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

RULE OF CONSTRUCTION

Pub. L. 116–283, div. A, title XI, § 1103(c)(3), Jan. 1, 2021, 134 Stat. 3887, provided that: ''Nothing in this subsection, or any amendment made by this subsection [amending this section], may be construed to affect leave provided to an employee of the Transportation Security Administration before October 1, 2020.''

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

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

OFFICE OF INVESTIGATIONS AND PROFESSIONAL RESPONSIBILITY; MISCONDUCT INVESTIGATIONS

Pub. L. 116–260, div. V, title I, § 133(c), (d), Dec. 27, 2020, 134 Stat. 2355, provided that:

''(c) OFFICE OF INVESTIGATIONS AND PROFESSIONAL RESPONSIBILITY.—The Administrator shall take such action as may be necessary to redesignate the Office of Investigations of the Administration as the Office of Investigations and Professional Responsibility.

''(d) MISCONDUCT INVESTIGATIONS.—

''(1) IN GENERAL.—The Administrator shall review and revise the Administration's existing investigative policies that govern the investigation of misconduct by a manager of the Administration conducted by the FAA (in this subsection referred to as the 'Agency').

''(2) PRESERVATION OF COLLECTIVE BARGAINING AGREEMENTS.—The investigative policy established under paragraph (1) shall not apply to, or in the future, be extended by the Administrator to apply to, any employee who is not a manager or is covered by or eligible to be covered by a collective bargaining agreement entered into by the Agency.

''(3) REQUIREMENTS.—In revising the investigative policies, the Administrator shall ensure such policies require—

''(A) the utilization of investigative best practices to ensure independent and objective investigation and accurate recording and reporting of such investigation;

''(B) the management of case files to ensure the integrity of the information contained in such case files;

''(C) interviews be conducted in a manner that ensures, to the greatest extent possible, truthful answers and accurate records of such interviews;

''(D) coordination with the Office of the Inspector General of the Department of Transportation, the Office of the Special Counsel, and the Attorney General, as appropriate; and

''(E) the completion of investigations in a timely manner.

''(4) DEFINITION.—For purposes of this subsection, the term 'manager' means an employee of the Agency who is a supervisor or management official, as defined in section 7103(a) of title 5, United States Code.''

[For definitions of terms used in section 133(c), (d) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

APPLICATION OF 2016 AMENDMENT

Pub. L. 114–242, §2(c), Oct. 7, 2016, 130 Stat. 978, provided that: ''The amendments made by this section [amending this section] shall apply with respect to any employee of the Federal Aviation Administration hired on or after the date that is one year after the date of the enactment of this Act [Oct. 7, 2016].''

POLICIES AND PROCEDURES

Pub. L. 114–242, §2(d), Oct. 7, 2016, 130 Stat. 978, provided that: ''Not later than 270 days after the date of the enactment of this Act [Oct. 7, 2016], the Administrator of the Federal Aviation Administration shall prescribe policies and procedures to carry out the amendments made by this section [amending this section] that are comparable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.''

§ 40123. Protection of voluntarily submitted information

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.

(Added Pub. L. 104–264, title IV, §402(a), Oct. 9, 1996, 110 Stat. 3255.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM

Pub. L. 112–95, title III, §344, Feb. 14, 2012, 126 Stat. 81, provided that:

''(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term 'Voluntary Disclosure Reporting Program' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

''(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

''(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

''(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

''(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

''(d) INSPECTOR GENERAL STUDY.—

''(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

''(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

''(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

''(B) evaluates the effectiveness of corrective actions taken by air carriers; and

''(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

''(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.''

§ 40124. Interstate agreements for airport facilities

Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.

(Added Pub. L. 104–287, §5(69)(A), Oct. 11, 1996, 110 Stat. 3395, §40121; renumbered §40124, Pub. L. 105–102, §3(d)(1)(B), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES

This restates 49:44502(e) as 49:40121 [now 40124] to provide a more appropriate place in title 49.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–102 amended Pub. L. 104–287, renumbering section 40121 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, §3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(B) is effective Oct. 11, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

§ 40125. Qualifications for public aircraft status

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

(1) COMMERCIAL PURPOSES.—The term ''commercial purposes'' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

(2) GOVERNMENTAL FUNCTION.—The term ''governmental function'' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

(3) QUALIFIED NON-CREWMEMBER.—The term ''qualified non-crewmember'' means an individual, other than a member of the crew, aboard an aircraft—

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

(4) ARMED FORCES.—The term ''armed forces'' has the meaning given such term by section 101 of title 10.

(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), (D), or (F) of section 40102(a)(41) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(41)(E) qualifies as a public aircraft if—

(A) the aircraft is operated in accordance with title 10;

(B) the aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

(C) the aircraft is chartered to provide transportation or other commercial air service to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.

(d) SEARCH AND RESCUE PURPOSES.—An aircraft described in section 40102(a)(41)(D) that is not 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 1 of those governments, qualifies as a public aircraft if the Administrator determines that—

(1) there are extraordinary circumstances;

(2) the aircraft will be used for the performance of search and rescue missions;

(3) a community would not otherwise have access to search and rescue services; and

(4) a government entity demonstrates that granting the waiver is necessary to prevent an undue economic burden on that government.

(Added Pub. L. 106–181, title VII, § 702(b)(1), Apr. 5, 2000, 114 Stat. 155; amended Pub. L. 110–181, div. A, title X, § 1078(b), (c), Jan. 28, 2008, 122 Stat. 334; Pub. L. 112–141, div. C, title V, § 35003, July 6, 2012, 126 Stat. 843; Pub. L. 115–254, div. B, title III, § 355(b), Oct. 5, 2018, 132 Stat. 3305.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254 substituted ''(D), or (F)'' for ''or (D)''.

2012—Subsec. (d). Pub. L. 112–141 added subsec. (d).

2008—Subsec. (b). Pub. L. 110–181, § 1078(c)(1), substituted ''section 40102(a)(41)'' for ''section 40102(a)(37)''.

Subsec. (c)(1). Pub. L. 110–181, § 1078(c)(2), substituted ''section 40102(a)(41)(E)'' for ''section 40102(a)(37)(E)'' in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 110–181, § 1078(b), inserted ''or other commercial air service'' after ''transportation''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 40126. Severable services contracts for periods crossing fiscal years

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services

for a period that begins in 1 fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.

(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).

(Added Pub. L. 106–181, title VII, § 705(a), Apr. 5, 2000, 114 Stat. 157.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 40127. Prohibitions on discrimination

(a) PERSONS IN AIR TRANSPORTATION.—An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

(b) USE OF PRIVATE AIRPORTS.—Notwithstanding any other provision of law, no State or local government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, color, national origin, religion, sex, or ancestry.

(Added Pub. L. 106–181, title VII, § 706(a), Apr. 5, 2000, 114 Stat. 157.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

TRAINING POLICIES REGARDING RACIAL, ETHNIC, AND RELIGIOUS NONDISCRIMINATION

Pub. L. 115–254, div. B, title IV, § 407, Oct. 5, 2018, 132 Stat. 3330, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 5, 2018], the Comptroller General of the United States shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] and the Secretary of Transportation a report describing—

''(1) each air carrier's training policy for its employees and contractors regarding racial, ethnic, and religious nondiscrimination; and

''(2) how frequently an air carrier is required to train new employees and contractors because of turnover in positions that require such training.

''(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary shall develop and disseminate to air carriers best practices necessary to improve the training policies described in subsection (a), based on the findings of the report and in consultation with—

''(1) passengers of diverse racial, ethnic, and religious backgrounds;

''(2) national organizations that represent impacted communities;

''(3) air carriers;

''(4) airport operators; and

''(5) contract service providers.''

§ 40128. Overflights of national parks

(a) IN GENERAL.—

(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands, as defined by this section, except—

(A) in accordance with this section;

(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

(C) in accordance with any applicable air tour management plan or voluntary agreement under subsection (b)(7) for the park or tribal lands.

(2) APPLICATION FOR OPERATING AUTHORITY.—

(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

(i) the safety record of the person submitting the proposal or pilots employed by the person;

(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

(iv) the financial capability of the person submitting the proposal;

(v) any training programs for pilots provided by the person submitting the proposal; and

(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the num-

ber of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of title 14, Code of Federal Regulations if—

(A) such activity is permitted under part 119 of such title;

(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

(C) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park.

(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

(C) LIST OF PARKS.—

(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding 1-year period over such park.

(b) AIR TOUR MANAGEMENT PLANS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

(C) EXCEPTION.—An application to begin or expand commercial air tour operations at Crater Lake National Park or Great Smoky Mountains National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.

(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

(3) CONTENTS.—An air tour management plan for a national park—

(A) may prohibit commercial air tour operations over a national park in whole or in part;

(B) may establish conditions for the conduct of commercial air tour operations over a national park, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions

for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

(C) shall apply to all commercial air tour operations over a national park that are also within ½ mile outside the boundary of a national park;

(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over a national park;

(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations over a national park if the plan includes a limitation on the number of commercial air tour operations for any time period; and

(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

(A) hold at least one public meeting with interested parties to develop the air tour management plan;

(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

(7) VOLUNTARY AGREEMENTS.—

(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

(iii) provide for fees for such operations.

(C) PUBLIC REVIEW.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

(D) TERMINATION.—

(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.

(c) INTERIM OPERATING AUTHORITY.—

(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

(A) shall provide annual authorization only for the greater of—

(i) the number of flights used by the operator to provide the commercial air tour operations over a national park within the 12-month period prior to the date of the enactment of this section; or

(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

(B) may not provide for an increase in the number of commercial air tour operations over a national park conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

(C) shall be published in the Federal Register to provide notice and opportunity for comment;

(D) may be revoked by the Administrator for cause;

(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

(G) shall promote safe commercial air tour operations;

(H) shall promote the adoption of quiet technology, as appropriate; and

(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.

(3) NEW ENTRANT AIR TOUR OPERATORS.—

(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator without further environmental process beyond that described in this paragraph, if—

(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.

(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of the enactment of this section.

(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.

(e) EXEMPTIONS.—This section shall not apply to—

(1) the Grand Canyon National Park; or

(2) tribal lands within or abutting the Grand Canyon National Park.

(f) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park. For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.

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

(1) COMMERCIAL AIR TOUR OPERATOR.—The term ''commercial air tour operator'' means any person who conducts a commercial air tour operation over a national park.

(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term ''existing commercial air tour operator'' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term ''new entrant commercial air

tour operator'' means a commercial air tour operator that—

(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

(4) COMMERCIAL AIR TOUR OPERATION OVER A NATIONAL PARK.—

(A) IN GENERAL.—The term ''commercial air tour operation over a national park'' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park), during which the aircraft flies—

(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation over a national park for purposes of this section, the Administrator may consider—

(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

(iii) the area of operation;

(iv) the frequency of flights conducted by the person offering the flight;

(v) the route of flight;

(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

(viii) any other factors that the Administrator and the Director consider appropriate.

(5) NATIONAL PARK.—The term ''national park'' means any unit of the National Park System.

(6) TRIBAL LANDS.—The term ''tribal lands'' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

(7) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(8) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(Added Pub. L. 106–181, title VIII, §803(a), Apr. 5, 2000, 114 Stat. 186; amended Pub. L. 108–176, title III, §323(a), Dec. 12, 2003, 117 Stat. 2541; Pub. L. 109–115, div. A, title I, §177, Nov. 30, 2005, 119 Stat. 2427; Pub. L. 112–95, title V, §501, Feb. 14, 2012, 126 Stat. 100; Pub. L. 112–141, div. C, title V, §35002, July 6, 2012, 126 Stat. 843; Pub. L. 115–254, div. B, title V, §539(c), Oct. 5, 2018, 132 Stat. 3370.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a)(4), (c)(2)(A), (3)(C), and (g)(2), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115–254 substituted ''under part 91 of title 14,'' for ''under part 91 of the title 14,''.

2012—Subsec. (a)(1)(C). Pub. L. 112–95, §501(a), inserted ''or voluntary agreement under subsection (b)(7)'' before ''for the park''.

Subsec. (a)(5). Pub. L. 112–95, §501(b), added par. (5).

Subsec. (b)(1)(C). Pub. L. 112–141 amended subpar. (C) generally. Prior to amendment, text read as follows: ''An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.''

Pub. L. 112–95, §501(c)(1), added subpar. (C).

Subsec. (b)(7). Pub. L. 112–95, §501(c)(2), added par. (7).

Subsec. (c)(2)(I). Pub. L. 112–95, §501(d)(1), added subpar. (I) and struck out former subpar. (I) which read as follows: ''shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.''

Subsec. (c)(3)(A). Pub. L. 112–95, §501(d)(2), substituted ''without further environmental process beyond that described in this paragraph, if—'' for ''if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.'' and added cls. (i) to (iii).

Subsecs. (d) to (g). Pub. L. 112–95, §501(e), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

2005—Subsec. (e). Pub. L. 109–115 inserted at end ''For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.''

2003—Subsec. (a)(1). Pub. L. 108–176, §323(a)(1), inserted '', as defined by this section,'' after ''tribal lands'' in introductory provisions.

Subsec. (b)(3)(A), (B). Pub. L. 108–176, §323(a)(2), inserted ''over a national park'' after ''operations''.

Subsec. (b)(3)(C). Pub. L. 108–176, §323(a)(3), inserted ''over a national park that are also'' after ''operations''.

Subsec. (b)(3)(D). Pub. L. 108–176, §323(a)(4), substituted ''over a national park'' for ''at the park''.

Subsec. (b)(3)(E). Pub. L. 108–176, §323(a)(5), inserted ''over a national park'' before ''if the plan includes''.

Subsec. (c)(2)(A)(i), (B). Pub. L. 108–176, §323(a)(6), inserted ''over a national park'' after ''operations''.

Subsec. (f)(1). Pub. L. 108–176, § 323(a)(7), inserted ''over a national park'' after ''operation''.

Subsec. (f)(4). Pub. L. 108–176, § 323(a)(10), inserted ''OVER A NATIONAL PARK'' after ''OPERATION'' in heading.

Subsec. (f)(4)(A). Pub. L. 108–176, § 323(a)(8), in introductory provisions, substituted ''commercial air tour operation over a national park'' for ''commercial air tour operation'' and ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'' for ''park, or over tribal lands,''.

Subsec. (f)(4)(B). Pub. L. 108–176, § 323(a)(9), inserted ''over a national park'' after ''operation'' in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

OVERFLIGHTS IN GRAND CANYON NATIONAL PARK

Pub. L. 112–141, div. C, title V, § 35001, July 6, 2012, 126 Stat. 842, provided that:

''(a) DETERMINATIONS WITH RESPECT TO SUBSTANTIAL RESTORATION OF NATURAL QUIET AND EXPERIENCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of section 3(b)(1) of Public Law 100–91 ([former] 16 U.S.C. 1a–1 note [now set out below]), the substantial restoration of the natural quiet and experience of the Grand Canyon National Park (in this section referred to as the 'Park') shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways].

''(2) CONSIDERATIONS.—

''(A) IN GENERAL.—For purposes of determining whether substantial restoration of the natural quiet and experience of the Park has been achieved in accordance with paragraph (1), the Secretary of the Interior (in this section referred to as the 'Secretary') shall use—

''(i) the 2-zone system for the Park in effect on the date of enactment of this Act to assess impacts relating to substantial restoration of natural quiet at the Park, including—

''(I) the thresholds for noticeability and audibility; and

''(II) the distribution of land between the 2 zones; and

''(ii) noise modeling science that is—

''(I) developed for use at the Park, specifically Integrated Noise Model Version 6.2;

''(II) validated by reasonable standards for conducting field observations of model results; and

''(III) accepted and validated by the Federal Interagency Committee on Aviation Noise.

''(B) SOUND FROM OTHER SOURCES.—The Secretary shall not consider sound produced by sources other than commercial air tour operations, including sound emitted by other types of aircraft operations or other noise sources, for purposes of—

''(i) making recommendations, developing a final plan, or issuing regulations relating to commercial air tour operations in the Park; or

''(ii) determining under paragraph (1) whether substantial restoration of the natural quiet and experience of the Park has been achieved.

''(3) CONTINUED MONITORING.—The Secretary shall continue monitoring noise from aircraft operating over the Park below 17,999 feet MSL to ensure continued compliance with the substantial restoration of natural quiet and experience of the Park.

''(4) DAY DEFINED.—For purposes of this section, the term 'day' means the hours between 7:00 a.m. and 7:00 p.m.

''(b) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

''(1) IN GENERAL.—Not later than 15 years after the date of enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of enactment of this Act).

''(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park[s] Air Tours [Tour] Management Act of 2000 (title VIII of Public Law 106–181) [set out below], provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.''

GRAND CANYON OVERFLIGHT RULES

Pub. L. 109–115, div. A, title I, § 177, Nov. 30, 2005, 119 Stat. 2427, provided in part that: ''Nothing in this provision [amending this section] shall allow exemption from overflight rules for the Grand Canyon.''

QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK

Pub. L. 108–176, title III, § 323(b), Dec. 12, 2003, 117 Stat. 2541, provided that:

''(1) DEADLINE FOR RULE.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

''(2) RESOLUTION OF DISPUTES.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quite technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.''

NATIONAL PARKS AIR TOUR MANAGEMENT

Pub. L. 106–181, title VIII, Apr. 5, 2000, 114 Stat. 185, as amended by Pub. L. 106–528, § 8(b), Nov. 22, 2000, 114 Stat. 2522; Pub. L. 117–286, § 4(a)(312), Dec. 27, 2022, 136 Stat. 4340, provided that:

''SEC. 801. SHORT TITLE.

''This title may be cited as the 'National Parks Air Tour Management Act of 2000'.

''SEC. 802. FINDINGS.

''Congress finds that—

''(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

''(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands;

''(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

''(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

''(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

''(6) this title reflects the recommendations made by that Group.

''SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

''(a) IN GENERAL.—[Enacted this section.]

''(b) CONFORMING AMENDMENT.—[Amended analysis for chapter 401 of this title.]

''(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40128 of title 49, United States Code—

''(1) regulations issued by the Secretary of Transportation and the Administrator [of the Federal Aviation Administration] under section 3 of Public Law 100–91 ([former] 16 U.S.C. 1a–1 note [now set out below]); and

''(2) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40128.

''SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

''(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

''(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40128(f) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

''(1) tours of the Grand Canyon originating in Clark County, Nevada; and

''(2) 'local loop' tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

''(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

''(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of the enactment of this Act [Apr. 5, 2000] that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

''(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act [should be ''this title''] shall be construed to relieve or diminish—

''(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 ([former] 16 U.S.C. 1a–1 note [now set out below]) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

''(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

''SEC. 805. ADVISORY GROUP.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Administrator [of the Federal Aviation Administration] and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The advisory group shall be composed of—

''(A) a balanced group of—

''(i) representatives of general aviation;

''(ii) representatives of commercial air tour operators;

''(iii) representatives of environmental concerns; and

''(iv) representatives of Indian tribes;

''(B) a representative of the Federal Aviation Administration; and

''(C) a representative of the National Park Service.

''(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

''(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

''(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

''(1) on the implementation of this title and the amendments made by this title;

''(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

''(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

''(4) at the request of the Administrator and the Director, safety, environmental, and other issues re-

lated to commercial air tour operations over a national park or tribal lands.

''(d) COMPENSATION; SUPPORT; CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—

''(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

''(3) NONAPPLICATION OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Section 1013 of title 5, United States Code, does not apply to the advisory group.

''SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

''Effective beginning on the date of the enactment of this Act [Apr. 5, 2000], no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40128 of title 49, United States Code.

''SEC. 807. REPORTS.

''(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator [of the Federal Aviation Administration] shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

''(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

''(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

''(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

''SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

''Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

''SEC. 809. ALASKA EXEMPTION.

''The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.''

STUDY TO DETERMINE APPROPRIATE MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

Pub. L. 100–91, Aug. 18, 1987, 101 Stat. 674, as amended by Pub. L. 106–510, §3(a)(2), (b)(2), Nov. 13, 2000, 114 Stat. 2363, provided that:

''SECTION 1. STUDY OF PARK OVERFLIGHTS.

''(a) STUDY BY PARK SERVICE.—The Secretary of the Interior (hereinafter referred to as the 'Secretary'), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the 'Administrator'), shall provide technical assistance to the Secretary in carrying out the study.

''(b) GENERAL REQUIREMENTS OF STUDY.—The study shall identify any problems associated with overflight by aircraft of units of the National Park System and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflights exist.

''(c) SPECIFIC REQUIREMENTS.—The study under this section shall include research at the following units of the National Park System: Cumberland Island National Seashore, Yosemite National Park, Hawai'i Volcanoes National Park, Haleakalā National Park, Glacier National Park, and Mount Rushmore National Memorial, and at no less than four additional units of the National Park System, excluding all National Park System units in the State of Alaska. The research at each such unit shall provide information and an evaluation regarding each of the following:

''(1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters;

''(2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;

''(3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and

''(4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflights by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within such units of the National Park System which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, such units.

''(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress within 3 years after the enactment of this Act [Aug. 18, 1987] containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the information gathered pursuant to paragraphs (1) through (4) of subsection (c). Before submission to the Congress, the Secretary shall provide a draft of the report and recommendations to the Administrator for review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

''(e) FAA REVIEW OF RULES.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted under subsection (c) and over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether

changes are needed in such rules and regulations on the basis of aviation safety. Not later than 180 days after the identification of the units of the National Park System for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which are needed to implement any such changes.

''(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

''SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALĀ DURING STUDY AND REVIEW.

''(a) YOSEMITE NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term 'surface' refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

''(b) HALEAKALĀ NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakalā National Park: Haleakala Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

''(c) STUDY AND REVIEW PERIODS.—For purposes of subsections (a) and (b), the study period shall be the period of the time after the date of enactment of this Act [Aug. 18, 1987] and prior to the submission of the report under section 1. The review period shall comprise a 2-year period for Congressional review after the submission of the report to Congress.

''(d) EXCEPTIONS.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

''(1) emergency situations involving the protection of persons or property, including aircraft;

''(2) search and rescue operations;

''(3) flights for purposes of firefighting or for required administrative purposes; and

''(4) compliance with instructions of an air traffic controller.

''(e) ENFORCEMENT.—For purposes of enforcement, the prohibitions contained in subsections (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958 [see 49 U.S.C. 40103(b)]. To provide information to pilots regarding the restrictions established under this Act, the Administrator shall provide public notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act [Aug. 18, 1987].

''SEC. 3. GRAND CANYON NATIONAL PARK.

''(a) Noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

''(b) RECOMMENDATIONS.—

''(1) SUBMISSION.—Within 30 days after the enactment of this Act [Aug. 18, 1987], the Secretary shall submit to the Administrator recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The recommendations shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the recommendations shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, and shall designate flight free zones. Such zones shall be flight free except for purposes of administration and for emergency operations, including those required for the transportation of persons and supplies to and from Supai Village and the lands of the Havasupai Indian Tribe of Arizona. The Administrator, after consultation with the Secretary, shall define the rim of the Canyon in a manner consistent with the purposes of this paragraph.

''(2) IMPLEMENTATION.—Not later than 90 days after receipt of the recommendations under paragraph (1) and after notice and opportunity for hearing, the Administrator shall prepare and issue a final plan for the management of air traffic in the air space above the Grand Canyon. The plan shall, by appropriate regulation, implement the recommendations of the Secretary without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, review the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator's authority to implement such regulations under the Federal Aviation Act of 1958 [see 49 U.S.C. 40101 et seq.], the Secretary may enforce the appropriate requirements of the plan under such rules and regulations applicable to the units of the National Park System as he deems appropriate.

''(3) REPORT.—Within 2 years after the effective date of the plan required by subsection (b)(2), the Secretary shall submit to the Congress a report discussing—

''(A) whether the plan has succeeded in substantially restoring the natural quiet in the park; and

''(B) such other matters, including possible revisions in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

''(c) HELICOPTER FLIGHTS OF RIVER RUNNERS.—Subsection (b) shall not prohibit the flight of helicopters—

''(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe); and

''(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

''SEC. 4. BOUNDARY WATERS CANOE AREA WILDERNESS.

''The Administrator shall conduct surveillance of aircraft flights over the Boundary Waters Canoe Area Wilderness as authorized by the Act of October 21, 1978 (92 Stat. 1649–1659) for a period of not less than 180 days beginning within 60 days of enactment of this Act [Aug. 18, 1987]. In addition to any actions the Administrator may take as a result of such surveillance, he shall provide a report to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the United States Senate. Such report is to be submitted within 30 days of completion of the surveillance activities. Such report shall include but not necessarily be limited to information on the type and frequency of aircraft using the airspace over the Boundary Waters Canoe Area Wilderness.

''SEC. 5. ASSESSMENT OF NATIONAL FOREST SYSTEM WILDERNESS OVERFLIGHTS.

''(a) ASSESSMENT BY FOREST SERVICE.—The Chief of the Forest Service (hereinafter referred to as the 'Chief') shall conduct an assessment to determine what, if any, adverse impacts to wilderness resources are associated with overflights of National Forest System wilderness areas. The Administrator of the Federal Aviation Administration shall provide technical assistance to the Chief in carrying out the assessment. Such assessment shall apply only to overflight of wilderness areas and shall not apply to aircraft flights or landings adjacent to National Forest System wilderness units. The assessment shall not apply to any National Forest System wilderness units in the State of Alaska.

''(b) REPORT TO CONGRESS.—The Chief shall submit a report to Congress within 2 years after enactment of this Act [Aug. 18, 1987] containing the results of the assessments carried out under this section.

''(c) AUTHORIZATION.—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the assessment under this section.

''SEC. 6. CONSULTATION WITH FEDERAL AGENCIES.

''In conducting the study and the assessment required by this Act, the Secretary of the Interior and the Chief of the Forest Service shall consult with other Federal agencies that are engaged in an analysis of the impacts of aircraft overflights over federally-owned land.''

§ 40129. Collaborative decisionmaking pilot program

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

(c) GUIDELINES.—

(1) ISSUANCE.—The Administrator, with the concurrence of the Attorney General, shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall—

(A) define a capacity reduction event;

(B) establish the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program; and

(C) prescribe the methods of communication to be implemented among carriers during such an event.

(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication. The Attorney General, or the Attorney General's designee, may monitor such communication.

(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 2 airports to participate in the pilot program from among the most capacity-constrained airports in the Nation based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator, with the concurrence of the Attorney General, may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation, with the concurrence of the Attorney General, finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

(h) ANTITRUST IMMUNITY.—

(1) IN GENERAL.—Unless, within 5 days after receiving notice from the Secretary of the Secretary's intention to exercise authority under this subsection, the Attorney General submits to the Secretary a written objection to such action, including reasons for such objection, the Secretary may exempt an air carrier's or foreign air carrier's activities that are necessary to participate in the pilot program under this section from the antitrust laws for the sole purpose of participating in the pilot program. Such exemption shall not extend to any discussions, agreements, or activities outside the scope of the pilot program.

(2) ANTITRUST LAWS DEFINED.—In this section, the term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(i) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General regarding the design and implementation of the pilot program, including determining whether a limit should be set on the number of occasions collaborative decisionmaking could be employed during the initial 2-year period of the pilot program.

(j) EVALUATION.—

(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary, with the concurrence of the Attorney General, shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

(k) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator, with the concurrence of the Attorney General, may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (j) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary, with the concurrence of the Attorney General, determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.

(Added Pub. L. 108–176, title IV, § 423(a), Dec. 12, 2003, 117 Stat. 2552.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 40130. FAA authority to conduct criminal history record checks

(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616);[1] and

(B) to receive relevant criminal history record information regarding the airman checked.

(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who may carry out the authority described in subsection (a).

(Added Pub. L. 112–95, title VIII, § 802(a), Feb. 14, 2012, 126 Stat. 118.)

Editorial Notes

REFERENCES IN TEXT

Section 217 of the National Crime Prevention and Privacy Compact Act of 1998, referred to in subsec. (a)(1)(A), is section 217 of subtitle A of title II of Pub. L. 105–251, which was classified to section 14616 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 40316 of Title 34, Crime Control and Law Enforcement.

SUBPART II—ECONOMIC REGULATION

CHAPTER 411—AIR CARRIER CERTIFICATES

Sec.
41101. Requirement for a certificate.
41102. General, temporary, and charter air transportation certificates of air carriers.
41103. All-cargo air transportation certificates of air carriers.
41104. Additional limitations and requirements of charter air carriers.
41105. Transfers of certificates.
41106. Airlift service.
41107. Transportation of mail.
41108. Applications for certificates.
41109. Terms of certificates.
41110. Effective periods and amendments, modifications, suspensions, and revocations of certificates.
41111. Simplified procedure to apply for, amend, modify, suspend, and transfer certificates.
41112. Liability insurance and financial responsibility.
41113. Plans to address needs of families of passengers involved in aircraft accidents.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–264, title VII, § 703(b), Oct. 9, 1996, 110 Stat. 3268, added item 41113.

[1] See References in Text note below.

§ 41101. Requirement for a certificate

(a) GENERAL.—Except as provided in this chapter or another law—

(1) an air carrier may provide air transportation only if the air carrier holds a certificate issued under this chapter authorizing the air transportation;

(2) a charter air carrier may provide charter air transportation only if the charter air carrier holds a certificate issued under this chapter authorizing the charter air transportation; and

(3) an air carrier may provide all-cargo air transportation only if the air carrier holds a certificate issued under this chapter authorizing the all-cargo air transportation.

(b) THROUGH SERVICE AND JOINT TRANSPORTATION.—A citizen of the United States providing transportation in a State of passengers or property as a common carrier for compensation with aircraft capable of carrying at least 30 passengers, under authority granted by the appropriate State authority—

(1) may provide transportation for passengers and property that includes through service by the citizen over its routes in the State and in air transportation by an air carrier or foreign air carrier; and

(2) subject to sections 41309 and 42111 of this title, may make an agreement with an air carrier or foreign air carrier to provide the joint transportation.

(c) PROPRIETARY OR EXCLUSIVE RIGHT NOT CONFERRED.—A certificate issued under this chapter does not confer a proprietary or exclusive right to use airspace, an airway of the United States, or an air navigation facility.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1118.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41101(a)(1) ..	49 App.:1371(a).	Aug. 23, 1958, Pub. L. 85–726, §401(a), (i), 72 Stat. 754, 756.
41101(a)(2) ..	49 App.:1301(14) (related to certificate).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §101(14) (related to certificate); added Oct. 24, 1978, Pub. L. 95–504, §2(a)(1), 92 Stat. 1705.
41101(a)(3) ..	(no source).	
41101(b)	49 App.:1371(d)(4)(A)(i), (ii) (related to joint services).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(d)(4)(A)(i), (ii) (related to joint services); added Nov. 9, 1977, Pub. L. 95–163, §9, 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95–504, §9, 92 Stat. 1713.
41101(c)	49 App.:1371(i).	

In subsections (a)(2) and (c), the words ''issued under this chapter'' are added for clarity.

In subsection (a), the word ''provide'' is substituted for ''engage in'' for consistency in the revised title. The words before clause (1) are added to inform the reader that other provisions of the chapter and other laws qualify the requirement of being licensed by the Secretary of Transportation. In clause (1), the word ''holds'' is substituted for ''there is in force'' to eliminate unnecessary words. The words ''under this chapter'' are substituted for ''by the Board'' for clarity. In clause (2), the words ''of public convenience and necessity'' are omitted as surplus. Clause (3) is included to inform the reader at the beginning of this chapter about all of the types of certificates and permits that the Secretary may issue under this subchapter.

In subsection (b), the word ''passengers'' is substituted for ''persons'' for consistency in the revised title. Before clause (1), the words ''Notwithstanding any other provision of this chapter'' are omitted as surplus. The words ''providing transportation'' are substituted for ''undertakes . . . the carriage of'' for consistency in the revised title. The words ''or hire'' are omitted as surplus and for consistency. The words ''for such carriage within such State'' are omitted as surplus. In clause (1), the words ''through service'' are substituted for ''transportation'' the first time it appears for clarity. In clause (2), the words ''the requirements of'' and ''for such through services'' are omitted as surplus.

In subsection (c), the word ''property'' is omitted as surplus. The words ''landing area'' are omitted because they are included in the definition of ''air navigation facility'' in section 40102(a) of the revised title.

§ 41102. General, temporary, and charter air transportation certificates of air carriers

(a) ISSUANCE.—The Secretary of Transportation may issue a certificate of public convenience and necessity to a citizen of the United States authorizing the citizen to provide any part of the following air transportation the citizen has applied for under section 41108 of this title:

(1) air transportation as an air carrier.

(2) temporary air transportation as an air carrier for a limited period.

(3) charter air transportation as a charter air carrier.

(b) FINDINGS REQUIRED FOR ISSUANCE.—(1) Before issuing a certificate under subsection (a) of this section, the Secretary must find that the citizen is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this part and regulations of the Secretary.

(2) In addition to the findings under paragraph (1) of this subsection, the Secretary, before issuing a certificate under subsection (a) of this section for foreign air transportation, must find that the transportation is consistent with the public convenience and necessity.

(c) TEMPORARY CERTIFICATES.—The Secretary may issue a certificate under subsection (a) of this section for interstate air transportation (except the transportation of passengers) or foreign air transportation for a temporary period of time (whether the application is for permanent or temporary authority) when the Secretary decides that a test period is desirable—

(1) to decide if the projected services, efficiencies, methods, and prices and the projected results will materialize and remain for a sustained period of time; or

(2) to evaluate the new transportation.

(d) FOREIGN AIR TRANSPORTATION.—The Secretary shall submit each decision authorizing the provision of foreign air transportation to the President under section 41307 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1119.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41102(a)	49 App.:1371(d)(1) (words before 1st comma and after semicolon), (2) (1st–32d words).	Aug. 23, 1958, Pub. L. 85–726, §401(d)(1), (2), 72 Stat. 755; Oct. 24, 1978, Pub. L. 95–504, §8, 92 Stat. 1712; restated Feb. 15, 1980, Pub. L. 96–192, §4, 94 Stat. 37.
	49 App.:1371(d)(3) (words before 6th comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(d)(3); added July 10, 1962, Pub. L. 87–528, §2, 76 Stat. 143; Oct. 24, 1978, Pub. L. 95–504, §8, 92 Stat. 1712; restated Feb. 15, 1980, Pub. L. 96–192, §4, 94 Stat. 37.
	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.
41102(b)(1) ..	49 App.:1371(d)(1) (words between 1st and last commas), (2) (42d–last words), (3) (words after 7th comma).	
	49 App.:1551(b)(1)(E).	
41102(b)(2) ..	49 App.:1371(d)(1) (words between last comma and semicolon), (2) (33d–41st words), (3) (words between 6th and 7th commas).	
	49 App.:1551(a)(1)(A).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(1)(A), (B); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1744.
	49 App.:1551(b)(1)(E).	
41102(c)	49 App.:1371(d)(8) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(d)(8) (1st sentence); added Oct. 24, 1978, Pub. L. 95–504, §13, 92 Stat. 1718.
	49 App.:1551(a)(1)(B), (b)(1)(E).	
41102(d)	(no source).	

In this section, the words ''citizen of the United States'' and ''citizen'' are substituted for ''applicant'' for clarity and consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title, and only an air carrier may be a ''charter air carrier'' as defined in section 40102(a). The word ''provide'' is substituted for ''perform'' for consistency in the revised title.

In subsection (a), before clause (1), the words ''of public convenience and necessity'' are added for clarity. The words ''any part of'' are substituted for ''the whole or any part of'' to eliminate unnecessary words. In clauses (2) and (3), the words ''In the case of'' are omitted as surplus. In clause (3), the words ''for such periods'' are omitted as surplus.

In subsection (b)(1), the word ''comply'' is substituted for ''conform'' for consistency in the revised title. The words ''properly'' and ''requirements'' are omitted as surplus. The word ''rules'' is omitted as being synonymous with ''regulations''.

In subsection (b)(2), the words ''foreign air transportation'' are added because 49 App.:1551(a)(1)(A) provides that 49 App.:1371(d)(1)–(3) no longer applies to interstate or overseas transportation of persons. After January 1, 1985, other interstate and overseas air transportation and the domestic air transportation of mail do not require a certificate of public convenience and necessity. See H. Rept. 98–793, 98th Cong., 2d Sess., p.10 (1984).

In subsection (c), before clause (1), the words ''issue a certificate'' are substituted for ''grant an application'' for consistency in this chapter. The words ''for interstate air transportation (except the transportation of passengers) or foreign air transportation'' are added for clarity and consistency. The word ''only'' is omitted as surplus. In clause (1), the word ''prices'' is substituted for ''rates, fares, charges'' because of the definition of ''price'' in section 40102(a) of the revised title. The words ''in fact'' are omitted as surplus. In clause (2), the words ''to assess the impact of the new services on the national air route structure, or otherwise'' are omitted as surplus.

Subsection (d) is added for clarity.

§ 41103. All-cargo air transportation certificates of air carriers

(a) APPLICATIONS.—A citizen of the United States may apply to the Secretary of Transportation for a certificate authorizing the citizen to provide all-cargo air transportation. The application must contain information and be in the form the Secretary by regulation requires.

(b) ISSUANCE.—Not later than 180 days after an application for a certificate is filed under this section, the Secretary shall issue the certificate to a citizen of the United States authorizing the citizen, as an air carrier, to provide any part of the all-cargo air transportation applied for unless the Secretary finds that the citizen is not fit, willing, and able to provide the all-cargo air transportation to be authorized by the certificate and to comply with regulations of the Secretary.

(c) TERMS.—The Secretary may impose terms the Secretary considers necessary when issuing a certificate under this section. However, the Secretary may not impose terms that restrict the places served or prices charged by the holder of the certificate.

(d) EXEMPTIONS AND STATUS.—A citizen issued a certificate under this section—

(1) is exempt in providing the transportation under the certificate from the requirements of—

(A) section 41101(a)(1) of this title and regulations or procedures prescribed under section 41101(a)(1); and

(B) other provisions of this part and regulations or procedures prescribed under those provisions when the Secretary finds under regulations of the Secretary that the exemption is appropriate; and

(2) is an air carrier under this part except to the extent the carrier is exempt under this section from a requirement of this part.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1119; Pub. L. 103–429, §6(49), Oct. 31, 1994, 108 Stat. 4384.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41103(a)	49 App.:1388(a)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §418(a)(4); added Nov. 9, 1977, Pub. L. 95–163, §17(a), 91 Stat. 1285; Mar. 14, 1978, Pub. L. 95–245, §1, 92 Stat. 156.
	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.
41103(b)	49 App.:1388(b)(1)(B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §418(b)(1)(B); added Nov. 9, 1977, Pub. L. 95–163, §17(a), 91 Stat. 1285; Mar. 14, 1978, Pub. L. 95–245, §3, 92 Stat. 156.
	49 App.:1551(b)(1)(E).	
41103(c)	49 App.:1388(b)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §418(b)(2), (c), (d); added Nov. 9, 1977, Pub. L. 95–163, §17(a), 91 Stat. 1285.
	49 App.:1551(b)(1)(E).	
41103(d)(1) ..	49 App.:1388(c).	
	49 App.:1551(b)(1)(E).	

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41103(d)(2) ..	49 App.:1388(d).	

In subsection (a), the words ''After the three hundred and sixty-fifth day which begins after November 9, 1977'' are omitted as executed. The words ''under this section'' are omitted as surplus. The words ''authorizing the citizen'' are added for clarity and consistency in this chapter.

In subsection (b), the words ''pursuant to paragraph (4) of subsection (a) of this section'' are omitted as surplus. The word ''citizen'' is substituted for ''applicant'' for clarity and consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title and only an air carrier can provide all–cargo air transportation. The words ''to provide'' are added for clarity and consistency in this subchapter. The word ''rules'' is omitted as being synonymous with ''regulations''. The word ''promulgated'' is omitted as surplus.

In subsection (c), the words ''reasonable'', ''and limitations'', and ''and conditions'' are omitted as surplus. The word ''places'' is substituted for ''points'' for consistency in the revised title.

PUB. L. 103–429

This amends 49:41103(a) to make the term consistent throughout subtitle VII of title 49.

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–429 substituted ''all-cargo'' for ''all-property''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 41104. Additional limitations and requirements of charter air carriers

(a) RESTRICTIONS.—The Secretary of Transportation may prescribe a regulation or issue an order restricting the marketability, flexibility, accessibility, or variety of charter air transportation provided under a certificate issued under section 41102 of this title only to the extent required by the public interest. A regulation prescribed or order issued under this subsection may not be more restrictive than a regulation related to charter air transportation that was in effect on October 1, 1978.

(b) SCHEDULED OPERATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation, for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight, to or from an airport that—

(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.

(2) DEFINITION.—In this paragraph, the term ''regularly scheduled charter air transportation'' does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.

(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.

(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.

(c) ALASKA.—An air carrier holding a certificate issued under section 41102 of this title may provide charter air transportation between places in Alaska only to the extent the Secretary decides the transportation is required by public convenience and necessity. The Secretary may make that decision when issuing, amending, or modifying the certificate. This subsection does not apply to a certificate issued under section 41102 to a citizen of the United States who, before July 1, 1977—

(1) maintained a principal place of business in Alaska; and

(2) conducted air transport operations between places in Alaska with aircraft with a certificate for gross takeoff weight of more than 40,000 pounds.

(d) SUSPENSIONS.—(1) The Secretary shall suspend for not more than 30 days any part of the certificate of a charter air carrier if the Secretary decides that the failure of the carrier to comply with the requirements described in sections 41110(e) and 41112 of this title, or a regulation or order of the Secretary under section 41110(e) or 41112, requires immediate suspension in the interest of the rights, welfare, or safety of the public. The Secretary may act under this paragraph without notice or a hearing.

(2) The Secretary shall begin immediately a hearing to decide if the certificate referred to in paragraph (1) of this subsection should be amended, modified, suspended, or revoked. Until the hearing is completed, the Secretary may suspend the certificate for additional periods totaling not more than 60 days. If the Secretary decides that the carrier is complying with the requirements described in sections 41110(e) and 41112 of this title and regulations and orders under sections 41110(e) and 41112, the Secretary immediately may end the suspension period and proceeding begun under this subsection. However, the Secretary is not prevented from imposing a civil penalty on the carrier for violating

the requirements described in section 41110(e) or 41112 or a regulation or order under section 41110(e) or 41112.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1120; Pub. L. 106–181, title VII, § 723, Apr. 5, 2000, 114 Stat. 165; Pub. L. 106–528, § 8(c), Nov. 22, 2000, 114 Stat. 2522; Pub. L. 108–176, title VIII, § 822, Dec. 12, 2003, 117 Stat. 2594.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41104(a)	49 App.:1371(n)(2), (4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(n)(2)–(4); added July 10, 1962, Pub. L. 87–528, § 4, 76 Stat. 144; restated Oct. 24, 1978, Pub. L. 95–504, § 20(b), 92 Stat. 1721.
	49 App.:1551(a)(1)(E) (related to 49 App.:1371(n)(4)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(1)(E) (related to § 401(n)(4)); added Oct. 24, 1978, Pub. L. 95–504, § 40(a), 92 Stat. 1744.
	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.
41104(b)	49 App.:1371(n)(3). 49 App.:1551(b)(1)(E).	
41104(c)	49 App.:1371(n)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(n)(5); added July 10, 1962, Pub. L. 87–528, § 4, 76 Stat. 145; Oct. 24, 1978, Pub. L. 95–504, § 20(c), 92 Stat. 1722.
	49 App.:1371(n)(6).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(n)(6); added July 10, 1962, Pub. L. 87–528, § 4, 76 Stat. 145.
	49 App.:1551(b)(1)(E).	

In subsection (a), the word ''rule'' is omitted as being synonymous with ''regulation''. The words ''charter air transportation'' are substituted for ''charter trips'' for consistency in this part. The text of 49 App.:1371(n)(4) and 1551(n)(1)(E) (related to 49 App.:1371(n)(4)) is omitted because inclusive tour charters have been abolished and charter air carriers have received authority to sell public charter flights directly to the public.

In subsection (b), before clause (1), the words ''Notwithstanding any other provision of this subchapter'' are omitted as surplus. The words ''An air carrier holding'' are added for clarity. The words ''State of'' are omitted as surplus. The word ''modifying'' is added for consistency in the revised title. The words ''citizen of the United States'' are substituted for ''person'' for clarity and consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title.

In subsection (c), the words ''the requirements described in'' are added for clarity.

In subsection (c)(1), the text of 49 App.:1371(n)(6) is omitted as surplus because of 49:322(a).

In subsection (c)(2), the word ''amended'' is added for consistency in the revised title.

Editorial Notes

AMENDMENTS

2003—Subsec. (b)(1). Pub. L. 108–176, § 822(a), inserted a comma after ''regularly scheduled charter air transportation'', substituted ''paragraphs (3) and (4)'' for ''paragraph (3)'' and ''flight, to or from an airport that—'' for ''flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation).'', and added subpars. (A) and (B).

Subsec. (b)(4). Pub. L. 108–176, § 822(b), added par. (4).

2000—Subsec. (b). Pub. L. 106–181, § 723(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (b)(1). Pub. L. 106–528, § 8(c)(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: ''An air carrier, including an indirect air carrier, which operates aircraft designed for more than nine passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).''

Subsec. (b)(3). Pub. L. 106–528, § 8(c)(2), added par. (3).

Subsecs. (c), (d). Pub. L. 106–181, § 723(1), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

Statutory Notes and Related Subsidiaries

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 AMENDMENTS

Amendment by Pub. L. 106–528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106–528, set out as a note under section 106 of this title.

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.

§ 41105. Transfers of certificates

(a) GENERAL.—A certificate issued under section 41102 of this title may be transferred only when the Secretary of Transportation approves the transfer as being consistent with the public interest.

(b) CERTIFICATION TO CONGRESS.—When a certificate is transferred, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the transfer is consistent with the public interest. The Secretary shall include with the certification a report analyzing the effects of the transfer on—

(1) the viability of each carrier involved in the transfer;

(2) competition in the domestic airline industry; and

(3) the trade position of the United States in the international air transportation market.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1121; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41105(a)	49 App.:1371(h)(1).	Aug. 23, 1958, Pub. L. 85–726, § 401(h)(1), 72 Stat. 756; Nov. 5, 1990, Pub. L. 101–508, § 9127(1), 104 Stat. 1388–371.
	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.
41105(b)	49 App.:1371(h)(2), (3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(h)(2), (3); added Nov. 5, 1990, Pub. L. 101–508, § 9127(2), 104 Stat. 1388–371.

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

§ 41106. Airlift service

(a) INTERSTATE TRANSPORTATION.—(1) Except as provided in subsection (d) of this section, the transportation of passengers or property by CRAF-eligible aircraft in interstate air transportation obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service in the United States may be provided only by an air carrier that—

(A) has aircraft in the civil reserve air fleet or offers to place the aircraft in that fleet; and

(B) holds a certificate issued under section 41102 of this title.

(2) The Secretary of Transportation shall act as expeditiously as possible on an application for a certificate under section 41102 of this title to provide airlift service.

(b) TRANSPORTATION BETWEEN THE UNITED STATES AND FOREIGN LOCATIONS.—Except as provided in subsection (d), the transportation of passengers or property by CRAF-eligible aircraft between a place in the United States and a place outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a).

(c) TRANSPORTATION BETWEEN FOREIGN LOCATIONS.—The transportation of passengers or property by CRAF-eligible aircraft between two places outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a) whenever transportation by such an air carrier is reasonably available.

(d) EXCEPTION.—When the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, the airlift service, the Secretary of Defense may make a contract to provide the service with an air carrier not having a certificate.

(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, ''CRAF-eligible aircraft'' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1121; Pub. L. 106–398, § 1 [[div. A], title III, § 385(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–87; Pub. L. 112–81, div. A, title III, § 365, Dec. 31, 2011, 125 Stat. 1380.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41106	49 App.:1371(*o*).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(*o*); added July 12, 1976, Pub. L. 94–353, § 18(a), 90 Stat. 883.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.

In subsection (a), before clause (1), the word ''passengers'' is substituted for ''persons'' for consistency in the revised title. The words ''Secretary of Defense'' are substituted for ''Department of Defense'' because of 10:113(a). The words ''an air carrier'' are substituted for ''carriers'' for clarity.

In subsection (b), the words ''to provide the service'' are added for clarity.

Editorial Notes

AMENDMENTS

2011—Subsecs. (a)(1), (b). Pub. L. 112–81, § 365(a)(1), substituted ''CRAF-eligible aircraft'' for ''transport category aircraft''.

Subsec. (c). Pub. L. 112–81, § 365(a), substituted ''CRAF-eligible aircraft'' for ''transport category aircraft'' and ''referred to in subsection (a)'' for ''that has aircraft in the civil reserve air fleet''.

Subsec. (e). Pub. L. 112–81, § 365(b), added subsec. (e).

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title III, § 385(a)(1), (b)], in heading substituted ''Interstate Transportation'' for ''General'' and in introductory provisions of par. (1), substituted ''Except as provided in subsection (d) of this section,'' for ''Except as provided in subsection (b) of this section,'' and struck out ''of at least 31 days'' after ''through a contract''.

Subsecs. (b) to (d). Pub. L. 106–398, § 1 [[div. A], title III, § 385(a)(2), (3)], added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title III, § 385(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–87, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 2000.''

§ 41107. Transportation of mail

When the United States Postal Service finds that the needs of the Postal Service require the transportation of mail by aircraft in foreign air transportation or between places in Alaska, in addition to the transportation of mail authorized under certificates in effect, the Postal Service shall certify that finding to the Secretary of Transportation with a statement about the additional transportation and facilities necessary to provide the additional transportation. A copy of each certification and statement shall be posted for at least 20 days in the office of the Secretary. After notice and an opportunity for a hearing, the Secretary shall issue a new certificate under section 41102 of this title, or amend or modify an existing certificate under section 41110(a)(2)(A) of this title, to provide the additional transportation and facilities if the Secretary finds the additional transportation is required by the public convenience and necessity.

(Pub. L. 103–272, §§ 1(e), 4(k)(1), July 5, 1994, 108 Stat. 1121, 1370; Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272, § 1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41107	49 App.:1371(m).	Aug. 23, 1958, Pub. L. 85–726, § 401(m), 72 Stat. 757.
	49 App.:1551(a)(4)(A) (related to 49 App.:1371(m)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(4)(A) (related to § 401(m)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), (e), 98 Stat. 1703, 1704.

The words ''from time to time'' are omitted as surplus. The words ''United States Postal Service'' and ''Postal Service'' are substituted for ''Postmaster General'' in section 401(m) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 757) because of sections 4(a) and 6(*o*) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773, 783). The words ''in foreign air transportation or between places in Alaska'' are substituted for ''between any points within the United States or between the United States and foreign countries'' for consistency in the revised title and because 49 App.:1551(a)(4)(A) provides that 49 App.:1371(m) no longer applies to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska). In addition, Congress did not intend to maintain the regulation of domestic air transportation of mail. See section 40102(a) of the revised title defining ''air transportation'' to mean interstate or foreign air transportation or the transportation of mail by aircraft. The word ''currently'' is omitted as surplus. The words ''opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code. The words ''or certificates'' are omitted as surplus because of 1:1. The word ''modify'' is added for consistency in the revised title.

PUB. L. 103–272, § 4(k)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41107	49 App.:1551(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(8); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(a)(8) of Federal Aviation Act of 1958), 102 Stat. 2155.
	49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(3); added Oct. 4, 1984, Pub. L. 98–443, § 3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.

Section 4(k) reflects amendments to the restatement required by section 1601(a)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704), and section 1601(b)(3) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(f) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704). Section 1601(a)(8) provides that the authority under 49 App.:1371(*l*) and (m) and 1375(b)–(d) as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901–41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

Editorial Notes

AMENDMENTS

1999—Pub. L. 106–31 repealed Pub. L. 103–272, § 4(k). See 1994 Amendment note below.

1994—Pub. L. 103–272, § 4(k)(1), which directed the amendment of this section by substituting ''foreign air transportation,'' for ''foreign air transportation or between places in Alaska,'', effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–272, § 4(k), July 5, 1994, 108 Stat. 1370, which provided that the amendments made by that section (amending this section and sections 41901, 41902, and 41903 of this title) were effective Jan. 1, 1999, was repealed by Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113, effective Dec. 31, 1998.

§ 41108. Applications for certificates

(a) FORM, CONTENTS, AND PROOF OF SERVICE.—To be issued a certificate of public convenience and necessity under section 41102 of this title, a citizen of the United States must apply to the Secretary of Transportation. The application must—

(1) be in the form and contain information required by regulations of the Secretary; and

(2) be accompanied by proof of service on interested persons as required by regulations of the Secretary and on each community that may be affected by the issuance of the certificate.

(b) NOTICE, RESPONSE, AND ACTIONS ON APPLICATIONS.—(1) When an application is filed, the Secretary shall post a notice of the application in the office of the Secretary and give notice of the application to other persons as required by regulations of the Secretary. An interested person may file a response with the Secretary opposing or supporting the issuance of the certificate. Not later than 90 days after the application is filed, the Secretary shall—

(A) provide an opportunity for a public hearing on the application;

(B) begin the procedure under section 41111 of this title; or

(C) dismiss the application on its merits.

(2) An order of dismissal issued by the Secretary under paragraph (1)(C) of this subsection is a final order and may be reviewed judicially under section 46110 of this title.

(3) If the Secretary provides an opportunity for a hearing under paragraph (1)(A) of this subsection, an initial or recommended decision shall be issued not later than 150 days after the date the Secretary provides the opportunity. The Secretary shall issue a final order on the application not later than 90 days after the decision is issued. However, if the Secretary does not act within the 90-day period, the initial or recommended decision on an application to provide—

(A) interstate air transportation is a final order and may be reviewed judicially under section 46110 of this title; and

(B) foreign air transportation shall be submitted to the President under section 41307 of this title.

(4) If the Secretary acts under paragraph (1)(B) of this subsection, the Secretary shall issue a final order on the application not later than 180 days after beginning the procedure on the application.

(5) If a citizen applying for a certificate does not meet the procedural schedule adopted by the Secretary in a proceeding, the Secretary may extend the period for acting under paragraphs (3) and (4) of this subsection by a period equal to the period of delay caused by the citizen. In addition to an extension under this paragraph, an initial or recommended decision under paragraph (3) of this subsection may be delayed for not more than 30 days in extraordinary circumstances.

(c) PROOF REQUIREMENTS.—(1) A citizen applying for a certificate must prove that the citizen is fit, willing, and able to provide the transportation referred to in section 41102 of this title and to comply with this part.

(2) A person opposing a citizen applying for a certificate must prove that the transportation referred to in section 41102(b)(2) of this title is not consistent with the public convenience and necessity. The transportation is deemed to be consistent with the public convenience and necessity unless the Secretary finds, by a preponderance of the evidence, that the transportation is not consistent with the public convenience and necessity.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1121.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41108(a)	49 App.:1371(b).	Aug. 23, 1958, Pub. L. 85–726, §401(b), 72 Stat. 754; Oct. 24, 1978, Pub. L. 95–504, §6, 92 Stat. 1710.
	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.
41108(b)	49 App.:1371(c).	Aug. 23, 1958, Pub. L. 85–726, 401(c), 72 Stat. 754; restated Oct. 24, 1978, Pub. L. 95–504, §7(a), 92 Stat. 1711.
	49 App.:1551(b)(1)(E).	
41108(c)	49 App.:1371(d)(9).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(d)(9); added Oct. 24, 1978, Pub. L. 95–504, §14, 92 Stat. 1719.
	49 App.:1551(b)(1)(E).	

In subsection (a), the words ''of public convenience and necessity under section 41102 of this title'' are added for clarity.

In subsection (b)(1), before clause (A), the words ''give due notice thereof to the public by'' are omitted as surplus. The word ''response'' is substituted for ''protest or memorandum'' to eliminate unnecessary words. The words ''requested by such application'' are omitted as surplus. Clause (A) is substituted for 49 App.:1371(c)(1)(A) for clarity and consistency. Clause (B) is substituted for 49 App.:1371(c)(1)(B) to eliminate unnecessary words.

In subsection (b)(2), the words ''An order of dismissal issued by the Secretary under paragraph (1)(C) of this subsection'' are substituted for ''Any order of dismissal of an application issued by the Board without setting such application for a hearing or beginning to make a determination with respect to such application under such simplified procedures'' to eliminate unnecessary words.

In subsection (b)(3), before clause (A), the words ''If the Secretary provides an opportunity for a hearing under paragraph (1)(A) of this subsection'' are substituted for ''If the Board determines that any application should be set for a public hearing under clause (A) of the second sentence of paragraph (1) of this subsection'' to eliminate unnecessary words. The words ''provides the opportunity'' are substituted for ''of such determination'' for clarity. The words ''for a certificate'' are omitted as surplus. The words ''to provide'' are substituted for ''to engage in'' for consistency in the revised title.

In subsection (b)(4), the words ''If the Secretary acts under paragraph (1)(B) of this subsection'' are added for clarity. The words ''after beginning the procedure on the application'' are substituted for ''after the Board begins to make a determination with respect to an application under the simplified procedures established by the Board in regulations pursuant to subsection (p) of this section'' to eliminate unnecessary words.

In subsection (b)(5), the word ''particular'' is omitted as surplus. The words ''by order'' are omitted as surplus because of 5:ch. 5, subch. II.

In subsection (c)(1), the words ''In any determination as to whether or not'' are omitted as surplus. The word ''provide'' is substituted for ''perform'' for consistency in the revised title. The word ''properly'' is omitted as surplus. The word ''comply'' is substituted for ''conform'' for consistency in the revised title.

In subsection (c)(2), the words ''In any determination as to whether'' are omitted as surplus. The reference is to section 41102(b)(2), rather than 41102(a), of the revised title to reflect the termination of authority under 49 App.:1551(a)(1)(A).

§ 41109. Terms of certificates

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title shall specify the type of transportation to be provided.

(2) The Secretary of Transportation—

(A) may prescribe terms for providing air transportation under the certificate that the Secretary finds may be required in the public interest; but

(B) may not prescribe a term preventing an air carrier from adding or changing schedules, equipment, accommodations, and facilities for providing the authorized transportation to satisfy business development and public demand.

(3) A certificate issued under section 41102 of this title to provide foreign air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each general route to be followed. The Secretary shall authorize an air carrier holding a certificate to provide foreign air transportation to handle and transport mail of countries other than the United States.

(4) A certificate issued under section 41102 of this title to provide foreign charter air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each geographical area in which, or between which, the transportation may be provided.

(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate.

(b) MODIFYING TERMS.—(1) An air carrier may file with the Secretary an application to modify any term of its certificate issued under section 41102 of this title to provide interstate or foreign air transportation. Not later than 60 days after an application is filed, the Secretary shall—

(A) provide the carrier an opportunity for an oral evidentiary hearing on the record; or

(B) begin to consider the application under section 41111 of this title.

(2) The Secretary shall modify each term the Secretary finds to be inconsistent with the criteria under section 40101(a) and (b) of this title.

(3) An application under this subsection may not be dismissed under section 41108(b)(1)(C) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1123; Pub. L. 104–287, §5(70), Oct. 11, 1996, 110 Stat. 3396.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41109(a)(1) ..	49 App.:1371(e)(1) (words before semicolon).	Aug. 23, 1958, Pub. L. 85–726, §401(e)(1), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, §3, 76 Stat. 143.
	49 App.:1551(a)(1)(C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(1)(C); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1744.
41109(a)(2) ..	49 App.:1371(e)(1) (words after semicolon).	
	49 App.:1371(e)(4).	Aug. 23, 1958, Pub. L. 85–726, §401(e)(3), (4), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, §3, 76 Stat. 143; Oct. 24, 1978, Pub. L. 95–504, §15(a), (b), 92 Stat. 1719.
	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.
41109(a)(3) ..	49 App.:1371(e)(2).	Aug. 23, 1958, Pub. L. 85–726, §401(e)(2), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, §3, 76 Stat. 143; Feb. 15, 1980, Pub. L. 96–192, §5, 94 Stat. 37.
	49 App.:1551(b)(1)(E).	
41109(a)(4) ..	49 App.:1371(e)(3).	
	49 App.:1551(b)(1)(E).	
41109(b)	49 App.:1371(e)(7)(B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(e)(7)(B); added Oct. 24, 1978, Pub. L. 95–504, §16, 92 Stat. 1720.
	49 App.:1551(b)(1)(E).	

In subsection (a)(1), the text of 49 App.:1371(e)(1) (words before semicolon related to terminal and intermediate points) is omitted as obsolete because of 49 App.:1551(a)(1)(C) and because interstate and overseas air transportation is no longer regulated. The words ''type of'' are added for clarity. The word ''provided'' is substituted for ''rendered'' for consistency in the revised title.

In subsection (a)(2), the words before clause (A) are added for clarity. Clause (A) is substituted for 49 App.:1371(e)(1) (words after semicolon) for clarity and consistency and to eliminate unnecessary words. In clause (B), the words ''may not prescribe a term preventing'' are substituted for ''No term, condition, or limitation of a certificate shall restrict the right'' for clarity and consistency. The word ''providing'' is substituted for ''performing'' for consistency in the revised title.

In subsection (a)(3) and (4), the word ''places'' is substituted for ''points'', and the word ''provide'' is substituted for ''engage in'', for consistency in the revised title. The words ''terminal and intermediate'' are omitted as surplus. The words ''between which the air carrier is authorized to provide the transportation'' are added for clarity and consistency.

In subsection (a)(3), the words ''or routes'' are omitted because of 1:1. The words ''The Secretary'' are added for clarity.

In subsection (a)(4), the words ''or areas'' are omitted because of 1:1.

In subsection (b), the words ''condition, or limitation'' are omitted as being included in ''term''.

In subsection (b)(1), before clause (A), the word ''modify'' is substituted for ''removal or modification'' to eliminate unnecessary words. The word ''provide'' is substituted for ''engage in'' for consistency in the revised title. In clause (A), the words ''provide the carrier an opportunity'' are substituted for ''set such application'' for consistency in the revised title and with other titles of the United States Code. In clause (B), the words ''the simplified procedures established by the Board in regulations pursuant to'' are omitted as surplus.

PUB. L. 104–287

This amends 49:41109(a) to clarify the restatement of 49 App.:1371(e) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1123).

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(5). Pub. L. 104–287 added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

§ 41110. Effective periods and amendments, modifications, suspensions, and revocations of certificates

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title is effective from the date specified in it and remains in effect until—

(A) the Secretary of Transportation suspends or revokes the certificate under this section;

(B) the end of the period the Secretary specifies for an air carrier having a certificate of temporary authority issued under section 41102(a)(2) of this title; or

(C) the Secretary certifies that transportation is no longer being provided under a certificate.

(2) On application or on the initiative of the Secretary and after notice and an opportunity for a hearing or, except as provided in paragraph (4) of this subsection, under section 41111 of this title, the Secretary may—

(A) amend, modify, or suspend any part of a certificate if the Secretary finds the public convenience and necessity require amendment, modification, or suspension; and

(B) revoke any part of a certificate if the Secretary finds that the holder of the certificate intentionally does not comply with this chapter, sections 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742, chapter 419, subchapter II of chapter 421, and section 46301(b) of this title, a regulation or order of the Secretary under any of those provisions, or a term of its certificate.

(3) The Secretary may revoke a certificate under paragraph (2)(B) of this subsection only if the holder of the certificate does not comply, within a reasonable time the Secretary specifies, with an order to the holder requiring compliance.

(4) A certificate to provide foreign air transportation may not be amended, modified, suspended, or revoked under section 41111 of this title if the holder of the certificate requests an oral evidentiary hearing or the Secretary finds, under all the facts and circumstances, that the hearing is required in the public interest.

(b) ALL-CARGO AIR TRANSPORTATION.—The Secretary may order that a certificate issued under section 41103 of this title authorizing all-cargo air transportation is ineffective if, after notice and an opportunity for a hearing, the Secretary finds that the transportation is not provided to the minimum extent specified by the Secretary.

(c) FOREIGN AIR TRANSPORTATION.—(1) Notwithstanding subsection (a)(2)–(4) of this section, after notice and a reasonable opportunity for the affected air carrier to present its views, but without a hearing, the Secretary may suspend or revoke the authority of an air carrier to provide foreign air transportation to a place under a certificate issued under section 41102 of this title if the carrier—

(A) notifies the Secretary, under section 41734(a) of this title or a regulation of the Secretary, that it intends to suspend all transportation to that place; or

(B) does not provide regularly scheduled transportation to the place for 90 days immediately before the date the Secretary notifies the carrier of the action the Secretary proposes.

(2) Paragraph (1)(B) of this subsection does not apply to a place provided seasonal transportation comparable to the transportation provided during the prior year.

(d) TEMPORARY CERTIFICATES.—On application or on the initiative of the Secretary, the Secretary may—

(1) review the performance of an air carrier issued a certificate under section 41102(c) of this title on the basis that the air carrier will provide innovative or low-priced air transportation under the certificate; and

(2) amend, modify, suspend, or revoke the certificate or authority under subsection (a)(2) or (c) of this section if the air carrier has not provided, or is not providing, the transportation.

(e) CONTINUING REQUIREMENTS.—(1) To hold a certificate issued under section 41102 of this title, an air carrier must continue to be fit, willing, and able to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary.

(2) After notice and an opportunity for a hearing, the Secretary shall amend, modify, suspend, or revoke any part of a certificate issued under section 41102 of this title if the Secretary finds that the air carrier—

(A) is not fit, willing, and able to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary; or

(B) does not file reports necessary for the Secretary to decide if the carrier is complying with the requirements of clause (A) of this paragraph.

(f) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the United States Government, shall reexamine immediately the fitness of an air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the certificate of the carrier issued under this chapter.

(g) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a certificate under subsection (a) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1123; Pub. L. 103–429, § 6(50), Oct. 31, 1994, 108 Stat. 4384.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41110(a)(1) ..	49 App.:1371(f).	Aug. 23, 1958, Pub. L. 85–726, § 401(f), 72 Stat. 755; Oct. 24, 1978, Pub. L. 95–504, §§ 10(b), 17, 92 Stat. 1716, 1720.
	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.
41110(a)(2)–(4).	49 App.:1371(g)(1).	Aug. 23, 1958, Pub. L. 85–726, § 401(g), 72 Stat. 756; Oct. 24, 1978, Pub. L. 95–504, § 18, 92 Stat. 1720; restated Feb. 15, 1980, Pub. L. 96–192, § 6, 94 Stat 37.
	49 App.:1551(b)(1)(E).	
41110(b)	49 App.:1388(b)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 418(b)(4); added Nov. 9, 1977, Pub. L. 95–163, § 17(a), 91 Stat. 1285.
	49 App.:1551(b)(1)(E).	
41110(c)	49 App.:1371(g)(3).	
	49 App.:1551(b)(1)(E).	
41110(d)	49 App.:1371(d)(8) (last sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(d)(8) (last sentence); added Oct. 24, 1978, Pub. L. 95–504, § 13, 92 Stat. 1719.
	49 App.:1551(a)(1)(B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(1)(B); added Oct. 24, 1978, Pub. L. 95–504, § 40(a), 92 Stat. 1744.
	49 App.:1551(b)(1)(E).	
41110(e)	49 App.:1371(r) (related to certificate).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(r) (related to certificate); added Oct. 24, 1978, Pub. L. 95–504, § 20(d)(1), 92 Stat. 1722.
	49 App.:1551(b)(1)(E).	
41110(f)	49 App.:1371a (related to certificate).	Aug. 15, 1985, Pub. L. 99–88, § 100 (1st complete par. related to certificate on p. 352), 99 Stat. 352.
41110(g)	49 App.:1371(g)(2).	
	49 App.:1551(b)(1)(E).	

In subsection (a)(1)(C), the words ''transportation is no longer being provided under a certificate'' are substituted for ''operation thereunder has ceased'' and

''operations thereunder have ceased'' for clarity and consistency.

In subsections (a)(2) and (e), the words ''opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2), before clause (A), the word ''application'' is substituted for ''petition or complaint'' for consistency in the revised title and with other titles of the Code and to eliminate unnecessary words. The words ''except as provided in paragraph (4) of this subsection'' are added for clarity. The words ''the simplified procedures under'' are omitted as surplus. In clause (A), the word ''alter'' is omitted as surplus. In clause (B), the reference to 49 App.:1372 is omitted from the cross-references of ''this subchapter'' because 49 App.:1372 is concerned with foreign air carrier permits and not relevant to air carrier certificate revocation. The word ''rule'' is omitted as being synonymous with ''regulation''. The words ''condition, or limitation'' are omitted as surplus.

In subsection (a)(3), the words ''to the provision, or to the order (other than an order issued in accordance with this sentence), rule, regulation, term, condition, or limitation found by the Board to have been violated'' are omitted as surplus.

In subsection (a)(4), the word ''provide'' is substituted for ''engage in'' for consistency in the revised title. The words ''altered'' and ''the simplified procedures of'' are omitted as surplus.

In subsection (b), the words ''to the extent of such service'' are omitted as surplus. The word ''provided'' is substituted for ''performed'' for consistency in the revised title.

In subsection (c)(1), the word ''place'' is substituted for ''point'' for consistency in the revised title. In clause (A), the cross-reference is to section 41734(a) of the revised title for clarity because 49 App.:1371(j) is obsolete. The comparable provision is 49 App.:1389(b)(2), restated as section 41734(a). The words ''provided by that carrier'' are omitted as surplus. In clause (B), the word ''immediately'' is added for clarity.

In subsection (d)(2), the words ''alter'' and ''the procedures prescribed in'' are omitted as surplus.

In subsections (e) and (f)(2), the word ''amend'' is added for consistency.

In subsection (e), before clause (1), the words ''The requirement that each applicant for a certificate or any other authority . . . shall be a continuing requirement applicable to each such air carrier with respect to the transportation authorized by the Board'' are omitted as surplus. The words ''by order'' are omitted as unnecessary because of 5:ch. 5, subch. II. In clause (1), the word ''provide'' is substituted for ''perform'' for consistency in the revised title. The word ''properly'' is omitted as surplus. The word ''comply'' is substituted for ''conform to'' for consistency in the revised title. The word ''rules'' is omitted as being synonymous with ''regulations''. The word ''requirements'' is omitted as surplus.

In subsection (f), before clause (1), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''on and after August 15, 1985'' are omitted as executed. In clause (1), before subclause (A), the words ''law enforcement and other'' are omitted as surplus. The words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''agencies'' for consistency in the revised title and with other titles of the Code. The words ''an air carrier'' are substituted for ''any carrier'' for clarity. In clause (2), the words ''of public convenience and necessity'' are omitted as surplus. The words ''issued under this chapter'' are added for clarity.

In subsection (g), the word ''response'' is substituted for ''protest or memorandum'' to eliminate unnecessary words. The word ''alteration'' is omitted as surplus.

PUB. L. 103–429

This amends 49:41110(e) to clarify the restatement of 49 App.:1371(r) (related to certificate) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1124).

Editorial Notes

AMENDMENTS

1994—Subsec. (e). Pub. L. 103–429 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''After notice and an opportunity for a hearing, the Secretary shall amend, modify, suspend, or revoke any part of a certificate issued under section 41102 of this title if the Secretary finds that the air carrier—

''(1) is not fit, willing, and able to continue to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary; or

''(2) does not file reports necessary for the Secretary to decide if the carrier is complying with the requirements of clause (1) of this subsection.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 41111. Simplified procedure to apply for, amend, modify, suspend, and transfer certificates

(a) GENERAL REQUIREMENTS.—(1) The Secretary of Transportation shall prescribe regulations that simplify the procedure for—

(A) acting on an application for a certificate to provide air transportation under section 41102 of this title; and

(B) amending, modifying, suspending, or transferring any part of that certificate under section 41105 or 41110(a) or (c) of this title.

(2) Regulations under this section shall provide for notice and an opportunity for each interested person to file appropriate written evidence and argument. An oral evidentiary hearing is not required to be provided under this section.

(b) WHEN SIMPLIFIED PROCEDURE USED.—The Secretary may use the simplified procedure to act on an application for a certificate to provide air transportation under section 41102 of this title, or to amend, modify, suspend, or transfer any part of that certificate under section 41105 or 41110(a) or (c) of this title, when the Secretary decides the use of the procedure is in the public interest.

(c) CONTENTS.—(1) To the extent the Secretary finds practicable, regulations under this section shall include each standard the Secretary will apply when—

(A) deciding whether to use the simplified procedure; and

(B) making a decision on an action in which the procedure is used.

(2) The regulations may provide that written evidence and argument may be filed under section 41108(b) of this title as a part of a response opposing or supporting the issuance of a certificate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1125.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41111(a)	49 App.:1371(p)(1) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(p); added Oct. 24, 1978, Pub. L. 95–504, § 21(a)(1), 92 Stat. 1723.
	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.
41111(b)	49 App.:1371(p)(2) (1st sentence).	
	49 App.:1551(b)(1)(E).	
41111(c)	49 App.:1371(p)(1) (last sentence), (2) (last sentence).	
	49 App.:1551(b)(1)(E).	

In this section, the words ''acting on'' and ''act on'' are substituted for ''disposition of'' for consistency.

In subsection (a)(1)(A), the word ''provide'' is substituted for ''engage in'' for consistency in the revised title.

In subsection (a)(1)(B), the word ''alteration'' is omitted as surplus.

In subsection (a)(2), the word ''adequate'' is omitted as surplus.

In subsection (b), the words ''to act on an application for a certificate to provide air transportation under section 41102 of this title, or to amend, modify, suspend, or transfer any part of that certificate under section 41105 or 41110(a) or (c) of this title'' are added for clarity.

In subsection (c)(2), the words ''by such person'' are omitted as surplus. The words ''a response opposing or supporting the issuance of a certificate'' are substituted for ''a protest or memorandum filed with respect to such application'' for consistency.

§ 41112. Liability insurance and financial responsibility

(a) LIABILITY INSURANCE.—The Secretary of Transportation may issue a certificate to a citizen of the United States to provide air transportation as an air carrier under section 41102 of this title only if the citizen complies with regulations and orders of the Secretary governing the filing of an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A certificate does not remain in effect unless the carrier complies with this subsection.

(b) FINANCIAL RESPONSIBILITY.—To protect passengers and shippers using an aircraft operated by an air carrier issued a certificate under section 41102 of this title, the Secretary may require the carrier to file a performance bond or equivalent security in the amount and on terms the Secretary prescribes. The bond or security must be sufficient to ensure the carrier adequately will pay the passengers and shippers when the transportation the carrier agrees to provide is not provided. The Secretary shall prescribe the amounts to be paid under this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41112	49 App.:1371(q).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(q); added Oct. 24, 1978, Pub. L. 95–504, § 20(d)(1), 92 Stat. 1722.
	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.

In subsection (a), the words ''citizen of the United States'' and ''citizen'' are substituted for ''applicant for such certificate or the air carrier'' for clarity and consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title and receive a certificate. The words ''as the case may be'' are omitted as surplus. The words ''to provide air transportation as an air carrier under section 41102 of this title'' are added for clarity. The words ''approved by the Secretary'' are substituted for ''governing the filing and approval . . . in the amount prescribed by the Board'' to eliminate unnecessary words. The words ''The policy or plan must be sufficient to pay'' are substituted for ''which are conditioned to pay . . . amounts'' for clarity. The words ''for which such applicant or such air carrier may become liable for'' are omitted as surplus.

In subsection (b), the word ''passengers'' is substituted for ''travelers'' for consistency in this chapter. The words ''issued . . . under section 41102 of this title'' are added for clarity. The word ''arrangement'' is omitted as surplus. The word ''provide'' is substituted for ''perform'' for consistency in the revised title.

§ 41113. Plans to address needs of families of passengers involved in aircraft accidents

(a) SUBMISSION OF PLANS.—Each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in any loss of life.

(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best avail-

able information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident, including any victim on the ground) will be the same as the treatment of the families of revenue passengers.

(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.

(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving any loss of life, will consult with the Board and the Department of State on the provision of the assistance.

(17)(A) An assurance that, in the case of an accident that results in any damage to a manmade structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.

(c) CERTIFICATE REQUIREMENT.—The Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

(d) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list, or in providing information concerning a preliminary passenger manifest, pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.—In this section, the terms ''aircraft accident'' and ''passenger'' have the meanings such terms have in section 1136 of this title.

(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

(Added Pub. L. 104–264, title VII, §703(a), Oct. 9, 1996, 110 Stat. 3267; amended Pub. L. 106–181, title IV, §402(a)(1)–(3), (5)–(c), Apr. 5, 2000, 114 Stat. 129, 130; Pub. L. 108–176, title VIII, §809(a), Dec. 12, 2003, 117 Stat. 2588; Pub. L. 115–254, div. C, §1109(a), Oct. 5, 2018, 132 Stat. 3434.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1109(a)(1), substituted ''any loss of life'' for ''a major loss of life''.

Subsec. (b)(9). Pub. L. 115–254, §1109(a)(2)(A), substituted ''(and any other victim of the accident, including any victim on the ground)'' for ''(and any other victim of the accident)''.

Subsec. (b)(16). Pub. L. 115–254, §1109(a)(2)(B), substituted ''any loss of life'' for ''major loss of life''.

Subsec. (b)(17)(A). Pub. L. 115–254, §1109(a)(2)(C), substituted ''any damage'' for ''significant damage''.

2003—Subsec. (b)(16). Pub. L. 108–176, §809(a)(1), struck out ''the air carrier'' after ''major loss of life,''.

Subsec. (b)(17), (18). Pub. L. 108–176, §809(a)(2), added pars. (17) and (18).

2000—Subsec. (a). Pub. L. 106–181, §402(a)(5)(A), substituted ''Each air carrier'' for ''Not later than 6 months after the date of the enactment of this section, each air carrier''.

Subsec. (b)(14) to (16). Pub. L. 106–181, §402(a)(1)–(3), added pars. (14) to (16).

Subsec. (c). Pub. L. 106–181, §402(a)(5)(B), substituted ''The Secretary'' for ''After the date that is 6 months after the date of the enactment of this section, the Secretary''.

Subsec. (d). Pub. L. 106–181, §402(b), inserted '', or in providing information concerning a preliminary passenger manifest,'' before ''pursuant to a plan''.

Subsec. (f). Pub. L. 106–181, §402(c), added subsec. (f).

Statutory Notes and Related Subsidiaries

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 section 402(a)(5)(B) to (c) of 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.

Pub. L. 106–181, title IV, §402(a)(4), Apr. 5, 2000, 114 Stat. 130, provided that: ''The amendments made by paragraphs (1), (2), and (3) [amending this section] shall take effect on the 180th day following the date of the enactment of this Act [Apr. 5, 2000]. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary [of Transportation] and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).''

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

UPDATE PLANS

Pub. L. 108–176, title VIII, §809(c), Dec. 12, 2003, 117 Stat. 2589, provided that: ''Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section [amending this section and section 41313 of this title] not later than 90 days after the date of enactment of this Act [Dec. 12, 2003].''

ESTABLISHMENT OF TASK FORCE

Pub. L. 104–264, title VII, §704, Oct. 9, 1996, 110 Stat. 3268, provided that:

''(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

''(b) GUIDELINES AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

''(1) guidelines to assist air carriers in responding to aircraft accidents;

''(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

''(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

''(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

''(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

''(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

''(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

''(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);

''(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and

''(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

''(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Oct. 9, 1996], the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).''

LIMITATION ON STATUTORY CONSTRUCTION

Pub. L. 104–264, title VII, §705, Oct. 9, 1996, 110 Stat. 3269, provided that: ''Nothing in this title [enacting this section and section 1136 of this title, amending section 1155 of this title, and enacting provisions set out as notes under this section and section 40101 of this title] or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''

CHAPTER 413—FOREIGN AIR TRANSPORTATION

Sec.
41301. Requirement for a permit.
41302. Permits of foreign air carriers.
41303. Transfers of permits.
41304. Effective periods and amendments, modifications, suspensions, and revocations of permits.
41305. Applications for permits.
41306. Simplified procedure to apply for, amend, modify, and suspend permits.
41307. Presidential review of actions about foreign air transportation.
41308. Exemption from the antitrust laws.

Sec.
41309. Cooperative agreements and requests.
41310. Discriminatory practices.
41311. Gambling restrictions.
41312. Ending or suspending foreign air transportation.
41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–148, §1(b), Dec. 16, 1997, 111 Stat. 2683, added item 41313.

1994—Pub. L. 103–429, §6(51)(B), Oct. 31, 1994, 108 Stat. 4385, added item 41312.

Pub. L. 103–305, title II, §205(a)(2), Aug. 23, 1994, 108 Stat. 1583, added item 41311.

§ 41301. Requirement for a permit

A foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a permit issued under this chapter authorizing the foreign air transportation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41301	49 App.:1372(a).	Aug. 23, 1958, Pub. L. 85–726, §402(a), 72 Stat. 757.

The word ''provide'' is substituted for ''engage in'' for consistency in the revised title. The word ''holds'' is substituted for ''there is in force'' to eliminate unnecessary words.

§ 41302. Permits of foreign air carriers

The Secretary of Transportation may issue a permit to a person (except a citizen of the United States) authorizing the person to provide foreign air transportation as a foreign air carrier if the Secretary finds that—

(1) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the permit and to comply with this part and regulations of the Secretary; and

(2)(A) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the United States Government; or

(B) the foreign air transportation to be provided under the permit will be in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41302	49 App.:1372(b).	Aug. 23, 1958, Pub. L. 85–726, §402(b), 72 Stat. 758; restated Feb. 15, 1980, Pub. L. 96–192, §7, 94 Stat. 38.
	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.

In this section, before clause (1), the words ''person (except a citizen of the United States)'' and ''person'' are substituted for ''applicant'' for clarity and consistency because only a person other than a United States citizen may be a ''foreign air carrier'' as defined in section 40102(a) of the revised title. In clauses (1) and (2), the word ''provide'' is substituted for ''perform'' for consistency in the revised title. In clause (1), the word ''properly'' is omitted as surplus. The word ''comply'' is substituted for ''conform'' for consistency in the revised title. The word ''rules'' is omitted as being synonymous with ''regulations''. The word ''requirements'' is omitted as surplus. In clause (2)(A), the words ''government of its country'' are substituted for ''its government'' for consistency in the revised title and with other titles of the United States Code.

§ 41303. Transfers of permits

A permit issued under section 41302 of this title may be transferred only when the Secretary of Transportation approves the transfer because the transfer is in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41303	49 App.:1372(g).	Aug. 23, 1958, Pub. L. 85–726, §402(g), 72 Stat. 758.
	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.

§ 41304. Effective periods and amendments, modifications, suspensions, and revocations of permits

(a) GENERAL.—The Secretary of Transportation may prescribe the period during which a permit issued under section 41302 of this title is in effect. After notice and an opportunity for a hearing, the Secretary may amend, modify, suspend, or revoke the permit if the Secretary finds that action to be in the public interest.

(b) SUSPENSIONS AND RESTRICTIONS.—Without a hearing, but subject to the approval of the President, the Secretary—

(1) may suspend summarily the permits of foreign air carriers of a foreign country, or amend, modify, or limit the operations of the foreign air carriers under the permits, when the Secretary finds—

(A) the action is in the public interest; and

(B) the government, an aeronautical authority, or a foreign air carrier of the foreign country, over the objection of the United States Government, has—

(i) limited or denied the operating rights of an air carrier; or

(ii) engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact on an air carrier related to air transportation to, from, through, or over the territory of the foreign country; and

(2) to make this subsection effective, may restrict operations between the United States and the foreign country by a foreign air carrier of a third country.

(c) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the

Government, shall reexamine immediately the fitness of a foreign air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the permit of the carrier issued under this chapter.

(d) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a permit under subsection (a) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41304(a)	49 App.:1372(e) (related to duration of permits).	Aug. 23, 1958, Pub. L. 85–726, § 402(e) (related to duration of permits), 72 Stat. 758.
	49 App.:1372(f)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 402(f)(1), 72 Stat. 758; Feb. 15, 1980, Pub. L. 96–192, § 9, 94 Stat. 38.
	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.
41304(b)	49 App.:1372(f)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 402(f)(2); added Feb. 15, 1980, Pub. L. 96–192, § 9, 94 Stat. 38.
	49 App.:1551(b)(1)(E).	
41304(c)	49 App.:1371a (related to permit).	Aug. 15, 1985, Pub. L. 99–88, § 100 (1st complete par. related to permit on p. 352), 99 Stat. 352.
41304(d)	49 App.:1372(f)(1) (last sentence).	
	49 App.:1551(b)(1)(E).	

In subsection (a), the words ''altered'' and ''cancelled'' are omitted as surplus.

In subsection (b)(1), before clause (A), the words ''alter'' and ''condition'' are omitted as surplus. In clause (B)(i) and (ii), the words ''United States'' before ''air carriers'' and ''carriers'' are omitted as surplus and for consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title. In clause (B)(i), the word ''impaired'' is omitted as surplus.

In subsection (c), before clause (1), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''on and after August 15, 1985'' are omitted as executed. In clause (1), before subclause (A), the words ''law enforcement and other'' are omitted as surplus. The words ''departments, agencies, and instrumentalities of the Government'' are substituted for ''agencies'' for consistency in the revised title and with other titles of the Code. The words ''a foreign air carrier'' are substituted for ''any carrier'' for clarity. In clause (2), the words ''of public convenience and necessity'' are omitted as surplus. The word ''amend'' is added for consistency. The words ''issued under this chapter'' are added for clarity.

In subsection (d), the word ''response'' is substituted for ''protest or memorandum'' to eliminate unnecessary words. The words ''alteration'' and ''cancellation'' are omitted as surplus.

§ 41305. Applications for permits

(a) FORM, CONTENTS, NOTICE, RESPONSE, AND ACTIONS ON APPLICATIONS.—(1) A person must apply in writing to the Secretary of Transportation to be issued a permit under section 41302 of this title. The Secretary shall prescribe regulations to require that the application be—

(A) verified;

(B) in a certain form and contain certain information;

(C) served on interested persons; and

(D) accompanied by proof of service on those persons.

(2) When an application is filed, the Secretary shall post a notice of the application in the office of the Secretary and give notice of the application to other persons as required by regulations of the Secretary. An interested person may file a response with the Secretary opposing or supporting the issuance of the permit. The Secretary shall act on an application as expeditiously as possible.

(b) TERMS.—The Secretary may impose terms for providing foreign air transportation under the permit that the Secretary finds may be required in the public interest.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41305(a)(1) ..	49 App.:1372(c).	Aug. 23, 1958, Pub. L. 85–726, § 402(c), (e) (related to terms, conditions, or limitations of permits), 72 Stat. 758.
	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.
41305(a)(2) ..	49 App.:1372(d).	Aug. 23, 1958, Pub. L. 85–726, § 402(d), 72 Stat. 758; Feb. 15, 1980, Pub. L. 96–192, § 8, 94 Stat. 38.
	49 App.:1551(b)(1)(E).	
41305(b)	49 App.:1372(e) (related to terms, conditions, or limitations of permits).	
	49 App.:1551(b)(1)(E).	

In subsection (a)(1), before clause (A), the words ''A person must apply . . . to the Secretary of Transportation to be issued a permit under section 41302 of this title'' are added for clarity. Clause (C) is added for clarity.

In subsection (a)(2), the words ''give due notice thereof to the public by'' are omitted as surplus. The word ''response'' is substituted for ''protest or memorandum'' to eliminate unnecessary words. The word ''expeditiously'' is substituted for ''speedily'' for consistency in this chapter.

In subsection (b), the words ''reasonable'' and ''conditions, or limitations'' are omitted as surplus. The words ''for providing foreign air transportation'' are added for clarity.

§ 41306. Simplified procedure to apply for, amend, modify, and suspend permits

(a) REGULATIONS.—The Secretary of Transportation shall prescribe regulations that simplify the procedure for—

(1) acting on an application for a permit to provide foreign air transportation under section 41302 of this title; and

(2) amending, modifying, or suspending any part of that permit under section 41304(a) or (b) of this title.

(b) NOTICE AND OPPORTUNITY TO RESPOND.—Regulations under this section shall provide for

notice and an opportunity for each interested person to file appropriate written evidence and argument. An oral evidentiary hearing is not required to be provided under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1128.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41306(a)	49 App.:1372(h) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §402(h); added Oct. 24, 1978, Pub. L. 95–504, §21(b)(1), 92 Stat. 1723.
	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.
41306(b)	49 App.:1372(h) (last sentence).	

In subsection (a)(1), the words ''acting on'' are substituted for ''disposition of'' for consistency. The word ''provide'' is substituted for ''engage in'' for consistency in the revised title.

In subsection (a)(2), the word ''alteration'' is omitted as surplus. The word ''transfer'' is omitted because 49 App.:1372(f) does not cover transfer of a permit.

In subsection (b), the word ''adequate'' is omitted as surplus.

§ 41307. Presidential review of actions about foreign air transportation

The Secretary of Transportation shall submit to the President for review each decision of the Secretary to issue, deny, amend, modify, suspend, revoke, or transfer a certificate issued under section 41102 of this title authorizing an air carrier, or a permit issued under section 41302 of this title authorizing a foreign air carrier, to provide foreign air transportation. The President may disapprove the decision of the Secretary only if the reason for disapproval is based on foreign relations or national defense considerations that are under the jurisdiction of the President. The President may not disapprove a decision of the Secretary if the reason is economic or related to carrier selection. A decision of the Secretary—

(1) is void if the President disapproves the decision and publishes the reasons (to the extent allowed by national security) for disapproval not later than 60 days after it is submitted to the President; or

(2)(A) takes effect as a decision of the Secretary if the President does not disapprove the decision not later than 60 days after the decision is submitted to the President; and

(B) when effective, may be reviewed judicially under section 46110 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1128.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41307	49 App.:1461(a).	Aug. 23, 1958, Pub. L. 85–726, §801(a), 72 Stat. 782; Mar. 22, 1972, Pub. L. 92–259, §2, 86 Stat. 96; restated Oct. 24, 1978, Pub. L. 95–504, §34, 92 Stat. 1740.
	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.

In this section, before clause (1), the word ''cancellation'' is omitted as surplus. The word ''modify'' is added for consistency. The words ''and the terms, conditions, and limitations contained in'' are omitted as surplus. The words ''issued under section 41102 of this title'' are added for clarity. The word ''provide'' is substituted for ''engage in'' for consistency in the revised title. In clause (1), the words ''null and'' are omitted as surplus. The word ''publishes'' is substituted for ''issued in a public document'' to eliminate unnecessary words. In clause (2)(A), the words ''not the President'' are omitted as surplus.

Executive Documents

EXECUTIVE ORDER NO. 11920

Ex. Ord. No. 11920, June 10, 1976, 41 F.R. 23665, which provided for establishment of Executive branch procedures to facilitate review of submitted decisions, was revoked by Ex. Ord. No. 12547, Feb. 6, 1986, 51 F.R. 5029.

EXECUTIVE ORDER NO. 12547

Ex. Ord. No. 12547, Feb. 6, 1986, 51 F.R. 5029, which provided for establishment of procedures to facilitate Presidential review of international aviation decisions submitted by Department of Transportation, was revoked by Ex. Ord. No. 12597, May 13, 1987, 52 F.R. 18335, set out below.

EX. ORD. NO. 12597. ESTABLISHING PROCEDURES FOR FACILITATING PRESIDENTIAL REVIEW OF INTERNATIONAL AVIATION DECISIONS BY THE DEPARTMENT OF TRANSPORTATION

Ex. Ord. No. 12597, May 13, 1987, 52 F.R. 18335, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 801 of the Federal Aviation Act, as amended (49 U.S.C. app. §1461) [see 49 U.S.C. 41307, 41509(f)], and in order to provide presidential guidance to department and agency heads and facilitate presidential review of decisions by the Department of Transportation pursuant to the Federal Aviation Act [see 49 U.S.C. 40101 et seq.], it is hereby ordered as follows:

SECTION 1. Executive Order No. 12547 of February 6, 1986, is revoked.

SEC. 2. The Secretary of Transportation is designated and empowered to receive on behalf of the President any decision of the Department of Transportation (hereinafter referred to as the ''DOT'') subject to Section 801 of the Federal Aviation Act, as amended. The Secretary of Transportation is further designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under Section 801 of the Federal Aviation Act, as amended, to review and determine not to disapprove any such decision that is not the subject of any written recommendation for disapproval or for a statement of reasons submitted to the Department of Transportation in accordance with section 5(b) of this Order.

SEC. 3. (a) Except as otherwise provided in this section, decisions of the DOT subject to Section 801 of the Federal Aviation Act, as amended, may be made available by the DOT for public inspection and copying following transmission to Executive departments and agencies pursuant to section 3(c) of this Order.

(b) In the interests of national security, and in order to allow for consideration of appropriate action under [former] Executive Order No. 12356, decisions of the DOT transmitted to Executive departments and agencies pursuant to section 3(c) of this Order shall be withheld from public disclosure for a period not to exceed 5 days after said transmission.

(c) At the same time that decisions of the DOT are received by the Secretary of Transportation pursuant to section 2 of this Order, the DOT shall transmit copies thereof to the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Assistant to the President for National Secu-

rity Affairs, the Director of the Office of Management and Budget, and any other Executive department or agency that the DOT deems appropriate.

(d) The Secretary of State and the Secretary of Defense, or their designees, shall review the decisions of the DOT transmitted pursuant to section 3(c) of this Order and shall promptly advise the Assistant to the President for National Security Affairs or his designee whether action pursuant to Executive Order No. 12356 is deemed appropriate. If, after considering these recommendations, the Assistant to the President for National Security Affairs determines that classification under Executive Order No. 12356 is appropriate, he shall take such action and immediately so inform the DOT. Action pursuant to this subsection shall be completed by the persons designated herein within 5 days of the transmission of the decision.

(e) On and after the 6th day following transmission of a DOT decision pursuant to section 3(c) of this Order, or upon earlier notification by the Assistant to the President for National Security Affairs or his designee, the DOT is authorized to disclose all unclassified portions of the text of such decision. Nothing in this section is intended to affect the ability to withhold material under any Executive order or statute other than Section 801.

SEC. 4. (a) Departments and agencies outside of the Executive Office of the President shall raise only matters of national defense or foreign relations in the course of the presidential review established by this Order. All other matters, including those related to regulatory policy, shall be presented to the DOT in accordance with the procedures of the DOT.

(b) Departments and agencies outside of the Executive Office of the President that identify matters of national defense or foreign relations while a decision is pending before the DOT shall, except as confidentiality is required for reasons of defense or foreign policy, make those matters known to the DOT in the course of its proceedings.

SEC. 5. (a) The DOT shall receive the recommendations, addressed to the President, of the departments and agencies referred to in section 3(c) of this Order.

(b) Departments or agencies outside of the Executive Office of the President making recommendations on matters of national defense or foreign relations with respect to any decision received by the Secretary of Transportation under section 2 of this Order shall submit their recommendations in writing to the DOT: (1) within 4 days of the DOT's issuance of a decision subject to a 10-day statutory review period under Section 801(b) [see 49 U.S.C. 41509(f)]; and (2) within 21 days of the DOT's issuance of a decision subject to a 60-day statutory review period under Section 801(a) [see 49 U.S.C. 41307]; or (3) in exceptional cases, within the period specified by the DOT in its letter of transmittal.

(c) The DOT shall, as soon as practical after the deadlines specified in section 5(b) of this Order: (1) if no recommendations for disapproval or for a statement of reasons are received from the departments and agencies specified in section 3(c) of this Order, issue its decision to become effective according to its terms; or (2) if recommendations for disapproval or for a statement of reasons are received, transmit them to the Assistant to the President for National Security Affairs, who, upon review, shall transmit a memorandum to the President with a recommendation as to whether or not the President should disapprove the proposed decision.

SEC. 6. (a) In advising the President with respect to his review of a decision pursuant to Section 801, departments and agencies outside of the Executive Office of the President shall identify with particularity the defense or foreign policy implications of the DOT decision that are deemed appropriate for consideration.

(b) If any department or agency that made recommendations to the President pursuant to Section 801 believes that, if the President decides not to disapprove a decision, the letter so advising the DOT should include a statement that the decision not to disapprove was based on national defense or foreign relations reasons, it should so indicate separately and explain why.

SEC. 7. Individuals within the Executive Office of the President shall follow a policy of: (a) refusing to discuss matters relating to the disposition of a case subject to the review of the President under Section 801 with any interested private party, or an attorney or agent for any such party, prior to the decision by the President or his designee; and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President. Exceptions to this policy may be made only when the head of an appropriate department or agency outside of the Executive Office of the President personally finds, on a nondelegable basis, that direct written or oral communication between a private party and a person within the Executive Office of the President is needed for reasons of defense or foreign policy.

SEC. 8. Departments and agencies outside of the Executive Office of the President that regularly make recommendations in connection with the presidential review pursuant to Section 801 shall, consistent with applicable law, including the provisions of Chapter 5 of Title 5 of the United States Code:

(a) establish public dockets for all written communications (other than those requiring confidential treatment for defense or foreign policy reasons) between their officers and employees and private parties in connection with the preparation of such recommendations; and

(b) prescribe such other procedures governing oral and written communications as they deem appropriate.

SEC. 9. This Order is intended solely for the internal guidance of the departments and agencies in order to facilitate the presidential review process. This Order does not confer rights on any private parties.

SEC. 10. None of the time deadlines specified in this Order shall be construed as a limitation on expedited presidential review of any decision under Section 801.

SEC. 11. The provisions of this Order shall become effective upon publication in the Federal Register and shall govern the review of any proposed decisions of the DOT that have not become final prior to that date under Executive Order No. 12547.

SEC. 12. References in any Executive order to any provision in Executive Order No. 12547 shall be deemed to refer to the corresponding provision in this Order.

RONALD REAGAN.

§ 41308. Exemption from the antitrust laws

(a) DEFINITION.—In this section, ''antitrust laws'' has the same meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(b) EXEMPTION AUTHORIZED.—When the Secretary of Transportation decides it is required by the public interest, the Secretary, as part of an order under section 41309 or 42111 of this title, may exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the transaction specifically approved by the order and with any transaction necessarily contemplated by the order.

(c) EXEMPTION REQUIRED.—In an order under section 41309 of this title approving an agreement, request, modification, or cancellation, the Secretary, on the basis of the findings required under section 41309(b)(1), shall exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the transaction specifically approved by the order and with any transaction necessarily contemplated by the order.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1128.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41308	49 App.:1384.	Aug. 23, 1958, Pub. L. 85–726, §414, 72 Stat. 770; restated Oct. 24, 1978, Pub. L. 95–504, §30(a), 92 Stat. 1731; Feb. 15, 1980, Pub. L. 96–192, §27, 94 Stat. 47.
	49 App.:1551(a)(6) (related to 49 App.:1384).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(6) (related to §414); added Oct. 4, 1984, Pub. L. 98–443, §3(c), 98 Stat. 1704.
	49 App.:1551(b)(1)(C) (related to 49 App.:1384).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(C) (related to §414); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1745; Oct. 14, 1982, Pub. L. 97–309, §4(b), 96 Stat. 1454; Oct. 4, 1984, Pub. L. 98–443, §3(a), 98 Stat. 1703.

Subsection (a) is substituted for ''the 'anti-trust laws' set forth in subsection (a) of section 12 of title 15'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), reference to 49 App.:1378 and 1379 is omitted as obsolete.

§ 41309. Cooperative agreements and requests

(a) FILING.—An air carrier or foreign air carrier may file with the Secretary of Transportation a true copy of or, if oral, a true and complete memorandum of, an agreement (except an agreement related to interstate air transportation), or a request for authority to discuss cooperative arrangements (except arrangements related to interstate air transportation), and any modification or cancellation of an agreement, between the air carrier or foreign air carrier and another air carrier, a foreign carrier, or another carrier.

(b) APPROVAL.—The Secretary of Transportation shall approve an agreement, request, modification, or cancellation referred to in subsection (a) of this section when the Secretary finds it is not adverse to the public interest and is not in violation of this part. However, the Secretary shall disapprove—

(1) or, after periodic review, end approval of, an agreement, request, modification, or cancellation, that substantially reduces or eliminates competition unless the Secretary finds that—

(A) the agreement, request, modification, or cancellation is necessary to meet a serious transportation need or to achieve important public benefits (including international comity and foreign policy considerations); and

(B) the transportation need cannot be met or those benefits cannot be achieved by reasonably available alternatives that are materially less anticompetitive; or

(2) an agreement that—

(A) is between an air carrier not directly operating aircraft in foreign air transportation and a carrier subject to subtitle IV of this title; and

(B) governs the compensation the carrier may receive for the transportation.

(c) NOTICE AND OPPORTUNITY TO RESPOND OR FOR HEARING.—(1) When an agreement, request, modification, or cancellation is filed, the Secretary of Transportation shall give the Attorney General and the Secretary of State written notice of, and an opportunity to submit written comments about, the filing. On the initiative of the Secretary of Transportation or on request of the Attorney General or Secretary of State, the Secretary of Transportation may conduct a hearing to decide whether an agreement, request, modification, or cancellation is consistent with this part whether or not it was approved previously.

(2) In a proceeding before the Secretary of Transportation applying standards under subsection (b)(1) of this section, a party opposing an agreement, request, modification, or cancellation has the burden of proving that it substantially reduces or eliminates competition and that less anticompetitive alternatives are available. The party defending the agreement, request, modification, or cancellation has the burden of proving the transportation need or public benefits.

(3) The Secretary of Transportation shall include the findings required by subsection (b)(1) of this section in an order of the Secretary approving or disapproving an agreement, request, modification, or cancellation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1129; Pub. L. 104–88, title III, §308(*l*), Dec. 29, 1995, 109 Stat. 948; Pub. L. 104–287, §5(71), Oct. 11, 1996, 110 Stat. 3396.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41309(a)	49 App.:1382(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §412(a), (b); added Oct. 24, 1978, Pub. L. 95–504, §28(c), 92 Stat. 1729; Feb. 15, 1980, Pub. L. 96–192, §11, 94 Stat. 39.
	49 App.:1551(a)(6) (related to 49 App.:1382).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(6) (related to §412); added Oct. 4, 1984, Pub. L. 98–443, §3(c), 98 Stat. 1704.
	49 App.:1551(b)(1)(C) (related to 49 App.:1382(a)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(C) (related to §412(a), (b)); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1745; Oct. 14, 1982, Pub. L. 97–309, §4(b), 96 Stat. 1454; Oct. 4, 1984, Pub. L. 98–443, §3(a), 98 Stat. 1703.
41309(b)	49 App.:1382(a)(2)(A). 49 App.:1551(a)(6), (b)(1)(C) (as 1551(a)(6), (b)(1)(C) relates to 49 App.:1382(a)).	
41309(c)(1) ..	49 App.:1382(b). 49 App.:1551(a)(6), (b)(1)(C) (as 1551(a)(6), (b)(1)(C) relates to 49 App.:1382(b)).	
41309(c)(2) ..	49 App.:1382(a)(2)(B).	
41309(c)(3) ..	49 App.:1382(a)(2)(C). 49 App.:1551(a)(6), (b)(1)(C) (as 1551(a)(6), (b)(1)(C) relates to 49 App.:1382(a)).	

In this section, the word ''contract'' is omitted as being included in ''agreement''.

In subsection (a), the words ''(whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise)'' are omitted as surplus. The words ''(except an agreement related to interstate air transportation)'' and ''(except arrangements related to interstate air transportation)'' are added because of 49 App.:1551(a)(6)

(related to 49 App.:1382). The word ''working'' is omitted as surplus. The words ''in force on October 24, 1978, or thereafter entered into'' are omitted as executed. The words ''and any modification or cancellation of an agreement'' are substituted for ''or any modification or cancellation thereof'' for clarity and consistency.

In subsection (b), before clause (1), the words ''The Board shall by order disapprove any contract, agreement, or request . . . that it finds to be adverse to the public interest or in violation of this chapter'' are omitted as surplus because of the language restated in this subsection that sets out the requirements for approval by the Secretary of Transportation before the antitrust exemption is effective. The words ''whether or not previously approved by it'' are omitted as surplus because of the language in clause (1) requiring periodic review and continuing approval. The words ''by order'' are omitted as unnecessary because of 5:ch. 5, subch. II. The text of 49 App.:1382(a)(2)(A)(iii) is omitted as obsolete because of 49 App.:1551(a)(6) (related to 49 App.:1382).

In subsection (c)(1), the words ''in accordance with regulations which it prescribes'' are omitted as surplus. The words ''in accordance with regulations prescribed by the Board'' are omitted as surplus.

PUB. L. 104–287

This amends 49:41309(b)(2)(B) for consistency in the subsection.

Editorial Notes

AMENDMENTS

1996—Subsec. (b)(2)(B). Pub. L. 104–287 substituted ''carrier'' for ''common carrier''.

1995—Subsec. (b)(2)(A). Pub. L. 104–88 substituted ''a carrier'' for ''a common carrier''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of this title.

AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES

Pub. L. 107–71, title I, §116, Nov. 19, 2001, 115 Stat. 624, which related to air transportation arrangements for flights that both originate and terminate at points within the same State, was repealed by Pub. L. 107–273, div. C, title IV, §14102(g), Nov. 2, 2002, 116 Stat. 1922.

§ 41310. Discriminatory practices

(a) PROHIBITION.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

(b) REVIEW AND NEGOTIATION OF DISCRIMINATORY FOREIGN CHARGES.—(1) The Secretary of Transportation shall survey charges imposed on an air carrier by the government of a foreign country or another foreign entity for the use of airport property or airway property in foreign air transportation. If the Secretary of Transportation decides that a charge is discriminatory, the Secretary promptly shall report the decision to the Secretary of State. The Secretaries of State and Transportation promptly shall begin negotiations with the appropriate government to end the discrimination. If the discrimination is not ended in a reasonable time through negotiation, the Secretary of Transportation shall establish a compensating charge equal to the discriminatory charge. With the approval of the Secretary of State, the Secretary of the Treasury shall impose the compensating charge on a foreign air carrier of that country as a condition to accepting the general declaration of the aircraft of the foreign air carrier when it lands or takes off.

(2) The Secretary of the Treasury shall maintain an account to credit money collected under paragraph (1) of this subsection. An air carrier shall be paid from the account an amount certified by the Secretary of Transportation to compensate the air carrier for the discriminatory charge paid to the government.

(c) ACTIONS AGAINST DISCRIMINATORY ACTIVITY.—(1) The Secretary of Transportation may take actions the Secretary considers are in the public interest to eliminate an activity of a government of a foreign country or another foreign entity, including a foreign air carrier, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity—

(A) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against an air carrier; or

(B) imposes an unjustifiable or unreasonable restriction on access of an air carrier to a foreign market.

(2) The Secretary of Transportation may deny, amend, modify, suspend, revoke, or transfer under paragraph (1) of this subsection a foreign air carrier permit or tariff under section 41302, 41303, 41304(a), 41504(c), 41507, or 41509 of this title.

(d) FILING OF, AND ACTING ON, COMPLAINTS.—(1) An air carrier, computer reservations system firm, or a department, agency, or instrumentality of the United States Government may file a complaint under subsection (c) or (g) of this section with the Secretary of Transportation. The Secretary shall approve, deny, or dismiss the complaint, set the complaint for a hearing or investigation, or begin another proceeding proposing remedial action not later than 60 days after receiving the complaint. The Secretary may extend the period for acting for additional periods totaling not more than 30 days if the Secretary decides that with additional time it is likely that a complaint can be resolved satisfactorily through negotiations with the government of the foreign country or foreign entity. The Secretary must act not later than 90 days after receiving the complaint. However, the Secretary may extend this 90-day period for not more than an additional 90 days if, on the last day of the initial 90-day period, the Secretary finds that—

(A) negotiations with the government have progressed to a point that a satisfactory resolution of the complaint appears imminent;

(B) an air carrier or computer reservations system firm has not been subjected to economic injury by the government or entity as a result of filing the complaint; and

(C) the public interest requires additional time before the Secretary acts on the complaint.

(2) In carrying out paragraph (1) of this subsection and subsection (c) of this section, the Secretary of Transportation shall—

(A) solicit the views of the Secretaries of Commerce and State and the United States Trade Representative;

(B) give an affected air carrier or foreign air carrier reasonable notice and an opportunity to submit written evidence and arguments within the time limits of this subsection; and

(C) submit to the President under section 41307 or 41509(f) of this title actions proposed by the Secretary of Transportation.

(e) REVIEW.—(1) The Secretaries of State, the Treasury, and Transportation and the heads of other departments, agencies, and instrumentalities of the Government shall keep under review, to the extent of each of their jurisdictions, each form of discrimination or unfair competitive practice to which an air carrier is subject when providing foreign air transportation or a computer reservations system firm is subject when providing services with respect to airline service. Each Secretary and head shall—

(A) take appropriate action to eliminate any discrimination or unfair competitive practice found to exist; and

(B) request Congress to enact legislation when the authority to eliminate the discrimination or unfair practice is inadequate.

(2) The Secretary of Transportation shall report to Congress annually on each action taken under paragraph (1) of this subsection and on the continuing program to eliminate discrimination and unfair competitive practices. The Secretaries of State and the Treasury each shall give the Secretary of Transportation information necessary to prepare the report.

(f) REPORTS.—Not later than 30 days after acting on a complaint under this section, the Secretary of Transportation 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 action taken under this section on the complaint.

(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1130; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 106–181, title VII, §741, Apr. 5, 2000, 114 Stat. 174.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41310(a)	49 App.:1374(b).	Aug. 23, 1958, Pub. L. 85–726, §404(b), 72 Stat. 760.
	49 App.:1551(a)(4)(C) (related to 49 App.:1374(b)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(C) (related to §404(b)); added Oct. 4, 1984, Pub. L. 98–443, §3(c), 98 Stat. 1703.
41310(b)	49 App.:1159a.	June 16, 1948, ch. 473, 62 Stat. 450, §11; added Jan. 3, 1975, Pub. L. 93–623, §3, 88 Stat. 2103; Oct. 4, 1984, Pub. L. 98–443, §9(c), 98 Stat. 1706.
41310(c)	49 App.:1159b(b)(1).	Jan. 3, 1975, Pub. L. 93–623, 88 Stat. 2102, §2(b)(1), (2), (4); added Feb. 15, 1980, Pub. L. 96–192, §23, 94 Stat. 45; Oct. 4, 1984, Pub. L. 98–443, §9(d)(2), (3), 98 Stat. 1707; Aug. 23, 1988, Pub. L. 100–418, §§10011, 10012(1), (2), 102 Stat. 1573.
41310(d)(1) ..	49 App.:1159b(b)(2), (4).	
41310(d)(2) ..	49 App.:1159b(b)(3).	Jan. 3, 1975, Pub. L. 93–623, 88 Stat. 2102, §2(b)(3), (e); added Aug. 23, 1988, Pub. L. 100–418, §§10012(3), 10013, 102 Stat. 1573.
41310(e)(1) ..	49 App.:1159b(a).	Jan. 3, 1975, Pub. L. 93–623, §2(a), 88 Stat. 2102; Oct. 4, 1984, Pub. L. 98–443, §9(d)(1), 98 Stat. 1706.
	49 App.:1159b(c).	Jan. 3, 1975, Pub. L. 93–623, §2(c), 88 Stat. 2103; Feb. 15, 1980, Pub. L. 96–192, §23, 94 Stat. 45.
41310(e)(2) ..	49 App.:1159b(d).	Jan. 3, 1975, Pub. L. 93–623, §2(d), 88 Stat. 2103; Feb. 15, 1980, Pub. L. 96–192, §23, 94 Stat. 45; Oct. 4, 1984, Pub. L. 98–443, §9(d)(2), (4), 98 Stat. 1707.
41310(f)	49 App.:1159b(e).	

In subsection (a), the words ''may not subject . . . to unreasonable discrimination'' are substituted for ''No . . . shall make, give, or cause any undue or unreasonable preference or advantage . . . in any respect whatsoever or subject . . . to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever'' to eliminate unnecessary words. The words ''foreign air transportation'' are substituted for ''air transportation'' because 49 App.:1551(a)(4)(C) provides that 49 App.:1374 no longer applies to interstate or overseas air transportation except insofar as 49 App.:1374 requires air carriers to provide safe and adequate service.

In subsection (b)(1), the words ''at any time'', ''unreasonably exceed comparable charges for furnishing such airport property or airway property in the United States or are otherwise'' and ''reduce such charges or'' are omitted as surplus. The words ''the Secretary of State shall promptly report such instances to'' are omitted as surplus because the Secretary of Transportation is involved in the negotiations and aware of the failure to end the discrimination. The words ''excessive or'' are omitted as surplus. The words ''or carriers'' are omitted because of 1:1.

In subsection (b)(2), the words ''in accordance with such regulations as he shall adopt'' are omitted as surplus because of 49:322(a). The words ''by them'' are omitted as surplus.

In subsections (c)–(e), the words ''United States'' before ''air carriers'' and ''air carrier'' are omitted as surplus and for consistency because only a citizen of the United States may be an ''air carrier'' as defined in section 40102(a) of the revised title and because 49 App.:1301 applies to this section.

In subsections (c)(1) and (d)(1), before each clause (A), the words ''foreign entity'' and ''entity'' are substituted for ''instrumentality'' for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(2), the words ''alteration'', ''cancellation'', ''limitation'', and ''pursuant to the powers of the Secretary'' are omitted as surplus.

In subsection (d)(1), before clause (A), the words ''department, agency, or instrumentality of the United States Government'' are substituted for ''agency of the Government of the United States'' for consistency in the revised title and with other titles of the Code. The words ''additional periods totaling not more than 30 days'' are substituted for ''an additional period or periods of up to 30 days each'' for clarity because the amendment made by section 10111 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418, 102 Stat. 1573) changed the additional period within which the Secretary had to act to only 30 days. The word ''initial'' is added for clarity.

In subsection (d)(2)(A), the words ''the Secretaries of Commerce and State and the United States Trade Representative'' are substituted for ''the Department of State, the Department of Commerce, and the Office of the United States Trade Representative'' because of 15:1501, 22:2651, and 19:2171, respectively.

In subsection (d)(2)(B), the words ''as is consistent with acting on the complaint'' are omitted as surplus.

In subsection (e)(1), before clause (A), the text of 49 App.:1159b(a) (1st, 2d sentences) is omitted as executed. The words ''The Secretaries of State, the Treasury, and Transportation'' are substituted for ''The Department of State, the Department of the Treasury, the Department of Transportation'' because of 22:2651, 31:301(b), and 49:102(b), respectively. The words ''the heads of'' and ''instrumentalities of the Government'' are added for consistency in the revised title and with other titles of the Code. The word ''jurisdictions'' is substituted for ''respective functions'' for clarity and consistency. In clause (A), the words ''within its jurisdiction . . . such forms of'' are omitted as surplus. Clause (B) is substituted for 49 App.:1159b(c) to eliminate unnecessary words.

In subsection (e)(2), the words ''faced by United States carriers in foreign air transportation'', ''as may be'', and ''required by this subsection'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (d)(1). Pub. L. 106–181, § 741(b)(1)(A), (B), in first sentence of introductory provisions, substituted ''air carrier, computer reservations system firm,'' for ''air carrier'' and ''subsection (c) or (g)'' for ''subsection (c)''.

Subsec. (d)(1)(B). Pub. L. 106–181, § 741(b)(1)(C), substituted ''air carrier or computer reservations system firm'' for ''air carrier''.

Subsec. (e)(1). Pub. L. 106–181, § 741(b)(2), inserted ''or a computer reservations system firm is subject when providing services with respect to airline service'' before period at end of first sentence.

Subsec. (g). Pub. L. 106–181, § 741(a), added subsec. (g).

1996—Subsec. (f). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (e)(2) of this section relating to the requirement that the Secretary of Transportation report annually to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 21st item on page 132 of House Document No. 103–7.

§ 41311. Gambling restrictions

(a) IN GENERAL.—An air carrier or foreign air carrier may not install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

(b) DEFINITION.—In this section, the term ''gambling device'' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.

(Added Pub. L. 103–305, title II, § 205(a)(1), Aug. 23, 1994, 108 Stat. 1583.)

Statutory Notes and Related Subsidiaries

STUDY OF GAMBLING ON COMMERCIAL AIRCRAFT

Pub. L. 103–305, title II, § 205(b), Aug. 23, 1994, 108 Stat. 1583, provided that the Secretary, not later than 1 year after Aug. 23, 1994, was to complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use and the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft on flights over international waters, and provided that the Secretary, within 5 days after the completion of the study, would submit a report to Congress on the results of the study.

§ 41312. Ending or suspending foreign air transportation

(a) GENERAL.—An air carrier holding a certificate issued under section 41102 of this title to provide foreign air transportation—

(1) may end or suspend the transportation to a place under the certificate only when the carrier gives at least 90 days notice of its intention to end or suspend the transportation to the Secretary of Transportation, any community affected by that decision, and the State authority of the State in which a community is located; and

(2) if it is the only air carrier holding a certificate to provide non-stop or single-plane foreign air transportation between 2 places, may end or suspend the transportation between those places only when the carrier gives at least 60 days notice of its intention to end or suspend the transportation to the Secretary and each community directly affected by that decision.

(b) TEMPORARY SUSPENSION.—The Secretary may authorize the temporary suspension of foreign air transportation under subsection (a) of this section when the Secretary finds the suspension is in the public interest.

(Added Pub. L. 103–429, § 6(51)(A), Oct. 31, 1994, 108 Stat. 4384; amended Pub. L. 104–287, § 5(72), Oct. 11, 1996, 110 Stat. 3396.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41312(a)	49 App.:1371(j)(1) (1st sentence), (2).	Aug. 23, 1958, Pub. L. 85–726, § 401(j), 72 Stat. 756, as restated Oct. 24, 1978, Pub. L. 95–504, § 19(a), 92 Stat. 1720.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	49 App.:1551(a)(1)(D).	Aug. 23, 1958, Pub. L. 85–726, §1601(a)(1)(D), as added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1744.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, §1601(b)(1)(E), as added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.
41312(b)	49 App.:1371(j)(1) (last sentence). 49 App.:1551(a)(1)(D), (b)(1)(E).	

In the section, the text of 49 App.:1371(j) (related to interstate and overseas transportation of persons) is omitted because of 49 App.:1551(a)(1)(D). The text of 49 App.:1371(j) (related to other interstate and overseas air transportation and the domestic air transportation of mail) is omitted because a certificate of public convenience and necessity is no longer required. See H.R. Rept. 98–793, 98th Cong., 2d Sess., p. 10 (1984). The text of 49 App.:1371(j) (related to essential air transportation) is omitted as superseded by 49 App.:1389, restated as subchapter II of chapter 417 of title 49.

In subsection (a)(1) and (2), the word ''place'' is substituted for ''point'' for consistency in the revised title. The words ''by that decision'' are added for clarity.

In subsection (a)(1), the words ''which it is providing'' are omitted as surplus. The word ''authority'' is substituted for ''agency'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2), the words ''between those places'' are substituted for ''being provided by such air carrier under such certificate'' to eliminate unnecessary words.

In subsection (b), the words ''by regulation or otherwise'' are omitted as surplus. The words ''when the Secretary finds the suspension is in'' are substituted for ''as may be'' for clarity and consistency.

PUB. L. 104–287

This amends 49:41312(a)(1) to conform to the style of title 49.

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–287 substituted ''Secretary of Transportation'' for ''Secretary''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

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

(1) AIRCRAFT ACCIDENT.—The term ''aircraft accident'' means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

(2) PASSENGER.—The term ''passenger'' has the meaning given such term by section 1136.

(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life.

(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life.

(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

(A) the organization designated for the accident under section 1136(a)(2); or

(B) other suitably trained individuals.

(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all of the passengers have been verified.

(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

(A) the director of family support services designated for the accident under section 1136(a)(1); and

(B) the organization designated for the accident under section 1136(a)(2).

(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any

monument to the passengers built in the United States, including any inscription on the monument.

(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident, including any victim on the ground) will be the same as the treatment of the families of revenue passengers.

(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the foreign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraph (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving any loss of life, will consult[1] with the Board and the Department of State on the provision of the assistance.

(17) NOTICE CONCERNING LIABILITY FOR MANMADE STRUCTURES.—

(A) IN GENERAL.—An assurance that, in the case of an accident that results in any damage to a manmade structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.

(d) PERMIT AND EXEMPTION REQUIREMENT.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.

(Added Pub. L. 105–148, §1(a), Dec. 16, 1997, 111 Stat. 2681; amended Pub. L. 106–181, title IV, §403(a)–(c)(1), Apr. 5, 2000, 114 Stat. 130; Pub. L. 108–176, title VIII, §809(b), Dec. 12, 2003, 117 Stat. 2589; Pub. L. 115–254, div. B, title V, §539(d), div. C, §1109(b), Oct. 5, 2018, 132 Stat. 3370, 3434.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 105–148, which was approved Dec. 16, 1997.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, §1109(b)(1), substituted ''any loss of life'' for ''a major loss of life''.

Subsec. (c)(1). Pub. L. 115–254, §1109(b)(2)(A), substituted ''any loss of life'' for ''a significant loss of life''.

Subsec. (c)(2). Pub. L. 115–254, §1109(b)(2)(B), substituted ''any loss of life'' for ''a significant loss of life'' in introductory provisions.

Subsec. (c)(9). Pub. L. 115–254, §1109(b)(2)(C), amended par. (9) generally. Prior to amendment, text read as follows: ''An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.''

Subsec. (c)(16). Pub. L. 115–254, §1109(b)(2)(D), substituted ''any loss of life'' for ''major loss of life'' and ''will consult'' for ''the foreign air carrier will consult''.

Pub. L. 115–254, §539(d), substituted ''An assurance that'' for ''An assurance that the foreign air carrier''.

[1] So in original. Probably should be ''the foreign air carrier will consult''.

Subsec. (c)(17)(A). Pub. L. 115–254, §1109(b)(2)(E), substituted ''any damage'' for ''significant damage''.

2003—Subsec. (c)(17), (18). Pub. L. 108–176 added pars. (17) and (18).

2000—Subsec. (a)(2). Pub. L. 106–181, §403(a), amended heading and text of par. (2) generally. Prior to amendment, text read as follows: ''The term 'passenger' includes an employee of a foreign air carrier or air carrier aboard an aircraft.''

Subsec. (b). Pub. L. 106–181, §403(b), substituted ''major'' for ''significant''.

Subsec. (c)(15), (16). Pub. L. 106–181, §403(c)(1), added pars. (15) and (16).

Statutory Notes and Related Subsidiaries

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 section 403(a) and (b) of 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.

Pub. L. 106–181, title IV, §403(c)(2), Apr. 5, 2000, 114 Stat. 131, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect on the 180th day following the date of the enactment of this Act [Apr. 5, 2000]. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary [of Transportation] and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).''

EFFECTIVE DATE

Pub. L. 105–148, §1(c), Dec. 16, 1997, 111 Stat. 2683, provided that: ''The amendments made by this section [enacting this section] shall take effect on the 180th day following the date of the enactment of this Act [Dec. 16, 1997].''

CHAPTER 415—PRICING

Sec.
41501. Establishing reasonable prices, classifications, rules, practices, and divisions of joint prices for foreign air transportation.
41502. Establishing joint prices for through routes with other carriers.
41503. Establishing joint prices for through routes provided by State authorized carriers.
41504. Tariffs for foreign air transportation.
41505. Uniform methods for establishing joint prices, and divisions of joint prices, applicable to commuter air carriers.
41506. Price division filing requirements for foreign air transportation.
41507. Authority of the Secretary of Transportation to change prices, classifications, rules, and practices for foreign air transportation.
41508. Authority of the Secretary of Transportation to adjust divisions of joint prices for foreign air transportation.
41509. Authority of the Secretary of Transportation to suspend, cancel, and reject tariffs for foreign air transportation.
41510. Required adherence to foreign air transportation tariffs.
41511. Special prices for foreign air transportation.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–102, §2(21), Nov. 20, 1997, 111 Stat. 2205, struck out ''common'' before ''carriers'' in item 41502.

§ 41501. Establishing reasonable prices, classifications, rules, practices, and divisions of joint prices for foreign air transportation

Every air carrier and foreign air carrier shall establish, comply with, and enforce—

(1) reasonable prices, classifications, rules, and practices related to foreign air transportation; and

(2) for joint prices established for foreign air transportation, reasonable divisions of those prices among the participating air carriers or foreign air carriers without unreasonably discriminating against any of those carriers.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1132.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41501	49 App.:1374(a)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §404(a)(2); added Mar. 22, 1972, Pub. L. 92–259, §1, 86 Stat. 95.

In this chapter, the word ''regulation'' is omitted in restating the phrase ''classifications, rules, regulations, and practices'' because it is covered by the word ''rules'' and to distinguish the rules of an air carrier or foreign air carrier from the regulations of the United States Government. The word ''reasonable'' is substituted for ''just and reasonable'' and ''just, reasonable, and equitable'' for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101. The word ''prices'' is substituted for ''fares'' and ''rates, fares, and charges'' because of the definition of ''price'' in section 40102(a) of the revised title.

In this section, before clause (1), the words ''comply with'' are substituted for ''observe'' for consistency in the revised title and with other titles of the United States Code. In clause (1), the words ''individual and joint'' are omitted as surplus. In clause (2), the words ''unreasonably discriminating'' are substituted for ''unduly prefer or prejudice'' for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101.

§ 41502. Establishing joint prices for through routes with other carriers

(a) JOINT PRICES.—An air carrier may establish reasonable joint prices and through service with another carrier. However, an air carrier not directly operating aircraft in air transportation (except an air express company) may not establish under this section a joint price for the transportation of property with a carrier subject to subtitle IV of this title.

(b) PRICES, CLASSIFICATIONS, RULES, AND PRACTICES AND DIVISIONS OF JOINT PRICES.—For through service by an air carrier and a carrier subject to subtitle IV of this title, the participating carriers shall establish—

(1) reasonable prices and reasonable classifications, rules, and practices affecting those prices or the value of the transportation provided under those prices; and

(2) for joint prices established for the through service, reasonable divisions of those joint prices among the participating carriers.

(c) STATEMENTS INCLUDED IN TARIFFS.—An air carrier and a carrier subject to subtitle IV of this title that are participating in through service and joint prices shall include in their tariffs,

filed with the Secretary of Transportation, a statement showing the through service and joint prices.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1132; Pub. L. 104–88, title III, § 308(*l*), Dec. 29, 1995, 109 Stat. 948; Pub. L. 105–102, § 2(22), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41502(a)	49 App.:1483(b) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 1003(b), 72 Stat. 791.
41502(b)	49 App.:1483(b) (2d sentence).	
41502(c)	49 App.:1483(b) (last sentence).	
	49 App.:155(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.

In subsection (a), the words ''(except an air express company)'' are substituted for ''(other than companies engaged in the air express business)'' to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''participating carriers'' are substituted for ''carriers parties thereto'' and ''carriers participating therein'' for consistency in this chapter.

In subsection (c), the words ''or the Interstate Commerce Commission, as the case may be'' are omitted because of 49:10526(a)(8)(B).

PUB. L. 105–102

This amends the catchline for 49:41502 to make a technical and conforming amendment necessary because section 308(*l*) of the ICC Termination Act (Public Law 104–88, 109 Stat. 948) struck ''common'' from the text of 49:41502.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–102 struck out ''common'' before ''carriers'' in section catchline.

1995—Pub. L. 104–88 substituted ''another carrier'' for ''another common carrier'' in subsec. (a) and ''a carrier'' for ''a common carrier'' in subsecs. (a), (b), and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of this title.

§ 41503. Establishing joint prices for through routes provided by State authorized carriers

Subject to sections 41309 and 42111 of this title, a citizen of the United States providing transportation under section 41101(b) of this title may make an agreement with an air carrier or foreign air carrier for joint prices for that transportation. The joint prices agreed to must be the lowest of—

(1) the sum of the applicable prices for—

(A) the part of the transportation provided in the State and approved by the appropriate State authority; and

(B) the part of the transportation provided by the air carrier or foreign air carrier;

(2) a joint price established and filed under section 41504 of this title; or

(3) a joint price prescribed by the Secretary of Transportation under section 41507 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1132.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41503	49 App.:1371(d)(4)(A)(ii) (related to joint rates, fares), (B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(d)(4)(A)(ii) (related to joint rates, fares), (B); added Nov. 9, 1977, Pub. L. 95–163, § 9, 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95–504, § 9, 92 Stat. 1713.
	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.

In this section, before clause (1), the words ''Notwithstanding any other provision of this chapter'' are omitted as surplus. The words ''a citizen of the United States providing transportation under section 41101(b) of this title'' are substituted for ''any citizen of the United States who undertakes, within any State, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage within such State granted by the appropriate State agency'' for clarity and because of the restatement of 49 App.:1371(d)(4)(A)(i) and (ii) (related to joint services) in section 41101(b) of the revised title. The words ''the establishment of'' are omitted as surplus.

§ 41504. Tariffs for foreign air transportation

(a) FILING AND CONTENTS.—In the way prescribed by regulation by the Secretary of Transportation, every air carrier and foreign air carrier shall file with the Secretary, publish, and keep open to public inspection, tariffs showing the prices for the foreign air transportation provided between places served by the carrier and provided between places served by the carrier and places served by another air carrier or foreign air carrier with which through service and joint prices have been established. A tariff—

(1) shall contain—

(A) to the extent the Secretary requires by regulation, a description of the classifications, rules, and practices related to the foreign air transportation;

(B) a statement of the prices in money of the United States; and

(C) other information the Secretary requires by regulation; and

(2) may contain—

(A) a statement of the prices in money that is not money of the United States; and

(B) information that is required under the laws of a foreign country in or to which the air carrier or foreign air carrier is authorized to operate.

(b) CHANGES.—(1) Except as provided in paragraph (2) of this subsection, an air carrier or foreign air carrier may change a price or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, specified in a tariff of the carrier for foreign air transportation only after 30 days after the carrier has filed, published, and posted notice of the proposed change in the same way as required for a tariff under subsection (a) of

this section. However, the Secretary may prescribe an alternative notice requirement, of at least 25 days, to allow an air carrier or foreign air carrier to match a proposed change in a passenger fare or a charge of another air carrier or foreign air carrier. A notice under this paragraph must state plainly the change proposed and when the change will take effect.

(2) If the effect of a proposed change would be to begin a passenger fare that is outside of, or not covered by, the range of passenger fares specified under section 41509(e)(2) and (3) of this title, the proposed change may be put into effect only on the expiration of 60 days after the notice is filed under regulations prescribed by the Secretary.

(c) REJECTION OF CHANGES.—The Secretary may reject a tariff or tariff change that is not consistent with this section and regulations prescribed by the Secretary. A tariff or change that is rejected is void.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1133.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41504(a)	49 App.:1373(a) (1st sentence, 2d sentence words before semicolon, last sentence).	Aug. 23, 1958, Pub. L. 85–726, §403(a), 72 Stat. 758.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(a), (c)(1), (2)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41504(b)(1) ..	49 App.:1373(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §403(c)(1), (2), 72 Stat. 759; Nov. 9, 1977, Pub. L. 95–163, §10(a), 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95–504, §22, 92 Stat. 1724; Feb. 15, 1980, Pub. L. 96–192, §24(b), (c), 94 Stat. 47.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(1)), (b)(1)(E).	
41504(b)(2) ..	49 App.:1373(c)(2).	
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(2)), (b)(1)(E).	
41504(c)	49 App.:1373(a) (2d sentence words after semicolon, 3d sentence).	
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E).	

In this section, the words ''foreign air transportation'' are substituted for ''air transportation'' because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining ''air transportation'' to mean interstate or foreign air transportation or the transportation of mail by aircraft. The words ''passenger fare'' are substituted for ''fare'' for consistency in the revised title.

In subsection (a), before clause (1), the word ''print'' is omitted as being included in ''publish''. The word ''places'' is substituted for ''points'' for consistency in the revised title and with other titles of the United States Code. In clause (1)(A), the word ''services'' is omitted as being included in ''practices''. In clauses (1)(B) and (2)(A), the word ''lawful'' is omitted as surplus.

In subsection (b)(1), the words ''for foreign air transportation'' are added because of 49 App.:1551(a)(4)(B). See the revision notes for subsection (a) of this section. The words ''in the same way as required for a tariff under'' are substituted for ''in accordance with'' for clarity. The words ''proposed change in a passenger fare or a charge of another air carrier or foreign air carrier'' are substituted for ''fares or charges specified in another air carrier's or foreign air carrier's proposed tariff'' for clarity and consistency in this section.

In subsection (b)(2), the words ''not covered by'' are substituted for ''to which such range of fares does not apply'' to eliminate unnecessary words. The words ''subparagraphs (A) and (B) of section 1482(d)(4) of this Appendix . . . section 1482(d)(7) of this Appendix'' are omitted because those sections related to interstate and overseas air transportation and the source provisions restated in this section relate to foreign air transportation. In addition, the text of 49 App.:1551(a)(5)(D) provides that 49 App.:1482(d) ceased to be in effect on January 1, 1985, except as related to foreign air transportation. The reference in the source provisions to ''section 1482(j)(9) of this Appendix'' has been restated as though it were a reference to 49 App.:1482(j)(10) to correct an apparent error in the International Air Transportation Competition Act of 1979 (Public Law 96–192, 94 Stat. 35). Section 24(b) of S. 1300 of the 96th Congress (the derivative source for the International Air Transportation Competition Act of 1979), as originally passed by both the Senate and the House of Representatives, restated section 403(c)(2) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 759) to read as it now does with a cross–reference to section 1002(j)(9) of the Federal Aviation Act of 1958. Also contained in those versions of S. 1300 in section 24(a) was an amendment to section 1002(j) of the Federal Aviation Act of 1958 to add a paragraph (9) that contained language identical to what is now section 1002(j)(10) of the Federal Aviation Act of 1958. When S. 1300 was reported by the conference committee and enacted into law as the International Air Transportation Competition Act of 1979, section 24(a) had been changed so that a different paragraph (9) was added and what had been paragraph (9) was now designated as a new paragraph (10) to be added. Apparently, when the conference committee redesignated section 1002(j)(9) as 1002(j)(10) it did not make a corresponding change in the cross–reference in section 403(c)(2). See 125 Cong. Rec. 26936, 32147, 36939.

§ 41505. Uniform methods for establishing joint prices, and divisions of joint prices, applicable to commuter air carriers

(a) DEFINITION.—In this section, ''commuter air carrier'' means an air carrier providing transportation under section 40109(f) of this title that provides at least 5 scheduled roundtrips a week between the same 2 places.

(b) GENERAL.—Except as provided in subsection (c) of this section, when the Secretary of Transportation prescribes under section 41508 or 41509 of this title a uniform method generally applicable to establishing joint prices and divisions of joint prices for and between air carriers holding certificates issued under section 41102 of this title, the Secretary shall make that uniform method apply to establishing joint prices and divisions of joint prices for and between air carriers and commuter air carriers.

(c) NOTICE REQUIRED BEFORE MODIFYING, SUSPENDING, OR ENDING TRANSPORTATION.—A commuter air carrier that has an agreement with an air carrier to provide transportation for passengers and property that includes through service by the commuter air carrier over the commuter air carrier's routes and air transportation

provided by the air carrier shall give the air carrier and the Secretary at least 90 days' notice before modifying, suspending, or ending the transportation. If the commuter air carrier does not give that notice, the uniform method of establishing joint prices and divisions of joint prices referred to in subsection (b) of this section does not apply to the commuter air carrier.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41505(a)	49 App.:1482a(2), (3).	Oct. 24, 1978, Pub. L. 95–504, § 37(c), 92 Stat. 1742.
41505(b)	49 App.:1482a(1) (1st sentence).	
	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.
41505(c)	49 App.:1482a(1) (last sentence). 49 App.:1551(b)(1)(E).	

In subsection (a), the text of 49 App.:1482a(2)(A) is omitted as unnecessary because the definition of ''air carrier'' in 49 App.:1301(3) is restated in section 40102(a) of the revised title and applies to this section and because the functions of the Civil Aeronautics Board under 49 App.:1482a were transferred to the Secretary of Transportation by 49 App.:1551(b)(1)(E) and the complete name of the Secretary is used the first time the term appears in a section. The text of 49 App.:1482a(3) is omitted as executed. The reference in the source provisions to ''section 416(b)(3) of the Federal Aviation Act of 1958 [49 App. U.S.C. 1386(b)(3)]'' has been restated as though it were a reference to section 416(b)(4) to correct an apparent error in the Airline Deregulation Act of 1978 (Public Law 95–504, 92 Stat. 1705). Section 24 of H.R. 12611 of the 95th Congress (the derivative source for 416(b)(4)), added section 416(b)(3) to the Federal Aviation Act. Section 29(c) added provisions that eventually were classified as 49 App.:1482a. Those provisions contained a reference to section 416(b)(3). When S. 2493 (passed in lieu of the House bill after being amended to contain much of the text of the House bill) was reported by the conference committee and enacted into law, section 32 added what had been a new 416(b)(3) as a new 416(b)(4). However, the conference committee did not make a corresponding change in the cross-reference in section 37(c), that added 49 App.:1482a. See 124 Cong. Rec. 30714, 30716, 36521, 36524. The word ''scheduled'' is substituted for ''pursuant to flight schedules'' to eliminate unnecessary words. The words ''the same 2 places'' are substituted for ''one pair of points'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words ''Except as provided in subsection (c) of this section'' are added for clarity. The words ''pursuant to its authority'' are omitted as surplus.

In subsection (c), the word ''passengers'' is substituted for ''persons'' for consistency in the revised title and with other titles of the Code. The words ''through service by the commuter air carrier over the commuter air carrier's routes'' are substituted for ''transportation over its routes'' for clarity. The words ''between air carriers and commuter air carriers'' are omitted as surplus.

§ 41506. Price division filing requirements for foreign air transportation

Every air carrier and foreign air carrier shall keep currently on file with the Secretary of Transportation, if the Secretary requires, the established divisions of all joint prices for foreign air transportation in which the carrier participates.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41506	49 App.:1373(d).	Aug. 23, 1958, Pub. L. 85–726, § 403(d), 72 Stat. 759.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(d)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(4)(B) (related to § 403(d)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), (e), 98 Stat. 1703, 1704.

The words ''foreign air transportation'' are substituted for ''air transportation'' because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining ''air transportation'' to mean interstate or foreign air transportation or the transportation of mail by aircraft.

§ 41507. Authority of the Secretary of Transportation to change prices, classifications, rules, and practices for foreign air transportation

(a) GENERAL.—When the Secretary of Transportation decides that a price charged or received by an air carrier or foreign air carrier for foreign air transportation, or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, is or will be unreasonably discriminatory, the Secretary may—

(1) change the price, classification, rule, or practice as necessary to correct the discrimination; and

(2) order the air carrier or foreign air carrier to stop charging or collecting the discriminatory price or carrying out the discriminatory classification, rule, or practice.

(b) WHEN SECRETARY MAY ACT.—The Secretary may act under this section on the Secretary's own initiative or on a complaint filed with the Secretary and only after notice and an opportunity for a hearing.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41507(a)	49 App.:1482(f) (words after 4th comma).	Aug. 23, 1958, Pub. L. 85–726, § 1002(f), 72 Stat. 789.
	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.
41507(b)	49 App.:1482(f) (words before 4th comma). 49 App.:1551(b)(1)(E).	

In subsection (a), before clause (1), the words ''individual or joint'' are omitted as surplus. The words ''charged or received'' are substituted for ''demanded, charged, collected, or received'' to eliminate unnecessary words. The words ''unreasonably discriminatory'' are substituted for ''unjustly discriminatory, or unduly preferential, or unduly prejudicial'' for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101. In clause (2), the words ''carrying out'' are substituted for ''enforcing'' for clarity.

In subsection (b), the words ''opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code.

§ 41508. Authority of the Secretary of Transportation to adjust divisions of joint prices for foreign air transportation

(a) GENERAL.—When the Secretary of Transportation decides that a division between air carriers, foreign air carriers, or both, of a joint price for foreign air transportation is or will be unreasonable or unreasonably discriminatory against any of those carriers, the Secretary shall prescribe a reasonable division of the joint price among those carriers. The Secretary may order the adjustment in the division of the joint price to be made retroactively to the date the complaint was filed, the date the order for an investigation was made, or a later date the Secretary decides is reasonable.

(b) WHEN SECRETARY MAY ACT.—The Secretary may act under this section on the Secretary's own initiative or on a complaint filed with the Secretary and only after notice and an opportunity for a hearing.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1135.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41508(a)	49 App.:1482(h) (words after 3d comma).	Aug. 23, 1958, Pub. L. 85–726, §1002(h), 72 Stat. 790; Nov. 9, 1977, Pub. L. 95–163, §18(c), 91 Stat. 1287.
	49 App.:1551(a)(5)(D) (related to 49 App.:1482(h)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(5)(D) (related to §1002(h)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41508(b)	49 App.:1482(h) (words before 3d comma).	
	49 App.:1551(a)(5)(D) (related to 49 App.:1482(h)), (b)(1)(E).	

In subsection (a), the words ''interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the state of Hawaii, or overseas or'' are omitted because 49:1551(a)(5)(D) provides that 49 App.:1482(h) applies only to foreign air transportation. The words ''unreasonable or unreasonably discriminatory'' are substituted for ''unjust, unreasonable, inequitable, or unduly preferential or prejudicial'' for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101. The words ''against any of those carriers'' are substituted for ''as between the air carriers or foreign air carriers parties thereto'' to eliminate unnecessary words. The word ''retroactively'' is added for clarity.

In subsection (b), the words ''an opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code.

§ 41509. Authority of the Secretary of Transportation to suspend, cancel, and reject tariffs for foreign air transportation

(a) CANCELLATION AND REJECTION.—(1) On the initiative of the Secretary of Transportation or on a complaint filed with the Secretary, the Secretary may conduct a hearing to decide whether a price for foreign air transportation contained in an existing or newly filed tariff of an air carrier or foreign air carrier, a classification, rule, or practice affecting that price, or the value of the transportation provided under that price, is lawful. The Secretary may begin the hearing at once and without an answer or another formal pleading by the air carrier or foreign air carrier, but only after reasonable notice. If, after the hearing, the Secretary decides that the price, classification, rule, or practice is or will be unreasonable or unreasonably discriminatory, the Secretary may cancel or reject the tariff and prevent the use of the price, classification, rule, or practice.

(2) With or without a hearing, the Secretary may cancel or reject an existing or newly filed tariff of a foreign air carrier and prevent the use of a price, classification, rule, or practice when the Secretary decides that the cancellation or rejection is in the public interest.

(3) In deciding whether to cancel or reject a tariff of an air carrier or foreign air carrier under this subsection, the Secretary shall consider—

(A) the effect of the price on the movement of traffic;

(B) the need in the public interest of adequate and efficient transportation by air carriers and foreign air carriers at the lowest cost consistent with providing the transportation;

(C) the standards prescribed under law related to the character and quality of transportation to be provided by air carriers and foreign air carriers;

(D) the inherent advantages of transportation by aircraft;

(E) the need of the air carrier and foreign air carrier for revenue sufficient to enable the air carrier and foreign air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier and foreign air carrier transportation;

(F) whether the price will be predatory or tend to monopolize competition among air carriers and foreign air carriers in foreign air transportation;

(G) reasonably estimated or foreseeable future costs and revenues for the air carrier or foreign air carrier for a reasonably limited future period during which the price would be in effect; and

(H) other factors.

(b) SUSPENSION.—(1)(A) Pending a decision under subsection (a)(1) of this section, the Secretary may suspend a tariff and the use of a price contained in the tariff or a classification, rule, or practice affecting that price.

(B) The Secretary may suspend a tariff of a foreign air carrier and the use of a price, classification, rule, or practice when the suspension is in the public interest.

(2) A suspension becomes effective when the Secretary files with the tariff and delivers to the air carrier or foreign air carrier affected by the suspension a written statement of the reasons for the suspension. To suspend a tariff, reasonable notice of the suspension must be given to the affected carrier.

(3) The suspension of a newly filed tariff may be for periods totaling not more than 365 days after the date the tariff otherwise would go into effect. The suspension of an existing tariff may be for periods totaling not more than 365 days

after the effective date of the suspension. The Secretary may rescind at any time the suspension of a newly filed tariff and allow the price, classification, rule, or practice to go into effect.

(c) EFFECTIVE TARIFFS AND PRICES WHEN TARIFF IS SUSPENDED, CANCELED, OR REJECTED.—(1) If a tariff is suspended pending the outcome of a proceeding under subsection (a) of this section and the Secretary does not take final action in the proceeding during the suspension period, the tariff goes into effect at the end of that period subject to cancellation when the proceeding is concluded.

(2)(A) During the period of suspension, or after the cancellation or rejection, of a newly filed tariff (including a tariff that has gone into effect provisionally), the affected air carrier or foreign air carrier shall maintain in effect and use—

(i) the corresponding seasonal prices, or the classifications, rules, and practices affecting those prices or the value of transportation provided under those prices, that were in effect for the carrier immediately before the new tariff was filed; or

(ii) another price provided for under an applicable intergovernmental agreement or understanding.

(B) If the suspended, canceled, or rejected tariff is the first tariff of the carrier for the covered transportation, the carrier, for the purpose of operations during the period of suspension or pending effectiveness of a new tariff, may file another tariff containing a price or another classification, rule, or practice affecting the price, or the value of the transportation provided under the price, that is in effect (and not subject to a suspension order) for any air carrier providing the same transportation.

(3) If an existing tariff is suspended or canceled, the affected air carrier or foreign air carrier, for the purpose of operations during the period of suspension or pending effectiveness of a new tariff, may file another tariff containing a price or another classification, rule, or practice affecting the price, or the value of the transportation provided under the price, that is in effect (and not subject to a suspension order) for any air carrier providing the same transportation.

(d) RESPONSE TO REFUSAL OF FOREIGN COUNTRY TO ALLOW AIR CARRIER TO CHARGE A PRICE.—When the Secretary finds that the government or an aeronautical authority of a foreign country has refused to allow an air carrier to charge a price contained in a tariff filed and published under section 41504 of this title for foreign air transportation to the foreign country—

(1) the Secretary, without a hearing—

(A) may suspend any existing tariff of a foreign air carrier providing transportation between the United States and the foreign country for periods totaling not more than 365 days after the date of the suspension; and

(B) may order the foreign air carrier to charge, during the suspension periods, prices that are the same as those contained in a tariff (designated by the Secretary) of an air carrier filed and published under section 41504 of this title for foreign air transportation to the foreign country; and

(2) a foreign air carrier may continue to provide foreign air transportation to the foreign country only if the government or aeronautical authority of the foreign country allows an air carrier to start or continue foreign air transportation to the foreign country at the prices designated by the Secretary.

(e) STANDARD FOREIGN FARE LEVEL.—(1)(A) In this subsection, ''standard foreign fare level'' means—

(i) for a class of fares existing on October 1, 1979, the fare between 2 places (as adjusted under subparagraph (B) of this paragraph) filed for and allowed by the Civil Aeronautics Board to go into effect after September 30, 1979, and before August 13, 1980 (with seasonal fares adjusted by the percentage difference that prevailed between seasons in 1978), or the fare established under section 1002(j)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 24(a) of the International Air Transportation Competition Act of 1979 (Public Law 96–192, 94 Stat. 46); or

(ii) for a class of fares established after October 1, 1979, the fare between 2 places in effect on the effective date of the establishment of the new class.

(B) At least once every 60 days for fuel costs, and at least once every 180 days for other costs, the Secretary shall adjust the standard foreign fare level for the particular foreign air transportation to which the standard foreign fare level applies by increasing or decreasing that level by the percentage change from the last previous period in the actual operating cost for each available seat-mile. In adjusting a standard foreign fare level, the Secretary may not make an adjustment to costs actually incurred. In establishing a standard foreign fare level and making adjustments in the level under this paragraph, the Secretary may use all relevant or appropriate information reasonably available to the Secretary.

(2) The Secretary may not decide that a proposed fare for foreign air transportation is unreasonable on the basis that the fare is too low or too high if the proposed fare is neither more than 5 percent higher nor 50 percent lower than the standard foreign fare level for the same or essentially similar class of transportation. The Secretary by regulation may increase the 50 percent specified in this paragraph.

(3) Paragraph (2) of this subsection does not apply to a proposed fare that is not more than—

(A) 5 percent higher than the standard foreign fare level when the Secretary decides that the proposed fare may be unreasonably discriminatory or that suspension of the fare is in the public interest because of an unreasonable regulatory action by the government of a foreign country that is related to a fare proposal of an air carrier; or

(B) 50 percent lower than the standard foreign fare level when the Secretary decides that the proposed fare may be predatory or discriminatory or that suspension of the fare is required because of an unreasonable regulatory action by the government of a foreign country that is related to a fare proposal of an air carrier.

(f) SUBMISSION OF ORDERS TO PRESIDENT.—The Secretary shall submit to the President an order made under this section suspending, canceling, or rejecting a price for foreign air transportation, and an order rescinding the effectiveness of such an order, before publishing the order. Not later than 10 days after its submission, the President may disapprove the order on finding disapproval is necessary for United States foreign policy or national defense reasons.

(g) COMPLIANCE AS CONDITION OF CERTIFICATE OR PERMIT.—This section and compliance with an order of the Secretary under this section are conditions to any certificate or permit held by an air carrier or foreign air carrier. An air carrier or foreign air carrier may provide foreign air transportation only as long as the carrier maintains prices for that transportation that comply with this section and orders of the Secretary under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1135.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41509(a)(1) ..	49 App.:1482(j)(1) (1st sentence words before semicolon, 2d sentence related to tariffs of air carriers and foreign air carriers), (2) (1st sentence words before semicolon, 2d sentence related to tariffs of air carriers and foreign air carriers).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1002(j)(1), (2); added Mar. 22, 1972, Pub. L. 92–259, §3(a), 86 Stat. 96; restated Feb. 15, 1980, Pub. L. 96–192, §§14, 15, 94 Stat. 40.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(c)(3)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41509(a)(2) ..	49 App.:1482(j)(1) (2d sentence related to tariffs of foreign air carriers), (2) (2d sentence related to tariffs of foreign air carriers).	
	49 App.:1551(b)(1)(E).	
41509(a)(3) ..	49 App.:1482(j)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1002(j)(5); added Mar. 22, 1972, Pub. L. 92–259, §3(a), 86 Stat. 98; Feb. 15, 1980, Pub. L. 96–192, §16, 94 Stat. 42.
	49 App.:1551(b)(1)(E).	
41509(b)	49 App.:1373(c)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §403(c)(3); added Oct. 24, 1978, Pub. L. 95–504, §22, 92 Stat. 1724.
	49 App.:1482(j)(1) (1st sentence words after semicolon, 3d sentence), (2) (1st sentence words after semicolon).	
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(3)), (b)(1)(E).	
41509(c)(1) ..	49 App.:1482(j)(1) (4th sentence), (2) (3d sentence).	
	49 App.:1551(b)(1)(E).	
41509(c)(2) ..	49 App.:1482(j)(1) (5th, last sentences).	
41509(c)(3) ..	49 App.:1482(j)(2) (last sentence).	
41509(d)	49 App.:1482(j)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1002(j)(3), (4); added Mar. 22, 1972, Pub. L. 92–259, §3(a), 86 Stat. 98.
	49 App.:1551(b)(1)(E).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41509(e)(1)(A).	49 App.:1482(j)(7).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1002(j)(6), (7), (9), (10); added Feb. 15, 1980, Pub. L. 96–192, §24(a), 94 Stat. 45, 47.
41509(e)(1)(B).	49 App.:1482(j)(9).	
	49 App.:1551(b)(1)(E).	
41509(e)(2), (3).	49 App.:1482(j)(6), (10).	
	49 App.:1551(b)(1)(E).	
41509(f)	49 App.:1461(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §801(b); added Mar. 22, 1972, Pub. L. 92–259, §2, 86 Stat. 96.
	49 App.:1551(b)(1)(E).	
41509(g)	49 App.:1482(j)(4).	
	49 App.:1551(b)(1)(E).	

In subsection (a)(1) and (2), the words ''take action to'' are omitted as surplus.

In subsection (a)(1), the words ''individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers)'' and ''and, if it so orders'' are omitted as surplus. The words ''unreasonable or unreasonably discriminatory'' are substituted for ''unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial'' for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101.

In subsection (a)(3), before clause (A), the words ''In deciding whether to cancel or reject a tariff of an air carrier or foreign air carrier under this subsection'' are substituted for ''In exercising and performing its powers and duties under this subsection with respect to the rejection or cancellation of rates for the carriage of persons or property'' for consistency in this section and to eliminate unnecessary words. In clause (B), the words ''of persons and property'' are omitted as surplus.

In subsection (b)(1), the words ''contained in the tariff'' are added for clarity.

In subsection (b)(1)(A), the words ''such hearing and'' are omitted as surplus.

In subsection (b)(1)(B), the words ''or in the case of'' are omitted as surplus.

In subsection (b)(2), the text of 49 App.:1373(c)(3) is omitted as obsolete. Reference to 49 App.:1482(g) is omitted because 49 App.:1482(g) does not relate to foreign air transportation and 49 App.:1551(a)(5)(D) provides that 49 App.:1482(g) ceased to be in effect on January 1, 1985, except insofar as it related to foreign air transportation. Reference to 49 App.:1482(j) is omitted because it consistently has been interpreted that the minimum notice requirement does not apply to foreign air transportation.

In subsection (b)(3), the words ''for periods totaling not more than 365 days after'' are substituted for ''a period or periods not exceeding 365 days in the aggregate beyond the time when'' and ''a period or periods not exceeding 365 days in the aggregate from'' to eliminate unnecessary words.

In subsection (c)(1), the words ''a tariff is suspended pending the outcome of a proceeding under subsection (a) of this section'' are added for clarity. The words ''and the Secretary does not take final action in the proceeding during the suspension period'' are substituted for ''the proceeding has not been concluded and an order made within the period of suspension or suspensions'' and ''the proceeding has not been concluded within the period of suspension or suspensions'' to eliminate unnecessary words. The words ''or if the Board shall otherwise so direct'' are omitted as surplus because under subsection (b)(3) of this section the Secretary may rescind a suspension at any time.

In subsection (c)(2)(A), before clause (i), the words ''or suspensions'' are omitted because of 1:1. In clause (i), the words ''corresponding seasonal'' are added for clarity.

In subsection (c)(2)(B) and (3), the words ''providing the same transportation'' are substituted for ''engaged in the same foreign air transportation'' for consistency in this chapter and to eliminate unnecessary words.

In subsection (c)(2)(B), the words ''of the carrier for the covered transportation'' and ''during the period of suspension or'' are added for clarity.

In subsection (c)(3), the words ''If an existing tariff is suspended or canceled'' are added for clarity. The words ''following cancellation of an existing tariff'' are omitted as surplus.

In subsection (d), the word ''properly'' is omitted as surplus. In clause (1)(A), the words ''the operation of'' are omitted as surplus. The words ''periods totaling not more than 365 days after the date of the suspension'' are substituted for ''for a period or periods not exceeding three hundred and sixty-five days in the aggregate from the date of such suspension'' for clarity and to eliminate unnecessary words. In subclause (B), the words ''or suspensions'' are omitted because of 1:1. In clause (2), the words ''by the Secretary'' are added for clarity.

In subsection (e)(1)(B), the words ''within 30 days after February 15, 1980'' are omitted as executed. The words ''as the case may be'' are omitted as surplus.

In subsection (e)(2), the text of 49 App.:1482(j)(6)(A) is omitted as expired. The words ''with respect to any proposed increase filed with the Board after the 180th day after February 15, 1980'' and ''with respect to any proposed decrease filed after February 15, 1980'' are omitted as obsolete. The words ''of persons'' are omitted as surplus because a ''fare'' is only for passengers. The words ''The Secretary by regulation may increase the 50 percent specified in this paragraph'' are substituted for 49 App.:1482(j)(10) for clarity.

In subsection (e)(3)(A), the words ''unreasonably discriminatory'' are substituted for ''unduly preferential, unduly prejudicial, or unjustly discriminatory'' to eliminate unnecessary words and for consistency in the revised title. See the revision notes following 49:10101.

In subsection (g), the words ''express'' and ''now . . . or hereafter issued'' are omitted as surplus. The words ''may provide foreign air transportation only as long as'' are substituted for ''shall be a condition to the continuation of the affected service'' for clarity.

Editorial Notes

REFERENCES IN TEXT

Section 1002(j)(8) of the Federal Aviation Act of 1958, referred to in subsec. (e)(1)(A)(i), is section 1002(j)(8) of Pub. L. 85–726, which was classified to section 1482(j)(8) of former Title 49, Transportation, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.

§ 41510. Required adherence to foreign air transportation tariffs

(a) PROHIBITED ACTIONS BY AIR CARRIERS, FOREIGN AIR CARRIERS, AND TICKET AGENTS.—An air carrier, foreign air carrier, or ticket agent may not—

(1) charge or receive compensation for foreign air transportation that is different from the price specified in the tariff of the carrier that is in effect for that transportation;

(2) refund or remit any part of the price specified in the tariff; or

(3) extend to any person a privilege or facility, related to a matter required by the Secretary of Transportation to be specified in a tariff for foreign air transportation, except as specified in the tariff.

(b) PROHIBITED ACTIONS BY ANY PERSON.—A person may not knowingly—

(1) pay compensation for foreign air transportation of property that is different from the price specified in the tariff in effect for that transportation; or

(2) solicit, accept, or receive—

(A) a refund or remittance of any part of the price specified in the tariff; or

(B) a privilege or facility, related to a matter required by the Secretary to be specified in a tariff for foreign air transportation of property, except as specified in the tariff.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1138.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41510(a)	49 App.:1373(b)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 403(b)(1) (1st sentence), 72 Stat. 759; restated Jan. 3, 1975, Pub. L. 93–623, §§ 7(a), 8(a), 88 Stat. 2105.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(1)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(4)(B) (related to § 403(b)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), (e), 98 Stat. 1703, 1704.
41510(b)	49 App.:1373(b)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 403(b)(2); added Jan. 3, 1975, Pub. L. 93–623, § 8(a), 88 Stat. 2105.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(2)), (b)(1)(E).	

In this section, the words ''greater or less'' are omitted as being included in ''different''. The words ''foreign air transportation'' are substituted for ''air transportation'' because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs prices for the transportation of mail by aircraft. See section 40102(a) of the revised title defining ''air transportation'' to mean interstate or foreign air transportation or the transportation of mail by aircraft. The words ''for any service in connection therewith'' are omitted as surplus because the word ''transportation'' includes any services related to the transportation.

In subsection (a), before clause (1), the words ''may not'' are substituted for ''no . . . shall'' and ''no . . . shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise'' for clarity and to eliminate unnecessary words. In clause (1), the words ''demand or collect'' are omitted as being included in ''charge or receive''. The words ''then currently'' are omitted as surplus. In clause (3), the words ''tariff for foreign air transportation'' are substituted for ''such tariffs'' for clarity.

In subsection (b), before clause (1), the words ''shipper, consignor, consignee, forwarder, broker, or other . . . or any director, officer, agent, or employee thereof'' are omitted as surplus. In clause (1), the words ''directly or indirectly, by any device or means'' and ''currently'' are omitted as surplus. In clause (2), before subclause (A), the words ''in any manner or by any device, directly or indirectly, through any agent or broker, or otherwise'' are omitted as surplus. In subclause (B), the word ''favor'' is omitted as surplus.

§ 41511. Special prices for foreign air transportation

(a) FREE AND REDUCED PRICING.—This chapter does not prohibit an air carrier or foreign air carrier, under terms the Secretary of Transportation prescribes, from issuing or interchanging tickets or passes for free or reduced-price foreign air transportation to or for the following:

(1) a director, officer, or employee of the carrier (including a retired director, officer, or

employee who is receiving retirement benefits from an air carrier or foreign air carrier).

(2) a parent or the immediate family of such an officer or employee or the immediate family of such a director.

(3) a widow, widower, or minor child of an employee of the carrier who died as a direct result of a personal injury sustained when performing a duty in the service of the carrier.

(4) a witness or attorney attending a legal investigation in which the air carrier is interested.

(5) an individual injured in an aircraft accident and a physician or nurse attending the individual.

(6) a parent or the immediate family of an individual injured or killed in an aircraft accident when the transportation is related to the accident.

(7) an individual or property to provide relief in a general epidemic, pestilence, or other emergency.

(8) other individuals under other circumstances the Secretary prescribes by regulation.

(b) SPACE-AVAILABLE BASIS.—Under terms the Secretary prescribes, an air carrier or foreign air carrier may grant reduced-price foreign air transportation on a space-available basis to the following:

(1) a minister of religion.

(2) an individual who is at least 60 years of age and no longer gainfully employed.

(3) an individual who is at least 65 years of age.

(4) an individual who has severely impaired vision or hearing or another physical or mental handicap and an accompanying attendant needed by that individual.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1139.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41511(a)	49 App.:1373(b)(1) (2d sentence).	Aug. 23, 1958, Pub. L. 85–726, §403(b)(1) (2d– last sentences), 72 Stat. 759; July 12, 1960, Pub. L. 86–627, 74 Stat. 445; Jan. 3, 1975, Pub. L. 93–623, §8(a), 88 Stat. 2105; Nov. 9, 1977, Pub. L. 95–163, §8(a), 91 Stat. 1281.
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(1)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(b)(1)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41511(b)	49 App.:1373(b)(1) (3d–last sentences).	
	49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(1)), (b)(1)(E).	

In this section, the words ''foreign air transportation'' are substituted for ''transportation'' and ''in the case of overseas or foreign air transportation'' because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining ''air transportation'' to mean interstate or foreign air transportation or the transportation of mail by aircraft. The word ''conditions'' is omitted as being included in ''terms''.

In subsection (a)(7), the words ''or other emergency'' are substituted for ''other calamitous visitation'' for consistency.

In subsection (b)(2), the words ''no longer gainfully employed'' are substituted for ''retired'' and ''For purposes of this subsection, the term 'retired' means no longer gainfully employed as defined by the Board'' to eliminate unnecessary words.

In subsection (b)(4), the words ''an individual who has severely impaired vision or hearing or another physical or mental handicap'' are substituted for ''handicapped person'' and ''For the purposes of this subsection, the term 'handicapped person' means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person, as defined by the Board'' to eliminate unnecessary words.

CHAPTER 417—OPERATIONS OF CARRIERS

SUBCHAPTER I—REQUIREMENTS

Sec.
41701. Classification of air carriers.
41702. Interstate air transportation.
41703. Navigation of foreign civil aircraft.
41704. Transporting property not to be transported in aircraft cabins.
41705. Discrimination against handicapped individuals.
41706. Prohibitions against smoking on passenger flights.
41707. Incorporating contract terms into written instrument.
41708. Reports.
41709. Records of air carriers.
41710. Time requirements.
41711. Air carrier management inquiry and cooperation with other authorities.
41712. Unfair and deceptive practices and unfair methods of competition.
41713. Preemption of authority over prices, routes, and service.
41714. Availability of slots.
41715. Phase-out of slot rules at certain airports.
41716. Interim slot rules at New York airports.
41717. Interim application of slot rules at Chicago O'Hare International Airport.
41718. Special rules for Ronald Reagan Washington National Airport.
41719. Air service termination notice.
41720. Joint venture agreements.
41721. Reports by carriers on incidents involving animals during air transport.
41722. Delay reduction actions.
41723. Notice concerning aircraft assembly.
41724. Musical instruments.
41725. Prohibition on certain cell phone voice communications.
41726. Strollers.

SUBCHAPTER II—SMALL COMMUNITY AIR SERVICE

41731. Definitions.
41732. Basic essential air service.
41733. Level of basic essential air service.
41734. Ending, suspending, and reducing basic essential air service.
41735. Enhanced essential air service.
41736. Air transportation to noneligible places.
41737. Compensation guidelines, limitations, and claims.
41738. Fitness of air carriers.
41739. Air carrier obligations.
41740. Joint proposals.
41741. Insurance.
41742. Essential air service authorization.
41743. Airports not receiving sufficient service.
41744. Preservation of basic essential air service at single carrier dominated hub airports.
41745. Community and regional choice programs.
41746. Tracking service.

Sec.
[41747. Repealed.]
41748. Marketing program.

SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

41761. Purpose.
41762. Definitions.
41763. Federal credit instruments.
41764. Use of Federal facilities and assistance.
41765. Administrative expenses.
41766. Funding.
41767. Termination.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title IV, §§ 403(b), 412(b), title V, § 539(e), Oct. 5, 2018, 132 Stat. 3329, 3332, 3370, added items 41725 and 41726 and substituted ''rules'' for ''Rules'' in item 41718.

2012—Pub. L. 112–95, title IV, § 403(b), Feb. 14, 2012, 126 Stat. 85, which directed amendment of analysis for ''such subchapter'', meaning subchapter I of chapter 417, by adding item 41724 at the end, was executed by adding item 41724 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112–95, title IV, §§ 401(b), 430, Feb. 14, 2012, 126 Stat. 83, 100, substituted ''Prohibitions against smoking on passenger flights'' for ''Prohibitions against smoking on scheduled flights'' in item 41706, and struck out item 41747 ''EAS local participation program''.

2003—Pub. L. 108–176, title IV, §§ 408(b), 410(b), 422(b), title VIII, § 810(b), Dec. 12, 2003, 117 Stat. 2547, 2549, 2552, 2590, added items 41721 to 41723 and 41745 to 41748 and struck out former item 41721 ''Reports by carriers on incidents involving animals during air transportation''.

2000—Pub. L. 106–181, title II, §§ 203(b), 204(b), 210(b), 231(j)(2), title VII, § 710(b), Apr. 5, 2000, 114 Stat. 93, 94, 102, 115, 160, added items 41715 to 41718, redesignated former items 41715 and 41716 as 41719 and 41720, respectively, and added items 41721, 41743, and 41744, subchapter III heading, and items 41761 to 41767.

1998—Pub. L. 105–277, div. C, title I, § 110(f)(2), Oct. 21, 1998, 112 Stat. 2681–590, which directed amendment of the analysis for subchapter I of chapter 417 by adding item 41716 without specifying the Code title or Act for chapter 417, was executed by adding item 41716 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104–264, title II, § 278(d), Oct. 9, 1996, 110 Stat. 3250, substituted ''Essential air service authorization'' for ''Ending effective date'' in item 41742.

1994—Pub. L. 103–429, § 6(52), Oct. 31, 1994, 108 Stat. 4385, made technical correction to chapter heading.

Pub. L. 103–305, title II, §§ 206(b), 207(b), Aug. 23, 1994, 108 Stat. 1587, 1588, added items 41714 and 41715.

SUBCHAPTER I—REQUIREMENTS

§ 41701. Classification of air carriers

The Secretary of Transportation may establish—

(1) reasonable classifications for air carriers when required because of the nature of the transportation provided by them; and

(2) reasonable requirements for each class when the Secretary decides those requirements are necessary in the public interest.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41701	49 App.:1386(a).	Aug. 23, 1958, Pub. L. 85–726, § 416(a), 72 Stat. 771.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.

In this section, before clause (1), the words ''from time to time'' are omitted as unnecessary. In clauses (1) and (2), the word ''just'' is omitted as being included in ''reasonable''. In clause (1), the word ''groups'' is omitted as being included in ''classifications''. The words ''transportation provided'' are substituted for ''services performed'' for consistency in the revised title. In clause (2), the word ''requirements'' is substituted for ''rules and regulations pursuant to and consistent with the provisions of this subchapter'' as being more appropriate and for consistency in the revised title.

§ 41702. Interstate air transportation

An air carrier shall provide safe and adequate interstate air transportation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41702	49 App.:1374(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 404(a)(1), 72 Stat. 760; Mar. 22, 1972, Pub. L. 92–259, § 1, 86 Stat. 95; Oct. 24, 1978, Pub. L. 95–504, § 23, 92 Stat. 1724.
	49 App.:1551(a)(4)(C) (related to 49 App.:1374(a)(1)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(4)(C) (related to § 404(a)(1)); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), 98 Stat. 1703.

This section is substituted for 49 App.:1374(a)(1) because 49 App.:1551(a)(4)(C) provides that 49 App.:1374 no longer applies to interstate or overseas air transportation except insofar as 49 App.:1374 requires air carriers to provide safe and adequate service.

§ 41703. Navigation of foreign civil aircraft

(a) PERMITTED NAVIGATION.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States only—

(1) if the country of registry grants a similar privilege to aircraft of the United States;

(2) by an airman holding a certificate or license issued or made valid by the United States Government or the country of registry;

(3) if the Secretary of Transportation authorizes the navigation; and

(4) if the navigation is consistent with terms the Secretary may prescribe.

(b) REQUIREMENTS FOR AUTHORIZING NAVIGATION.—The Secretary may authorize navigation under this section only if the Secretary decides the authorization is—

(1) in the public interest; and

(2) consistent with any agreement between the Government and the government of a foreign country.

(c) PROVIDING AIR COMMERCE.—The Secretary may authorize an aircraft permitted to navigate in the United States under this section to provide air commerce in the United States. However, the aircraft may take on for compensation,

at a place in the United States, passengers or cargo destined for another place in the United States only if—

(1) specifically authorized under section 40109(g) of this title; or

(2) under regulations the Secretary prescribes authorizing air carriers to provide otherwise authorized air transportation with foreign registered aircraft under lease or charter to them without crew.

(d) PERMIT REQUIREMENTS NOT AFFECTED.—This section does not affect section 41301 or 41302 of this title. However, a foreign air carrier holding a permit under section 41302 does not need to obtain additional authorization under this section for an operation authorized by the permit.

(e) CARGO IN ALASKA.—

(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term ''eligible cargo'' means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

(A) under the code of a United States air carrier providing air transportation to Alaska;

(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

(C) under a term arrangement or block space agreement with an air carrier; or

(D) under the code of a United States air carrier for purposes of transportation within the United States.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1140; Pub. L. 108–176, title VIII, §808, Dec. 12, 2003, 117 Stat. 2588.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41703(a)	49 App.:1508(b) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §1108(b) (1st, 2d, last sentences), 72 Stat. 798, 799.
	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.
41703(b)	49 App.:1508(b) (2d sentence).	
	49 App.:1551(b)(1)(E).	
41703(c)	49 App.:1508(b) (3d sentence).	Aug. 23, 1958, Pub. L. 85–726, §1108(b) (3d sentence), 72 Stat. 799; Feb. 15, 1980, Pub. L. 96–192, §20, 94 Stat. 43.
	49 App.:1551(b)(1)(E).	
41703(d)	49 App.:1508(b) (last sentence).	

In subsection (a), the word ''country'' is substituted for ''nation'' for consistency in the revised title and with other titles of the United States Code. In clause (3), the words ''permit, order, or regulation issued'' are omitted as surplus. In clause (4), the words ''conditions, and limitations'' are omitted as being included in ''terms''.

In subsection (b)(2), the word ''agreement'' is substituted for ''treaty, convention, or agreement'' for clarity and consistency in the revised title. The words ''which may be in force'' are omitted as surplus. The words ''or countries'' are omitted because of 1:1.

In subsection (c), before clause (1), the word ''place'' is substituted for ''point'', and the word ''passengers'' is substituted for ''persons'', for consistency in the revised title.

In subsection (d), the word ''affect'' is substituted for ''limit, modify, or amend'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Subsec. (e). Pub. L. 108–176 added subsec. (e).

Statutory Notes and Related Subsidiaries

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.

§ 41704. Transporting property not to be transported in aircraft cabins

Under regulations or orders of the Secretary of Transportation, an air carrier shall transport as baggage the property of a passenger traveling in air transportation that may not be carried in an aircraft cabin because of a law or regulation of the United States. The carrier is liable to pay an amount not more than the amount declared to the carrier by that passenger for actual loss of, or damage to, the property caused by the carrier. The carrier may impose reasonable charges and conditions for its liability.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1141.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41704	49 App.:1516.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1116; added Aug. 5, 1974, Pub. L. 93–366, §205, 88 Stat. 418.
	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.

The words ''as may be necessary'', ''which . . . lawfully'', and ''by such person'' are omitted as surplus. The words ''The carrier is liable to pay an amount not more than'' are substituted for ''shall assume liability . . . within'' for clarity. The words ''to such person'' are omitted as surplus. The words ''The carrier may impose'' are added for clarity. The words ''terms and'' are omitted as covered by ''conditions''.

Statutory Notes and Related Subsidiaries

REFUNDS FOR DELAYED BAGGAGE

Pub. L. 114–190, title II, §2305, July 15, 2016, 130 Stat. 640, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall issue final regulations to require an air carrier or foreign air carrier to promptly provide to a passenger an automated refund for any ancillary fees paid by the passenger for checked baggage if—

''(1) the air carrier or foreign air carrier fails to deliver the checked baggage to the passenger—

''(A) not later than 12 hours after the arrival of a domestic flight; or

''(B) not later than 15 hours after the arrival of an international flight; and

''(2) the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage.

''(b) EXCEPTION.—If, as part of the rulemaking, the Secretary makes a determination on the record that a requirement under subsection (a) is not feasible and would adversely affect consumers in certain cases, the Secretary may modify 1 or both of the deadlines specified in subsection (a)(1) for such cases, except that—

''(1) the deadline relating to a domestic flight may not exceed 18 hours after the arrival of the domestic flight; and

''(2) the deadline relating to an international flight may not exceed 30 hours after the arrival of the international flight.''

§ 41705. Discrimination against handicapped individuals

(a) IN GENERAL.—In providing air transportation, an air carrier, including (subject to section 40105(b)) any foreign air carrier, may not discriminate against an otherwise qualified individual on the following grounds:

(1) the individual has a physical or mental impairment that substantially limits one or more major life activities.

(2) the individual has a record of such an impairment.

(3) the individual is regarded as having such an impairment.

(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301, a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

(c) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).

(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall—

(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1141; Pub. L. 106–181, title VII, § 707(a), Apr. 5, 2000, 114 Stat. 158; Pub. L. 108–176, title V, § 503(d)(1), Dec. 12, 2003, 117 Stat. 2559.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41705	49 App.:1374(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 404(c); added Oct. 2, 1986, Pub. L. 99–435, § 2(a), 100 Stat. 1080.

In this section, before clause (1), the words ''on the following grounds'' are substituted for ''by reason of such handicap'' and ''For purposes of paragraph (1) of this subsection the term 'handicapped individual' means any individual who'' because of the restatement.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (c)(4), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–176 substituted ''section 46301'' for ''section 46301(a)(3)(E)''.

2000—Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, substituted ''carrier, including (subject to section 40105(b)) any foreign air carrier,'' for ''carrier'' in introductory provisions, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

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.

REGULATIONS ENSURING ASSISTANCE FOR PASSENGERS WITH DISABILITIES IN AIR TRANSPORTATION

Pub. L. 115–254, div. B, title IV, § 440, Oct. 5, 2018, 132 Stat. 3347, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall—

''(1) review, and if necessary revise, applicable regulations to ensure that passengers with disabilities who request assistance while traveling in air transportation receive dignified, timely, and effective assistance at airports and on aircraft from trained personnel; and

''(2) review, and if necessary revise, applicable regulations related to covered air carrier training programs for air carrier personnel, including contractors, who provide physical assistance to passengers with disabilities to ensure that training under such programs—

''(A) occurs on an annual schedule for all new and continuing personnel charged with providing physical assistance; and

''(B) includes, as appropriate, instruction by personnel, with hands-on training for employees who physically lift or otherwise physically assist passengers with disabilities, including the use of relevant equipment.

''(b) TYPES OF ASSISTANCE.—The assistance referred to [in] subsection (a)(1) may include requests for assistance in boarding or deplaning an aircraft, requests for assistance in connecting between flights, and other similar or related requests, as appropriate.''

[For definition of ''covered air carrier'' as used in section 440 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS

Pub. L. 115–254, div. B, title IV, § 434, Oct. 5, 2018, 132 Stat. 3343, provided that:

''(a) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—The Secretary of Transportation shall develop a document, to be known as the 'Airline Passengers with Disabilities Bill of Rights', using plain language to describe the basic protections and responsibilities of covered air carriers, their employees and contractors, and people with disabilities under the [sic] section 41705 of title 49, United States Code.

''(b) CONTENT.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

''(1) The right of passengers with disabilities to be treated with dignity and respect.

''(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained covered air carrier and contractor personnel.

''(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

''(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability.

''(5) The right of passengers with disabilities to receive announcements in an accessible format.

''(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with a covered air carrier or the Department of Transportation.

''(c) RULE OF CONSTRUCTION.—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of the enactment of this Act [Oct. 5, 2018] pursuant to any statute or regulation.

''(d) CONSULTATIONS.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary of Transportation shall consult with stakeholders, including disability organizations and covered air carriers and their contractors.

''(e) DISPLAY.—Each covered air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

''(1) on a publicly available internet website of the covered air carrier; and

''(2) in any pre-flight notifications or communications provided to passengers who alert the covered air carrier in advance of the need for accommodations relating to a disability.

''(f) TRAINING.—Covered air carriers and contractors of covered air carriers shall submit to the Secretary of Transportation plans that ensure employees of covered air carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights. The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).''

[For definition of ''covered air carrier'' as used in section 434 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

HARMONIZATION OF SERVICE ANIMAL STANDARDS

Pub. L. 115–254, div. B, title IV, § 437, Oct. 5, 2018, 132 Stat. 3344, provided that:

''(a) RULEMAKING.—The Secretary of Transportation shall conduct a rulemaking proceeding—

''(1) to define the term 'service animal' for purposes of air transportation; and

''(2) to develop minimum standards for what is required for service and emotional support animals carried in aircraft cabins.

''(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum—

''(1) whether to align the definition of 'service animal' with the definition of that term in regulations of the Department of Justice implementing the Americans with Disabilities Act of 1990 (Public Law 101–336) [42 U.S.C. 12101 et seq.];

''(2) reasonable measures to ensure pets are not claimed as service animals, such as—

''(A) whether to require photo identification for a service animal identifying the type of animal, the breed of animal, and the service the animal provides to the passenger;

''(B) whether to require documentation indicating whether or not a service animal was trained by the owner or an approved training organization;

''(C) whether to require, from a licensed physician, documentation indicating the mitigating task or tasks a service animal provides to its owner; and

''(D) whether to allow a passenger to be accompanied by more than 1 service animal;

''(3) reasonable measures to ensure the safety of all passengers, such as—

''(A) whether to require health and vaccination records for a service animal; and

''(B) whether to require third-party proof of behavioral training for a service animal;

''(4) the impact additional requirements on service animals could have on access to air transportation for passengers with disabilities; and

''(5) if impacts on access to air transportation for passengers with disabilities are found, ways to eliminate or mitigate those impacts.

''(c) FINAL RULE.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.''

ADVISORY COMMITTEE ON THE AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES

Pub. L. 115–254, div. B, title IV, § 439, Oct. 5, 2018, 132 Stat. 3345, as amended by Pub. L. 118–15, div. B, title II, § 2202(t), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, § 102(t), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory committee on issues related to the air travel needs of passengers with disabilities (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) identify and assess the disability-related access barriers encountered by passengers with disabilities;

''(2) determine the extent to which the programs and activities of the Department of Transportation are addressing the barriers identified in paragraph (1);

''(3) recommend consumer protection improvements to the air travel experience of passengers with disabilities;

''(4) advise the Secretary with regard to the implementation of section 41705 of title 49, United States Code; and

''(5) conduct such activities as the Secretary considers necessary to carry out this section.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of at least 1 representative of each of the following groups:

''(A) Passengers with disabilities.

''(B) National disability organizations.

''(C) Air carriers.

''(D) Airport operators.

''(E) Contractor service providers.

''(F) Aircraft manufacturers.

''(G) Wheelchair manufacturers.

''(H) National veterans organizations representing disabled veterans.

''(2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.

''(3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

''(d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.

''(e) TRAVEL EXPENSES.—Members of the Advisory Committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) REPORTS.—

''(1) IN GENERAL.—Not later than 14 months after the date of establishment of the Advisory Committee, and annually thereafter, the Advisory Committee shall submit to the Secretary of Transportation a report on the needs of passengers with disabilities in air travel, including—

''(A) an assessment of existing disability-related access barriers, and any emerging disability-related access barriers that will likely be an issue in the next 5 calendar years;

''(B) an evaluation of the extent to which the Department of Transportation's programs and activities are eliminating disability-related access barriers;

''(C) a description of the Advisory Committee's actions;

''(D) a description of improvements related to the air travel experience of passengers with disabilities; and

''(E) any recommendations for legislation, administrative action, or other action that the Advisory Committee considers appropriate.

''(2) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the report under paragraph (1), the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a copy of the report, including any additional findings or recommendations that the Secretary considers appropriate.

''(g) TERMINATION.—The Advisory Committee established under this section shall terminate on March 8, 2024.

''(h) TERMINATION OF THE NEXT GENERATION AIR TRANSPORTATION SYSTEM SENIOR POLICY COMMITTEE.—The Next Generation Air Transportation System Senior Policy Committee established by the Secretary of Transportation shall terminate on the date of the initial appointment of the members of the Advisory Committee.''

TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES

Pub. L. 115–254, div. B, title IV, § 433, Oct. 5, 2018, 132 Stat. 3342, provided that: ''Following the receipt of the report required under section 2107 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 622) [set out below], the Secretary of Transportation shall develop, if appropriate, specific recommendations regarding improvements to wheelchair assistance provided by air carriers and recommendations on how training programs by air carriers can address consumer complaints regarding wheelchair assistance.''

Pub. L. 114–190, title II, § 2107, July 15, 2016, 130 Stat. 622, provided that:

''(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [July 15, 2016], the Comptroller General of the United States shall submit to Congress a report assessing required air carrier personnel and contractor training programs regarding the assistance of persons with disabilities, including—

''(1) variations in training programs between air carriers;

''(2) instances since 2005 where the Department of Transportation has requested that an air carrier take corrective action following a review of the air carrier's training programs; and

''(3) actions taken by air carriers following requests described in paragraph (2).

''(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop, make publicly available, and appropriately disseminate to air carriers such best practices as the Secretary considers necessary to improve the reviewed training programs.''

ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS

Pub. L. 106–181, title VII, § 707(c), Apr. 5, 2000, 114 Stat. 158, provided that: ''The Secretary [of Transportation] shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.''

RESTRICTIONS ON AIR TRANSPORTATION OF PEANUTS; SCIENTIFIC STUDY ON EFFECT OF AIRBORNE PARTICLES ON PASSENGERS

Pub. L. 106–69, title III, § 346, Oct. 9, 1999, 113 Stat. 1023, provided that: ''Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

''(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

''(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.''

Similar provisions were contained in Pub. L. 105–277, div. A, § 101(g) [title III, § 372], Oct. 21, 1998, 112 Stat. 2681–439, 2681–479.

§ 41706. Prohibitions against smoking on passenger flights

(a) SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—An individual may not smoke—

(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

(1) in an aircraft in scheduled passenger foreign air transportation; and

(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).

(c) LIMITATION ON APPLICABILITY.—

(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

(d) ELECTRONIC CIGARETTES.—

(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term ''electronic cigarette'' means a device that delivers nicotine to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1141; Pub. L. 106–181, title VII, § 708(a), Apr. 5, 2000, 114 Stat. 159; Pub. L. 112–95, title IV, § 401(a), Feb. 14, 2012, 126 Stat. 83; Pub. L. 115–254, div. B, title IV, § 409, Oct. 5, 2018, 132 Stat. 3331.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41706	49 App.:1374(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 404(d)(1); added Dec. 22, 1987, Pub. L. 100–202, § 328(a), 101 Stat. 1329–382; Nov. 21, 1989, Pub. L. 101–164, § 335 (less effective date), 103 Stat. 1098, 1099.
	49 App.:1374 (note).	Nov. 21, 1989, Pub. L. 101–164, § 335 (related to effective date), 103 Stat. 1099.

In subsection (a), before clause (1), the words ''On and after the date of expiration of the 4-month period following December 22, 1987'' are omitted as executed. The words ''of an aircraft'' are added for clarity. The text of 49 App.:1374 (note) is omitted as executed.

Editorial Notes

AMENDMENTS

2018—Subsecs. (d), (e). Pub. L. 115–254 added subsec. (d) and redesignated former subsec. (d) as (e).

2012—Pub. L. 112–95, § 401(a)(1), substituted ''passenger'' for ''scheduled'' in section catchline.

Subsecs. (a), (b). Pub. L. 112–95, § 401(a)(2), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.''

2000—Pub. L. 106–181 amended section catchline and text generally. Prior to amendment, text read as follows:

''(a) GENERAL.—An individual may not smoke in the passenger cabin or lavatory of an aircraft on a scheduled airline flight segment in air transportation or intrastate air transportation that is—

''(1) between places in a State of the United States, the District of Columbia, Puerto Rico, or the Virgin Islands;

''(2) between a place in any jurisdiction referred to in clause (1) of this subsection (except Alaska and Hawaii) and a place in any other of those jurisdictions; or

''(3)(A) scheduled for not more than 6 hours' duration; and

''(B)(i) between a place referred to in clause (1) of this subsection (except Alaska and Hawaii) and Alaska or Hawaii; or

''(ii) between Alaska and Hawaii.

''(b) REGULATIONS.—The Secretary of Transportation shall prescribe regulations necessary to carry out this section.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–181, title VII, § 708(b), Apr. 5, 2000, 114 Stat. 159, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [Apr. 5, 2000].''

§ 41707. Incorporating contract terms into written instrument

To the extent the Secretary of Transportation prescribes by regulation, an air carrier may incorporate by reference in a ticket or written instrument any term of the contract for providing interstate air transportation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1141.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41707	49 App.:1381(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 411(b); added Oct. 4, 1984, Pub. L. 98–443, § 7(a), 98 Stat. 1706.

§ 41708. Reports

(a) APPLICATION.—To the extent the Secretary of Transportation finds necessary to carry out this subpart, this section and section 41709 of this title apply to a person controlling an air carrier or affiliated (within the meaning of section 11343(c) of this title) with a carrier.

(b) REQUIREMENTS.—The Secretary may require an air carrier or foreign air carrier—

(1)(A) to file annual, monthly, periodical, and special reports with the Secretary in the form and way prescribed by the Secretary; and

(B) to file the reports under oath;

(2) to provide specific answers to questions on which the Secretary considers information to be necessary; and

(3) to file with the Secretary a copy of each agreement, arrangement, contract, or understanding between the carrier and another carrier or person related to transportation affected by this subpart.

(c) DIVERTED AND CANCELLED FLIGHTS.—

(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

(A) For a diverted flight—

(i) the flight number of the diverted flight;

(ii) the scheduled destination of the flight;

(iii) the date and time of the flight;

(iv) the airport to which the flight was diverted;

(v) wheels-on time at the diverted airport;

(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

(vii) if the flight arrives at the scheduled destination airport—

(I) the gate-departure time at the diverted airport;

(II) the wheels-off time at the diverted airport;

(III) the wheels-on time at the scheduled arrival airport; and

(IV) the gate-arrival time at the scheduled arrival airport.

(B) For flights cancelled after gate departure—

(i) the flight number of the cancelled flight;

(ii) the scheduled origin and destination airports of the cancelled flight;

(iii) the date and time of the cancelled flight;

(iv) the gate-departure time of the cancelled flight; and

(v) the time the aircraft returned to the gate.

(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1141; Pub. L. 112–95, title IV, § 402(a), Feb. 14, 2012, 126 Stat. 83.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41708(a)	49 App.:1377(e) (last sentence).	Aug. 23, 1958, Pub. L. 85–726, § 407(e) (last sentence), 72 Stat. 766.
	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.
41708(b)	49 App.:1377(a).	Aug. 23, 1958, Pub. L. 85–726, § 407(a), 72 Stat. 766; Feb. 15, 1980, Pub. L. 96–192, § 10, 94 Stat. 38.
	49 App.:1551(b)(1)(E).	

In subsection (a), the word ''reasonably'' is omitted as surplus. The words ''carry out'' are substituted for ''administration'' for consistency in the revised title. The words ''section 11343(c) of this title'' are substituted for ''section 5(8) of the Interstate Commerce Act, as amended'' in section 407(e) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 766), to cite the corresponding section of the revised title and correct the inaccurate reference to the definition of ''affiliate''.

In subsection (b)(3), the word ''copy'' is substituted for ''true copy'' to eliminate an unnecessary word. The word ''transportation'' is substituted for ''traffic'' for consistency in the revised title.

Editorial Notes

AMENDMENTS

2012—Subsec. (c). Pub. L. 112–95 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title IV, § 402(b), Feb. 14, 2012, 126 Stat. 84, provided that: ''Beginning not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) [amending this section].''

§ 41709. Records of air carriers

(a) REQUIREMENTS.—The Secretary of Transportation shall prescribe the form of records to be kept by an air carrier, including records on the movement of traffic, receipts and expenditures of money, and the time period during which the records shall be kept. A carrier may keep only records prescribed or approved by the Secretary. However, a carrier may keep additional records if the additional records do not impair the integrity of the records prescribed or approved by the Secretary and are not an unreasonable financial burden on the carrier.

(b) INSPECTION.—(1) The Secretary at any time may—

(A) inspect the land, buildings, and equipment of an air carrier or foreign air carrier when necessary to decide under subchapter II of this chapter or section 41102, 41103, or 41302 of this title whether a carrier is fit, willing, and able; and

(B) inspect records kept or required to be kept by an air carrier, foreign air carrier, or ticket agent.

(2) The Secretary may employ special agents or auditors to carry out this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1142.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41709(a)	49 App.:1377(d).	Aug. 23, 1958, Pub. L. 85–726, §407(d), 72 Stat. 766.
	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.
41709(b)	49 App.:1377(e) (1st–3d sentences).	Aug. 23, 1958, Pub. L. 85–726, §407(e) (1st–3d sentences), 72 Stat. 766; Jan. 3, 1975, Pub. L. 93–623, §7(b), 88 Stat. 2105; restated Oct. 4, 1984, Pub. L. 98–443, §9(t), 98 Stat. 1708.
	49 App.:1551(b)(1)(E).	

In subsection (a), the word ''unreasonable'' is substituted for ''undue'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1)(A) and (B), the word ''inspect'' is substituted for ''have access to'' for consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words ''to carry out this subsection'' are substituted for ''who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection'' to eliminate unnecessary words.

§ 41710. Time requirements

When a matter requiring action of the Secretary of Transportation is submitted under section 40109(a) or (c)–(h), 41309, or 42111 of this title and an evidentiary hearing—

(1) is ordered, the Secretary shall make a final decision on the matter not later than the last day of the 12th month that begins after the date the matter is submitted; or

(2) is not ordered, the Secretary shall make a final decision on the matter not later than the last day of the 6th month that begins after the date the matter is submitted.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1142.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41710	49 App.:1490.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1010; added Oct. 24, 1978, Pub. L. 95–504, §38(a), 92 Stat. 1743.
	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.

In this section, before clause (1), the words ''matter requiring action of the Secretary'' are substituted for ''application or other written document'' for clarity. The reference to 49 App.:1378 and 1379 is omitted as obsolete because under 49 App.:1551(a)(7), those sections ceased to be in effect on January 1, 1989. The words ''on or after the one-hundred-eightieth day after October 24, 1978'' are omitted as executed. In clauses (1) and (2), the words ''order or'' are omitted as surplus.

§ 41711. Air carrier management inquiry and cooperation with other authorities

In carrying out this subpart, the Secretary of Transportation may—

(1) inquire into the management of the business of an air carrier and obtain from the air carrier, and a person controlling, controlled by, or under common control with the carrier, information the Secretary decides reasonably is necessary to carry out the inquiry;

(2) confer and hold a joint hearing with a State authority; and

(3) exchange information related to aeronautics with a government of a foreign country through appropriate departments, agencies, and instrumentalities of the United States Government.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1142.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41711(1)	49 App.:1385.	Aug. 23, 1958, Pub. L. 85–726, §§204(b), (c), 415, 72 Stat. 743, 770.
	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.
41711(2)	49 App.:1324(b).	
	49 App.:1551(b)(1)(E).	
41711(3)	49 App.:1324(c)	
	49 App.:1551(b)(1)(E).	

In this section, before clause (1), the words ''In carrying out'' are substituted for ''in connection with any matter arising under this chapter within its jurisdiction'' and ''in the administration and enforcement of this chapter'' in 49 App.:1324(b) and ''For the purpose of exercising and performing its powers and duties under this chapter'' in 49 App.:1385, and added (as the words relate to 49 App.:1324(c)), for clarity and consistency in this section. In clause (1), the words ''full and complete reports and other'' are omitted as surplus. In clause (2), the words ''State aeronautical agency, or other'' are omitted as surplus. The text of 49 App.:1324(b) (words after 3d comma) is omitted as surplus because of 49:322(c)(3). In clause (3), the words ''government of a foreign country'' are substituted for ''foreign governments'' for consistency in the revised title and with other titles of the United States Code.

§ 41712. Unfair and deceptive practices and unfair methods of competition

(a) IN GENERAL.—On the initiative of the Secretary of Transportation or the complaint of an air carrier, foreign air carrier, air ambulance consumer (as defined by the Secretary of Transportation), or ticket agent, and if the Secretary considers it is in the public interest, the Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation. If the Secretary, after notice and an opportunity for a hearing, finds that an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or unfair method of competition, the Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.

(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.

(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or

other person offering to sell tickets for air transportation on a flight of an air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

(A) the name of the air carrier providing the air transportation; and

(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1143; Pub. L. 106–181, title II, § 221, Apr. 5, 2000, 114 Stat. 102; Pub. L. 111–216, title II, § 210, Aug. 1, 2010, 124 Stat. 2362; Pub. L. 115–254, div. B, title IV, § 419(b), Oct. 5, 2018, 132 Stat. 3336.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41712	49 App.:1381(a).	Aug. 23, 1958, Pub. L. 85–726, § 411(a), 72 Stat. 769; Oct. 4, 1984, Pub. L. 98–443, § 7(a), 98 Stat. 1706.
	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.

The words ''such action by'' are omitted as surplus. The words ''opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 inserted ''air ambulance consumer (as defined by the Secretary of Transportation),'' after ''of an air carrier, foreign air carrier,''.

2010—Subsec. (c). Pub. L. 111–216 added subsec. (c).

2000—Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 41713. Preemption of authority over prices, routes, and service

(a) DEFINITION.—In this section, ''State'' means a State, the District of Columbia, and a territory or possession of the United States.

(b) PREEMPTION.—(1) Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.

(2) Paragraphs (1) and (4) of this subsection do not apply to air transportation provided entirely in Alaska unless the transportation is air transportation (except charter air transportation) provided under a certificate issued under section 41102 of this title.

(3) This subsection does not limit a State, political subdivision of a State, or political authority of at least 2 States that owns or operates an airport served by an air carrier holding a certificate issued by the Secretary of Transportation from carrying out its proprietary powers and rights.

(4) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier or carrier affiliated with a direct air carrier through common controlling ownership when such carrier is transporting property by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

(B) MATTERS NOT COVERED.—Subparagraph (A)—

(i) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization; and

(ii) does not apply to the transportation of household goods, as defined in section 13102 of this title.

(C) APPLICABILITY OF PARAGRAPH (1).—This paragraph shall not limit the applicability of paragraph (1).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1143; Pub. L. 103–305, title VI, § 601(b)(1), (2)(A), Aug. 23, 1994, 108 Stat. 1605, 1606; Pub. L. 105–102, § 2(23), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41713(a)	49 App.:1305(c), (d) (related to (a), (b)(1), (c)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 105(a)(2), (b)(1), (c), (d) (related to (a), (b)(1), (c)); added Oct. 24, 1978, Pub. L. 95–504, § 4(a), 92 Stat. 1708.
41713(b)(1) ..	49 App.:1305(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 105(a)(1); added Oct. 24, 1978, Pub. L. 95–504, § 4(a), 92 Stat. 1707; Oct. 4, 1984, Pub. L. 98–443, § 9(u), 98 Stat. 1709.
41713(b)(2) ..	49 App.:1305(a)(2).	
	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.
41713(b)(3) ..	49 App.:1305(b)(1).	
	49 App.:1551(b)(1)(E).	

In subsection (a), the words ''the term'' are omitted as surplus. The words ''the Commonwealth of Puerto

Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and'' are omitted as surplus because of the definition of ''territory or possession of the United States'' in section 40102(a) of the revised title, 48:734, and section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. The text of 49 App.:1305(c) is omitted as obsolete.

In subsection (b)(1) and (3), the words ''interstate agency or other'' are omitted as surplus. The word ''authority'' is substituted for ''agency'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the word ''rule'' is omitted as being synonymous with ''regulation''. The words ''standard'' and ''having authority'' are omitted as surplus.

In subsection (b)(2), the words ''pursuant to a certificate issued by the Board'', ''by air of persons, property, or mail'', and ''the State of'' are omitted as surplus.

PUB. L. 105–102

This amends 49:41713(b)(4)(B)(ii) to correct a cross-reference necessary because of the restatement of subtitle IV of title 49 by the ICC Termination Act (Public Law 104–88, 109 Stat. 803).

Editorial Notes

AMENDMENTS

1997—Subsec. (b)(4)(B)(ii). Pub. L. 105–102 substituted ''13102'' for ''10102''.

1994—Subsec. (b)(2). Pub. L. 103–305, § 601(b)(2)(A), substituted ''Paragraphs (1) and (4) of this subsection do'' for ''Paragraph (1) of this subsection does''.

Subsec. (b)(4). Pub. L. 103–305, § 601(b)(1), added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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.

§ 41714. Availability of slots

(a) MAKING SLOTS AVAILABLE FOR ESSENTIAL AIR SERVICE.—

(1) OPERATIONAL AUTHORITY.—If basic essential air service under subchapter II of this chapter is to be provided from an eligible point to a high density airport (other than Ronald Reagan Washington National Airport), the Secretary of Transportation shall ensure that the air carrier providing or selected to provide such service has sufficient operational authority at the high density airport to provide such service. The operational authority shall allow flights at reasonable times taking into account the needs of passengers with connecting flights.

(2) EXEMPTIONS.—If necessary to carry out the objectives of paragraph (1), the Secretary shall by order grant exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to air carriers using Stage 3 aircraft or to commuter air carriers, unless such an exemption would significantly increase operational delays.

(3) ASSURANCE OF ACCESS.—If the Secretary finds that an exemption under paragraph (2) would significantly increase operational delays, the Secretary shall take such action as may be necessary to ensure that an air carrier providing or selected to provide basic essential air service is able to obtain access to a high density airport.

(4) ACTION BY THE SECRETARY.—The Secretary shall issue a final order under this subsection on or before the 60th day after receiving a request from an air carrier for operational authority under this subsection.

(b) SLOTS FOR FOREIGN AIR TRANSPORTATION.—

(1) EXEMPTIONS.—If the Secretary finds it to be in the public interest at a high density airport (other than Ronald Reagan Washington National Airport), the Secretary may grant by order exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable air carriers and foreign air carriers to provide foreign air transportation using Stage 3 aircraft.

(2) SLOT WITHDRAWALS.—The Secretary may not withdraw a slot at Chicago O'Hare International Airport from an air carrier in order to allocate that slot to a carrier to provide foreign air transportation.

(3) EQUIVALENT RIGHTS OF ACCESS.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are not provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

(4) CONVERSIONS OF SLOTS.—Effective May 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of November 1, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.

(c) SLOTS FOR NEW ENTRANTS.—If the Secretary finds it to be in the public interest, the Secretary may by order grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable new entrant air carriers to provide air transportation at high density airports (other than Ronald Reagan Washington National Airport).

(d) SPECIAL RULES FOR RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Notwithstanding sections 49104(a)(5) and 49111(e) of this title, or any provision of this section, the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant by order to an air carrier currently holding or operating a slot at Ronald Reagan Washington National Airport an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at Ronald Reagan Washington National Airport), to enable that carrier to provide air transportation with Stage 3 aircraft at Ronald Reagan Washington National Airport; except that such exemption shall not—

(A) result in an increase in the total number of slots per day at Ronald Reagan Washington National Airport;

(B) result in an increase in the total number of slots at Ronald Reagan Washington National Airport from 7:00 ante meridiem to 9:59 post meridiem;

(C) increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period by more than 2 operations;

(D) result in the withdrawal or reduction of slots operated by an air carrier;

(E) result in a net increase in noise impact on surrounding communities resulting from changes in timing of operations permitted under this subsection; and

(F) continue in effect on or after the date on which the final rules issued under subsection (f) become effective.

(2) LIMITATION ON APPLICABILITY.—Nothing in this subsection shall adversely affect Exemption No. 5133, as from time-to-time amended and extended.

(e) STUDY.—

(1) MATTERS TO BE CONSIDERED.—The Secretary shall continue the Secretary's current examination of slot regulations and shall ensure that the examination includes consideration of—

(A) whether improvements in technology and procedures of the air traffic control system and the use of quieter aircraft make it possible to eliminate the limitations on hourly operations imposed by the high density rule contained in part 93 of title 14 of the Code of Federal Regulations or to increase the number of operations permitted under such rule;

(B) the effects of the elimination of limitations or an increase in the number of operations allowed on each of the following:

(i) congestion and delay in any part of the national aviation system;

(ii) the impact of noise on persons living near the airport;

(iii) competition in the air transportation system;

(iv) the profitability of operations of airlines serving the airport; and

(v) aviation safety;

(C) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service under subchapter II of this chapter;

(D) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

(E) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

(F) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to the air transportation market in the countries of which foreign air carriers holding slots are citizens;

(G) the impact, on the ability of air carriers to provide domestic and international air service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers; and

(H) the impact of the prohibition on slot withdrawals in subsections (b)(2) and (b)(3) of this section on the aviation relationship between the United States Government and foreign governments, including whether the prohibition in such subsections will require the withdrawal of slots from general and military aviation in order to meet the needs of air carriers and foreign air carriers providing foreign air transportation (and the impact of such withdrawal on general aviation and military aviation) and whether slots will become available to meet the needs of air carriers and foreign air carriers to provide foreign air transportation as a result of the planned relocation of Air Force Reserve units and the Air National Guard at O'Hare International Airport.

(2) REPORT.—Not later than January 31, 1995, the Secretary shall complete the current examination of slot regulations and shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of such examination.

(f) RULEMAKING.—The Secretary shall conduct a rulemaking proceeding based on the results of the study described in subsection (e). In the course of such proceeding, the Secretary shall issue a notice of proposed rulemaking not later than August 1, 1995, and shall issue a final rule not later than 90 days after public comments are due on the notice of proposed rulemaking.

(g) WEEKEND OPERATIONS.—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination of whether the 80 percent standard of subsection (a)(1) of that section has been met.

(h) DEFINITIONS.—In this section and sections 41715–41718 and 41734(h), the following definitions apply:

(1) COMMUTER AIR CARRIER.—The term ''commuter air carrier'' means a commuter operator as defined or applied in subpart K or S of part 93 of title 14, Code of Federal Regulations.

(2) HIGH DENSITY AIRPORT.—The term ''high density airport'' means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft.

(3) NEW ENTRANT AIR CARRIER.—The term ''new entrant air carrier'' means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985, and a limited incumbent carrier.

(4) SLOT.—The term ''slot'' means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.

(5) LIMITED INCUMBENT AIR CARRIER.—The term ''limited incumbent air carrier'' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations; except that—

(A) ''40'' shall be substituted for ''12'' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h);

(B) for purposes of such sections, the term ''slot'' shall not include—

(i) ''slot exemptions'';

(ii) slots operated by an air carrier under a fee-for-service arrangement for another air carrier, if the air carrier operating such slots does not sell flights in its own name, and is under common ownership with an air carrier that seeks to qualify as a limited incumbent and that sells flights in its own name; or

(iii) slots held under a sale and lease-back financing arrangement with another air carrier, where the slots are under the marketing control of the other air carrier; and

(C) for Ronald Reagan Washington National Airport, the Administrator shall not count, for the purposes of section 93.213(a)(5), slots currently held by an air carrier but leased out on a long-term basis by that carrier for use in foreign air transportation and renounced by the carrier for return to the Department of Transportation or the Federal Aviation Administration.

(6) REGIONAL JET.—The term ''regional jet'' means a passenger, turbofan-powered aircraft with a certificated maximum passenger seating capacity of less than 71.

(7) NONHUB AIRPORT.—The term ''nonhub airport'' means an airport that had less than .05 percent of the total annual boardings in the United States as determined under the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

(8) SMALL HUB AIRPORT.—The term ''small hub airport'' means an airport that had at least .05 percent, but less than .25 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

(9) MEDIUM HUB AIRPORT.—The term ''medium hub airport'' means an airport that each year has at least .25 percent, but less than 1.0 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

(i) 60-DAY APPLICATION PROCESS.—

(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section or section 41716 or 41717 (other than subsection (c)) shall include—

(A) the names of the airports to be served;

(B) the times requested; and

(C) such additional information as the Secretary may require.

(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 60 days after a slot exemption request under this section or section 41716 or 41717 (other than subsection (c)) is received by the Secretary, the Secretary shall—

(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

(B) return the request to the applicant for additional information relating to the request to provide air transportation; or

(C) deny the request and state the reasons for its denial.

(3) 60-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns under paragraph (2)(B) the request for additional information during the first 20 days after the request is filed, then the 60-day period under paragraph (2) shall be tolled until the date on which the additional information is filed with the Secretary.

(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under paragraph (2)(C) within the 60-day period beginning on the date the request is received, excepting any days during which the 60-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 61st day, after the request was filed with the Secretary.

(j) EXEMPTIONS MAY NOT BE TRANSFERRED.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section or section 41716, 41717, or 41718 may be bought, sold, leased, or otherwise transferred by the carrier to which it is granted, except through an air carrier merger or acquisition.

(k) AFFILIATED CARRIERS.—For purposes of this section and sections 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or enters into a code-share agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the two carriers at the airport exceed 20 slots and slot exemptions.

(Added Pub. L. 103–305, title II, § 206(a)(1), Aug. 23, 1994, 108 Stat. 1584; amended Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 105–66, title III, § 345, Oct. 27, 1997, 111 Stat. 1449; Pub. L. 105–102, § 2(24), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105–154, § 2(a)(1)(C), (2), Feb. 6, 1998, 112 Stat. 3; Pub. L. 106–181, title II, § 231(a), (d)(2)–(4), Apr. 5, 2000, 114 Stat. 106, 112; Pub. L. 112–95, title IV, § 414(c), (d), Feb. 14, 2012, 126 Stat. 92.)

HISTORICAL AND REVISION NOTES

PUB. L. 105–102

This amends 49:41714(d)(1) to make a conforming cross-reference necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–373, Public Law 99–591, 100 Stat. 3341–376) by section 2(26) of this Act as chapter 491 of title 49.

Editorial Notes

AMENDMENTS

2012—Subsec. (h)(5)(A). Pub. L. 112–95, § 414(c)(1), substituted ''40'' for ''20''.

Subsec. (h)(5)(B). Pub. L. 112–95, § 414(c)(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''for purposes of such sections, the term 'slot' shall include 'slot exemptions'; and''.

Subsec. (j). Pub. L. 112–95, § 414(d), substituted '', except through an air carrier merger or acquisition.'' for period at end.

2000—Subsec. (a)(3). Pub. L. 106–181, § 231(d)(2), struck out before period at end ''; except that the Secretary

shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service (including slots specifically designated as essential air service slots and slots used for such purposes) to and from such airport is at least 132 slots''.

Subsec. (b)(2). Pub. L. 106–181, § 231(d)(3), inserted ''at Chicago O'Hare International Airport'' after ''a slot'' and struck out before period at end ''if the withdrawal of that slot would result in the withdrawal of slots from an air carrier at O'Hare International Airport under section 93.223 of title 14, Code of Federal Regulations, in excess of the total withdrawn from that air carrier as of October 31, 1993''.

Subsec. (b)(4). Pub. L. 106–181, § 231(d)(4), amended heading and text of par. (4) generally. Prior to amendment, text read as follows: ''This subsection and exemptions issued under this subsection shall cease to be in effect when the final rules issued under subsection (f) become effective.''

Subsec. (c). Pub. L. 106–181, § 231(a)(4), reenacted subsec. heading and struck out ''(1) IN GENERAL.—'' before ''If the Secretary finds'', ''and the circumstances to be exceptional'' before '', the Secretary may by'', and par. (2) heading and text. Text of par. (2) read as follows: ''Exemptions issued under this subsection shall cease to be in effect on or after the date on which the final rules issued under subsection (f) become effective.''

Subsec. (h). Pub. L. 106–181, § 231(a)(5)(A), in introductory provisions, substituted ''and sections 41715–41718 and 41734(h)'' for ''and section 41734(h)''.

Subsec. (h)(3). Pub. L. 106–181, § 231(a)(5)(B), struck out ''as defined in subpart S of part 93 of title 14, Code of Federal Regulations'' before period at end.

Subsec. (h)(5) to (9). Pub. L. 106–181, § 231(a)(5)(C), added pars. (5) to (9).

Subsec. (i). Pub. L. 106–181, § 231(a)(1), amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: ''Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''

Subsecs. (j), (k). Pub. L. 106–181, § 231(a)(2), (3), added subsecs. (j) and (k).

1998—Subsecs. (a)(1), (b)(1), (c)(1), (d). Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport'' wherever appearing in text and in subsec. (d) heading.

1997—Subsec. (d)(1). Pub. L. 105–102 substituted ''sections 49104(a)(5) and 49111(e) of this title'' for ''sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986''.

Subsec. (i). Pub. L. 105–66 added subsec. (i).

1996—Subsec. (e)(2). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Statutory Notes and Related Subsidiaries

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.

RETURN OF WITHDRAWN SLOTS

Pub. L. 106–181, title II, § 231(d)(5), Apr. 5, 2000, 114 Stat. 112, provided that: ''The Secretary [of Transportation] shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of the enactment of this Act [Apr. 5, 2000], to that carrier on April 30, 2000.''

§ 41715. Phase-out of slot rules at certain airports

(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

(1) after July 1, 2002, at Chicago O'Hare International Airport; and

(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

(b) STATUTORY CONSTRUCTION.—Nothing in this section and sections 41714 and 41716–41718 shall be construed—

(1) as affecting the Federal Aviation Administration's authority for safety and the movement of air traffic; and

(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

(c) FACTORS TO CONSIDER.—

(1) IN GENERAL.—Before the award of slot exemptions under sections 41714 and 41716–41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier's proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

(2) APPLICABILITY.—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.

(Added Pub. L. 106–181, title II, § 231(b)(2), Apr. 5, 2000, 114 Stat. 108.)

Editorial Notes

PRIOR PROVISIONS

A prior section 41715 was renumbered section 41719 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41716. Interim slot rules at New York airports

(a) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

(b) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20; except that the Secretary may grant not to exceed 4 additional slot exemptions at LaGuardia Airport to an incumbent air carrier operating at least 20 but not more than 28 slots at such airport as of October 1, 2004, to provide air transportation between LaGuardia Airport and a small hub airport or nonhub airport.

(c) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

(d) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation for that route before July 1, 2003, unless—

(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during any three quarters of the year immediately preceding the date of submission of the notice.

(Added Pub. L. 106–181, title II, §231(c), Apr. 5, 2000, 114 Stat. 109; amended Pub. L. 108–447, div. H, title I, §199, Dec. 8, 2004, 118 Stat. 3235.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

PRIOR PROVISIONS

A prior section 41716 was renumbered section 41720 of this title.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–447 inserted before period at end ''; except that the Secretary may grant not to exceed 4 additional slot exemptions at LaGuardia Airport to an incumbent air carrier operating at least 20 but not more than 28 slots at such airport as of October 1, 2004, to provide air transportation between LaGuardia Airport and a small hub airport or nonhub airport''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41717. Interim application of slot rules at Chicago O'Hare International Airport

(a) SLOT OPERATING WINDOW NARROWED.—Effective July 1, 2001, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:14 post meridiem at Chicago O'Hare International Airport.

(b) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Effective May 1, 2000, subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between Chicago O'Hare International Airport and a small hub or nonhub airport—

(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

(c) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—

(1) IN GENERAL.—The Secretary shall grant, by order, 30 exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from Chicago O'Hare International Airport.

(2) DEADLINE FOR GRANTING EXEMPTIONS.—The Secretary shall grant an exemption under paragraph (1) within 45 days of the date of the request for such exemption if the person making the request qualifies as a new entrant air carrier or limited incumbent air carrier.

(d) SLOTS USED TO PROVIDE TURBOPROP SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a slot used to provide turboprop air transportation that is replaced with regional jet air transportation under subsection (b)(3) may not be used, sold, leased, or otherwise transferred after the date the slot exemption is granted to replace the turboprop air transportation.

(2) TWO-FOR-ONE EXCEPTION.—An air carrier that otherwise could not use 2 slots as a result of paragraph (1) may use 1 of such slots to provide air transportation.

(3) WITHDRAWAL OF SLOT.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation, the Secretary shall withdraw the slot that is being used under paragraph (2).

(4) CONTINUATION.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation with a regional jet, the Secretary shall withdraw the slot being used by the air carrier under paragraph (2) but shall allow the air carrier to continue to hold the exemption granted to the air carrier under subsection (b)(3).

(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—

(1) TERMINATION OF REQUIREMENTS.—Subject to paragraph (2), the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, shall be of no force and effect at Chicago O'Hare International Airport after May 1, 2000, with respect to any aircraft providing foreign air transportation.

(2) EXCEPTION RELATING TO RECIPROCITY.—The Secretary may limit access to Chicago O'Hare International Airport with respect to foreign air transportation being provided by a foreign air carrier domiciled in a country to which an air carrier provides nonstop air transportation from the United States if the country in which that carrier is domiciled does not provide reciprocal airport access for air carriers.

(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

(g) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from Chicago O'Hare International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 1 year after the date on which those requirements cease to apply to such airport unless—

(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.

(Added Pub. L. 106–181, title II, § 231(d)(1), Apr. 5, 2000, 114 Stat. 110.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (g), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41718. Special rules for Ronald Reagan Washington National Airport

(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 24 exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

(1) provide air transportation with domestic network benefits in areas beyond the perimeter described in that section;

(2) increase competition by new entrant air carriers or in multiple markets;

(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109; and

(4) not result in meaningfully increased travel delays.

(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 20 exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for providing air transportation to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

(1) by new entrant air carriers and limited incumbent air carriers;

(2) to communities without existing nonstop air transportation to Ronald Reagan Washington National Airport;

(3) to small communities;

(4) that will provide competitive nonstop air transportation on a monopoly nonstop route to Ronald Reagan Washington National Airport; or

(5) that will produce the maximum competitive benefits, including low fares.

(c) LIMITATIONS.—

(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

(2) GENERAL EXEMPTIONS.—

(A) HOURLY LIMITATION.—The exemptions granted—

(i) under subsections (a) and (b) and departures authorized under subsection (g)(2) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and

(ii) under subsections (a), (b), and (g) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 5 operations.

(B) USE OF EXISTING SLOTS.—A non-limited incumbent air carrier utilizing an exemption authorized under subsection (g)(3) for an arrival permitted between the hours of 10:01 p.m. and 11:00 p.m. under this section shall discontinue use of an existing slot during the same time period the arrival exemption is operated.

(3) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (b)—

(A) without regard to the criteria contained in subsection (b)(1), six shall be for air transportation to small hub airports and nonhub airports;

(B) ten shall be for air transportation to medium hub and smaller airports; and

(C) four shall be for air transportation to airports without regard to their size.

(4) APPLICABILITY TO EXEMPTION NO. 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.

(e) APPLICABILITY OF CERTAIN LAWS.—Neither the request for, nor the granting of an exemption, under this section shall be considered for purposes of any Federal law a major Federal action significantly affecting the quality of the human environment.

(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term ''commuters'' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.

(g) ADDITIONAL SLOT EXEMPTIONS.—

(1) INCREASE IN SLOT EXEMPTIONS.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Secretary shall grant, by order 16 exemptions from—

(A) the application of sections 49104(a)(5), 49109, and 41714 to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109; and

(B) the requirements of subparts K and S of part 93, Code of Federal Regulations.

(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to limited incumbent air carriers or new entrant air carriers (as such terms are defined in section 41714(h)). Such exemptions shall be allocated pursuant to the application process established by the Secretary under subsection (d). The Secretary shall consider the extent to which the exemptions will—

(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

(B) increase competition in multiple markets;

(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

(D) not result in meaningfully increased travel delays;

(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; or

(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

(3) IMPROVED NETWORK SLOTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to incumbent air carriers qualifying for status as a non-limited incumbent carrier at Ronald Reagan Washington National Airport as of the date of enactment of the FAA Modernization and Reform Act of 2012. Each such non-limited incumbent air carrier—

(A) may operate up to a maximum of 2 of the newly authorized slot exemptions;

(B) prior to exercising an exemption made available under paragraph (1), shall discontinue the use of a slot for service between Ronald Reagan Washington National Airport and a large hub airport within the perimeter as described in section 49109, and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109;

(C) shall be entitled to return of the slot by the Secretary if use of the exemption made available to the carrier under paragraph (1) is discontinued;

(D) shall have sole discretion concerning the use of an exemption made available

under paragraph (1), including the initial or any subsequent beyond perimeter destinations to be served; and

(E) shall file a notice of intent with the Secretary and subsequent notices of intent, when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption made available under paragraph (1).

(4) NOTICES OF INTENT.—Notices of intent under paragraph (3)(E) shall specify the beyond perimeter destination to be served and the slots the carrier shall discontinue using to serve a large hub airport located within the perimeter.

(5) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

(B) An air carrier granted an exemption under this subsection is prohibited from transferring the rights to its beyond-perimeter exemptions pursuant to section 41714(j).

(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall—

(1) afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109;

(2) afford a scheduling priority to slot exemptions currently held by new entrant air carriers and limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service; and

(3) consider applications from foreign air carriers that are certificated by the government of Canada if such consideration is required by the bilateral aviation agreement between the United States and Canada and so long as the conditions and limitations under this section apply to such foreign air carriers.

(Added Pub. L. 106–181, title II, § 231(e)(1), Apr. 5, 2000, 114 Stat. 112; amended Pub. L. 108–176, title IV, §§ 425, 426(a), Dec. 12, 2003, 117 Stat. 2555; Pub. L. 112–95, title IV, § 414(a), (b), Feb. 14, 2012, 126 Stat. 90, 92.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (g)(1), (3), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2012—Subsec. (c)(2). Pub. L. 112–95, § 414(b), amended par. (2) generally. Prior to amendment, text read as follows: ''The exemptions granted under subsections (a) and (b) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m. and may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 3 operations.''

Subsecs. (g), (h). Pub. L. 112–95, § 414(a), added subsecs. (g) and (h).

2003—Subsec. (a). Pub. L. 108–176, § 425(a), substituted ''24 exemptions'' for ''12 exemptions'' in introductory provisions.

Subsec. (b). Pub. L. 108–176, § 425(b), in introductory provisions, substituted ''20 exemptions'' for ''12 exemptions'' and struck out ''that were designated as medium hub or smaller airports'' before ''within the perimeter established''.

Subsec. (c)(2). Pub. L. 108–176, § 425(c)(1), substituted ''3 operations'' for ''two operations''.

Subsec. (c)(3)(A). Pub. L. 108–176, § 425(c)(2)(A), substituted ''without regard to the criteria contained in subsection (b)(1), six'' for ''four'' and struck out ''and'' at end.

Subsec. (c)(3)(B). Pub. L. 108–176, § 425(c)(2)(B), substituted ''ten'' for ''eight'' and ''; and'' for period at end.

Subsec. (c)(3)(C). Pub. L. 108–176, § 425(c)(2)(C), added subpar. (C).

Subsec. (d). Pub. L. 108–176, § 425(d), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows:

''(1) DEADLINE FOR SUBMISSION.—All requests for exemptions under this section must be submitted to the Secretary not later than the 30th day following the date of the enactment of this subsection.

''(2) DEADLINE FOR COMMENTS.—All comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than the 45th day following the date of the enactment of this subsection.

''(3) DEADLINE FOR FINAL DECISION.—Not later than the 90th day following the date of the enactment of this Act, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary in accordance with paragraph (1).''

Subsec. (f). Pub. L. 108–176, § 426(a), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

REGULATIONS

Pub. L. 108–176, title IV, § 426(b), Dec. 12, 2003, 117 Stat. 2556, provided that: ''The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by subsection (a) [amending this section].''

GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Pub. L. 108–176, title VIII, § 823, Dec. 12, 2003, 117 Stat. 2595, provided that:

''(a) SECURITY PLAN.—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

''(b) LANDINGS AND TAKEOFFS.—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

''(c) REPORT.—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.''

§ 41719. Air service termination notice

(a) IN GENERAL.—An air carrier may not terminate interstate air transportation from a nonhub airport included on the Secretary of Transportation's latest published list of such airports, unless such air carrier has given the Secretary at least 45 days' notice before such termination.

(b) EXCEPTIONS.—The requirements of subsection (a) shall not apply when—

(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather related emergencies, equipment-related emergencies, and strikes;

(2) the termination of transportation is made for seasonal purposes only;

(3) the carrier involved has operated at the affected nonhub airport for 180 days or less;

(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

(c) WAIVERS FOR REGIONAL/COMMUTER CARRIERS.—Before January 1, 1995, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

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

(1) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

(2) PART 135 AIR CARRIER.—The term ''part 135 air carrier'' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

(3) REGIONAL/COMMUTER CARRIERS.—The term ''regional/commuter carrier'' means—

(A) a part 135 air carrier; or

(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

(4) TERMINATION.—The term ''termination'' means the cessation of all service at an airport by an air carrier.

(Added Pub. L. 103–305, title II, § 207(a), Aug. 23, 1994, 108 Stat. 1587, § 41715; amended Pub. L. 103–429, § 6(53), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–287, § 5(73), Oct. 11, 1996, 110 Stat. 3396; renumbered § 41719, Pub. L. 106–181, title II, § 231(b)(1), Apr. 5, 2000, 114 Stat. 108; Pub. L. 108–176, title II, § 225(b)(1), Dec. 12, 2003, 117 Stat. 2528.)

HISTORICAL AND REVISION NOTES

This amends 49:41715(a) to conform to the style of title 49.

Editorial Notes

AMENDMENTS

2003—Subsec. (d). Pub. L. 108–176 redesignated pars. (2) to (5) as (1) to (4), respectively, and struck out former par. (1) which defined ''nonhub airport''.

2000—Pub. L. 106–181 renumbered section 41715 of this title as this section.

1996—Subsec. (a). Pub. L. 104–287 substituted ''Secretary of Transportation's'' for ''Secretary's''.

1994—Subsec. (d)(1). Pub. L. 103–429 substituted ''41731(a)(4)'' for ''41731(a)(3)''.

Statutory Notes and Related Subsidiaries

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

Pub. L. 103–305, title II, § 207(d), Aug. 23, 1994, 108 Stat. 1588, provided that: ''The amendments made by this section [enacting this section and amending section 46301 of this title] shall take effect on February 1, 1995.''

§ 41720. Joint venture agreements

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

(1) JOINT VENTURE AGREEMENT.—The term ''joint venture agreement'' means an agreement between two or more major air carriers on or after January 1, 1998, with regard to (A) code-sharing, blocked-space arrangements, long-term wet leases (as defined in section 207.1 of title 14, Code of Federal Regulations) of a substantial number (as defined by the Secretary by regulation) of aircraft, or frequent flyer programs, or (B) any other cooperative working arrangement (as defined by the Secretary by regulation) between 2 or more major air carriers that affects more than 15 percent of the total number of available seat miles offered by the major air carriers.

(2) MAJOR AIR CARRIER.—The term ''major air carrier'' means a passenger air carrier that is certificated under chapter 411 of this title and included in Carrier Group III under criteria contained in section 04 of part 241 of title 14, Code of Federal Regulations.

(b) SUBMISSION OF JOINT VENTURE AGREEMENT.—At least 30 days before a joint venture agreement may take effect, each of the major air carriers that entered into the agreement shall submit to the Secretary—

(1) a complete copy of the joint venture agreement and all related agreements; and

(2) other information and documentary material that the Secretary may require by regulation.

(c) EXTENSION OF WAITING PERIOD.—

(1) IN GENERAL.—The Secretary may extend the 30-day period referred to in subsection (b) until—

(A) in the case of a joint venture agreement with regard to code-sharing, the 150th

day following the last day of such period; and

(B) in the case of any other joint venture agreement, the 60th day following the last day of such period.

(2) PUBLICATION OF REASONS FOR EXTENSION.—If the Secretary extends the 30-day period referred to in subsection (b), the Secretary shall publish in the Federal Register the Secretary's reasons for making the extension.

(d) TERMINATION OF WAITING PERIOD.—At any time after the date of submission of a joint venture agreement under subsection (b), the Secretary may terminate the waiting periods referred to in subsections (b) and (c) with respect to the agreement.

(e) REGULATIONS.—The effectiveness of a joint venture agreement may not be delayed due to any failure of the Secretary to issue regulations to carry out this section.

(f) MEMORANDUM TO PREVENT DUPLICATIVE REVIEWS.—Promptly after the date of enactment of this section, the Secretary shall consult with the Assistant Attorney General of the Antitrust Division of the Department of Justice in order to establish, through a written memorandum of understanding, preclearance procedures to prevent unnecessary duplication of effort by the Secretary and the Assistant Attorney General under this section and the antitrust laws of the United States, respectively.

(g) PRIOR AGREEMENTS.—With respect to a joint venture agreement entered into before the date of enactment of this section as to which the Secretary finds that—

(1) the parties submitted the agreement to the Secretary before such date of enactment; and

(2) the parties submitted all information on the agreement requested by the Secretary,

the waiting period described in paragraphs (2) and (3) shall begin on the date, as determined by the Secretary, on which all such information was submitted and end on the last day to which the period could be extended under this section.

(h) LIMITATION ON STATUTORY CONSTRUCTION.—The authority granted to the Secretary under this section shall not in any way limit the authority of the Attorney General to enforce the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).

(Added Pub. L. 105–277, div. C, title I, § 110(f)(1), Oct. 21, 1998, 112 Stat. 2681–588, § 41716; renumbered § 41720 and amended Pub. L. 106–181, title II, § 231(b)(1), title VII, § 709, Apr. 5, 2000, 114 Stat. 108, 159.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (f) and (g), is the date of enactment of Pub. L. 105–277, which was approved Oct. 21, 1998.

CODIFICATION

Pub. L. 105–277, § 110(f)(1), which directed amendment of subchapter I of chapter 417 by adding this section at the end, without specifying a Code title or Act, was executed by adding this section at the end of this subchapter to reflect the probable intent of Congress.

AMENDMENTS

2000—Pub. L. 106–181, § 231(b)(1), renumbered section 41716 of this title as this section.

Subsec. (a)(1). Pub. L. 106–181, § 709, substituted ''an agreement between two or more major air carriers'' for ''an agreement entered into by a major air carrier''.

Statutory Notes and Related Subsidiaries

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.

§ 41721. Reports by carriers on incidents involving animals during air transport

(a) IN GENERAL.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in such form and contain such information as the Secretary determines appropriate.

(b) TRAINING OF AIR CARRIER EMPLOYEES.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

(c) SHARING OF INFORMATION.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

(d) PUBLICATION OF DATA.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

(e) AIR TRANSPORT.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.

(Added Pub. L. 106–181, title VII, § 710(a), Apr. 5, 2000, 114 Stat. 159.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41722. Delay reduction actions

(a) SCHEDULING REDUCTION MEETINGS.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if—

(1) the Administrator determines that it is necessary to convene such a meeting; and

(2) the Secretary determines that the meeting is necessary to meet a serious transpor-

tation need or achieve an important public benefit.

(b) MEETING CONDITIONS.—Any meeting under subsection (a)—

(1) shall be chaired by the Administrator;

(2) shall be open to all scheduled air carriers; and

(3) shall be limited to discussions involving the airports and time periods described in the Administrator's determination.

(c) FLIGHT REDUCTION TARGETS.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

(d) DELAY REDUCTION OFFERS.—An air carrier attending the meeting shall make any offer to meet a flight reduction target to the Administrator rather than to another carrier.

(e) TRANSCRIPT.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.

(Added Pub. L. 108–176, title IV, § 422(a), Dec. 12, 2003, 117 Stat. 2552.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

SCHEDULE REDUCTION

Pub. L. 112–95, title IV, § 413, Feb. 14, 2012, 126 Stat. 89, provided that:

''(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

''(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

''(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the safe and efficient use of navigable airspace,

the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

''(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

''(c) SUBSEQUENT SCHEDULE INCREASES.—Subsequent to any reduction in operations under subsection (a) or (b) at an airport, if the Administrator determines that the hourly number of aircraft operations at that airport is less than the amount that can be handled safely and efficiently, the Administrator shall ensure that priority is given to United States air carriers in permitting additional aircraft operations with respect to that hour.''

§ 41723. Notice concerning aircraft assembly

The Secretary of Transportation shall require, beginning after the last day of the 18-month period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.

(Added Pub. L. 108–176, title VIII, § 810(a), Dec. 12, 2003, 117 Stat. 2590.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 41724. Musical instruments

(a) IN GENERAL.—

(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin, without charging the passenger a fee in addition to any standard fee that carrier may require for comparable carry-on baggage, if—

(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

(B) there is space for such stowage at the time the passenger boards the aircraft.

(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin, without charging the passenger a fee in addition to the cost of the additional ticket described in subparagraph (E), if—

(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).

(Added Pub. L. 112–95, title IV, § 403(a), Feb. 14, 2012, 126 Stat. 84.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

Final regulations, referred to in subsecs. (b) and (c), were issued Dec. 29, 2014, effective Mar. 6, 2015. See 80 F.R. 161.

§ 41725. Prohibition on certain cell phone voice communications

(a) PROHIBITION.—The Secretary of Transportation shall issue regulations—

(1) to prohibit an individual on an aircraft from engaging in voice communications using a mobile communications device during a flight of that aircraft in scheduled passenger interstate or intrastate air transportation; and

(2) that exempt from the prohibition described in paragraph (1) any—

(A) member of the flight crew on duty on an aircraft;

(B) flight attendant on duty on an aircraft; and

(C) Federal law enforcement officer acting in an official capacity.

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

(1) FLIGHT.—The term ''flight'' means, with respect to an aircraft, the period beginning when the aircraft takes off and ending when the aircraft lands.

(2) MOBILE COMMUNICATIONS DEVICE.—

(A) IN GENERAL.—The term ''mobile communications device'' means any portable wireless telecommunications equipment utilized for the transmission or reception of voice data.

(B) LIMITATION.—The term ''mobile communications device'' does not include a phone installed on an aircraft.

(Added Pub. L. 115–254, div. B, title IV, § 403(a), Oct. 5, 2018, 132 Stat. 3328.)

§ 41726. Strollers

(a) IN GENERAL.—Except as provided in subsection (b), a covered air carrier shall not deny a passenger the ability to check a stroller at the departure gate if the stroller is being used by a passenger to transport a child traveling on the same flight as the passenger.

(b) EXCEPTION.—Subsection (a) shall not apply in instances where the size or weight of the stroller poses a safety or security risk.

(c) COVERED AIR CARRIER DEFINED.—In this section, the term ''covered air carrier'' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(Added Pub. L. 115–254, div. B, title IV, § 412(a), Oct. 5, 2018, 132 Stat. 3331.)

SUBCHAPTER II—SMALL COMMUNITY AIR SERVICE

§ 41731. Definitions

(a) GENERAL.—In this subchapter—

(1) ''eligible place'' means a place in the United States that—

(A)(i)(I) was an eligible point under section 419 of the Federal Aviation Act of 1958 before October 1, 1988;

(II) received scheduled air transportation at any time after January 1, 1990; and

(III) is not listed in Department of Transportation Orders 89–9–37 and 89–12–52 as a place ineligible for compensation under this subchapter; or

(ii) was determined, on or after October 1, 1988, and before the date of the enactment of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190), under this subchapter by the Secretary of Transportation to be eligible to receive subsidized small community air service under section 41736(a);

(B) had an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012;

(C) had an average subsidy per passenger of less than $1,000 during the most recent fiscal year, as determined by the Secretary; and

(D) is a community that, at any time during the period between September 30, 2010, and September 30, 2011, inclusive—

(i) received essential air service for which compensation was provided to an air carrier under this subchapter; or

(ii) received a 90-day notice of intent to terminate essential air service and the Secretary required the air carrier to continue to provide such service to the community.

(2) ''enhanced essential air service'' means scheduled air transportation to an eligible place of a higher level or quality than basic essential air service described in section 41732 of this title.

(b) LIMITATION ON AUTHORITY TO DECIDE A PLACE NOT AN ELIGIBLE PLACE.—The Secretary

may not decide that a place described in subsection (a)(1) of this section is not an eligible place on any basis that is not specifically stated in this subchapter.

(c) EXCEPTION FOR LOCATIONS IN ALASKA AND HAWAII.—Subparagraphs (B), (C), and (D) of subsection (a)(1) shall not apply with respect to locations in the State of Alaska or the State of Hawaii.

(d) EXCEPTIONS FOR LOCATIONS MORE THAN 175 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM HUB AIRPORT.—Subsection (a)(1)(B) shall not apply with respect to locations that are more than 175 driving miles from the nearest large or medium hub airport.

(e) WAIVERS.—For fiscal year 2013 and each fiscal year thereafter, the Secretary may waive, on an annual basis, subsection (a)(1)(B) with respect to a location if the location demonstrates to the Secretary's satisfaction that the reason the location averages fewer than 10 enplanements per day is due to a temporary decline in enplanements.

(f) DEFINITION.—For purposes of subsection (a)(1)(B), the term ''enplanements'' means the number of passengers enplaning, at an eligible place, on flights operated by the subsidized essential air service carrier.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1143; Pub. L. 106–181, title II, § 208, Apr. 5, 2000, 114 Stat. 95; Pub. L. 108–176, title II, § 225(b)(2), Dec. 12, 2003, 117 Stat. 2529; Pub. L. 112–27, § 6, Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–95, title IV, §§ 421, 422, Feb. 14, 2012, 126 Stat. 96, 97; Pub. L. 115–254, div. B, title IV, § 453(a), Oct. 5, 2018, 132 Stat. 3348.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41731(a)(1) ..	49 App.:1389(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(a); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1508; restated Nov. 5, 1990, Pub. L. 101–508, § 9113(a), 104 Stat. 1388–363.
41731(a)(2) ..	49 App.:1389(k)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(k)(2)–(5); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1517.
41731(a)(3) ..	49 App.:1389(k)(3).	
41731(a)(4) ..	49 App.:1389(k)(4).	
41731(a)(5) ..	49 App.:1389(k)(5).	
41731(b)	49 App.:1389(a)(2).	

In this subchapter (except subsection (a)(1)(A) of this section), the word ''place'' is substituted for ''point'' for clarity and consistency in the revised title.

In subsection (a)(1)(A), the words ''was an eligible point . . . before October 1, 1988'' are substituted for ''is defined as an eligible point . . . as in effect before October 1, 1988'' for clarity and to eliminate unnecessary words.

In subsection (a)(2), the words ''described in section 41732 of this title'' are added for clarity.

In subsection (a)(3)–(5), the word ''boardings'' is substituted for ''enplanements'' for clarity and consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

Section 419 of the Federal Aviation Act of 1958, referred to in subsec. (a)(1)(A)(i), is section 419 of Pub. L. 85–726, which was classified to section 1389 of former Title 49, Transportation, and was repealed and reenacted as this subchapter by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1143, 1379.

The date of the enactment of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (a)(1)(A)(ii), is the date of enactment of Pub. L. 114–190, which was approved July 15, 2016.

AMENDMENTS

2018—Subsec. (a)(1)(A)(ii). Pub. L. 115–254 substituted ''FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190),'' for ''Wendell H. Ford Aviation Investment and Reform Act for the 21st Century,''.

2012—Subsec. (a)(1)(B). Pub. L. 112–95, § 421(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''is located not less than 90 miles from the nearest medium or large hub airport; and''.

Subsec. (a)(1)(D). Pub. L. 112–95, § 422, added subpar. (D).

Subsec. (c). Pub. L. 112–95, § 421(2), amended subsec. (c) generally. Prior to amendment, text read as follows: ''Subsections (a)(1)(B) and (a)(1)(C) shall not apply with respect to a location in the State of Alaska.''

Subsec. (d). Pub. L. 112–95, § 421(3), amended subsec. (d) generally. Prior to amendment, text read as follows: ''The Secretary may waive subsection (a)(1)(B) with respect to a location if the Secretary determines that the geographic characteristics of the location result in undue difficulty in accessing the nearest medium or large hub airport.''

Subsecs. (e), (f). Pub. L. 112–95, § 421(4), added subsecs. (e) and (f).

2011—Subsec. (a)(1). Pub. L. 112–27, § 6(a), redesignated cls. (i) to (iii) of subpar. (A) as subcls. (I) to (III), respectively, redesignated subpars. (A) and (B) as cls. (i) and (ii), respectively, inserted ''(A)'' before ''(i)(I)'' in subcl. (I) of cl. (i), substituted ''was determined'' for ''determined'', ''Secretary of Transportation'' for ''Secretary'', and semicolon for period at end in cl. (ii) of subpar. (A), and added subpars. (B) and (C).

Subsec. (b). Pub. L. 112–27, § 6(b), substituted ''Secretary'' for ''Secretary of Transportation'' and ''on any basis'' for ''on the basis of a passenger subsidy at that place or on another basis''.

Subsecs. (c), (d). Pub. L. 112–27, § 6(c), added subsecs. (c) and (d).

2003—Subsec. (a)(3) to (5). Pub. L. 108–176 struck out pars. (3) to (5) which defined ''hub airport'', ''nonhub airport'', and ''small hub airport'', respectively.

2000—Subsec. (a)(1). Pub. L. 106–181 redesignated subpars. (A), (B), and (C) as cls. (i), (ii), and (iii), respectively, of subpar (A) and added subpar. (B).

Statutory Notes and Related Subsidiaries

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.

CODE-SHARING PILOT PROGRAM

Pub. L. 108–176, title IV, § 406, Dec. 12, 2003, 117 Stat. 2545, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing service with compensation under subchapter II of chapter 417 of title 49, United States Code, and major air carriers (as defined in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

''(b) LIMITATION.—The Secretary may not require air carriers to participate in the pilot program under this section for more than 10 communities receiving service under subchapter II of chapter 417 of title 49, United States Code.''

MEASUREMENT OF HIGHWAY MILES FOR PURPOSES OF DETERMINING ELIGIBILITY OF ESSENTIAL AIR SERVICE SUBSIDIES

Pub. L. 108–176, title IV, § 409, Dec. 12, 2003, 117 Stat. 2547, as amended by Pub. L. 110–190, § 4(d)(1), Feb. 28, 2008, 122 Stat. 644; Pub. L. 110–330, § 5(k), Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111–69, § 5(k), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–249, § 5(k), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 112–30, title II, § 205(k), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, § 5(k), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title IV, § 431, Feb. 14, 2012, 126 Stat. 100; Pub. L. 114–55, title I, § 102(g), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, § 102(f), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, § 1102(g), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, § 102(g), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, § 102(f), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title IV, § 457, Oct. 5, 2018, 132 Stat. 3350; Pub. L. 118–15, div. B, title II, § 2202(m), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, § 102(m), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) REQUEST FOR SECRETARIAL REVIEW.—An eligible place (as defined in section 41731 of title 49, United States Code) with respect to which the Secretary has, in the 2-year period ending on the date of enactment of this Act [Dec. 12, 2003], eliminated (or tentatively eliminated) compensation for essential air service to such place, or terminated (or tentatively terminated) the compensation eligibility of such place for essential air service, under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 [Pub. L. 106–69] (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century [Pub. L. 106–181] (49 U.S.C. 41731 note), or any prior law of similar effect based on the highway mileage of such place from the nearest hub airport (as defined in section 40102 of such title), may request the Secretary to review such action.

''(b) DETERMINATION OF MILEAGE.—In reviewing an action under subsection (a), the highway mileage between an eligible place and the nearest medium hub airport or large hub airport is the highway mileage of the most commonly used route between the place and the medium hub airport or large hub airport. In identifying such route, the Secretary shall identify the most commonly used route for a community by—

''(1) consulting with the Governor of a State or the Governor's designee; and

''(2) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.

''(c) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (a), the Secretary shall—

''(1) determine whether the eligible place would have been subject to an elimination of compensation eligibility for essential air service, or termination of the eligibility of such place for essential air service, under the provisions of law referred to in subsection (a) based on the determination of the highway mileage of such place from the nearest medium hub airport or large hub airport under subsection (b); and

''(2) issue a final order with respect to the eligibility of such place for essential air service compensation under subchapter II of chapter 417 of title 49, United States Code.

''(d) LIMITATION ON PERIOD OF FINAL ORDER.—A final order issued under subsection (c) shall terminate on March 8, 2024.''

[Pub. L. 110–190, § 4(d)(2), Feb. 28, 2008, 122 Stat. 644, provided that: ''The amendment made by paragraph (1) [amending section 409(d) of Pub. L. 108–176, set out above] shall take effect on September 29, 2007, and shall apply with respect to any final order issued under section 409(c) of such Act [section 409(c) of Pub. L. 108–176, set out above] that was in effect on such date.'']

MARKETING PRACTICES

Pub. L. 106–181, title II, § 207, Apr. 5, 2000, 114 Stat. 94, provided that:

''(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of the enactment of this Act [Apr. 5, 2000], the Secretary [of Transportation] shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(b) REGULATIONS.—If the Secretary finds, after conducting the review, that marketing practices inhibit the availability of affordable air transportation services to small- and medium-sized communities, then, after public notice and an opportunity for comment, the Secretary may issue regulations that address the problem or take other appropriate action.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section expands the authority or jurisdiction of the Secretary to issue regulations under chapter 417 of title 49, United States Code, or under any other law.''

RESTRICTIONS ON ESSENTIAL AIR SERVICE SUBSIDIES

Pub. L. 106–181, title II, § 205, Apr. 5, 2000, 114 Stat. 94, provided that: ''The Secretary [of Transportation] may provide assistance under subchapter II of chapter 417 of title 49, United States Code, with respect to a place that is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.''

Pub. L. 106–69, title III, § 332, Oct. 9, 1999, 113 Stat. 1022, provided that: ''Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.''

[Pub. L. 112–95, title IV, § 426(c), (d), Feb. 14, 2012, 126 Stat. 99, as amended by Pub. L. 115–254, div. B, title IV, § 458, title V, § 539(s)(2), Oct. 5, 2018, 132 Stat. 3350, 3372, provided that:

[''(c) SUBSIDY CAP.—Subject to the availability of funds, the Secretary of Transportation may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1022) [set out above]. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

[''(d) REDUCTION IN SUBSIDY-PER-PASSENGER.—

[''(1) IN GENERAL.—The Secretary shall waive application of the subsidy-per-passenger cap described

under subsection (c) if the Secretary finds that the community's subsidy-per-passenger for a fiscal year is lower than the subsidy-per-passenger for any of the 3 previous fiscal years.

[''(2) EXCEPTION.—The Secretary shall waive application of the subsidy-per-passenger cap if the subsidy-per-passenger for a fiscal year is less than 10 percent higher than the highest subsidy-per-passenger from any of the 3 previous fiscal years. The Secretary may only waive application of the subsidy-per-passenger cap under this paragraph once per community.

[''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's ability under subsection (c) to waive application of the subsidy-per-passenger cap.'']

Provisions similar to those in section 332 of Pub. L. 106–69, set out above, were contained in the following prior appropriation acts:

Pub. L. 105–277, div. A, §101(g) [title III, §334], Oct. 21, 1998, 112 Stat. 2681–439, 2681–471.

Pub. L. 105–66, title III, §336, Oct. 27, 1997, 111 Stat. 1447.

§ 41732. Basic essential air service

(a) GENERAL.—Basic essential air service provided under section 41733 of this title is scheduled air transportation of passengers and cargo—

(1) to a hub airport that has convenient connecting or single-plane air service to a substantial number of destinations beyond that airport; or

(2) to a small hub or nonhub airport, when in Alaska or when the nearest hub airport is more than 400 miles from an eligible place.

(b) MINIMUM REQUIREMENTS.—Basic essential air service shall include at least the following:

(1)(A) for a place not in Alaska, 2 daily round trips 6 days a week, with not more than one intermediate stop on each flight; or

(B) for a place in Alaska, a level of service at least equal to that provided in 1976 or 2 round trips a week, whichever is greater, except that the Secretary of Transportation and the appropriate State authority of Alaska may agree to a different level of service after consulting with the affected community.

(2) flights at reasonable times considering the needs of passengers with connecting flights at the airport and at prices that are not excessive compared to the generally prevailing prices of other air carriers for like service between similar places.

(3) for a place not in Alaska, service provided in an aircraft with an effective capacity of at least 15 passengers if the average daily boardings at the place in any calendar year from 1976-1986 were more than 11 passengers unless—

(A) that level-of-service requirement would require paying compensation in a fiscal year under section 41733(d) or 41734(d) or (e) of this title for the place when compensation otherwise would not have been paid for that place in that year; or

(B) the affected community agrees with the Secretary in writing to the use of smaller aircraft to provide service to the place.

(4) service accommodating the estimated passenger and property traffic at an average load factor, for each class of traffic considering seasonal demands for the service, of not more than—

(A) 50 percent; or

(B) 60 percent when service is provided by aircraft with more than 14 passenger seats.

(5) service provided in aircraft with at least 2 engines and using 2 pilots, unless scheduled air transportation has not been provided to the place in aircraft with at least 2 engines and using 2 pilots for at least 60 consecutive operating days at any time since October 31, 1978.

(6) service provided by pressurized aircraft when the service is provided by aircraft that regularly fly above 8,000 feet in altitude.

(c) WAIVERS.—Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (c) of section 41734. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1144; Pub. L. 115–254, div. B, title IV, §456, Oct. 5, 2018, 132 Stat. 3350.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41732(a)	49 App.:1389(k)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §419(k)(1); added Oct. 24, 1978, Pub. L. 95–504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1516.
41732(b)	49 App.:1389(k)(1) (last sentence).	

In subsection (a), before clause (1), the words ''provided under section 41733 of this title'' are added for clarity. In clause (2), the words ''from an eligible place'' are added for clarity.

In subsection (b), before clause (1), the words ''Basic essential air service'' are substituted for ''Such transportation'' for clarity and consistency in the revised title. In clause (1)(B), the word ''1976'' is substituted for ''calendar year 1976'' to eliminate unnecessary words. The words ''appropriate State authority of Alaska'' are substituted for ''State agency of the State of Alaska'' for clarity and consistency with the source provisions restated in section 41734(a) of the revised title. The words ''agree to a different level of service'' are substituted for ''otherwise specified under an agreement'' for clarity. In clause (2), the word ''prices'' is substituted for ''rates, fares, and charges'' and ''fares'' because of the definition of ''price'' in section 40102(a) of the revised title. In clause (3), before subclause (A), the word ''boardings'' is substituted for ''enplanements'' for clarity and consistency in the revised title. The words ''from 1976-1986'' are substituted for ''beginning after December 31, 1975, and ending on or before December 31, 1986'' to eliminate unnecessary words. In subclause (B), the words ''affected community'' are substituted for ''community concerned'' for consistency with the source provisions restated in clause (1)(B) of this section. In clause (5), the words ''for at least 60 consecutive operating days'' are substituted for ''on each of 60 consecutive operating days'' for clarity.

Editorial Notes

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254 added subsec. (c).

§ 41733. Level of basic essential air service

(a) DECISIONS MADE BEFORE OCTOBER 1, 1988.—For each eligible place for which a decision was made before October 1, 1988, under section 419 of the Federal Aviation Act of 1958, establishing the level of essential air transportation, the level of basic essential air service for that place shall be the level established by the Secretary of Transportation for that place by not later than December 29, 1988.

(b) DECISIONS NOT MADE BEFORE OCTOBER 1, 1988.—(1) The Secretary shall decide on the level of basic essential air service for each eligible place for which a decision was not made before October 1, 1988, establishing the level of essential air transportation, when the Secretary receives notice that service to that place will be provided by only one air carrier. The Secretary shall make the decision by the last day of the 6-month period beginning on the date the Secretary receives the notice. The Secretary may impose notice requirements necessary to carry out this subsection. Before making a decision, the Secretary shall consider the views of any interested community and the appropriate State authority of the State in which the community is located.

(2) Until the Secretary has made a decision on a level of basic essential air service for an eligible place under this subsection, the Secretary, on petition by an appropriate representative of the place, shall prohibit an air carrier from ending, suspending, or reducing air transportation to that place that appears to deprive the place of basic essential air service.

(c) AVAILABILITY OF COMPENSATION.—(1) If the Secretary decides that basic essential air service will not be provided to an eligible place without compensation, the Secretary shall provide notice that an air carrier may apply to provide basic essential air service to the place for compensation under this section. In selecting an applicant, the Secretary shall consider, among other factors—

(A) the demonstrated reliability of the applicant in providing scheduled air service;

(B) the contractual and marketing arrangements the applicant has made with a larger carrier to ensure service beyond the hub airport;

(C) the interline arrangements that the applicant has made with a larger carrier to allow passengers and cargo of the applicant at the hub airport to be transported by the larger carrier through one reservation, ticket, and baggage check-in;

(D) the preferences of the actual and potential users of air transportation at the eligible place, giving substantial weight to the views of the elected officials representing the users;

(E) whether the air carrier has included a plan in its proposal to market its services to the community; and

(F) for an eligible place in Alaska, the experience of the applicant in providing, in Alaska, scheduled air service, or significant patterns of non-scheduled air service under an exemption granted under section 40109(a) and (c)–(h) of this title.

(2) Under guidelines prescribed under section 41737(a) of this title, the Secretary shall pay the rate of compensation for providing basic essential air service under this section and section 41734 of this title.

(d) COMPENSATION PAYMENTS.—The Secretary shall pay compensation under this section at times and in the way the Secretary decides is appropriate. The Secretary shall end payment of compensation to an air carrier for providing basic essential air service to an eligible place when the Secretary decides the compensation is no longer necessary to maintain basic essential air service to the place.

(e) REVIEW.—The Secretary shall review periodically the level of basic essential air service for each eligible place. Based on the review and consultations with an interested community and the appropriate State authority of the State in which the community is located, the Secretary may make appropriate adjustments in the level of service, to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.

(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, information to each community notified under paragraph (1) regarding—

(A) the procedures established pursuant to paragraph (2); and

(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with basic essential air service and the subsidy cap.

(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap or that the place is no longer an eligible place pursuant to section 41731(a)(1)(B), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

(2) DETERMINATION BY SECRETARY.—The Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c) if—

(A) a State or local government submits to the Secretary a proposal under paragraph (1); and

(B) the Secretary determines that—

(i) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap;

(ii) the proposal is likely to result in an average number of enplanements per day that will satisfy the requirement in section 41731(a)(1)(B); and

(iii) the proposal is consistent with the legal and regulatory requirements of the essential air service program.

(h) SUBSIDY CAP DEFINED.—In this section, the term ''subsidy cap'' means the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1022).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1145; Pub. L. 106–181, title II, § 209(b), Apr. 5, 2000, 114 Stat. 95; Pub. L. 112–95, title IV, §§ 423–425, Feb. 14, 2012, 126 Stat. 97, 98.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41733(a)	49 App.:1389(b)(1)(A) (less last sentence last 24 words), (C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(b)(1), (3), (4), (9); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1508, 1509, 1511.
41733(b)(1) ..	49 App.:1389(b)(1)(A) (last sentence last 24 words), (B).	
41733(b)(2) ..	49 App.:1389(b)(9).	
41733(c)	49 App.:1389(b)(3).	
41733(d)	49 App.:1389(b)(4).	
41733(e)	49 App.:1389(b)(1)(D).	

In subsection (a), the words ''the level of basic essential air service for that place shall be the level established by the Secretary of Transportation for that place'' are substituted for ''Such determination shall be made'' because the determinations for those places have been made. The words ''by not later than December 29, 1988'' are substituted for ''no later than the last day of the 1-year period beginning on December 30, 1987'' for clarity. The words ''and only after consideration of the views of any interested community and the State agency of the State in which such community is located'' and 49 App.:1389(b)(1)(C) are omitted as executed.

In subsections (b)(1) and (e), the words ''appropriate State authority'' are substituted for ''State agency'' for clarity and consistency with the source provisions restated in section 41734(a) of the revised title.

In section (b)(2), the words ''that appears to deprive'' are substituted for ''which reasonably appears to deprive'' to eliminate an unnecessary word.

In subsection (c)(1), before clause (A), the words ''an air carrier may apply to provide basic essential air service to the place for compensation'' are substituted for ''applications may be submitted by any air carrier that is willing to provide such service to such point for compensation'' for clarity and to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

Section 419 of the Federal Aviation Act of 1958, referred to in subsec. (a), is section 419 of Pub. L. 85–726, which was classified to section 1389 of former Title 49, Transportation, and was repealed and reenacted as this subchapter by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1143, 1379.

The date of enactment of this subsection, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, referred to in subsec. (h), is section 332 of Pub. L. 106–69, which is set out as a note under section 41731 of this title.

AMENDMENTS

2012—Subsec. (c)(1)(E), (F). Pub. L. 112–95, § 423, added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (f). Pub. L. 112–95, § 424, added subsec. (f).

Subsecs. (g), (h). Pub. L. 112–95, § 425, added subsecs. (g) and (h).

2000—Subsec. (e). Pub. L. 106–181 inserted before period at end '', to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community''.

Statutory Notes and Related Subsidiaries

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.

SEASONAL SERVICE

Pub. L. 115–254, div. B, title IV, § 451(b), Oct. 5, 2018, 132 Stat. 3347, provided that: ''The Secretary of Transportation may consider the flexibility of current operational dates and airport accessibility to meet local community needs when issuing requests for proposal of essential air service at seasonal airports.''

EFFECT ON CERTAIN ORDERS

Pub. L. 106–181, title II, § 209(c), Apr. 5, 2000, 114 Stat. 95, provided that: ''All orders issued by the Secretary [of Transportation] after September 30, 1999, and before the date of the enactment of this Act [Apr. 5, 2000] establishing, modifying, or revoking essential air service levels shall be null and void beginning on the 90th day following such date of enactment. During the 90-day period, the Secretary shall reconsider such orders and shall issue new orders consistent with the amendments made by this section [amending this section and section 41742 of this title].''

§ 41734. Ending, suspending, and reducing basic essential air service

(a) NOTICE REQUIRED.—An air carrier may end, suspend, or reduce air transportation to an eligible place below the level of basic essential air service established for that place under section 41733 of this title only after giving the Secretary of Transportation, the appropriate State authority, and the affected communities at least 90 days' notice before ending, suspending, or reducing that transportation.

(b) CONTINUATION OF SERVICE FOR 30 DAYS AFTER NOTICE PERIOD.—If at the end of the notice period under subsection (a) of this section the Secretary has not found another air carrier to provide basic essential air service to the eligible place, the Secretary shall require the carrier providing notice to continue to provide

basic essential air service to the place for an additional 30-day period or until another carrier begins to provide basic essential air service to the place, whichever occurs first.

(c) CONTINUATION OF SERVICE FOR ADDITIONAL 30-DAY PERIODS.—If at the end of the 30-day period under subsection (b) of this section the Secretary decides another air carrier will not provide basic essential air service to the place on a continuing basis, the Secretary shall require the carrier providing service to continue to provide service for additional 30-day periods until another carrier begins providing service on a continuing basis. At the end of each 30-day period, the Secretary shall decide if another carrier will provide service on a continuing basis.

(d) CONTINUATION OF COMPENSATION AFTER NOTICE PERIOD.—If an air carrier receiving compensation under section 41733 of this title for providing basic essential air service to an eligible place is required to continue to provide service to the place under this section after the 90-day notice period under subsection (a) of this section, the Secretary shall provide the carrier with compensation sufficient—

(1) to pay for the fully allocated actual cost to the carrier of performing the basic essential air service that was being provided when the 90-day notice was given under subsection (a) of this section plus a reasonable return on investment that is at least 5 percent of operating costs; and

(2) to provide the carrier an additional return that recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that those lost profits increase as the period during which the carrier is required to provide the service continues.

(e) COMPENSATION TO AIR CARRIERS ORIGINALLY PROVIDING SERVICE WITHOUT COMPENSATION.—If the Secretary requires an air carrier providing basic essential air service to an eligible place without compensation under section 41733 of this title to continue providing that service after the 90-day notice period required by subsection (a) of this section, the Secretary shall provide the carrier with compensation after the end of the 90-day notice period that is sufficient—

(1) to pay for the fully allocated actual cost to the carrier of performing the basic essential air service that was being provided when the 90-day notice was given under subsection (a) of this section plus a reasonable return on investment that is at least 5 percent of operating costs; and

(2) to provide the carrier an additional return that recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that those lost profits increase as the period during which the carrier is required to provide the service continues.

(f) FINDING REPLACEMENT CARRIERS.—When the Secretary requires an air carrier to continue to provide basic essential air service to an eligible place, the Secretary shall continue to make every effort to find another carrier to provide at least that basic essential air service to the place on a continuing basis.

(g) TRANSFER OF AUTHORITY.—If an air carrier, providing basic essential air service under section 41733 of this title between an eligible place and an airport at which the Administrator of the Federal Aviation Administration limits the number of instrument flight rule takeoffs and landings of aircraft, provides notice under subsection (a) of this section of an intention to end, suspend, or reduce that service and another carrier is found to provide the service, the Secretary shall require the carrier providing notice to transfer any operational authority the carrier has to land or take off at that airport related to the service to the eligible place to the carrier that will provide the service, if—

(1) the carrier that will provide the service needs the authority; and

(2) the authority to be transferred is being used to provide air service to another eligible place.

(h) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not consider as a factor whether slots at a high density airport are available for providing such service.

(i) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving scheduled passenger air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1146; Pub. L. 103–305, title II, § 206(c), Aug. 23, 1994, 108 Stat. 1587; Pub. L. 103–429, § 6(81), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 108–176, title IV, § 401, Dec. 12, 2003, 117 Stat. 2542; Pub. L. 112–95, title IV, § 426(b)(1), Feb. 14, 2012, 126 Stat. 98.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41734(a)	49 App.:1389(b)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(b)(2), (5)–(8); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1509, 1510.
41734(b)	49 App.:1389(b)(5) (1st sentence).	
41734(c)	49 App.:1389(b)(5) (last sentence).	
41734(d)	49 App.:1389(b)(6)(A).	
41734(e)	49 App.:1389(b)(6)(B).	
41734(f)	49 App.:1389(b)(8).	
41734(g)	49 App.:1389(b)(7).	

In subsection (b), the words ''If at the end of the notice period under subsection (a) of this section'' are substituted for ''If an air carrier has provided notice to the Secretary under paragraph (2) of such air carrier's intention to suspend, terminate, or reduce service to any eligible point below the level of basic essential air service to such point, and if at the conclusion of the applicable period of notice'' for clarity and to eliminate unnecessary words.

In subsection (c), the words ''either with or without compensation'' are omitted as unnecessary. The words ''shall require the carrier providing service to continue to provide service for additional 30-day periods'' are

substituted for ''shall extend such requirement for such additional 30-day periods . . . as may be necessary to continue basic essential air service to such eligible point'', and the words ''the Secretary shall decide if another carrier will provide service on a continuing basis'' are substituted for ''making the same determination'', for clarity.

In subsections (d)(1) and (e)(1), the word ''fair'' is omitted as being included in ''reasonable''.

In subsection (d), before clause (1), the words ''basic essential air service'' are substituted for ''air transportation'' and ''such transportation'' for consistency with the source provisions restated in this section. The words ''to continue to provide service to the place under this section after the 90-day notice period under subsection (a) of this section'' are substituted for ''to continue service to such point beyond the date on which such carrier would, but for paragraph (5), be able to suspend, terminate, or reduce such service below the level of basic essential air service to such point'' to eliminate unnecessary words.

In subsection (e), before clause (1), the words ''basic essential air service'' are substituted for ''air transportation'' for consistency with the source provisions restated in this section. The words ''after the end of the 90-day notice period that is'' are substituted for ''then'' for clarity.

In subsection (f), the words ''basic essential air service'' are substituted for ''air transportation which such air carrier has proposed to terminate, reduce, or suspend'' for consistency with the source provisions restated in this section.

In subsection (g)(2), the words ''the authority to be transferred is being used only to provide air service to the eligible place'' are substituted for ''unless . . . such authority is being used to provide air service with respect to more than 1 eligible point'' for clarity and because of the restatement.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (i), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2012—Subsec. (d). Pub. L. 112–95, in introductory provisions, substituted ''provide the carrier with compensation sufficient—'' for ''continue to pay that compensation after the last day of that period. The Secretary shall pay the compensation until the Secretary finds another carrier to provide the service to the place or the 90th day after the end of that notice period, whichever is earlier. If, after the 90th day after the end of the 90-day notice period, the Secretary has not found another carrier to provide the service, the carrier required to continue to provide that service shall receive compensation sufficient—''.

2003—Subsec. (i). Pub. L. 108–176 added subsec. (i).

1994—Subsec. (g)(2). Pub. L. 103–429 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''the authority to be transferred is being used only to provide air service to the eligible place.''

Subsec. (h). Pub. L. 103–305 added subsec. (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title IV, §426(b)(2), Feb. 14, 2012, 126 Stat. 98, provided that: ''The amendment made by paragraph (1) [amending this section] shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act [Feb. 14, 2012].''

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

DEFINITIONS

For definitions of the terms ''slot'' and ''high density airport'' used in subsec. (h) of this section, see section 41714(h) of this title.

§ 41735. Enhanced essential air service

(a) PROPOSALS.—(1) A State or local government may submit a proposal to the Secretary of Transportation for enhanced essential air service to an eligible place for which basic essential air service is being provided under section 41733 of this title. The proposal shall—

(A) specify the level and type of enhanced essential air service the State or local government considers appropriate; and

(B) include an agreement related to compensation required for the proposed service.

(2) The agreement submitted under paragraph (1)(B) of this subsection shall provide that—

(A) the State or local government or a person pay 50 percent of the compensation required for the proposed service and the United States Government pay the remaining 50 percent; or

(B)(i) the Government pay 100 percent of the compensation; and

(ii) if the proposed service is not successful for at least a 2-year period under the criteria prescribed by the Secretary under paragraph (3) of this subsection, the eligible place is not eligible for air service or air transportation for which compensation is paid by the Secretary under this subchapter.

(3) The Secretary shall prescribe by regulation objective criteria for deciding whether enhanced essential air service to an eligible place under this section is successful in terms of—

(A) increasing passenger usage of the airport facilities at the place; and

(B) reducing the amount of compensation provided by the Secretary under this subchapter for that service.

(b) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) of this section, the Secretary shall—

(1) approve the proposal if the Secretary decides the proposal is reasonable; or

(2) if the Secretary decides the proposal is not reasonable, disapprove the proposal and notify the State or local government of the disapproval and the reasons for the disapproval.

(c) COMPENSATION PAYMENTS.—(1) The Secretary shall pay compensation under this section when and in the way the Secretary decides is appropriate. Compensation for enhanced essential air service under this section may be paid only for the costs incurred in providing air service to an eligible place that are in addition to the costs incurred in providing basic essential air service to the place under section 41733 of this title. The Secretary shall continue to pay

compensation under this section only as long as—

(A) the air carrier maintains the level of enhanced essential air service;

(B) the State or local government or person agreeing to pay compensation under this section continues to pay the compensation; and

(C) the Secretary decides the compensation is necessary to maintain the service to the place.

(2) The Secretary may require the State or local government or person agreeing to pay compensation under this section to make advance payments or provide other security to ensure that timely payments are made.

(d) REVIEW.—(1) The Secretary shall review periodically the enhanced essential air service provided to each eligible place under this section.

(2) For service for which the Government pays 50 percent of the compensation, based on the review and consultation with the affected community and the State or local government or person paying the remaining 50 percent of the compensation, the Secretary shall make appropriate adjustments in the type and level of service to the place.

(3) For service for which the Government pays 100 percent of the compensation, based on the review and consultation with the State or local government submitting the proposal, the Secretary shall decide whether the service has succeeded for at least a 2-year period under the criteria prescribed under subsection (a)(3) of this section. If unsuccessful, the place is not eligible for air service or air transportation for which compensation is paid by the Secretary under this subchapter.

(e) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier may end, suspend, or reduce air transportation to an eligible place below the level of enhanced essential air service established for that place by the Secretary under this section only after giving the Secretary, the affected community, and the State or local government or person paying compensation for that service at least 30 days' notice before ending, suspending, or reducing the service. This subsection does not relieve the carrier of an obligation under section 41734 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1148.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41735(a)	49 App.:1389(c)(1), (3)(C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §419(c); added Oct. 24, 1978, Pub. L. 95–504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1512.
41735(b)	49 App.:1389(c)(2).	
41735(c)	49 App.:1389(c)(5)–(7).	
41735(d)	49 App.:1389(c)(3)(A), (B).	
41735(e)	49 App.:1389(c)(4).	

In subsections (a)(2)(B)(ii) and (d)(3), the words ''air service or air transportation for which compensation is paid'' are substituted for ''air service for which compensation is payable'' for consistency with the source provisions restated in sections 41733 and 41736 of the revised title.

In subsection (a)(3), the word ''prescribe'' is substituted for ''establish'' for consistency in the revised title.

In subsection (b), before clause (1), the words ''issue a decision'' are omitted as unnecessary because of the restatement.

In subsection (c)(1)(B), the words ''State or local government or person agreeing to pay compensation under this section'' are substituted for ''government or person agreeing to pay any non-Federal share'' for clarity.

In subsection (c)(2), the words ''State or local government or person agreeing to pay compensation under this section'' are substituted for ''non-Federal payments for enhanced essential air service under this subsection'' for clarity.

In subsection (d)(2), the words ''For service for which the Government pays 50 percent of the compensation'' are substituted for ''If the enhanced essential air service approved under this subsection is to be at a 50 percent Federal share'' because of the restatement. The words ''the remaining 50 percent'' are substituted for ''the non-Federal'' for clarity and consistency in this section.

In subsection (d)(3), the words ''For service for which the Government pays 100 percent of the compensation'' are substituted for ''If the enhanced essential air service approved under this subsection is to be at a 100 percent Federal share'' because of the restatement.

§ 41736. Air transportation to noneligible places

(a) PROPOSALS AND DECISIONS.—(1) A State or local government may propose to the Secretary of Transportation that the Secretary provide compensation to an air carrier to provide air transportation to a place that is not an eligible place under this subchapter. Not later than 90 days after receiving a proposal under this section, the Secretary shall—

(A) decide whether to designate the place as eligible to receive compensation under this section; and

(B)(i) approve the proposal if the State or local government or a person is willing and able to pay 50 percent of the compensation for providing the transportation, and notify the State or local government of the approval; or

(ii) disapprove the proposal if the Secretary decides the proposal is not reasonable under paragraph (2) of this subsection, and notify the State or local government of the disapproval and the reasons for the disapproval.

(2) In deciding whether a proposal is reasonable, the Secretary shall consider, among other factors—

(A) the traffic-generating potential of the place;

(B) the cost to the United States Government of providing the proposed transportation; and

(C) the distance of the place from the closest hub airport.

(b) APPROVAL FOR CERTAIN AIR TRANSPORTATION.—Notwithstanding subsection (a)(1)(B) of this section, the Secretary shall approve a proposal under this section to compensate an air carrier for providing air transportation to a place in the 48 contiguous States or the District of Columbia and designate the place as eligible for compensation under this section if—

(1) at any time before October 23, 1978, the place was served by a carrier holding a certificate under section 401 of the Federal Aviation Act of 1958;

(2) the place is more than 50 miles from the nearest small hub airport or an eligible place;

(3) the place is more than 150 miles from the nearest hub airport; and

(4) the State or local government submitting the proposal or a person is willing and able to pay 25 percent of the cost of providing the compensated transportation.

Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.

(c) LEVEL OF AIR TRANSPORTATION.—(1) If the Secretary designates a place under subsection (a)(1) of this section as eligible for compensation under this section, the Secretary shall decide, not later than 6 months after the date of the designation, on the level of air transportation to be provided under this section. Before making a decision, the Secretary shall consider the views of any interested community, the appropriate State authority of the State in which the place is located, and the State or local government or person agreeing to pay compensation for the transportation under subsection (b)(4) of this section.

(2) After making the decision under paragraph (1) of this subsection, the Secretary shall provide notice that any air carrier that is willing to provide the level of air transportation established under paragraph (1) for a place may submit an application to provide the transportation. In selecting an applicant, the Secretary shall consider, among other factors—

(A) the factors listed in section 41733(c)(1) of this title; and

(B) the views of the State or local government or person agreeing to pay compensation for the transportation.

(d) COMPENSATION PAYMENTS.—(1) The Secretary shall pay compensation under this section when and in the way the Secretary decides is appropriate. The Secretary shall continue to pay compensation under this section only as long as—

(A) the air carrier maintains the level of air transportation established by the Secretary under subsection (c)(1) of this section;

(B) the State or local government or person agreeing to pay compensation for transportation under this section continues to pay that compensation; and

(C) the Secretary decides the compensation is necessary to maintain the transportation to the place.

(2) The Secretary may require the State or local government or person agreeing to pay compensation under this section to make advance payments or provide other security to ensure that timely payments are made.

(e) REVIEW.—The Secretary shall review periodically the level of air transportation provided under this section. Based on the review and consultation with any interested community, the appropriate State authority of the State in which the community is located, and the State or local government or person paying compensation under this section, the Secretary may make appropriate adjustments in the level of transportation.

(f) WITHDRAWAL OF ELIGIBILITY DESIGNATIONS.—After providing notice and an opportunity for interested persons to comment, the Secretary may withdraw the designation of a place under subsection (a)(1) of this section as eligible to receive compensation under this section if the place has received air transportation under this section for at least 2 years and the Secretary decides the withdrawal would be in the public interest. The Secretary by regulation shall prescribe standards for deciding whether the withdrawal of a designation under this subsection is in the public interest. The standards shall include the factors listed in subsection (a)(2) of this section.

(g) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation for compensation under this section may end, suspend, or reduce that transportation below the level of transportation established by the Secretary under this section only after giving the Secretary, the affected community, and the State or local government or person paying compensation under this section at least 30 days' notice before ending, suspending, or reducing the transportation.

(h) SUNSET.—

(1) PROPOSALS.—No proposal under subsection (a) may be accepted by the Secretary after the date of enactment of this subsection.

(2) PROGRAM.—The Secretary may not provide any compensation under this section after the date that is 2 years after the date of enactment of this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1149; Pub. L. 106–181, title II, § 202, Apr. 5, 2000, 114 Stat. 91; Pub. L. 115–254, div. B, title IV, § 453(b), Oct. 5, 2018, 132 Stat. 3348.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41736(a)	49 App.:1389(d)(1), (2)(A), (C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(d); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1513.
41736(b)	49 App.:1389(d)(2)(B).	
41736(c)(1) ..	49 App.:1389(d)(3)(A).	
41736(c)(2) ..	49 App.:1389(d)(4).	
41736(d)	49 App.:1389(d)(5), (7), (8).	
41736(e)	49 App.:1389(d)(3)(B).	
41736(f)	49 App.:1389(d)(2)(D).	
41736(g)	49 App.:1389(d)(6).	

In subsection (a)(1), before clause (A), the words ''that the Secretary provide compensation to an air carrier to provide air transportation'' are substituted for ''for compensated air transportation in accordance with this subsection'' for clarity. In clause (B)(i), the word ''transportation'' is substituted for ''proposed compensated air transportation'' to eliminate unnecessary words.

In subsections (c)–(g), the word ''transportation'' is substituted for ''service'' for consistency with the source provisions restated in subsections (a) and (b) of this section.

In subsections (c)(1) and (e), the words ''appropriate State authority'' are substituted for ''State agency'' for clarity and consistency with the source provisions restated in section 41734(a) of the revised title.

In subsection (d), the text of 49 App.:1389(d)(5) is omitted as unnecessary because of the restatement.

In subsection (f), the word ''prescribe'' is substituted for ''establish'' for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

Section 401 of the Federal Aviation Act of 1958, referred to in subsec. (b)(1), is section 401 of Pub. L. 85–726, which was classified to section 1371 of former Title 49, Transportation, and was repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For disposition of section 1371 of former Title 49, see Table at the beginning of Title 49.

The date of enactment of this subsection, referred to in subsec. (h), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (h). Pub. L. 115–254 added subsec. (h).

2000—Subsec. (b). Pub. L. 106–181 inserted concluding provisions.

Statutory Notes and Related Subsidiaries

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.

§ 41737. Compensation guidelines, limitations, and claims

(a) COMPENSATION GUIDELINES.—(1) The Secretary of Transportation shall prescribe guidelines governing the rate of compensation payable under this subchapter. The guidelines shall be used to determine the reasonable amount of compensation required to ensure the continuation of air service or air transportation under this subchapter. The guidelines shall—

(A) provide for a reduction in compensation when an air carrier does not provide service or transportation agreed to be provided;

(B) consider amounts needed by an air carrier to promote public use of the service or transportation for which compensation is being paid;

(C) include expense elements based on representative costs of air carriers providing scheduled air transportation of passengers, property, and mail on aircraft of the type the Secretary decides is appropriate for providing the service or transportation for which compensation is being provided;

(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.

(2) Promotional amounts described in paragraph (1)(B) of this subsection shall be a special, segregated element of the compensation provided to a carrier under this subchapter.

(b) REQUIRED FINDING.—The Secretary may pay compensation to an air carrier for providing air service or air transportation under this subchapter only if the Secretary finds the carrier is able to provide the service or transportation in a reliable way.

(c) CLAIMS.—Not later than 15 days after receiving a written claim from an air carrier for compensation under this subchapter, the Secretary shall—

(1) pay or deny the United States Government's share of a claim; and

(2) if denying the claim, notify the carrier of the denial and the reasons for the denial.

(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—(1) The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to pay compensation under this subchapter. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation.

(2) Not more than $38,600,000 is available to the Secretary out of the Fund for each of the fiscal years ending September 30, 1993–1998, to incur obligations under this section. Amounts made available under this section remain available until expended.

(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

(3) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term ''significantly increased costs'' means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensa-

tion rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1151; Pub. L. 108–176, title IV, § 402(a), Dec. 12, 2003, 117 Stat. 2543; Pub. L. 112–95, title IV, § 427(a), Feb. 14, 2012, 126 Stat. 99.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41737(a)	49 App.:1389(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(e)(2)–(g); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1515.
41737(b)	49 App.:1389(e)(2).	
41737(c)	49 App.:1389(g).	
41737(d)	49 App.:1389(*l*).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(*l*); added Nov. 5, 1990, Pub. L. 101–508, § 9113(b)(1), 104 Stat. 1388–363.

In subsection (a)(1), before clause (A), the word ''prescribe'' is substituted for ''establish'' to eliminate an executed word. The words ''air service or air transportation under this subchapter'' are substituted for ''air service under this section'' for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title. In clause (C), the words ''the service or transportation for which compensation is being provided'' are substituted for ''such service'' for clarity.

In subsection (a)(2), the words ''compensation provided to a carrier under this subchapter'' are substituted for ''required compensation'' for clarity.

In subsection (b), the words ''air service or air transportation'' are substituted for ''air service'' for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title.

In subsection (d)(2), the reference to fiscal year 1992 is omitted as obsolete.

Editorial Notes

AMENDMENTS

2012—Subsec. (a)(1)(D), (E). Pub. L. 112–95 added subpars. (D) and (E).

2003—Subsec. (e). Pub. L. 108–176 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title IV, § 402(b), Dec. 12, 2003, 117 Stat. 2543, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect 30 days after the date of enactment of this Act [Dec. 12, 2003].''

EMERGENCY ACROSS-THE-BOARD ADJUSTMENT TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS

Pub. L. 112–95, title IV, § 426(a), Feb. 14, 2012, 126 Stat. 98; Pub. L. 115–254, div. B, title V, § 539(s)(1), Oct. 5, 2018, 132 Stat. 3371, provided that: ''Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.''

DEADLINE FOR ISSUANCE OF REVISED GUIDANCE

Pub. L. 112–95, title IV, § 427(b), Feb. 14, 2012, 126 Stat. 99, provided that: ''Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 that incorporate the amendments made by this section [amending this section].''

§ 41738. Fitness of air carriers

Notwithstanding section 40109(a) and (c)–(h) of this title, an air carrier may provide air service to an eligible place or air transportation to a place designated under section 41736 of this title only when the Secretary of Transportation decides that—

(1) the carrier is fit, willing, and able to perform the service or transportation; and

(2) aircraft used to provide the service or transportation, and operations related to the service or transportation, conform to the safety standards prescribed by the Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41738	49 App.:1389(e)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(e)(1); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1515.

In this section, before clause (1), the words ''air transportation to a place'' are substituted for ''service to a point'' for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title. In clauses (1) and (2), the words ''service or transportation'' are substituted for ''such service'' for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title.

§ 41739. Air carrier obligations

If at least 2 air carriers make an agreement to operate under or use a single carrier designator code to provide air transportation, the carrier whose code is being used shares responsibility with the other carriers for the quality of transportation provided the public under the code by the other carriers.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41739	49 App.:1389(i).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(i); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1516.

The words ''quality of transportation'' are substituted for ''quality of service'' for clarity and consistency in this section.

§ 41740. Joint proposals

The Secretary of Transportation shall encourage the submission of joint proposals, including joint fares, by 2 or more air carriers for providing air service or air transportation under this subchapter through arrangements that maximize the service or transportation to and from major destinations beyond the hub.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1152; Pub. L. 108–176, title IV, § 403, Dec. 12, 2003, 117 Stat. 2543.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41740	49 App.:1389(j).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(j); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1516.

The words ''air service or air transportation'' are substituted for ''air service'', and the words ''the service or transportation'' are substituted for ''service'', for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108–176 inserted '', including joint fares,'' after ''joint proposals''.

Statutory Notes and Related Subsidiaries

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.

§ 41741. Insurance

The Secretary of Transportation may pay an air carrier compensation under this subchapter only when the carrier files with the Secretary an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay for bodily injury to, or death of, an individual, or for loss of or damage to property of others, resulting from the operation of aircraft, but not more than the amount of the policy or plan limits.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41741	49 App.:1389(h).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 419(h); added Oct. 24, 1978, Pub. L. 95–504, § 33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, § 10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, § 9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, § 202(a)(1), (2), (b)(1), 101 Stat. 1507, 1516.

The words ''The Secretary of Transportation may pay . . . only when'' are substituted for ''An air carrier shall not receive . . . unless'' for clarity. The words ''approved by the Secretary'' are substituted for ''complies with regulations or orders issued by the Secretary governing the filing and approval'' to eliminate unnecessary words. The words ''The policy or plan must be sufficient to pay . . . but not more than the amount of the policy or plan limits'' are substituted for ''in the amount prescribed by the Secretary which are conditioned to pay, within the amount of such insurance, amounts'' because of the restatement. The words ''for which such air carrier may become liable'' are omitted as unnecessary. The word ''individual'' is substituted for ''person'' because it is more precise. The word ''operation'' is substituted for ''operation or maintenance'' because it is inclusive.

§ 41742. Essential air service authorization

(a) IN GENERAL.—

(1) AUTHORIZATION.—Out of the amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration, the sum of $50,000,000 for each fiscal year is authorized and shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter.

(2) ADDITIONAL FUNDS.—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated out of the Airport and Airway Trust Fund (established under section 9502 of the Internal Revenue Code of 1986) $155,000,000 for fiscal year 2018, $158,000,000 for fiscal year 2019, $161,000,000 for fiscal year 2020, $165,000,000 for fiscal year 2021, $168,000,000 for fiscal year 2022, and $172,000,000 for fiscal year 2023, and $155,115,628 for the period beginning on October 1, 2023, and ending on March 8, 2024, to carry out the essential air service program under this subchapter of which not more than $12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance.

(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.

(b) DISTRIBUTION OF ADDITIONAL FUNDS.—Notwithstanding any other provision of law, in any fiscal year in which funds credited to the account established under section 45303, including the funds derived from fees imposed under the authority contained in section 45301(a), exceed the $50,000,000 made available under subsection (a)(1), such funds shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter.

(c) AVAILABILITY OF FUNDS.—The funds made available under this section shall remain available until expended.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1152; Pub. L. 104–264, title II, § 278(c), Oct. 9, 1996, 110 Stat. 3249; Pub. L. 106–181, title II, § 209(a), Apr. 5, 2000, 114 Stat. 95; Pub. L. 108–176, title IV, § 404, Dec. 12, 2003, 117 Stat. 2543; Pub. L. 112–30, title

II, §209, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112–91, §9, Jan. 31, 2012, 126 Stat. 5; Pub. L. 112–95, title IV, §428, Feb. 14, 2012, 126 Stat. 99; Pub. L. 114–55, title I, §107, Sept. 30, 2015, 129 Stat. 524; Pub. L. 114–141, title I, §107, Mar. 30, 2016, 130 Stat. 324; Pub. L. 114–190, title I, §1107, July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, §104(a), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, §104(a), Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115–254, div. B, title IV, §451(a), Oct. 5, 2018, 132 Stat. 3347; Pub. L. 118–15, div. B, title II, §2206(a), Sept. 30, 2023, 137 Stat. 85; Pub. L. 118–34, title I, §106(a), Dec. 26, 2023, 137 Stat. 1115.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41742	49 App.:1389(m).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §419(m); added Oct. 24, 1978, Pub. L. 95–504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98–213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98–443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100–223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1517; Nov. 5, 1990, Pub. L. 101–508, §9113(b)(1), 104 Stat. 1388–363.

Editorial Notes

REFERENCES IN TEXT

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (a)(2), is classified to section 9502 of Title 26, Internal Revenue Code.

AMENDMENTS

2023—Subsec. (a)(2). Pub. L. 118–34 substituted ''$155,115,628 for the period beginning on October 1, 2023, and ending on March 8, 2024,'' for ''$89,191,486 for the period beginning on October 1, 2023, and ending on December 31, 2023,''.

Pub. L. 118–15 substituted ''2023, and $89,191,486 for the period beginning on October 1, 2023, and ending on December 31, 2023,'' for ''2023''.

2018—Subsec. (a)(2). Pub. L. 115–254 substituted ''$155,000,000 for fiscal year 2018, $158,000,000 for fiscal year 2019, $161,000,000 for fiscal year 2020, $165,000,000 for fiscal year 2021, $168,000,000 for fiscal year 2022, and $172,000,000 for fiscal year 2023'' for ''$150,000,000 for fiscal year 2011, $143,000,000 for fiscal year 2012, $118,000,000 for fiscal year 2013, $107,000,000 for fiscal year 2014, $93,000,000 for fiscal year 2015, $175,000,000 for each of fiscal years 2016 and 2017, and $150,000,000 for fiscal year 2018''.

Pub. L. 115–141 substituted ''2016 and 2017, and $150,000,000 for fiscal year 2018'' for ''2016 and 2017, and $74,794,521 for the period beginning on October 1, 2017, and ending on March 31, 2018,''.

2017—Subsec. (a)(2). Pub. L. 115–63 substituted ''$175,000,000 for each of fiscal years 2016 and 2017, and $74,794,521 for the period beginning on October 1, 2017, and ending on March 31, 2018,'' for ''and $175,000,000 for each of fiscal years 2016 and 2017''.

2016—Subsec. (a)(2). Pub. L. 114–190 substituted ''fiscal year 2014, $93,000,000 for fiscal year 2015, and $175,000,000 for each of fiscal years 2016 and 2017'' for ''fiscal year 2014, $93,000,000 for fiscal year 2015, and $122,708,333 for the period beginning on October 1, 2015, and ending on July 15, 2016,''.

Pub. L. 114–141 substituted ''$122,708,333 for the period beginning on October 1, 2015, and ending on July 15, 2016,'' for ''$77,500,000 for the period beginning on October 1, 2015, and ending on March 31, 2016,''.

2015—Subsec. (a)(2). Pub. L. 114–55 substituted ''$93,000,000 for fiscal year 2015, and $77,500,000 for the period beginning on October 1, 2015, and ending on March 31, 2016,'' for ''and $93,000,000 for fiscal year 2015''.

2012—Subsec. (a)(1). Pub. L. 112–95, §428(a)(1), inserted ''for each fiscal year'' before ''is authorized'' and substituted ''under this subchapter'' for ''under this subchapter for each fiscal year''.

Subsec. (a)(2). Pub. L. 112–95, §428(a)(2), substituted '', $143,000,000 for fiscal year 2012, $118,000,000 for fiscal year 2013, $107,000,000 for fiscal year 2014, and $93,000,000 for fiscal year 2015'' for ''and $54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012,''.

Pub. L. 112–91 substituted ''and $54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012,'' for ''and $50,309,016 for the period beginning on October 1, 2011, and ending on January 31, 2012,''.

Subsec. (b). Pub. L. 112–95, §428(b), amended subsec. (b) generally. Prior to amendment, text read as follows: ''Notwithstanding any other provision of law, moneys credited to the account established under section 45303(a) of this title, including the funds derived from fees imposed under the authority contained in section 45301(a) of this title, shall be used to carry out the essential air service program under this subchapter. Notwithstanding section 47114(g) of this title, any amounts from those fees that are not obligated or expended at the end of the fiscal year for the purpose of funding the essential air service program under this subchapter shall be made available to the Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under this subchapter.''

Subsec. (c). Pub. L. 112–95, §428(c), added subsec. (c).

2011—Subsec. (a)(2). Pub. L. 112–30 substituted ''there is authorized to be appropriated out of the Airport and Airway Trust Fund (established under section 9502 of the Internal Revenue Code of 1986) $150,000,000 for fiscal year 2011 and $50,309,016 for the period beginning on October 1, 2011, and ending on January 31, 2012,'' for ''there is authorized to be appropriated $77,000,000 for each fiscal year''.

2003—Subsec. (a)(2). Pub. L. 108–176, §404(1), substituted ''$77,000,000'' for ''$15,000,000'' and inserted ''of which not more than $12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance'' before period at end.

Subsec. (a)(3). Pub. L. 108–176, §404(2), added par. (3).

Subsec. (c). Pub. L. 108–176, §404(3), struck out heading and text of subsec. (c). Text read as follows: ''Notwithstanding subsections (a) and (b), in fiscal year 1997, amounts in excess of $75,000,000 that are collected in fees pursuant to section 45301(a)(1) of this title shall be available for the essential air service program under this subchapter, in addition to amounts specifically provided for in appropriations Acts.''

2000—Subsec. (a). Pub. L. 106–181 designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

1996—Pub. L. 104–264 amended section generally, substituting provisions relating to essential air service authorization for provisions stating that this subchapter was not effective after Sept. 30, 1998.

Statutory Notes and Related Subsidiaries

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 1996 AMENDMENT

Amendment by Pub. L. 104–264 effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as a note under section 106 of this title.

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.

FUNDING FOR ESSENTIAL AIR SERVICE PROGRAM

Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 644, provided in part: ''That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act [div. C of Pub. L. 112–55, see Tables for classification] or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive''.

FINDINGS

Pub. L. 104–264, title II, § 278(b), Oct. 9, 1996, 110 Stat. 3249, provided that: ''Congress finds that—

''(1) air service in rural areas is essential to a national and international transportation network;

''(2) the rural air service infrastructure supports the safe operation of all air travel;

''(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

''(4) rural air service has suffered since deregulation;

''(5) the essential air service program under the Department of Transportation—

''(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

''(B) is necessary for the economic growth and development of rural communities;

''(C) is a critical component of the national and international transportation system of the United States; and

''(D) has endured serious funding cuts in recent years; and

''(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.''

§ 41743. Airports not receiving sufficient service

(a) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—The Secretary of Transportation shall establish a program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

(b) APPLICATION REQUIRED.—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

(c) CRITERIA FOR PARTICIPATION.—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

(1) SIZE.—On the date of submission of the relevant application under subsection (b), the airport serving the community or consortium—

(A) is not larger than a small hub airport, as determined using the Department of Transportation's most recently published classification; and

(B) has—

(i) insufficient air carrier service; or

(ii) unreasonably high air fares.

(2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

(3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.

(4) OVERALL LIMIT.—

(A) IN GENERAL.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which funds are appropriated for the program.

(B) SAME PROJECTS.—Except as provided in subparagraph (C), no community, consortia of communities, or combination thereof may participate in the program in support of the same project more than once in a 10-year period, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project at any time.

(C) EXCEPTION.—The Secretary may waive the limitation under subparagraph (B) related to projects that are the same if the Secretary determines that the community or consortium spent little or no money on its previous project or encountered industry or environmental challenges, due to circumstances that were reasonably beyond the control of the community or consortium.

(5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—

(A) air fares are higher than the average air fares for all communities;

(B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

(C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public;

(D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited;

(E) the assistance will be used to help restore scheduled passenger air service that has been terminated;

(F) the assistance will be used in a timely fashion; and

(G) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.

(d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—

(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and

(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

(e) AUTHORITY TO MAKE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section. The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2018 through 2023, and $4,371,585 for the period beginning on October 1, 2023, and ending on March 8, 2024, to carry out this section. Such sums shall remain available until expended.

(f) ADDITIONAL ACTION.—Under the program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports to facilitate joint-fare arrangements consistent with normal industry practice.

(g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—

(1) to function as a facilitator between small communities and air carriers;

(2) to carry out this section;

(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.

(Added Pub. L. 106–181, title II, §203(a), Apr. 5, 2000, 114 Stat. 92; amended Pub. L. 108–11, title II, §2708, Apr. 16, 2003, 117 Stat. 601; Pub. L. 108–176, title II, §225(b)(3), title IV, §412, Dec. 12, 2003, 117 Stat. 2529, 2551; Pub. L. 110–330, §5(b), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–69, §5(b), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–249, §5(b), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 112–30, title II, §205(b), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(b), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title IV, §429, Feb. 14, 2012, 126 Stat. 100; Pub. L. 114–190, title I, §1102(e), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, §104(b), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, §104(b), Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115–254, div. B, title IV, §455, Oct. 5, 2018, 132 Stat. 3349; Pub. L. 118–15, div. B, title II, §2206(b), Sept. 30, 2023, 137 Stat. 85; Pub. L. 118–34, title I, §106(b), Dec. 26, 2023, 137 Stat. 1115.)

Editorial Notes

AMENDMENTS

2023—Subsec. (e)(2). Pub. L. 118–34 substituted ''$4,371,585 for the period beginning on October 1, 2023, and ending on March 8, 2024,'' for ''$2,513,661 for the period beginning on October 1, 2023, and ending on December 31, 2023,''.

Pub. L. 118–15 inserted '', and $2,513,661 for the period beginning on October 1, 2023, and ending on December 31, 2023,'' after ''fiscal years 2018 through 2023''.

2018—Subsec. (c)(1). Pub. L. 115–254, §455(a)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: ''For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport, and—

''(A) had insufficient air carrier service; or

''(B) had unreasonably high air fares.''

Subsec. (c)(4). Pub. L. 115–254, §455(a)(2), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: ''No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which funds are appropriated for the program. No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.''

Subsec. (c)(5)(E) to (G). Pub. L. 115–254, §455(a)(3), added subpar. (E) and redesignated former subpars. (E) and (F) as (F) and (G), respectively.

Subsec. (e)(1). Pub. L. 115–254, §455(b), inserted at end ''The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project.''

Subsec. (e)(2). Pub. L. 115–254, §455(c), amended par. (2) generally. Prior to amendment, text read as follows: ''There is authorized to be appropriated to the Secretary $6,000,000 for each of fiscal years 2012 through

2017 and $10,000,000 for fiscal year 2018 to carry out this section. Such sums shall remain available until expended.''

Pub. L. 115–141 substituted ''2012 through 2017 and $10,000,000 for fiscal year 2018'' for ''2012 through 2017 and $4,986,301 for the period beginning on October 1, 2017, and ending on March 31, 2018,''.

2017—Subsec. (e)(2). Pub. L. 115–63 inserted ''and $4,986,301 for the period beginning on October 1, 2017, and ending on March 31, 2018,'' after ''fiscal years 2012 through 2017''.

2016—Subsec. (e)(2). Pub. L. 114–190 substituted ''2017'' for ''2015''.

2012—Subsec. (c)(5)(F). Pub. L. 112–95, § 429(a), added subpar. (F).

Subsec. (e)(2). Pub. L. 112–95, § 429(b), amended par. (2) generally. Prior to amendment, par. (2) provided for authorization of appropriations for fiscal years 2001 through 2011 and for the portion of fiscal year 2012 ending before Feb. 18, 2012.

Pub. L. 112–91 substituted ''and $2,295,082 for the portion of fiscal year 2012 ending before February 18, 2012,'' for ''and $2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012,''.

2011—Subsec. (e)(2). Pub. L. 112–30 substituted ''$35,000,000 for each of fiscal years 2004 through 2011, and $2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012,'' for ''and $35,000,000 for each of fiscal years 2004 through 2011''.

2010—Subsec. (e)(2). Pub. L. 111–249 substituted ''2011'' for ''2010''.

2009—Subsec. (e)(2). Pub. L. 111–69 substituted ''2010'' for ''2009''.

2008—Subsec. (e)(2). Pub. L. 110–330 substituted ''2009'' for ''2008''.

2003—Subsec. (a). Pub. L. 108–176, § 412(1), (2), struck out ''PILOT'' before ''PROGRAM'' in heading and ''pilot'' before ''program'' in text.

Subsec. (c)(1). Pub. L. 108–176, § 225(b)(3)(A), struck out ''(as that term is defined in section 41731(a)(5))'' after ''small hub airport'' in introductory provisions.

Subsec. (c)(3). Pub. L. 108–176, § 412(3)(A), added par. (3) and struck out heading and text of former par. (3). Text read as follows: ''No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.''

Subsec. (c)(4). Pub. L. 108–176, § 412(3)(B), inserted at end ''No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.''

Pub. L. 108–11 inserted before period at end ''in each year for which funds are appropriated for the program''.

Subsec. (c)(5)(E). Pub. L. 108–176, § 412(3)(C), added subpar. (E).

Subsec. (e)(2). Pub. L. 108–176, § 412(4), substituted ''fiscal year 2001,'' for ''fiscal year 2001 and'' and inserted '', and $35,000,000 for each of fiscal years 2004 through 2008'' after ''2003''.

Subsec. (f). Pub. L. 108–176, §§ 225(b)(3)(B), 412(5), struck out ''pilot'' after ''Under the'' and ''(as defined in section 41731(a)(3))'' after ''large hub airports''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41744. Preservation of basic essential air service at single carrier dominated hub airports

(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term ''essential airport facility'' means a large hub airport in the contiguous 48 States at which one air carrier has more than 60 percent of the total annual enplanements at that airport.

(Added Pub. L. 106–181, title II, § 204(a), Apr. 5, 2000, 114 Stat. 93; amended Pub. L. 108–176, title II, § 225(b)(4), Dec. 12, 2003, 117 Stat. 2529.)

Editorial Notes

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–176 struck out ''(as defined in section 41731)'' after ''large hub airport''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41745. Community and regional choice programs

(a) ALTERNATE ESSENTIAL AIR SERVICE PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

(2) ASSISTANCE TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction

over the eligible place or a State within the boundaries of which the eligible place is located.

(3) USE OF ASSISTANCE.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

(E) To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.

(F) To pay for other transportation or related services that the Secretary may permit.

(b) COMMUNITY FLEXIBILITY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for not more than 10 eligible places or consortia of units of local government.

(2) ELECTION.—Under the program, the sponsor of an airport serving an eligible place may elect to forego any essential air service for which compensation is being provided under this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the compensation paid to provide such service in the most recent 12-month period.

(3) GRANT.—Notwithstanding any other provision of law, the Secretary shall make a grant to each airport sponsor participating in the program for use on any project that—

(A) is eligible for assistance under chapter 471 and complies with the requirements of that chapter;

(B) is located on the airport property; or

(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

(c) FRACTIONALLY OWNED AIRCRAFT.—After the effective date of the rule referred to in subsection (a)(3)(E), only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (a)(3)(E) is used to provide transportation described in subsection (a)(3)(E).

(d) APPLICATIONS.—

(1) IN GENERAL.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

(A) a statement of the amount of compensation or assistance required; and

(B) a description of how the compensation or assistance will be used.

(e) PARTICIPATION REQUIREMENTS.—An eligible place for which compensation or assistance is provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

(f) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

(g) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.

(Added Pub. L. 108–176, title IV, § 405, Dec. 12, 2003, 117 Stat. 2544.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 41746. Tracking service

The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.

(Added Pub. L. 108–176, title IV, § 407, Dec. 12, 2003, 117 Stat. 2545.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

[§ 41747. Repealed. Pub. L. 112–95, title IV, § 430, Feb. 14, 2012, 126 Stat. 100]

Section, added Pub. L. 108–176, title IV, § 408(a), Dec. 12, 2003, 117 Stat. 2546, related to the EAS local participation program.

§ 41748. Marketing program

(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible places that receive subsidized service by an air carrier under section 41733. Under the program, the sponsor of the airport serving such an eligible place may receive a grant of not more than $50,000 in a fiscal year to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

(b) MATCHING REQUIREMENT; SUCCESS BONUSES—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with a marketing plan to be developed and implemented under this section shall come from non-Federal sources. For purposes of this section—

(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

(B) matching contributions from a State or unit of local government may not be derived, directly or indirectly, from Federal funds, but the use by the State or unit of local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

(2) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

(3) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

(Added Pub. L. 108–176, title IV, § 410(b), Dec. 12, 2003, 117 Stat. 2548.)

Editorial Notes

CODIFICATION

Another section 410(b) of Pub. L. 108–176 amended the table of sections at the beginning of this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

INCENTIVE PROGRAM

Pub. L. 108–176, title IV, § 410(a), Dec. 12, 2003, 117 Stat. 2548, provided that: ''The purposes of this section [enacting this section] are—

''(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

''(2) to reduce subsidy costs under subchapter II of this chapter [probably means chapter 417 of title 49, United States Code] as a consequence of such increased usage; and

''(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.''

SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

§ 41761. Purpose

The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

(Added Pub. L. 106–181, title II, § 210(a), Apr. 5, 2000, 114 Stat. 96.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41762. Definitions

In this subchapter, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

(2) AIRCRAFT PURCHASE.—The term ''aircraft purchase'' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term ''capital reserve subsidy amount'' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on Government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(4) COMMUTER AIR CARRIER.—The term ''commuter air carrier'' means an air carrier that primarily operates aircraft designed to have a

maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

(5) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

(6) FINANCIAL OBLIGATION.—The term ''financial obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

(7) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(8) LINE OF CREDIT.—The term ''line of credit'' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

(9) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(10) NEW ENTRANT AIR CARRIER.—The term ''new entrant air carrier'' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

(11) OBLIGOR.—The term ''obligor'' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(12) REGIONAL JET AIRCRAFT.—The term ''regional jet aircraft'' means a civil aircraft—

(A) powered by jet propulsion; and

(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

(13) SECURED LOAN.—The term ''secured loan'' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

(14) UNDERSERVED MARKET.—The term ''underserved market'' means a passenger air transportation market (as defined by the Secretary) that—

(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

(C) the Secretary determines does not have sufficient air service.

(Added Pub. L. 106–181, title II, §210(a), Apr. 5, 2000, 114 Stat. 96; amended Pub. L. 108–176, title II, §225(b)(5), Dec. 12, 2003, 117 Stat. 2529.)

Editorial Notes

REFERENCES IN TEXT

The Federal Credit Reform Act of 1990, referred to in par. (3), is title V of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388–609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

The Security Act of 1933, referred to in par. (7), probably means the Securities Act of 1933, title I of act May 27, 1933, ch. 38, 48 Stat. 74, which is classified generally to subchapter I (§77a et seq.) of chapter 2A of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 77a of Title 15 and Tables.

Sections 414(d) and 4974(c) of the Internal Revenue Code of 1986, referred to in par. (7), are classified to sections 414(d) and 4974(c), respectively, of Title 26, Internal Revenue Code.

AMENDMENTS

2003—Pars. (11) to (16). Pub. L. 108–176 redesignated pars. (12), (13), (14), and (16) as (11), (12), (13), and (14), respectively, and struck out former pars. (11) and (15), which defined ''nonhub airport'' and ''small hub airport'', respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§41763. Federal credit instruments

(a) IN GENERAL.—Subject to this section and section 41766, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

(b) SECURED LOANS.—

(1) TERMS AND LIMITATIONS.—

(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

(i) that extends to more than 50 percent of the purchase price (including the value

of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

(2) REPAYMENT.—

(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

(3) PREPAYMENT.—

(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

(c) LOAN GUARANTEES.—

(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

(d) LINES OF CREDIT.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

(2) TERMS AND LIMITATIONS.—

(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(B) MAXIMUM AMOUNT.—

(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

(ii) 1–YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

(E) RIGHTS OF THIRD-PARTY CREDITORS.—

(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level

sufficient to cover all of a portion of the administrative costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

(3) REPAYMENT.—

(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

(i) to continue its operations as an air carrier; and

(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

(B) reasonable protection to the United States.

(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

(1) 50 percent of the cost of the aircraft purchase; or

(2) $100,000,000 for any single obligor.

(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

(Added Pub. L. 106–181, title II, §210(a), Apr. 5, 2000, 114 Stat. 97.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41764. Use of Federal facilities and assistance

(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

(1) with the consent of the appropriate Federal officials; and

(2) on a reimbursable basis.

(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

(Added Pub. L. 106–181, title II, §210(a), Apr. 5, 2000, 114 Stat. 101.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41765. Administrative expenses

In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the

purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

(Added Pub. L. 106–181, title II, § 210(a), Apr. 5, 2000, 114 Stat. 101.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41766. Funding

Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2003, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

(Added Pub. L. 106–181, title II, § 210(a), Apr. 5, 2000, 114 Stat. 101.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41767. Termination

(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.

(Added Pub. L. 106–181, title II, § 210(a), Apr. 5, 2000, 114 Stat. 101.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subchapter, referred to in subsec. (a), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

CHAPTER 419—TRANSPORTATION OF MAIL

Sec.
41901. General authority.
41902. Schedules for certain transportation of mail.
41903. Duty to provide certain transportation of mail.
41904. Noncitizens transporting mail to or in foreign countries.[1]
41905. Regulating air carrier transportation of foreign mail.[2]
41905. Emergency mail transportation.
41907. Prices for foreign transportation of mail.[2]
41908. Prices for transporting mail of foreign countries.[2]
41906. Duty to oppose unreasonable prices under the Universal Postal Union Convention.
41907. Weighing mail.
41911. Evidence of providing mail service.[2]
41908. Effect on foreign postal arrangements.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110–405, § 2(b)(8), Oct. 13, 2008, 122 Stat. 4289, redesignated items 41906, 41909, and 41910 as 41905 ''Emergency mail transportation'', 41906, and 41907 ''Weighing mail'', respectively.

Pub. L. 110–405, § 2(b)(8), Oct. 13, 2008, 122 Stat. 4289, which directed redesignation of item 49112 as 41908, was executed by redesignating item 41912 as 41908 ''Effect of foreign postal arrangements'' to reflect the probable intent of Congress.

§ 41901. General authority

(a) TITLE 39.—The United States Postal Service may provide for the transportation of mail by aircraft in interstate air transportation under section 5402(e) and (f) of title 39, and in foreign air transportation under section 5402(b) and (c) of title 39.

(b) AUTHORITY TO PRESCRIBE PRICES.—Except as provided in section 5402 of title 39, on the initiative of the Secretary of Transportation or on petition by the Postal Service or an air carrier, the Secretary shall prescribe and publish—

(1) after notice and an opportunity for a hearing on the record, reasonable prices to be paid by the Postal Service for the transportation of mail by aircraft between places in Alaska, the facilities used in and useful for the transportation of mail, and the services related to the transportation of mail for each carrier holding a certificate that authorizes that transportation;

(2) the methods used, whether by aircraft-mile, pound-mile, weight, space, or a combination of those or other methods, to determine the prices for each air carrier or class of air carriers; and

(3) the effective date of the prices.

(c) OTHER TRANSPORTATION.—In prescribing prices under subsection (b) of this section, the Secretary may include transportation other than by aircraft that is incidental to transportation of mail by aircraft or necessary because of emergency conditions related to aircraft operations.

(d) AUTHORITY TO PRESCRIBE DIFFERENT PRICES.—Considering conditions peculiar to transportation by aircraft and to particular air carriers or classes of air carriers, the Secretary

[1] Section catchline amended by Pub. L. 110–405 without corresponding amendment of chapter analysis.

[2] Section repealed by Pub. L. 110–405 without corresponding amendment of chapter analysis.

may prescribe different prices under this section for different air carriers or classes of air carriers and for different classes of service. In prescribing a price for a carrier under this section, the Secretary shall consider, among other factors, the following:

(1) the condition that the carrier may hold and operate under a certificate authorizing the transportation of mail only by providing necessary and adequate facilities and service for the transportation of mail.

(2) standards related to the character and quality of service to be provided that are prescribed by or under law.

(e) STATEMENTS ON PRICES.—A petition for prescribing a reasonable price under this section must include a statement of the price the petitioner believes is reasonable.

(f) STATEMENTS ON REQUIRED SERVICES.—The Postal Service shall introduce as part of the record in every proceeding under this section a comprehensive statement of the services to be required of the air carrier and other information the Postal Service has that the Secretary considers material to the proceeding.

(Pub. L. 103–272, §§1(e), 4(k)(1), (2), July 5, 1994, 108 Stat. 1153, 1370; Pub. L. 104–52, title VI, §631(c), Nov. 19, 1995, 109 Stat. 505; Pub. L. 106–31, title VI, §6003, May 21, 1999, 113 Stat. 113; Pub. L. 107–206, title III, §3002(e)(2), Aug. 2, 2002, 116 Stat. 924; Pub. L. 110–405, §2(b)(1), (2), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272, §1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41901(a)	49 App.:1376(a) (1st sentence related to non-Alaska interstate and overseas air transportation less words between parentheses).	Aug. 23, 1958, Pub. L. 85–726, §406(a), 72 Stat. 763; Nov. 9, 1977, Pub. L. 95–163, §13, 91 Stat. 1282.
	49 App.:1551(b)(1)(D).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(D); added Oct. 4, 1984, Pub. L. 95–504, §40(a), 92 Stat. 1745; Oct. 4, 1984, Pub. L. 98–443, §3(d), 98 Stat. 1704.
41901(b)	49 App.:1376(a) (1st sentence related to foreign and Alaska air transportation less words between parentheses, 2d, last sentences).	
	49 App.:1376(c).	Aug. 23, 1958, Pub. L. 85–726, §406(c), 72 Stat. 764; Oct. 24, 1978, Pub. L. 95–504, §24(b), 92 Stat. 1725.
	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.
41901(c)	49 App.:1376(a) (1st sentence words between parentheses).	
41901(d)	49 App.:1376(b).	Aug. 23, 1958, Pub. L. 85–726, §406(b), 72 Stat. 763; July 10, 1962, Pub. L. 87–528, §5, 76 Stat. 145; Oct. 15, 1966, Pub. L. 89–670, §8(a), 80 Stat. 942; Nov. 9, 1977, Pub. L. 95–163, §12(a), 91 Stat. 1282; Oct. 24, 1978, Pub. L. 95–504, §§24(a), 25(a), 92 Stat. 1725.
	49 App.:1376(d).	Aug. 23, 1958, Pub. L. 85–726, §406(d), (e), 72 Stat. 764.
	49 App.:1551(b)(1)(D), (E).	
41901(e)	49 App.:1376(e) (1st sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272, §1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41901(f)	49 App.:1376(e) (last sentence). 49 App.:1551(b)(1)(D), (E).	
41901(g)	49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, 1601(b)(3); added Oct. 4, 1984, Pub. L. 98–443, 3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, §346 (related to §1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.
	49 App.:1553(c).	Oct. 4, 1984, Pub. L. 98–443, §4(c), 98 Stat. 1705; Sept. 30, 1988, Pub. L. 100–457, §346 (related to §4(c) of Civil Aeronautics Board Sunset Act of 1984), 102 Stat. 2155.

In this section, the word ''prescribe'' is substituted for ''fix and determine'' and ''fixing and determining'' for consistency in the revised title and with other titles of the United States Code. The word ''reasonable'' is substituted for ''fair and reasonable'' for consistency in the revised title and to eliminate an unnecessary word. See the revision notes following 49:10101.

Subsection (a) is substituted for 49 App.:1551(b)(1)(D) to make clear that the United States Postal Service derives its authority to provide for the transportation of mail by aircraft in interstate transportation from 39:5402(d) and (f). The text of 49 App.:1376(a) (1st sentence related to non-Alaska interstate and overseas air transportation less words between parentheses) is omitted as superseded by 39:5402(d).

In subsection (b), before clause (1), the words ''Except as provided in section 5402 of title 39'' are added for clarity. The words ''from time to time'' in 49 App.:1376(a) are omitted as surplus. The text of 49 App.:1376(a) (2d, last sentences) is omitted as executed. In clauses (1) and (2), the word ''prices'' is substituted for ''rates of compensation'' for consistency in this part. In clause (1), the words ''an opportunity for a hearing on the record'' are substituted for ''hearing'' for clarity and consistency with subsection (f) of this section. The words ''to be paid by the Postal Service'' are substituted for ''The United States Postal Service shall make payments . . . of so much of the total compensation as is fixed and determined by the Board under this section without regard to clause (3) of subsection (b) of this section'' in 49 App.:1376(c) to eliminate unnecessary words because the text of 49 App.:1376(b) (2d sentence words after 2d semicolon) is being omitted. See the revision notes for subsection (d) of this section. The words ''out of appropriations for the transportation of mail by aircraft'' are omitted as being superseded by chapters 20 and 24 of title 39, United States Code. The text of 49 App.:1376(c) (2d sentence) is omitted as expired because of 49 App.:1376(c) (last sentence). The text of 49 App.:1376(c) (last sentence) is omitted as executed. The words ''and to make such rates effective from such date as it shall determine to be proper'' in 49 App.:1376(a) are omitted because the power to determine when rates go into effect is included in the power to prescribe rates. The words ''transportation of mail by aircraft in foreign air transportation or between places in Alaska'' are substituted for ''transportation of mail by aircraft'' because 49 App.:1551(b)(1)(D) and (E) provides that transportation of mail in interstate or overseas air transportation (except transportation of mail between 2 places in Alaska) is transferred to the jurisdiction of the United States Postal Service leaving the balance of authority under 49 App.:1376(a) with the Secretary of Transportation.

In subsections (c), (d), and (f), reference to service provided by the Postal Service is omitted as obsolete because of 39:5402(d).

In subsection (c), the words ''In prescribing prices under subsection (b) of this section, the Secretary'' are added for clarity.

In subsection (d), the text of 49 App.:1376(b) (2d sentence words after 2d semicolon, 5th–7th sentences) and (d) is omitted as obsolete because under 49 App.:1376(c) and 1376a, payments by the Board under 49 App.:1376 were terminated. The text of 49 App.:1376(b) (3d, 4th sentences) is omitted as obsolete because it applies only to rates paid for service performed between October 24, 1978, and January 1, 1983. The text of 49 App.:1376(b) (last sentence) is omitted as executed.

Subsection (g) is substituted for 49 App.:1551(b)(3) and 1553(c) because the date on which the authority of the Secretary of Transportation to provide for the transportation of mail by aircraft expires is set out in 39:5402(f). The source provisions of 49 App.:1551(b)(3) providing for the transfer of that authority from the Secretary to the Postal Service are restated in section 5(k) of this bill.

PUB. L. 103–272, § 4(k)(1), (2)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41901(b)(1), (g).	49 App.:1551(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(8); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(a)(8) of Federal Aviation Act of 1958), 102 Stat. 2155.
	49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(3); added Oct. 4, 1984, Pub. L. 98–443, § 3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.

Section 4(k) reflects amendments to the restatement required by section 1601(a)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704), and section 1601(b)(3) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(f) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704). Section 1601(a)(8) provides that the authority under 49 App.:1371(*l*) and (m) and 1375(b)–(d) as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901–41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–405, § 2(b)(1), substituted ''39, and in foreign air transportation under section 5402(b) and (c) of title 39.'' for ''39.''

Subsec. (b)(1). Pub. L. 110–405, § 2(b)(2), struck out ''in foreign air transportation or'' after ''aircraft''.

2002—Subsec. (a). Pub. L. 107–206 substituted ''5402(e)'' for ''5402(d)''.

1999—Subsecs. (b)(1), (g). Pub. L. 106–31 repealed Pub. L. 103–272, § 4(k). See 1994 Amendment notes below.

1995—Subsec. (g). Pub. L. 104–52 struck out subsec. (g) which read as follows: ''EXPIRATION DATE.—The authority of the Secretary under this part and section 5402 of title 39 providing for the transportation of mail by aircraft between places in Alaska expires on the date specified in section 5402(f) of title 39.''

1994—Subsec. (b)(1). Pub. L. 103–272, § 4(k)(1), which directed the amendment of this section by substituting ''foreign air transportation,'' for ''foreign air transportation or between places in Alaska,'', effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Subsec. (g). Pub. L. 103–272, § 4(k)(2), which directed the amendment of this section by striking out subsec. (g), effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

§ 41902. Schedules for certain transportation of mail

(a) REQUIREMENT.—Except as provided in section 41905 of this title and section 5402 of title 39, an air carrier may transport mail by aircraft between places in Alaska only under a schedule designated or required to be established under subsection (c) of this section for the transportation of mail.

(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

(1) the places between which the carrier is authorized to transport mail in Alaska;

(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.

(c) DESIGNATING AND ADDITIONAL SCHEDULES.—The Postal Service may—

(1) designate any schedule of an air carrier filed under subsection (b)(2) of this section for the transportation of mail between the places between which the carrier is authorized by its certificate to transport mail; and

(2) require the carrier to establish additional schedules for the transportation of mail between those places.

(d) CHANGING SCHEDULES.—A schedule designated or required to be established for the transportation of mail under subsection (c) of this section may be changed only after 10 days' notice of the change is filed as provided in subsection (b)(2) of this section. The Postal Service may disapprove a proposed change in a schedule or amend or modify the schedule or proposed change.

(Pub. L. 103–272, §§ 1(e), 4(k)(1), (3), July 5, 1994, 108 Stat. 1153, 1370; Pub. L. 103–429, § 7(a)(3)(D), Oct. 31, 1994, 108 Stat. 4389; Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113; Pub. L. 110–405, § 2(b)(3), Oct. 13, 2008, 122 Stat. 4289; Pub. L. 115–254, div. B, title V, § 539(f), Oct. 5, 2018, 132 Stat. 3370.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272, § 1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41902(a)	49 App.:1375(b) (last sentence).	Aug. 23, 1958, Pub. L. 85–726, § 405(b), 72 Stat. 760.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272, §1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(A) (related to §405(b)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41902(b)	49 App.:1375(b) (1st sentence).	
	49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	
41902(c)	49 App.:1375(b) (2d sentence).	
41902(d)	49 App.:1375(b) (3d, 4th sentences).	
41902(e)	49 App.:1375(b) (5th–7th sentences).	
	49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	
41902(f)	49 App.:1375(b) (8th sentence).	
	49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	

In this chapter, the word ''places'' is substituted for ''points'' for consistency in the revised title. The words ''United States Postal Service'' and ''Postal Service'' are substituted for ''Postmaster General'' in sections 401, 405, and 406 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 754, 760) because of sections 4(a) and 6(o) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773, 783).

In subsection (a), the words ''Except as provided in section 41906 of this title and section 5402 of title 39'' are added because section 41906 of the revised title and 39:5402 contain exceptions to the provisions restated in this subsection. The words ''transport mail by aircraft in foreign air transportation or between places in Alaska'' are substituted for ''transport mail'' because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(b) no longer applies to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska).

In subsection (b), before clause (1), the words ''from time to time'' are omitted as surplus. Clauses (1) and (2) are substituted for ''to engage in air transportation'' because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(b) no longer applies to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska). In clause (4), the words ''between places described in clauses (1) and (2) of this subsection and every change in each schedule'' are substituted for ''between such points'' for clarity.

In subsection (c)(1), the words ''any schedule of an air carrier filed under subsection (b)(3) of this section'' are substituted for ''any such schedule'' for clarity.

In subsection (c)(2), the words ''by order'' are omitted as surplus.

In subsection (d), the word ''alter'' is omitted as being included in ''amend, or modify''.

In subsection (e), the words ''adversely affected'' are substituted for ''aggrieved'' for consistency in the revised title. The words ''appeal the order'' are substituted for ''apply . . . for a review of such order'' for consistency in the revised title and with other titles of the United States Code. The words ''The Board may review, and'' are omitted as surplus. The words ''amend, modify'' are substituted for ''amend, revise'' for consistency in the revised title.

Subsection (f) is substituted for 49 App.:1375(b) (8th sentence) to reflect the transfer of functions of the Civil Aeronautics Board to the Secretary of Transportation.

PUB. L. 103–272, §4(k)(1), (3)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41902(a), (b)	49 App.:1551(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(8); added Oct. 4, 1984, Pub. L. 98–443, §3(c), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, §346 (related to §1601(a)(8) of Federal Aviation Act of 1958), 102 Stat. 2155.
	49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(3); added Oct. 4, 1984, Pub. L. 98–443, §3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, §346 (related to §1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.

Section 4(k) reflects amendments to the restatement required by section 1601(a)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704), and section 1601(b)(3) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(f) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704). Section 1601(a)(8) provides that the authority under 49 App.:1371(*l*) and (m) and 1375(b)–(d) as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901–41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 substituted ''section 41905'' for ''section 41906''.

2008—Subsec. (a). Pub. L. 110–405, §2(b)(3)(A), struck out ''in foreign air transportation or'' after ''aircraft''.

Subsec. (b). Pub. L. 110–405, §2(b)(3)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: ''Every air carrier shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to provide foreign air transportation;

''(2) the places between which the carrier is authorized to transport mail in Alaska;

''(3) every schedule of aircraft regularly operated by the carrier between places described in clauses (1) and (2) of this subsection and every change in each schedule; and

''(4) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place.''

Subsecs. (c)(1), (d). Pub. L. 110–405, §2(b)(3)(C), substituted ''subsection (b)(2)'' for ''subsection (b)(3)''.

Subsecs. (e), (f). Pub. L. 110–405, §2(b)(3)(D), struck out subsecs. (e) and (f) which read as follows:

''(e) ORDERS.—An order of the Postal Service under this section may become effective only after 10 days after the order is issued. A person adversely affected by the order may appeal the order to the Secretary before the end of the 10-day period under regulations the Secretary prescribes. If the public convenience and necessity require, the Secretary may amend, modify, suspend, or cancel the order. Pending a decision about the order, the Secretary may postpone the effective date of the order.

''(f) PROCEEDINGS PREFERENCES.—The Secretary shall give preference to a proceeding under this section over all other proceedings before the Secretary under this subpart.''

1999—Subsecs. (a), (b)(2) to (4). Pub. L. 106–31 repealed Pub. L. 103–272, §4(k). See 1994 Amendment notes below.

1994—Subsec. (a). Pub. L. 103–272, § 4(k)(1), which directed the amendment of this section by substituting ''foreign air transportation'' for ''foreign air transportation or between places in Alaska'', effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Subsec. (b)(2) to (4). Pub. L. 103–272, § 4(k)(3), as amended by Pub. L. 103–429, which directed the amendment of subsec. (b) by redesignating par. (3) as (2) and substituting ''clause (1)'' for ''clauses (1) and (2)'', striking out former par. (2) which read as follows: ''the places between which the carrier is authorized to transport mail in Alaska;'', and redesignating par. (4) as (3), effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–429, § 7(a), Oct. 31, 1994, 108 Stat. 4388, provided in part that the amendment made by that section is effective July 5, 1994.

§ 41903. Duty to provide certain transportation of mail

(a) AIR CARRIERS.—Subject to subsection (b) of this section, an air carrier authorized by its certificate to transport mail by aircraft between places in Alaska shall—

(1) provide facilities and services necessary and adequate to provide that transportation; and

(2) transport mail between the places authorized in the certificate for transportation of mail when required, and under regulations prescribed, by the United States Postal Service.

(b) MAXIMUM MAIL LOAD.—The Secretary of Transportation may prescribe the maximum mail load for a schedule or for an aircraft or type of aircraft for the transportation of mail by aircraft between places in Alaska. If the Postal Service tenders to an air carrier mail exceeding the maximum load for transportation by the carrier under a schedule designated or required to be established for the transportation of mail under section 41902(c) of this title, the carrier, as nearly in accordance with the schedule as the Secretary decides is possible, shall—

(1) provide facilities sufficient to transport the mail to the extent the Secretary decides the carrier reasonably is able to do so; and

(2) transport that mail.

(Pub. L. 103–272, §§ 1(e), 4(k)(1), July 5, 1994, 108 Stat. 1154, 1370; Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113; Pub. L. 110–405, § 2(b)(4), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272, § 1(e)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41903(a)	49 App.:1371(*l*).	Aug. 23, 1958, Pub. L. 85–726, §§ 401(*l*), 405(c), (d), 72 Stat. 757, 761.
	49 App.:1375(d).	
	49 App.:1551(a)(4)(A) (related to 49 App.:1371(*l*), 1375(d)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(4)(A) (related to §§ 401(*l*), 405(c), (d)); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), 98 Stat. 1703.
41903(b)	49 App.:1375(c).	
	49 App.:1551(a)(4)(A) (related to 49 App.:1375(c)).	
	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.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272, § 1(e)

In subsection (a), before clause (1), the words ''Subject to subsection (b) of this section'' are added for clarity because subsection (b) limits the effect of this section. The words ''transport mail by aircraft in foreign air transportation or between places in Alaska'' are substituted for ''the transportation of mail'' in 49 App.:1371(*l*) and ''the transportation of mail by aircraft'' in 49 App.:1375(d) because 49 App.:1551(a)(4)(A) provides that 49 App.:1371(*l*) and 1375(d) no longer apply to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska). Clause (2) is substituted for ''shall transport mail whenever required by the United States Postal Service'' in 49 App.:1371(*l*) and the text of 49 App.:1375(d) for clarity and to eliminate unnecessary words. The text of 49 App.:1371(*l*) (last sentence) is omitted as surplus because section 41901 of the revised title specifies how the rates of compensation are determined.

In subsection (b), before clause (1), the words ''transportation of mail by aircraft in foreign air transportation or between places in Alaska'' are added because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(c) no longer applies to interstate or overseas air transportation of mail (except transportation of mail between 2 places in Alaska).

PUB. L. 103–272, § 4(k)(1)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41903	49 App.:1551(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(8); added Oct. 4, 1984, Pub. L. 98–443, § 3(c), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(a)(8) of Federal Aviation Act of 1958), 102 Stat. 2155.
	49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(3); added Oct. 4, 1984, Pub. L. 98–443, § 3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100–457, § 346 (related to § 1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.

Section 4(k) reflects amendments to the restatement required by section 1601(a)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704), and section 1601(b)(3) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 3(f) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1704). Section 1601(a)(8) provides that the authority under 49 App.:1371(*l*) and (m) and 1375(b)–(d) as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901–41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

Editorial Notes

AMENDMENTS

2008—Subsecs. (a), (b). Pub. L. 110–405 struck out ''in foreign air transportation or'' before ''between places in Alaska'' in introductory provisions.

1999—Pub. L. 106–31 repealed Pub. L. 103–272, § 4(k). See 1994 Amendment note below.

1994—Pub. L. 103–272, § 4(k)(1), which directed the amendment of this section by substituting ''foreign air transportation'' for ''foreign air transportation or between places in Alaska'' in introductory provisions of subsecs. (a) and (b), effective Jan. 1, 1999, was repealed by Pub. L. 106–31, § 6003, effective Dec. 31, 1998.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title VI, § 6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

§ 41904. Noncitizens transporting mail

When the United States Postal Service decides that it may be necessary to have a person not a citizen of the United States transport mail by aircraft between two points outside the United States, the Postal Service may make an arrangement with the person, without advertising, to provide the transportation. Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1155; Pub. L. 110–405, § 2(b)(5), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41904	49 App.:1375(e)(2).	Aug. 23, 1958, Pub. L. 85–726, § 405(e)(2), 72 Stat. 761.

The words ''who may not be obligated to transport the mail for a foreign country'' are omitted for simplicity and clarity because the omitted words impose no requirement or qualification that is meaningful.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110–405 struck out ''to or in foreign countries'' after ''mail'' in section catchline, substituted ''between two points outside the United States'' for ''to or in a foreign country'', and inserted ''Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.'' after ''transportation.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

§ 41905. Emergency mail transportation

(a) CONTRACT AUTHORITY.—In an emergency caused by a flood, fire, or other disaster, the United States Postal Service may make a contract without advertising to transport mail by aircraft to or from a locality affected by the emergency when the available facilities of persons authorized to transport mail to or from the locality are inadequate to meet the requirements of the Postal Service during the emergency. The contract may be only for periods necessary to maintain mail service because of the inadequacy of the facilities. Payment for transportation provided under the contract shall be made at prices provided in the contract.

(b) TRANSPORTATION NOT AIR TRANSPORTATION.—Transportation provided under a contract made under subsection (a) of this section is not air transportation within the meaning of this part.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1155, § 41906; renumbered § 41905, Pub. L. 110–405, § 2(b)(7)(B), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41906(a)	49 App.:1375(h) (1st, 2d, last sentences).	Aug. 23, 1958, Pub. L. 85–726, § 405(h), 72 Stat. 762.
41906(b)	49 App.:1375(h) (3d sentence).	

In subsection (a), the word ''disaster'' is substituted for ''calamitous visitation'' for consistency in the revised title and with other titles of the United States Code. The words ''any or all classes of'' and ''of compensation'' are omitted as surplus. The words ''from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts'' are omitted as superseded by 39:chs. 20 and 24. The authority of the Postal Service under this section is in addition to the authority of the Postal Service under 39:5001.

In subsection (b), the words ''Transportation provided'' are substituted for ''operation'' for consistency in this chapter.

Editorial Notes

PRIOR PROVISIONS

A prior section 41905, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1155, related to regulating air carrier transportation of foreign mail, prior to repeal by Pub. L. 110–405, § 2(b)(7)(A), (c), Oct. 13, 2008, 122 Stat. 4289, 4290, effective Oct. 1, 2008.

AMENDMENTS

2008—Pub. L. 110–405 renumbered section 41906 of this title as this section.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

§ 41906. Duty to oppose unreasonable prices under the Universal Postal Union Convention

The Secretary of State and the United States Postal Service shall—

(1) take appropriate action to ensure that the prices paid for transporting mail under the Universal Postal Union Convention are not

higher than reasonable prices for transporting mail; and

(2) oppose any existing or proposed Universal Postal Union price that is higher than a reasonable price for transporting mail.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1156, § 41909; renumbered § 41906, Pub. L. 110–405, § 2(b)(7)(B), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41909	49 App.:1376(h)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 406(h)(2); added Jan. 3, 1975, Pub. L. 93–623, § 4, 88 Stat. 2103.

The words ''necessary and'' are omitted as being included in the word ''appropriate''. The words ''each'' and ''all'' are omitted as surplus. The words ''transporting mail'' are substituted for ''such services'' for consistency in this section. The word ''reasonable'' is substituted for ''fair and reasonable'' for consistency in the revised title and to eliminate an unnecessary word. See revision notes following 49:10101.

Editorial Notes

PRIOR PROVISIONS

A prior section 41906 was renumbered section 41905 of this title.

Statutory Notes and Related Subsidiaries

AMENDMENTS

2008—Pub. L. 110–405 renumbered section 41909 of this title as this section.

§ 41907. Weighing mail

The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and administrative computations necessary in the interest of mail service. When the Secretary of Transportation decides that additional or more frequent weighings of mail are advisable or necessary to carry out this part, the Postal Service shall provide the weighings, but it is not required to provide them for continuous periods of more than 30 days.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1157, § 41910; renumbered § 41907 and amended Pub. L. 110–405, § 2(b)(6), (7)(B), Oct. 13, 2008, 122 Stat. 4289; Pub. L. 115–254, div. B, title V, § 539(g), Oct. 5, 2018, 132 Stat. 3370.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41910	49 App.:1376(f).	Aug. 23, 1958, Pub. L. 85–726, § 406(f), 72 Stat. 764.
	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.

The text of 49 App.:1376(f) (2d sentence) is omitted as surplus because of 39:chs. 4 and 10. The words ''upon request of the Board'' are omitted as surplus because the Secretary of Transportation makes the determination. The words ''therefor in like manner'' are omitted as surplus.

Editorial Notes

PRIOR PROVISIONS

A prior section 41907, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1155, related to prices for foreign transportation of mail, prior to repeal by Pub. L. 110–405, § 2(b)(7)(A), (c), Oct. 13, 2008, 122 Stat. 4289, 4290, effective Oct. 1, 2008.

AMENDMENTS

2018—Pub. L. 115–254 substituted ''and administrative'' for ''and –administrative''.

2008—Pub. L. 110–405, § 2(b)(7)(B), renumbered section 41910 of this title as this section.

Pub. L. 110–405, § 2(b)(6), substituted ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.'' for ''The United States Postal Service may weigh mail transported by aircraft and make statistical and administrative computations necessary in the interest of mail service.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

§ 41908. Effect on foreign postal arrangements

This part does not—

(1) affect an arrangement made by the United States Government with the postal administration of a foreign country related to the transportation of mail by aircraft; or

(2) impair the authority of the United States Postal Service to make such an arrangement.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1157, § 41912; renumbered § 41908, Pub. L. 110–405, § 2(b)(7)(B), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41912	49 App.:1375(e)(1).	Aug. 23, 1958, Pub. L. 85–726, § 405(e)(1), 72 Stat. 761.

In clause (1), the words ''abrogate or'' are omitted as being included in ''affect''.

Editorial Notes

PRIOR PROVISIONS

A prior section 41908, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1156, related to prices for transporting mail of foreign countries, prior to repeal by Pub. L. 110–405, § 2(b)(7)(A), (c), Oct. 13, 2008, 122 Stat. 4289, 4290, effective Oct. 1, 2008.

AMENDMENTS

2008—Pub. L. 110–405, which directed the amendment of this chapter by renumbering section 49112 as this section, was executed by renumbering section 41912 of this title as this section to reflect the probable intent of Congress.

[§ 41909. Renumbered § 41906]

[§ 41910. Renumbered § 41907]

[§ 41911. Repealed. Pub. L. 110–405, § 2(b)(7)(A), Oct. 13, 2008, 122 Stat. 4289]

Section, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1157, related to evidence of providing mail service.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as an Effective Date of 2008 Amendment note under section 101 of Title 39, Postal Service.

[§ 41912. Renumbered § 41908]

CHAPTER 421—LABOR-MANAGEMENT PROVISIONS

SUBCHAPTER I—EMPLOYEE PROTECTION PROGRAM[1]

Sec.
42101. Definitions.
42102. Payments to eligible protected employees.
42103. Duty to hire protected employees.
42104. Congressional review of regulations.
42105. Airline Employees Protective Account.
42106. Ending effective date.

SUBCHAPTER II—MUTUAL AID AGREEMENTS AND LABOR REQUIREMENTS OF AIR CARRIERS

42111. Mutual aid agreements.
42112. Labor requirements of air carriers.

SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

42121. Protection of employees providing air safety information.

AMENDMENTS

2000—Pub. L. 106–181, title V, §519(b), Apr. 5, 2000, 114 Stat. 149, added heading for subchapter III and item 42121.

[SUBCHAPTER I—REPEALED]

[§§ 42101 to 42106. Repealed. Pub. L. 105–220, title I, § 199(a)(6), Aug. 7, 1998, 112 Stat. 1059]

Section 42101, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1157, defined terms in subchapter.

Section 42102, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1158, related to payments to eligible protected employees.

Section 42103, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1159, related to duty to hire protected employees.

Section 42104, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1159; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389, related to congressional review of regulations.

Section 42105, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1160, related to Airline Employees Protective Account.

Section 42106, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1160, provided ending effective date for subchapter.

SUBCHAPTER II—MUTUAL AID AGREEMENTS AND LABOR REQUIREMENTS OF AIR CARRIERS

§ 42111. Mutual aid agreements

An air carrier that will receive payments from another air carrier under an agreement between the air carriers for the time the one air carrier is not providing foreign air transportation, or is providing reduced levels of foreign air transportation, because of a labor strike must file a true copy of the agreement with the Secretary of Transportation and have it approved by the Secretary under section 41309 of this title. Notwithstanding section 41309, the Secretary shall approve the agreement only if it provides that—

(1) the air carrier will receive payments of not more than 60 percent of direct operating expenses, including interest expenses, but not depreciation or amortization expenses;

(2) benefits may be paid for not more than 8 weeks, and may not be for losses incurred during the first 30 days of a strike; and

(3) on request of the striking employees, the dispute will be submitted to binding arbitration under the Railway Labor Act (45 U.S.C. 151 et seq.).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42111	49 App.:1382(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §412(c); added Oct. 24, 1978, Pub. L. 95–504, §29(a), 92 Stat. 1730; Feb. 15, 1980, Pub. L. 96–192, §11(2), 94 Stat. 39; Oct. 4, 1984, Pub. L. 98–443, §9(s), 98 Stat. 1708.
	49 App.:1551(b)(1)(C) (related to 49 App.:1382(c)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(C) (related to §412(c)); added Oct. 24, 1978, Pub. L. 95–504, §40(a), 92 Stat. 1745; Oct. 14, 1982, Pub. L. 97–309, §4(b), 96 Stat. 1454; Oct. 4, 1984, Pub. L. 98–443, §3(a), 98 Stat. 1703.

In this section, before clause (1), the text of 49 App.:1382(c)(1) is omitted as executed. The words ''For purposes of this subsection, the term . . . (A) 'mutual aid agreement' means'' are omitted because of the restatement. The words ''contract or'', ''which are parties to such contract or agreement'', and ''during which'' are omitted as surplus. The word ''providing'' is substituted for ''engaging in'' for consistency. The words ''service in'' are omitted as surplus. The words ''No air carrier shall enter into any mutual aid agreement with any other air carrier'' are omitted as surplus. In clause (1), the words ''For purposes of this subsection, the term . . . (B) 'direct operating expenses' includes'' are omitted because of the restatement. The words ''for any period'' and ''during such period'' are omitted as surplus. In clause (2), the words ''under the agreement'' and ''during any labor strike'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The Railway Labor Act, referred to in par. (3), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

§ 42112. Labor requirements of air carriers

(a) DEFINITIONS.—In this section—

(1) ''copilot'' means an employee whose duties include assisting or relieving the pilot in manipulating an aircraft and who is qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a copilot.

(2) ''pilot'' means an employee who is—

(A) responsible for manipulating or who manipulates the flight controls of an aircraft when under way, including the landing and takeoff of an aircraft; and

(B) qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a pilot.

[1] Subchapter I repealed by Pub. L. 105–220 without corresponding amendment of chapter analysis.

(b) DUTIES OF AIR CARRIERS.—An air carrier shall—

(1) maintain rates of compensation, maximum hours, and other working conditions and relations for its pilots and copilots who are providing interstate air transportation in the 48 contiguous States and the District of Columbia to conform with decision number 83, May 10, 1934, National Labor Board, notwithstanding any limitation in that decision on the period of its effectiveness;

(2) maintain rates of compensation for its pilots and copilots who are providing foreign air transportation or air transportation only in one territory or possession of the United States; and

(3) comply with title II of the Railway Labor Act (45 U.S.C. 181 et seq.) as long as it holds its certificate.

(c) MINIMUM ANNUAL RATE OF COMPENSATION.—A minimum annual rate under subsection (b)(2) of this section may not be less than the annual rate required to be paid for comparable service to a pilot or copilot under subsection (b)(1) of this section.

(d) COLLECTIVE BARGAINING.—This section does not prevent pilots or copilots of an air carrier from obtaining by collective bargaining higher rates of compensation or more favorable working conditions or relations.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42112(a)	49 App.:1371(k)(5).	Aug. 23, 1958, Pub. L. 85–726, § 401(k), 72 Stat. 756.
42112(b), (c)	49 App.:1371(k)(1), (2), (4).	
42112(d)	49 App.:1371(k)(3).	

In subsection (a), the words ''properly'' and ''currently'' are omitted as surplus.

In subsection (b), the word ''providing'' is substituted for ''engaged in'' for consistency in the revised title. In clause (1), the words ''48 contiguous States and the District of Columbia'' are substituted for ''the continental United States (not including Alaska)'' for clarity and consistency in the revised title. In clause (2), the words ''overseas or'' are omitted as obsolete. The word ''only'' is substituted for ''wholly'' for consistency. In clause (3), the words ''as long as it holds'' are substituted for ''upon the holding'' for clarity.

In subsection (c), the words ''under subsection (b)(1) of this section'' are substituted for ''said decision 83 . . . engaged in interstate air transportation within the continental United States (not including Alaska)'' to eliminate unnecessary words.

In subsection (d), the words ''or other employees'' are omitted as unnecessary because this section only applies to pilots and copilots.

Editorial Notes

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b)(3), is act May 20, 1926, ch. 347, 44 Stat. 577. Title II of the Act was added by act Apr. 10, 1936, ch. 166, 49 Stat. 1189, and is classified generally to subchapter II (§ 181 et seq.) of chapter 8 of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

Statutory Notes and Related Subsidiaries

LABOR INTEGRATION

Pub. L. 110–161, div. K, title I, § 117, Dec. 26, 2007, 121 Stat. 2382, provided that:

''(a) LABOR INTEGRATION.—With respect to any covered transaction involving two or more covered air carriers that results in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carriers; except that—

''(1) if the same collective bargaining agent represents the combining crafts or classes at each of the covered air carriers, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supersede the requirements of this section; and

''(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of a covered air carrier shall not be affected by the requirements of this section as to the employees covered by that agreement, so long as those provisions allow for the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

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

''(1) AIR CARRIER.—The term 'air carrier' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

''(2) COVERED AIR CARRIER.—The term 'covered air carrier' means an air carrier that is involved in a covered transaction.

''(3) COVERED EMPLOYEE.—The term 'covered employee' means an employee who—

''(A) is not a temporary employee; and

''(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

''(4) COVERED TRANSACTION.—The term 'covered transaction' means—

''(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

''(B) involves the transfer of ownership or control of—

''(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

''(ii) 50 percent or more (by value) of the assets of the air carrier.

''(c) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act [Dec. 26, 2007].

''(d) EFFECTIVENESS OF PROVISION.—This section shall become effective on the date of enactment of this Act and shall continue in effect in fiscal years after fiscal year 2008.''

SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

§ 42121. Protection of employees providing air safety information

(a) PROHIBITED DISCRIMINATION.—A holder of a certificate under section 44704 or 44705 of this title, or a contractor, subcontractor, or supplier of such holder, may not discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the

employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

(3) testified or is about to testify in such a proceeding; or

(4) assisted or participated or is about to assist or participate in such a proceeding.

(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3) FINAL ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a holder of a certificate issued under section 44704 or 44705, or a contractor or subcontractor thereof, who, acting without direction from such certificate-holder, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to aviation safety under this subtitle or any other law of the United States.

(e) CONTRACTOR DEFINED.—In this section, the term ''contractor'' means—

(1) a person that performs safety-sensitive functions by contract for an air carrier or commercial operator; or

(2) a person that performs safety-sensitive functions related to the design or production of an aircraft, aircraft engine, propeller, appliance, or component thereof by contract for a holder of a certificate issued under section 44704.

(Added Pub. L. 106–181, title V, § 519(a), Apr. 5, 2000, 114 Stat. 145; amended Pub. L. 116–260, div. V, title I, § 118, Dec. 27, 2020, 134 Stat. 2337.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–260, § 118(1), added subsec. (a) and struck out former subsec. (a) which related to discrimination against airline employees.

Subsec. (d). Pub. L. 116–260, § 118(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: ''Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.''

Subsec. (e). Pub. L. 116–260, § 118(3), added subsec. (e) and struck out former subsec. (e) which defined the term ''contractor'' as a company that performs safety-sensitive functions by contract for an air carrier.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subchapter applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

Sec.
42301. Emergency contingency plans.
42302. Consumer complaints.
42303. Use of insecticides in passenger aircraft.
42304. Widespread disruptions.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title IV, § 428(b), Oct. 5, 2018, 132 Stat. 3341, added item 42304.

Statutory Notes and Related Subsidiaries

ADVISORY COMMITTEE ON AIR AMBULANCE AND PATIENT BILLING

Pub. L. 115–254, div. B, title IV, § 418, Oct. 5, 2018, 132 Stat. 3334, provided that:

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation, in consultation with the Secretary of Health and Human Services, shall establish an advisory committee for the purpose of reviewing options to improve the disclosure of charges and fees for air medical services, better inform consumers of insurance options for such services, and protect consumers from balance billing.

''(b) COMPOSITION OF THE ADVISORY COMMITTEE.—The advisory committee shall be composed of the following members:

''(1) The Secretary of Transportation, or the Secretary's designee.

''(2) The Secretary of Health and Human Services, or the Secretary's designee.

''(3) One representative, to be appointed by the Secretary of Transportation, of each of the following:

''(A) Each relevant Federal agency, as determined by the Secretary of Transportation.

''(B) State insurance regulators[.]

''(C) Health insurance providers.

''(D) Patient advocacy groups.

''(E) Consumer advocacy groups.

''(F) Physician[s] specializing in emergency, trauma, cardiac, or stroke.

''(4) Three representatives, to be appointed by the Secretary of Transportation, to represent the various segments of the air ambulance industry.

''(5) Additional three representatives not covered under paragraphs (1) through (4), as determined necessary and appropriate by the Secretary.

''(c) CONSULTATION.—The advisory committee shall, as appropriate, consult with relevant experts and stakeholders not captured in [subsection] (b) while conducting its review.

''(d) RECOMMENDATIONS.—The advisory committee shall make recommendations with respect to disclosure of charges and fees for air ambulance services and insurance coverage, consumer protection and enforcement authorities of both the Department of Transportation and State authorities, and the prevention of balance billing to consumers. The recommendations shall address, at a minimum—

''(1) the costs, benefits, practicability, and impact on all stakeholders of clearly distinguishing between charges for air transportation services and charges for non-air transportation services in bills and invoices, including the costs, benefits, and practicability of—

''(A) developing cost-allocation methodologies to separate charges for air transportation services from charges for non-air transportation services; and

''(B) formats for bills and invoices that clearly distinguish between charges for air transportation services and charges for non-air transportation services;

''(2) options, best practices, and identified standards to prevent instances of balance billing such as improving network and contract negotiation, dispute resolution between health insurance and air medical service providers, and explanation of insurance coverage and subscription programs to consumers;

''(3) steps that can be taken by State legislatures, State insurance regulators, State attorneys general, and other State officials as appropriate, consistent with current legal authorities regarding consumer protection;

''(4) recommendations made by the Comptroller General study, GAO–17–637, including what additional data from air ambulance providers and other sources should be collected by the Department of Transportation to improve its understanding of the air ambulance market and oversight of the air ambulance industry for the purposes of pursuing action related to unfair or deceptive practices or unfair methods of competition, which may include—

''(A) cost data;

''(B) standard charges and payments received per transport;

''(C) whether the provider is part of a hospital-sponsored program, municipality-sponsored program, hospital-independent partnership (hybrid) program, or independent program;

''(D) number of transports per base and helicopter;

''(E) market shares of air ambulance providers inclusive of any parent or holding companies;

''(F) any data indicating the extent of competition among air ambulance providers on the basis of price and service;

''(G) prices assessed to consumers and insurers for air transportation and any non-transportation services provided by air ambulance providers; and

''(H) financial performance of air ambulance providers;

''(5) definitions of all applicable terms that are not defined in statute or regulations; and

''(6) other matters as determined necessary or appropriate.

''(e) REPORT.—Not later than 180 days after the date of the first meeting of the advisory committee, the advisory committee shall submit to the Secretary of Transportation, the Secretary of Health and Human Services, and the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report containing the recommendations made under subsection (d).

''(f) RULEMAKING.—Upon receipt of the report under subsection (e), the Secretary of Transportation shall consider the recommendations of the advisory committee and issue regulations or other guidance as deemed necessary—

''(1) to require air ambulance providers to regularly report data to the Department of Transportation;

''(2) to increase transparency related to Department of Transportation actions related to consumer complaints; and

''(3) to provide other consumer protections for customers of air ambulance providers.

''(g) ELIMINATION OF ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—The Advisory Council on Transportation Statistics shall terminate on the date of enactment of this Act [Oct. 5, 2018].''

REFUNDS FOR OTHER FEES THAT ARE NOT HONORED BY A COVERED AIR CARRIER

Pub. L. 115–254, div. B, title IV, § 421, Oct. 5, 2018, 132 Stat. 3337, provided that: ''Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide a refund to a passenger of any ancillary fees paid for services related to air travel that the passenger does not receive, including on the passenger's scheduled flight, on a subsequent replacement itinerary if there has been a rescheduling, or for a flight not taken by the passenger.''

[For definition of ''covered air carrier'' as used in section 421 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

ADVANCE BOARDING DURING PREGNANCY

Pub. L. 115–254, div. B, title IV, § 422, Oct. 5, 2018, 132 Stat. 3337, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall review air carrier policies regarding traveling during pregnancy and, if appropriate, may revise regulations, as the Secretary considers necessary, to require an air carrier to offer advance boarding of an aircraft to a pregnant passenger who requests such assistance.''

TICKETS ACT

Pub. L. 115–254, div. B, title IV, § 425, Oct. 5, 2018, 132 Stat. 3338, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Transparency Improvements and Compensation to Keep Every Ticketholder Safe Act of 2018' or the 'TICKETS Act'.

''(b) BOARDED PASSENGERS.—Beginning on the date of enactment of this Act [Oct. 5, 2018], a covered air carrier may not deny a revenue passenger traveling on a confirmed reservation permission to board, or involuntarily remove that passenger from the aircraft, once a revenue passenger has—

''(1) checked in for the flight prior to the check-in deadline; and

''(2) had their ticket or boarding pass collected or electronically scanned and accepted by the gate agent.

''(c) LIMITATIONS.—The prohibition pursuant to subsection (b) shall not apply when—

''(1) there is a safety, security, or health risk with respect to that revenue passenger or there is a safety or security issue requiring removal of a revenue passenger; or

''(2) the revenue passenger is engaging in behavior that is obscene, disruptive, or otherwise unlawful.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the responsibility or authority of a pilot in command of an aircraft under section 121.533 of title 14, Code of Federal Regulations, or limit any penalty under section 46504 of title 49, United States Code.

''(e) INVOLUNTARY [sic] DENIED BOARDING COMPENSATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to revise part 250 of title 14, Code of Federal Regulations, to clarify that—

''(1) there is not a maximum level of compensation an air carrier or foreign air carrier may pay to a passenger who is involuntarily denied boarding as the result of an oversold flight;

''(2) the compensation levels set forth in that part are the minimum levels of compensation an air carrier or foreign air carrier must pay to a passenger who is involuntarily denied boarding as the result of an oversold flight; and

''(3) an air carrier or foreign air carrier must proactively offer to pay compensation to a passenger who is voluntarily or involuntarily denied boarding on an oversold flight, rather than waiting until the passenger requests the compensation.

''(f) GAO REPORT ON OVERSALES.—

''(1) IN GENERAL.—The Comptroller General of the United States shall review airline policies and practices related to oversales of flights.

''(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Comptroller General shall examine—

''(A) the impact on passengers as a result of an oversale, including increasing or decreasing the costs of passenger air transportation;

''(B) economic and operational factors which result in oversales;

''(C) whether, and if so how, the incidence of oversales varies depending on markets;

''(D) potential consequences on the limiting of oversales; and

''(E) best practices on how oversale policies can be communicated to passengers at airline check-in desks and airport gates.

''(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the review under paragraph (2).

''(g) GATE NOTICE OF POLICIES.—The Secretary may provide guidance on how these policies should be communicated at covered air carrier check-in desks and airport gates.''

[For definition of ''covered air carrier'' as used in section 425 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

CONSUMER PROTECTION REQUIREMENTS RELATING TO LARGE TICKET AGENTS

Pub. L. 115–254, div. B, title IV, § 427, Oct. 5, 2018, 132 Stat. 3340, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue a final rule to require large ticket agents to adopt minimum customer service standards.

''(b) PURPOSE.—The purpose of the final rule shall be to ensure that, to the extent feasible, there is a consistent level of consumer protection regardless of where consumers purchase air fares and related air transportation services.

''(c) STANDARDS.—In issuing the final rule, the Secretary shall consider, to the extent feasible, establishing standards consistent with all customer service and disclosure requirements applicable to covered air carriers under this title [see Tables for classification] and associated regulations.

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

''(1) TICKET AGENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'ticket agent' has the meaning given that term in section 40102(a) of title 49, United States Code.

''(B) INCLUSION.—The term 'ticket agent' includes a person who acts as an intermediary involved in the sale of air transportation directly or indirectly to consumers, including by operating an electronic airline information system, if the person—

''(i) holds the person out as a source of information about, or reservations for, the air transportation industry; and

''(ii) receives compensation in any way related to the sale of air transportation.

''(2) LARGE TICKET AGENT.—The term 'large ticket agent' means a ticket agent with annual revenues of $100,000,000 or more.

''(e) ENFORCEMENT.—No large ticket agent may be found in noncompliance of any standard or requirement adopted in the final rule required by this section if—

''(1) the large ticket agent is unable to meet the new standard or requirement due to the lack of information or data from the covered air carrier and the information is required for the large ticket agent to comply with such standard or requirement; or

''(2) the sale of air transportation is made by a large ticket agent pursuant to a specific corporate or government fare management contract.''

[For definition of ''covered air carrier'' as used in section 427 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

PASSENGER RIGHTS

Pub. L. 115–254, div. B, title IV, § 429, Oct. 5, 2018, 132 Stat. 3341, provided that:

''(a) GUIDELINES.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall require each covered air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

''(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

''(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

''(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

''(4) Compensation for mishandled baggage, including delayed, damaged, pilfered, or lost baggage.

''(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

''(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

''(b) FILING OF SUMMARIZED GUIDELINES.—Not later than 90 days after each air carrier submits its guidelines to the Secretary under subsection (a), the air carrier shall make available such 1-page document in a prominent location on its website.''

[For definition of ''covered air carrier'' as used in section 429 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

MINIMUM DIMENSIONS FOR PASSENGER SEATS

Pub. L. 115–254, div. B, title V, §577, Oct. 5, 2018, 132 Stat. 3394, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], and after providing notice and an opportunity for comment, the Administrator of the Federal Aviation Administration shall issue regulations that establish minimum dimensions for passenger seats on aircraft operated by air carriers in interstate air transportation or intrastate air transportation, including minimums for seat pitch, width, and length, and that are necessary for the safety of passengers.

''(b) DEFINITIONS.—The definitions contained in section 40102(a) of title 49, United States Code, apply to this section.''

FAMILY SEATING

Pub. L. 114–190, title II, §2309, July 15, 2016, 130 Stat. 648, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall review and, if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required.

''(b) EFFECT ON AIRLINE BOARDING AND SEATING POLICIES.—When considering any new policy under this section, the Secretary shall consider the traditional seating and boarding policies of air carriers providing scheduled passenger interstate or intrastate air transportation and whether those policies generally allow families to sit together.

''(c) STATUTORY CONSTRUCTION.—Notwithstanding the requirement in subsection (a), nothing in this section may be construed to allow the Secretary to impose a significant change in the overall seating or boarding policy of an air carrier providing scheduled passenger interstate or intrastate air transportation that has an open or flexible seating policy in place that generally allows adjacent family seating as described in subsection (a).''

ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION

Pub. L. 112–95, title IV, §411, Feb. 14, 2012, 126 Stat. 88, as amended by Pub. L. 114–55, title I, §102(i), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §102(g), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1102(j), July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, §102(i), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, §102(g), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title IV, §415, Oct. 5, 2018, 132 Stat. 3333; Pub. L. 118–15, div. B, title II, §2202(r), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, §102(r), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out activities relating to airline customer service improvements.

''(b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of one representative each of—

''(1) air carriers;

''(2) airport operators;

''(3) State or local governments with expertise in consumer protection matters; and

''(4) nonprofit public interest groups with expertise in consumer protection matters.

''(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

''(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

''(f) DUTIES.—The duties of the advisory committee shall include—

''(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

''(2) providing recommendations for establishing additional aviation consumer protection programs, if needed.

''(g) REPORT TO CONGRESS.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act [Feb. 14, 2012], the Secretary shall transmit to Congress a report containing—

''(1) the recommendations made by the advisory committee during the preceding calendar year; and

''(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

''(h) TERMINATION.—The advisory committee established under this section shall terminate on March 8, 2024.''

DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT

Pub. L. 112–95, title IV, §412, Feb. 14, 2012, 126 Stat. 89, provided that: ''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 to require each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the Internet Web site of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.''

§ 42301. Emergency contingency plans

(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

(1) An air carrier providing covered air transportation at a commercial airport.

(2) An operator of a commercial airport.

(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

(b) AIR CARRIER PLANS.—

(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

(A) each airport at which the carrier provides covered air transportation; and

(B) each airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

(A) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft at the airport when the departure of a flight is delayed or the disembarkation of passengers is delayed;

(B) share facilities and make gates available at the airport in an emergency; and

(C) allow passengers to deplane following an excessive tarmac delay in accordance with paragraph (3).

(3) DEPLANING FOLLOWING AN EXCESSIVE TARMAC DELAY.—For purposes of paragraph (2)(C), an emergency contingency plan submitted by an air carrier under subsection (a) shall incorporate the following requirements:

(A) A passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay.

(B) The option described in subparagraph (A) shall be offered to a passenger even if a flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport.

(C) In providing the option described in subparagraph (A), the air carrier shall begin to return the aircraft to a suitable disembarkation point—

(i) in the case of a flight in interstate air transportation, not later than 3 hours after the main aircraft door is closed in preparation for departure; and

(ii) in the case of a flight in foreign air transportation, not later than 4 hours after the main aircraft door is closed in preparation for departure.

(D) Notwithstanding the requirements described in subparagraphs (A), (B), and (C), a passenger shall not have an option to deplane an aircraft and return to the airport terminal in the case of an excessive tarmac delay if—

(i) an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or

(ii) the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security.

(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

(1) provide for the deplanement of passengers following excessive tarmac delays;

(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared United States Customs and Border Protection.

(d) UPDATES.—

(1) AIR CARRIERS.—An air carrier shall update each emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

(2) AIRPORTS.—An airport operator shall update each emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

(f) MINIMUM STANDARDS.—The Secretary shall establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

(h) REPORTS.—Not later than 30 days after any flight experiences an excessive tarmac delay, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Division of the Department of Transportation.

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

(1) COMMERCIAL AIRPORT.—The term ''commercial airport'' means a large hub, medium hub, small hub, or nonhub airport.

(2) COVERED AIR TRANSPORTATION.—The term ''covered air transportation'' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

(3) TARMAC DELAY.—The term ''tarmac delay'' means the period during which passengers are on board an aircraft on the tarmac—

(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

(B) awaiting deplaning after the aircraft has landed.

(4) EXCESSIVE TARMAC DELAY.—The term ''excessive tarmac delay'' means a tarmac delay of more than—

(A) 3 hours for a flight in interstate air transportation; or

(B) 4 hours for a flight in foreign air transportation.

(Added Pub. L. 112–95, title IV, § 415(a), Feb. 14, 2012, 126 Stat. 93; amended Pub. L. 114–190, title II, § 2308(a), (b), July 15, 2016, 130 Stat. 648.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2016—Subsec. (b)(3)(C). Pub. L. 114–190, § 2308(a)(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(3)(D). Pub. L. 114–190, § 2308(a)(1), (3), redesignated subpar. (C) as (D) and substituted ''subparagraphs (A), (B), and (C)'' for ''subparagraphs (A) and (B)'' in introductory provisions.

Subsec. (i)(4). Pub. L. 114–190, § 2308(b), amended par. (4) generally. Prior to amendment, text read as follows: ''The term 'excessive tarmac delay' means a tarmac delay that lasts for a length of time, as determined by the Secretary.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 112–95, title IV, § 415(c), Feb. 14, 2012, 126 Stat. 96, provided that: ''Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act [Feb. 14, 2012].''

REGULATIONS

Pub. L. 114–190, title II, § 2308(c), July 15, 2016, 130 Stat. 648, provided that: ''Not later than 90 days after the date of enactment of this section [July 15, 2016], the Secretary of Transportation shall issue regulations and take other actions necessary to carry out the amendments made by this section [amending this section].''

§ 42302. Consumer complaints

(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation (including transportation by air ambulance (as defined by the Secretary of Transportation)) and shall take actions to notify the public of—

(1) that telephone number; and

(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

(1) the hotline telephone number established under subsection (a);

(2) the e-mail address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—Each air carrier and foreign air carrier shall include the hotline telephone number established under subsection (a) on—

(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the carrier operates; and

(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the carrier.

(d) USE OF NEW TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to provide new means for air passengers to communicate complaints in addition to the telephone number established under subsection (a) and shall provide such new means as the Secretary determines appropriate.

(e) AIR AMBULANCE PROVIDERS.—Each air ambulance provider shall include the hotline telephone number, link to the Internet website established under subsection (a), and contact information for the Aviation Consumer Advocate established under section 425[1] on—

(1) any invoice, bill, or other communication provided to a passenger or customer of the provider; and

(2) its Internet Web site, and any related mobile device application.

(Added Pub. L. 112–95, title IV, § 415(a), Feb. 14, 2012, 126 Stat. 95; amended Pub. L. 115–254, div. B, title IV, §§ 405, 419(a), 423(a), Oct. 5, 2018, 132 Stat. 3329, 3336, 3337.)

Editorial Notes

REFERENCES IN TEXT

Section 425, referred to in subsec. (e), is probably a reference to section 425 of Pub. L. 115–254 but should be a reference to section 424 of Pub. L. 115–254, which is set out as a note below and relates to the establishment of an Aviation Consumer Advocate. There is no section 425 of this title, and section 425 of Pub. L. 115–254, which is set out as a note preceding section 42301 of this title, relates to prohibition of denial of boarding for certain revenue passengers.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 419(a)(1), inserted ''(including transportation by air ambulance (as defined by the Secretary of Transportation))'' after ''air transportation'' in introductory provisions.

Subsec. (c). Pub. L. 115–254, § 423(a)(1), substituted ''Each air carrier and foreign air carrier'' for ''An air

[1] See References in Text note below.

carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats'' in introductory provisions.

Subsec. (c)(1). Pub. L. 115–254, § 423(a)(2), substituted ''carrier operates'' for ''air carrier operates''.

Subsec. (c)(2). Pub. L. 115–254, § 423(a)(3), substituted ''carrier'' for ''air carrier''.

Subsec. (d). Pub. L. 115–254, § 405, added subsec. (d).

Subsec. (e). Pub. L. 115–254, § 419(a)(2), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of this section to begin to apply 60 days after Feb. 14, 2012, except as otherwise provided, see section 415(c) of Pub. L. 112–95, set out as a note under section 42301 of this title.

RULEMAKING

Pub. L. 115–254, div. B, title IV, § 423(b), Oct. 5, 2018, 132 Stat. 3337, provided that: ''Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall promulgate regulations to implement the requirements of section 42302 of title 49, United States Code, as amended by this Act.''

AVIATION CONSUMER ADVOCATE

Pub. L. 115–254, div. B, title IV, § 424, Oct. 5, 2018, 132 Stat. 3337, as amended by Pub. L. 118–15, div. B, title II, § 2202(s), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, § 102(s), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall review aviation consumer complaints received that allege a violation of law and, as appropriate, pursue enforcement or corrective actions that would be in the public interest.

''(b) CONSIDERATIONS.—In considering which cases to pursue for enforcement or corrective action under subsection (a), the Secretary shall consider—

''(1) the Air Carrier Access Act of 1986 (Public Law 99–435; 100 Stat. 1080);

''(2) unfair and deceptive practices by air carriers (including air ambulance operators), foreign air carriers, and ticket agents;

''(3) the terms and conditions agreed to between passengers and air carriers (including air ambulance operators), foreign air carriers, or ticket agents;

''(4) aviation consumer protection and tarmac delay contingency planning requirements for both airports and airlines;

''(5) protection of air ambulance consumers; and

''(6) any other applicable law.

''(c) AVIATION CONSUMER ADVOCATE.—

''(1) IN GENERAL.—Within the Aviation Consumer Protection Division of the Department of Transportation, there shall be an Aviation Consumer Advocate.

''(2) FUNCTIONS.—The Aviation Consumer Advocate shall—

''(A) assist consumers in resolving carrier service complaints filed with the Aviation Consumer Protection Division;

''(B) review the resolution by the Department of Transportation of carrier service complaints;

''(C) identify and recommend actions the Department can take to improve the enforcement of aviation consumer protection rules, protection of air ambulance consumers, and resolution of carrier service complaints; and

''(D) identify and recommend regulations and policies that can be amended to more effectively resolve carrier service complaints.

''(d) ANNUAL REPORTS.—The Secretary, through the Aviation Consumer Advocate, shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an annual report summarizing the following:

''(1) The total number of annual complaints received by the Department, including the number of complaints by the name of each air carrier and foreign air carrier.

''(2) The total number of annual complaints by category of complaint.

''(3) The number of complaints referred in the preceding year for enforcement or corrective action by the Department.

''(4) Any recommendations under paragraphs (2)(C) and (2)(D) of subsection (c).

''(5) Such other data as the Aviation Consumer Advocate considers appropriate.

''(e) SUNSET ON REPORTING REQUIREMENT.—The reporting requirement of subsection (d) shall terminate on March 8, 2024.''

[For definition of ''ticket agent'' as used in section 424 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS

Pub. L. 112–95, title IV, § 408, Feb. 14, 2012, 126 Stat. 87, provided that: ''The Secretary of Transportation may investigate consumer complaints regarding—

''(1) flight cancellations;

''(2) compliance with Federal regulations concerning overbooking seats on flights;

''(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

''(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

''(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

''(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

''(7) deceptive or misleading advertising.''

§ 42303. Use of insecticides in passenger aircraft

(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the internet website established under subsection (a) shall—

(1) disclose, on its own internet website or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

(2) refer the purchaser of the ticket to the internet website established under subsection (a) for additional information.

(Added Pub. L. 112–95, title IV, § 415(a), Feb. 14, 2012, 126 Stat. 95; amended Pub. L. 115–254, div. B, title IV, § 404, Oct. 5, 2018, 132 Stat. 3329.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254 amended subsec. (b) generally. Prior to amendment, text read as follows: ''An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of this section to begin to apply 60 days after Feb. 14, 2012, except as otherwise provided, see section 415(c) of Pub. L. 112–95, set out as a note under section 42301 of this title.

§ 42304. Widespread disruptions

(a) GENERAL REQUIREMENTS.—In the event of a widespread disruption, a covered air carrier shall immediately publish, via a prominent link on the air carrier's public internet website, a clear statement indicating whether, with respect to a passenger of the air carrier whose travel is interrupted as a result of the widespread disruption, the air carrier will—

(1) provide for hotel accommodations;

(2) arrange for ground transportation;

(3) provide meal vouchers;

(4) arrange for air transportation on another air carrier or foreign air carrier to the passenger's destination; and

(5) provide for sleeping facilities inside the airport terminal.

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

(1) WIDESPREAD DISRUPTION.—The term ''widespread disruption'' means, with respect to a covered air carrier, the interruption of all or the overwhelming majority of the air carrier's systemwide flight operations, including flight delays and cancellations, as the result of the failure of 1 or more computer systems or computer networks of the air carrier.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier that provides scheduled passenger air transportation by operating an aircraft that as originally designed has a passenger capacity of 30 or more seats.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to modify, abridge, or repeal any obligation of an air carrier under section 42301.

(Added Pub. L. 115–254, div. B, title IV, § 428(a), Oct. 5, 2018, 132 Stat. 3341.)

SUBPART III—SAFETY

CHAPTER 441—REGISTRATION AND RECORDATION OF AIRCRAFT

Sec.
44101. Operation of aircraft.
44102. Registration requirements.
44103. Registration of aircraft.
44104. Registration of aircraft components and dealers' certificates of registration.
44105. Suspension and revocation of aircraft certificates.
44106. Revocation of aircraft certificates for controlled substance violations.
44107. Recordation of conveyances, leases, and security instruments.
44108. Validity of conveyances, leases, and security instruments.
44109. Reporting transfer of ownership.
44110. Information about aircraft ownership and rights.
44111. Modifications in registration and recordation system for aircraft not providing air transportation.
44112. Limitation of liability.
44113. Definitions.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–297, § 6(b), Aug. 9, 2004, 118 Stat. 1097, added item 44113.

§ 44101. Operation of aircraft

(a) REGISTRATION REQUIREMENT.—Except as provided in subsection (b) of this section, a person may operate an aircraft only when the aircraft is registered under section 44103 of this title.

(b) EXCEPTIONS.—A person may operate an aircraft in the United States that is not registered—

(1) when authorized under section 40103(d) or 41703 of this title;

(2) when it is an aircraft of the national defense forces of the United States and is identified in a way satisfactory to the Administrator of the Federal Aviation Administration; and

(3) for a reasonable period of time after a transfer of ownership, under regulations prescribed by the Administrator.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44101(a)	49 App.:1401(a) (1st sentence words before proviso less words between parentheses).	Aug. 23, 1958, Pub. L. 85–726, § 501(a), 72 Stat. 771.
44101(b)	49 App.:1401(a) (1st sentence words between parentheses, proviso, last sentence).	
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In this section, the word ''navigate'' is omitted as being included in the definition of ''operate aircraft'' in section 40102(a) of the revised title.

In subsection (a), the words ''Except as provided in subsection (b) of this section'' are added for clarity. The words ''a person may . . . an aircraft only when the aircraft is registered under section 44103 of this title'' are substituted for ''It shall be unlawful . . . any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or . . . any aircraft not eligible for registration'' for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''A person may operate an aircraft in the United States that is not registered'' are substituted for ''may be operated and navigated without being so registered'' and ''may

. . . permit the operation and navigation of aircraft without registration'' for clarity. In clause (2), the words ''identified in a way'' are substituted for ''identified, by the agency having jurisdiction over them, in a manner'' to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–297, § 7, Aug. 9, 2004, 118 Stat. 1097, provided that: ''This Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act, shall take effect on the date the Cape Town Treaty (as defined in section 44113 of title 49, United States Code) enters into force with respect to the United States and shall not apply to any registration or recordation that was made before such effective date under chapter 441 of such title or any legal rights relating to such registration or recordation.'' [The Cape Town Treaty entered into force with respect to the United States on Mar. 1, 2006. See 71 F.R. 8457.]

REGULATIONS

Pub. L. 108–297, § 4, Aug. 9, 2004, 118 Stat. 1096, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue regulations necessary to carry out this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act.

''(b) CONTENTS OF REGULATIONS.—Regulations to be issued under this Act shall specify, at a minimum, the requirements for—

''(1) the registration of aircraft previously registered in a country in which the Cape Town Treaty is in effect; and

''(2) the cancellation of registration of a civil aircraft of the United States based on a request made in accordance with the Cape Town Treaty.

''(c) EXPEDITED RULEMAKING PROCESS.—

''(1) FINAL RULE.—The Administrator shall issue regulations under this section by publishing a final rule by December 31, 2004.

''(2) EFFECTIVE DATE.—The final rule shall not be effective before the date the Cape Town Treaty enters into force with respect to the United States [Mar. 1, 2006, see Effective Date of 2004 Amendment note above].

''(3) ECONOMIC ANALYSIS.—The Administrator shall not be required to prepare an economic analysis of the cost and benefits of the final rule.

''(d) APPLICABILITY OF TREATY.—Notwithstanding parts 47.37(a)(3)(ii) and 47.47(a)(2) of title 14, of the Code of Federal Regulations, Articles IX(5) and XIII of the Cape Town Treaty shall apply to the matters described in subsection (b) until the earlier of the effective date of the final rule under this section or December 31, 2004.''

CAPE TOWN TREATY; FINDINGS AND PURPOSE

Pub. L. 108–297, § 2, Aug. 9, 2004, 118 Stat. 1095, provided that:

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

''(1) The Cape Town Treaty (as defined in section 44113 of title 49, United States Code) extends modern commercial laws for the sale, finance, and lease of aircraft and aircraft engines to the international arena in a manner consistent with United States law and practice.

''(2) The Cape Town Treaty provides for internationally established and recognized financing and leasing rights that will provide greater security and commercial predictability in connection with the financing and leasing of highly mobile assets, such as aircraft and aircraft engines.

''(3) The legal and financing framework of the Cape Town Treaty will provide substantial economic benefits to the aviation and aerospace sectors, including the promotion of exports, and will facilitate the acquisition of newer, safer aircraft around the world.

''(4) Only technical changes to United States law and regulations are required since the asset-based financing and leasing concepts embodied in the Cape Town Treaty are already reflected in the United States in the Uniform Commercial Code.

''(5) The new electronic registry system established under the Cape Town Treaty will work in tandem with current aircraft document recordation systems of the Federal Aviation Administration, which have served United States industry well.

''(6) The United States Government was a leader in the development of the Cape Town Treaty.

''(b) PURPOSE.—Accordingly, the purpose of this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title] is to provide for the implementation of the Cape Town Treaty in the United States by making certain technical amendments to the provisions of chapter 441 of title 49, United States Code, directing the Federal Aviation Administration to complete the necessary rulemaking processes as expeditiously as possible, and clarifying the applicability of the Treaty during the rulemaking process.''

§ 44102. Registration requirements

(a) ELIGIBILITY.—An aircraft may be registered under section 44103 of this title only when the aircraft is—

(1) not registered under the laws of a foreign country and is owned by—

(A) a citizen of the United States;

(B) an individual citizen of a foreign country lawfully admitted for permanent residence in the United States; or

(C) a corporation not a citizen of the United States when the corporation is organized and doing business under the laws of the United States or a State, and the aircraft is based and primarily used in the United States; or

(2) an aircraft of—

(A) the United States Government; or

(B) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of a State, territory, or possession.

(b) DUTY TO DEFINE CERTAIN TERM.—In carrying out subsection (a)(1)(C) of this section, the Secretary of Transportation shall define ''based and primarily used in the United States''.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44102(a)(1) ..	49 App.:1401(b) (1st sentence cl. (1)).	Aug. 23, 1958, Pub. L. 85–726, § 501(b), 72 Stat. 772; restated Nov. 9, 1977, Pub. L. 95–163, § 14, 91 Stat. 1283; Mar. 8, 1978, Pub. L. 95–241, 92 Stat. 119.
44102(a)(2) ..	49 App.:1401(b) (1st sentence cl. (2)).	
44102(b)	49 App.:1401(b) (last sentence).	

In subsection (a), before clause (1), the words ''may be registered'' are substituted for ''shall be eligible for registration'', and the words ''under section 44103 of this title'' are added, for clarity. The words ''only when'' are substituted for ''if, but only if'' for consistency. In subclause (C), the words ''not a citizen of the United States'' are substituted for ''(other than a corporation which is a citizen of the United States)'' to

eliminate unnecessary words. The word ''lawfully'' is omitted as surplus.

In subsection (b), the words ''In carrying out subsection (a)(1)(C) of this section'' are added because of the restatement. The words ''by regulation'' are omitted as unnecessary because of 49:322(a).

§ 44103. Registration of aircraft

(a) GENERAL.—(1) On application of the owner of an aircraft that meets the requirements of section 44102 of this title, the Administrator of the Federal Aviation Administration shall—

(A) register the aircraft; and

(B) issue a certificate of registration to its owner.

(2) The Administrator may prescribe the extent to which an aircraft owned by the holder of a dealer's certificate of registration issued under section 44104(2) of this title also is registered under this section.

(b) CONTROLLED SUBSTANCE VIOLATIONS.—(1) The Administrator may not issue an owner's certificate of registration under subsection (a)(1) of this section to a person whose certificate is revoked under section 44106 of this title during the 5-year period beginning on the date of the revocation, except—

(A) as provided in section 44106(e)(2) of this title; or

(B) that the Administrator may issue the certificate to the person after the one-year period beginning on the date of the revocation if the Administrator decides that the aircraft otherwise meets the requirements of section 44102 of this title and that denial of a certificate for the 5-year period—

(i) would be excessive considering the nature of the offense or the act committed and the burden the denial places on the person; or

(ii) would not be in the public interest.

(2) A decision of the Administrator under paragraph (1)(B)(i) or (ii) of this subsection is within the discretion of the Administrator. That decision or failure to make a decision is not subject to administrative or judicial review.

(c) CERTIFICATES AS EVIDENCE.—A certificate of registration issued under this section is—

(1) conclusive evidence of the nationality of an aircraft for international purposes, but not conclusive evidence in a proceeding under the laws of the United States; and

(2) not evidence of ownership of an aircraft in a proceeding in which ownership is or may be in issue.

(d) CERTIFICATES AVAILABLE FOR INSPECTION.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1162.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44103(a)(1) ..	49 App.:1401(c), (d).	Aug. 23, 1958, Pub. L. 85–726, §§501(c), (d), (f), 505 (2d sentence), 72 Stat. 772, 774.
	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.
44103(a)(2) ..	49 App.:1405 (2d sentence).	
	49 App.:1655(c)(1).	
44103(b)	49 App.:1401(e)(2)(D), (E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §501(e)(2)(D), (E); added Oct. 19, 1984, Pub. L. 98–499, §4(a), 98 Stat. 2315.
44103(c)	49 App.:1401(f).	
44103(d)	49 App.:1401(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §501(g); added Oct. 27, 1986, Pub. L. 99–570, §3401(a)(2), 100 Stat. 3207–99.

In subsection (a)(1), the words ''On application'' are substituted for ''upon request'', and the words ''meets the requirements of section 44102 of this title'' are substituted for ''eligible for registration'', for consistency in this subchapter. The text of 49 App.:1401(d) is omitted as unnecessary because of 49:322(a).

In subsection (b)(1)(B), before subclause (i), the words ''after the one-year period beginning on the date of the revocation'' are substituted for ''before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation)'' for clarity and to eliminate unnecessary words. The words ''otherwise meets the requirements of section 44102 of this title'' are substituted for ''is otherwise eligible for registration under this section'' because of the restatement. The words ''denial of a certificate'' are substituted for ''revocation of the certificate'' for clarity.

In subsection (c), before clause (1), the words ''A certificate of registration'' are substituted for ''Registration'' for clarity. In clause (2), the words ''by a particular person'' are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT REGISTRATION

Pub. L. 115–254, div. B, title V, §556, Oct. 5, 2018, 132 Stat. 3383, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 7 years.

''(b) CONSIDERATIONS.—In promulgating the notice of proposed rulemaking described in subsection (a), the Administrator may consider any events, circumstances, changes in any ownership entity or structure, or other condition that would necessitate renewal prior to the expiration of an aircraft registration.''

RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM

Pub. L. 115–254, div. B, title V, §566, Oct. 5, 2018, 132 Stat. 3385, provided that: ''Notwithstanding any other provision of law, the Administrator [of the Federal Aviation Administration] shall, upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the noncommercial flights of the owner or operator.''

AIRCRAFT SITUATIONAL DISPLAY DATA

Pub. L. 106–181, title VII, §729, Apr. 5, 2000, 114 Stat. 168, provided that:

''(a) IN GENERAL.—A memorandum of agreement between the Administrator [of the Federal Aviation Administration] and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

''(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

''(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

''(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).''

§ 44104. Registration of aircraft components and dealers' certificates of registration

The Administrator of the Federal Aviation Administration may prescribe regulations—

(1) in the interest of safety for registering and identifying an aircraft engine, propeller, or appliance; and

(2) in the public interest for issuing, suspending, and revoking a dealer's certificate of registration under this chapter and for its use by a person manufacturing, distributing, or selling aircraft.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1162.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44104(1)	49 App.:1402.	Aug. 23, 1958, Pub. L. 85–726, §§ 502, 505 (1st sentence), 72 Stat. 772, 774.
	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.
44104(2)	49 App.:1405 (1st sentence).	
	49 App.:1655(c)(1).	

In this section, before clause (1), the words ''prescribe regulations'' are substituted for ''establish reasonable rules and regulations'' in 49 App.:1402 and ''by such reasonable regulations'' in 49 App.:1405 (1st sentence) because of 49:322(a). In clause (1), the words ''and no aircraft engine, propeller, or appliance shall be used in violation of any such rule or regulation'' are omitted as surplus because of section 46301 of the revised title. In clause (2), the words ''in connection with'' are omitted as surplus.

§ 44105. Suspension and revocation of aircraft certificates

The Administrator of the Federal Aviation Administration may suspend or revoke a certificate of registration issued under section 44103 of this title when the aircraft no longer meets the requirements of section 44102 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44105	49 App.:1401(e)(1).	Aug. 23, 1958, Pub. L. 85–726, § 501(e)(1), 72 Stat. 772; Oct. 19, 1984, Pub. L. 98–499, § 4(a), 98 Stat. 2314.
	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.

The words ''when the aircraft no longer meets'' are substituted for ''for any cause which renders the aircraft ineligible'' for consistency.

§ 44106. Revocation of aircraft certificates for controlled substance violations

(a) DEFINITION.—In this section, ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATIONS.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking the certificate of registration for an aircraft issued to an owner under section 44103 of this title and any other certificate of registration that the owner of the aircraft holds under section 44103, if the Administrator finds that—

(A) the aircraft was used to carry out, or facilitate, an activity that is punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance); and

(B) the owner of the aircraft permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in clause (A) of this paragraph.

(2) An aircraft owner that is not an individual is deemed to have permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection only if a majority of the individuals who control the owner of the aircraft or who are involved in forming the major policy of the owner permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A).

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator shall—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator bases the proposed action; and

(2) provide the holder of the certificate an opportunity to answer the charges and state why the certificate should not be revoked.

(d) APPEALS.—(1) A person whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and a hearing on the record. In conducting the hearing, the Board is not bound by the findings of fact of the Administrator.

(2) When a person files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall dispose of the appeal not later than 60 days after notification by the Administrator under this paragraph.

(3) A person substantially affected by an order of the Board under this subsection may seek judicial review of the order under section 46110 of this title. The Administrator shall be made a party to that judicial proceeding.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate of registration under this section on the basis of an activity described in subsection (b)(1)(A) of this section if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked a certificate of registration of a person under this section because of an activity described in subsection (b)(1)(A) of this section, the Administrator shall reissue a certificate to the person if the person—

(A) subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; and

(B) otherwise meets the requirements of section 44102 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44106(a)	49 App.:1401(e)(2)(C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §501(e)(2)(A)–(C), (F); added Oct. 19, 1984, Pub. L. 98–499, §4(a), 98 Stat. 2314, 2315.
44106(b)	49 App.:1401(e)(2)(A) (less last sentence).	
44106(c)	49 App.:1401(e)(2)(B) (1st sentence).	
44106(d)	49 App.:1401(e)(2)(B) (2d–last sentences).	
44106(e)	49 App.:1401(e)(2)(A) (last sentence), (F).	

In subsection (b)(2), the words ''knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection'' are substituted for ''with knowledge of such intended use'' for clarity.

§ 44107. Recordation of conveyances, leases, and security instruments

(a) ESTABLISHMENT OF SYSTEM.—The Administrator of the Federal Aviation Administration shall establish a system for recording—

(1) conveyances that affect an interest in civil aircraft of the United States;

(2) leases and instruments executed for security purposes, including conditional sales contracts, assignments, and amendments, that affect an interest in—

(A) a specifically identified aircraft engine having at least 550 rated takeoff horsepower or its equivalent;

(B) a specifically identified aircraft propeller capable of absorbing at least 750 rated takeoff shaft horsepower;

(C) an aircraft engine, propeller, or appliance maintained for installation or use in an aircraft, aircraft engine, or propeller, by or for an air carrier holding a certificate issued under section 44705 of this title; and

(D) spare parts maintained by or for an air carrier holding a certificate issued under section 44705 of this title; and

(3) releases, cancellations, discharges, and satisfactions related to a conveyance, lease, or instrument recorded under paragraph (1) or (2).

(b) GENERAL DESCRIPTION REQUIRED.—A lease or instrument recorded under subsection (a)(2)(C) or (D) of this section only has to describe generally the engine, propeller, appliance, or spare part by type and designate its location.

(c) ACKNOWLEDGMENT.—Except as the Administrator otherwise may provide, a conveyance, lease, or instrument may be recorded under subsection (a) of this section only after it has been acknowledged before—

(1) a notary public; or

(2) another officer authorized under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States to acknowledge deeds.

(d) RECORDS AND INDEXES.—The Administrator shall—

(1) keep a record of the time and date that each conveyance, lease, and instrument is filed and recorded with the Administrator; and

(2) record each conveyance, lease, and instrument filed with the Administrator, in the order of their receipt, and index them by—

(A) the identifying description of the aircraft, aircraft engine, or propeller, or location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section; and

(B) the names of the parties to each conveyance, lease, and instrument.

(e) INTERNATIONAL REGISTRY.—

(1) DESIGNATION OF UNITED STATES ENTRY POINT.—As permitted under the Cape Town Treaty, the Federal Aviation Administration Civil Aviation Registry is designated as the United States Entry Point to the International Registry relating to—

(A) civil aircraft of the United States;

(B) an aircraft for which a United States identification number has been assigned but only with regard to a notice filed under paragraph (2); and

(C) aircraft engines.

(2) SYSTEM FOR FILING NOTICE OF PROSPECTIVE INTERESTS.—

(A) ESTABLISHMENT.—The Administrator shall establish a system for filing notices of prospective assignments and prospective international interests in, and prospective sales of, aircraft or aircraft engines described in paragraph (1) under the Cape Town Treaty.

(B) MAINTENANCE OF VALIDITY.—A filing of a notice of prospective assignment, interest, or sale under this paragraph and the registration with the International Registry relating to such assignment, interest, or sale shall not be valid after the 60th day following the date of the filing unless documents eligible for recording under subsection (a) relating to such notice are filed for recordation on or before such 60th day.

(3) AUTHORIZATION FOR REGISTRATION OF AIRCRAFT.—A registration with the International Registry relating to an aircraft described in paragraph (1) (other than subparagraph (C)) is valid only if (A) the person seeking the registration first files documents eligible for recording under subsection (a) and relating to the registration with the United States Entry Point, and (B) the United States Entry Point authorizes the registration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1164; Pub. L. 108–297, § 3, Aug. 9, 2004, 118 Stat. 1096.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44107(a)(1) ..	49 App.:1403(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 503(a)(1), (3), (b), 72 Stat. 772.
	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.
44107(a)(2)(A), (B).	49 App.:1403(a)(2).	Aug. 23, 1958, Pub. L. 85–726, § 503(a)(2), 72 Stat. 772; restated July 8, 1959, Pub. L. 86–81, § 1, 73 Stat. 180.
	49 App.:1655(c)(1).	
44107(a)(2)(C), (D).	49 App.:1403(a)(3) (less words between 13th comma and semicolon).	
	49 App.:1655(c)(1).	
44107(a)(3) ..	49 App.:1403(b).	
	49 App.:1655(c)(1).	
44107(b)	49 App.:1403(a)(3) (words between 13th comma and semicolon).	
44107(c)	49 App.:1403(e).	Aug. 23, 1958, Pub. L. 85–726, § 503(e), 72 Stat. 773; restated June 30, 1964, Pub. L. 88–346, § 2, 78 Stat. 236.
	49 App.:1655(c)(1).	
44107(d)	49 App.:1403(f).	Aug. 23, 1958, Pub. L. 85–726, § 503(f), 72 Stat. 773; July 8, 1959, Pub. L. 86–81, § 4, 73 Stat. 181.
	49 App.:1655(c)(1).	

In subsection (a)(1) and (2), the words ''title to'' are omitted as being included in ''interest in''.

In subsection (a)(2), before subclause (A), the word ''instruments'' is substituted for ''any mortgage, equipment trust . . . or other instrument'' because it is inclusive. The word ''supplement'' is omitted as being included in ''amendments''.

In subsection (a)(3), the words ''The Secretary of Transportation shall also record under the system'' are omitted as unnecessary because of the restatement.

In subsections (a)(3) and (c), the words ''lease, or instrument'' are substituted for ''other instrument'' for clarity and consistency in this subchapter.

In subsections (b) and (d), the words ''or locations'' are omitted because of 1:1.

In subsection (b), the words ''recorded under subsection (a)(2)(C) or (D) of this section'' are added for clarity. The words ''lease or instrument'' are substituted for ''instrument'' for clarity and consistency in this subchapter.

In subsection (c), before clause (1), the words ''by regulation'' are omitted because of 49:322(a). In clause (2), the words ''possession of the United States'' are substituted for ''possession thereof'' for clarity.

In subsection (d), the words ''lease, and instrument'' are substituted for ''other instruments'' for clarity and consistency in this subchapter. In clause (1), the words ''of the time and date of'' before ''recordation'' are omitted as unnecessary because of the restatement. In clause (2), before subclause (A), the words ''in files to be kept for that purpose'' are omitted as unnecessary. In subclause (A), the words ''location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section'' are substituted for ''in the case of an instrument referred to in subsection (a)(3) of this section, the location or locations specified therein'' for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (a)(2)(A). Pub. L. 108–297, § 3(a)(1), substituted ''550'' for ''750''.

Subsec. (a)(3). Pub. L. 108–297, § 3(a)(2), substituted ''paragraph (1) or (2)'' for ''clause (1) or (2) of this subsection''.

Subsec. (e). Pub. L. 108–297, § 3(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–297 effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108–297, set out as a note under section 44101 of this title.

§ 44108. Validity of conveyances, leases, and security instruments

(a) VALIDITY BEFORE FILING.—Until a conveyance, lease, or instrument executed for security purposes that may be recorded under section 44107(a)(1) or (2) of this title is filed for recording, the conveyance, lease, or instrument is valid only against—

(1) the person making the conveyance, lease, or instrument;

(2) that person's heirs and devisees; and

(3) a person having actual notice of the conveyance, lease, or instrument.

(b) PERIOD OF VALIDITY.—When a conveyance, lease, or instrument is recorded under section 44107 of this title, the conveyance, lease, or instrument is valid from the date of filing against all persons, without other recordation, except that—

(1) a lease or instrument recorded under section 44107(a)(2)(A) or (B) of this title is valid for a specifically identified engine or propeller without regard to a lease or instrument previously or subsequently recorded under section 44107(a)(2)(C) or (D); and

(2) a lease or instrument recorded under section 44107(a)(2)(C) or (D) of this title is valid only for items at the location designated in the lease or instrument.

(c) APPLICABLE LAWS.—(1) The validity of a conveyance, lease, or instrument that may be recorded under section 44107 of this title is subject to the laws of the State, the District of Columbia, or the territory or possession of the United States at which the conveyance, lease, or instrument is delivered, regardless of the place at which the subject of the conveyance, lease, or instrument is located or delivered. If the conveyance, lease, or instrument specifies the place at which delivery is intended, it is presumed that the conveyance, lease, or instrument was delivered at the specified place.

(2) This subsection does not take precedence over the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) or the Cape Town Treaty, as applicable.

(d) NONAPPLICATION.—This section does not apply to—

(1) a conveyance described in section 44107(a)(1) of this title that was made before August 22, 1938; or

(2) a lease or instrument described in section 44107(a)(2) of this title that was made before June 20, 1948.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1165; Pub. L. 108–297, § 5, Aug. 9, 2004, 118 Stat. 1097.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44108(a)	49 App.:1403(c) (less words after semicolon).	Aug. 23, 1958, Pub. L. 85–726, § 503(c), 72 Stat. 773.
44108(b)	49 App.:1403(d).	Aug. 23, 1958, Pub. L. 85–726, § 503(d), 72 Stat. 773; July 8, 1959, Pub. L. 86–81, § 3, 73 Stat. 181.
44108(c)(1) ..	49 App.:1406.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 506; added June 30, 1964, Pub. L. 88–346, § 1(a), 78 Stat. 236.
44108(c)(2) ..	49 App.:1406 (note).	June 30, 1964, Pub. L. 88–346, § 1(c), 78 Stat. 236.
44108(d)	49 App.:1403(c) (words after semicolon).	

In subsection (a), before clause (1), the words ''conveyance, lease, or instrument executed for security purposes'' are substituted for ''conveyance or instrument'' for clarity and consistency in this subchapter. The words ''in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts'' are omitted as surplus. The text of 49 App.:1403(c) (proviso words before semicolon) is omitted because of section 7(d) of this bill. In clause (1), the words ''person making the conveyance, lease, or instrument'' are substituted for ''the person by whom the conveyance or other instrument is made or given'' to eliminate unnecessary words and for consistency in this subchapter.

In subsection (b), before clause (1), the words ''When a conveyance, lease, or instrument is recorded under section 44107 of this title . . . from the date of filing'' are substituted for ''Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of the section shall from the time of its filing for recordation'' for clarity and consistency in this subchapter and to eliminate unnecessary words. In clause (1), the words ''is valid'' are substituted for ''*Provided*, That . . . shall not be affected'' for consistency in this subchapter. The words ''or engines . . . or propellers'' are omitted because of 1:1. In clause (2), the words ''is valid'' are substituted for ''shall be effective'' for consistency in this subchapter. The words ''for items at the location designated in the lease or instrument'' are substituted for ''which may from time to time be situated at the designated location or locations and only while so situated'' for clarity and to eliminate unnecessary words.

In subsection (c)(1), the words ''conveyance, lease, or'' are added for consistency in this subchapter. The words ''the conveyance, lease, or instrument'' are substituted for ''therein'', and the words ''it is presumed'' are substituted for ''it shall constitute presumptive evidence'', for clarity.

In subsection (d)(2), the words ''lease or instrument'' are substituted for ''instrument'' for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108–297 inserted ''or the Cape Town Treaty, as applicable'' before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–297 effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108–297, set out as a note under section 44101 of this title.

§ 44109. Reporting transfer of ownership

(a) FILING NOTICES.—A person having an ownership interest in an aircraft for which a certificate of registration was issued under section 44103 of this title shall file a notice with the Secretary of the Treasury that the Secretary requires by regulation, not later than 15 days after a sale, conditional sale, transfer, or conveyance of the interest.

(b) EXEMPTIONS.—The Secretary—

(1) shall prescribe regulations that establish guidelines for exempting a person or class from subsection (a) of this section; and

(2) may exempt a person or class under the regulations.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44109(a)	49 App.:1509(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1109(f); added Oct. 27, 1986, Pub. L. 99–570, § 3401(d)(1), 100 Stat. 3207–101.
44109(b)	49 App.:1509 (note).	Oct. 27, 1986, Pub. L. 99–570, § 3401(d)(2), 100 Stat. 3207–102.

In subsection (a), the text of 49 App.:1509(f) (last sentence) is omitted as unnecessary.

In subsection (b)(1), the words ''Within 30 days after the date of enactment of subsection (f) of section 1109 of the Federal Aviation Act of 1958 as added by this subsection'' are omitted as obsolete.

§ 44110. Information about aircraft ownership and rights

The Administrator of the Federal Aviation Administration may provide by regulation for—

(1) endorsing information on each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title about ownership of the aircraft for which each certificate is issued; and

(2) recording transactions affecting an interest in, and for other records, proceedings, and details necessary to decide the rights of a party related to, a civil aircraft of the United States, aircraft engine, propeller, appliance, or spare part.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44110	49 App.:1403(g).	Aug. 23, 1958, Pub. L. 85–726, § 503(g), 72 Stat. 774.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In clause (1), the words ''each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title'' are substituted for ''certificates of registration, or aircraft

certificates'' for clarity and because of the restatement.

In clause (2), the words ''recording transactions'' are substituted for ''recording of discharges and satisfactions of recorded instruments, and other transactions'' to eliminate unnecessary words. The words ''title to'' are omitted as being included in ''interest in''. The words ''to decide'' are substituted for ''to facilitate the determination'' to eliminate unnecessary words. The words ''related to'' are substituted for ''dealing with'' for clarity. The word ''spare'' is added for consistency in this section.

§ 44111. Modifications in registration and recordation system for aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) AUTHORITY TO MAKE MODIFICATIONS.—The Administrator of the Federal Aviation Administration shall make modifications in the system for registering and recording aircraft necessary to make the system more effective in serving the needs of—

(1) buyers and sellers of aircraft;

(2) officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)); and

(3) other users of the system.

(c) NATURE OF MODIFICATIONS.—Modifications made under subsection (b) of this section—

(1) may include a system of titling aircraft or registering all aircraft, even aircraft not operated;

(2) shall ensure positive, verifiable, and timely identification of the true owner; and

(3) shall address at least each of the following deficiencies in and abuses of the existing system:

(A) the registration of aircraft to fictitious persons.

(B) the use of false or nonexistent addresses by persons registering aircraft.

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

(D) the registration of aircraft to entities established to facilitate unlawful activities.

(E) the submission of names of individuals on applications for registration of aircraft that are not identifiable.

(F) the ability to make frequent legal changes in the registration markings assigned to aircraft.

(G) the use of false registration markings on aircraft.

(H) the illegal use of ''reserved'' registration markings on aircraft.

(I) the large number of aircraft classified as being in ''self-reported status''.

(J) the lack of a system to ensure timely and adequate notice of the transfer of ownership of aircraft.

(K) the practice of allowing temporary operation and navigation of aircraft without the issuance of a certificate of registration.

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

(2) Regulations prescribed under this subsection shall require that—

(A) each individual listed in an application for registration of an aircraft provide with the application the individual's driver's license number; and

(B) each person (not an individual) listed in an application for registration of an aircraft provide with the application the person's taxpayer identifying number.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1166; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44111(a)	49 App.:1303 (note).	Nov. 11, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
44111(b)	49 App.:1401(h) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 501(h); added Nov. 11, 1988, Pub. L. 100–690, § 7203(a), 102 Stat. 4424.
44111(c)	49 App.:1401(h) (last sentence).	
44111(d)	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7207(a), (b), 102 Stat. 4427.

In subsection (c)(3)(D), the words ''corporations and others'' are omitted as surplus.

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

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

''Commissioner of U.S. Customs and Border Protection'' substituted for ''Commissioner of Customs'' in subsec. (d)(1) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended gen-

erally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

DRUG ENFORCEMENT STATUS AND PROGRESS; REPORTS TO CONGRESS; DEFINITIONS

Pub. L. 100–690, title VII, § 7207(d), (e), Nov. 18, 1988, 102 Stat. 4428, provided that:

''(d) REPORT.—Not later than 180 days after the date of the enactment of this subtitle [Nov. 18, 1988] and annually thereafter during the 5-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

''(1) The status of the rulemaking process, issuance of regulations, and implementation of regulations in accordance with this section [see subsec. (d) of this section].

''(2) The progress being made in reducing the number of aircraft classified by the Federal Aviation Administration as being in 'sale-reported status'.

''(3) The progress being made in expediting the filing and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

''(4) The status of establishing and collecting fees under section 313(f) of the Federal Aviation Act [see section 45302(b) of this title].

''(e) DEFINITIONS.—For purposes of this subtitle [subtitle E (§§ 7201–7214) of title VII of Pub. L. 100–690, see Tables for classification]—

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(2) AIRCRAFT.—The term 'aircraft' has the meaning such term has under section 101 of the Federal Aviation Act of 1958 [see section 40102 of this title].''

INFORMATION COORDINATION

Pub. L. 100–690, title VII, § 7210, Nov. 18, 1988, 102 Stat. 4432, provided that: ''Not later than 180 days after the date of the enactment of this subtitle [Nov. 18, 1988] and annually thereafter during the 3-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

''(1) The progress made in establishing a process for provision of informational assistance by such Administration to officials of Federal, State, and local law enforcement agencies.

''(2) The progress made in establishing a process for effectively pursuing suspensions and revocations of certificates of registration and airman certificates in accordance with the amendments made to the Federal Aviation Act of 1958 by the Aviation Drug-Trafficking Control Act [Pub. L. 98–499, see Tables for classification], section 3401 of the Anti-Drug Abuse Act of 1986 [Pub. L. 99–570], and this subtitle [subtitle E (§§ 7201–7214) of title VII of Pub. L. 100–690].

''(3) The efforts of such Administration in assessing and defining the appropriate relationship of such Administration's informational assistance resources (including the El Paso Intelligence Center and the Law Enforcement Assistance Unit of the Aeronautical Center of such Administration).

''(4) The progress made in issuing guidelines on (A) the reporting of aviation sensitive drug-related information, and (B) the development, in coordination with the Drug Enforcement Administration of the Department of Justice and the United States Customs Service, of training and educational policies to assist employees of such Administration to better understand (i) the trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]), and (ii) the role of such Administration with respect to such trafficking.

''(5) The progress made in improving and expanding such Administration's role in the El Paso Intelligence Center.''

APPLICABILITY OF PAPERWORK REDUCTION ACT

Pub. L. 100–690, title VII, § 7211(b), Nov. 18, 1988, 102 Stat. 4433, provided that: ''No information collection requests necessary to carry out the objectives of this subtitle [subtitle E (§§ 7201–7214) of title VI of Pub. L. 100–690, see Tables for classification] (including the amendments made by this subtitle) shall be subject to or affect, directly or indirectly, the annual information collection budget goals established for the Federal Aviation Administration and the Department of Transportation under chapter 35 of title 44, United States Code.''

§ 44112. Limitation of liability

(a) DEFINITIONS.—In this section—

(1) ''lessor'' means a person leasing for at least 30 days a civil aircraft, aircraft engine, or propeller.

(2) ''owner'' means a person that owns a civil aircraft, aircraft engine, or propeller.

(3) ''secured party'' means a person having a security interest in, or security title to, a civil aircraft, aircraft engine, or propeller under a conditional sales contract, equipment trust contract, chattel or corporate mortgage, or similar instrument.

(b) LIABILITY.—A lessor, owner, or secured party is liable for personal injury, death, or property loss or damage only when a civil aircraft, aircraft engine, or propeller is in the actual possession or operational control of the lessor, owner, or secured party, and the personal injury, death, or property loss or damage occurs because of—

(1) the aircraft, engine, or propeller; or

(2) the flight of, or an object falling from, the aircraft, engine, or propeller.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1167; Pub. L. 115–254, div. B, title V, § 514, Oct. 5, 2018, 132 Stat. 3358.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44112	49 App.:1404.	Aug. 23, 1958, Pub. L. 85–726, § 504, 72 Stat. 774; restated July 8, 1959, Pub. L. 86–81, § 2, 73 Stat. 180.

In subsection (a), clauses (1) and (3) are derived from 49 App.:1404 (2d–57th words). Clause (2) is added for clarity. In clause (1), the words ''bona fide'' are omitted as surplus. In clause (3), the word ''nature'' is omitted as surplus.

In subsection (b), before clause (1), the words ''personal injury, death'' are substituted for ''any injury to or death of persons'', and the words ''on land or water'' are substituted for ''on the surface of the earth (whether on land or water)'', to eliminate unnecessary words. In clause (2), the words ''ascent, descent, or'' and ''dropping or'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, in introductory provisions, struck out ''on land or water'' before ''only when'' and inserted ''operational'' before ''control''.

§ 44113. Definitions

In this chapter, the following definitions apply:

(1) CAPE TOWN TREATY.—The term ''Cape Town Treaty'' means the Convention on International Interests in Mobile Equipment, as modified by the Protocol to the Convention on

International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, signed at Rome on May 9, 2003.

(2) UNITED STATES ENTRY POINT.—The term ''United States Entry Point'' means the Federal Aviation Administration Civil Aviation Registry.

(3) INTERNATIONAL REGISTRY.—The term ''International Registry'' means the registry established under the Cape Town Treaty.

(Added Pub. L. 108–297, § 6(a), Aug. 9, 2004, 118 Stat. 1097.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108–297, set out as an Effective Date of 2004 Amendment note under section 44101 of this title.

CHAPTER 443—INSURANCE

Sec.
44301. Definitions.
44302. General authority.
44302a. Temporary insurance.
44303. Coverage.
44304. Reinsurance.
44305. Insuring United States Government property.
44306. Premiums and limitations on coverage and claims.
44307. Revolving fund.
44308. Administrative.
44309. Civil actions.
44310. Ending effective date.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–328, div. Q, § 103(c), Dec. 29, 2022, 136 Stat. 5252, added item 44302a.

§ 44301. Definitions

In this chapter—

(1) ''aircraft manufacturer'' means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.

(2) ''American aircraft'' means—

(A) a civil aircraft of the United States; and

(B) an aircraft owned or chartered by, or made available to—

(i) the United States Government; or

(ii) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of the State, territory, or possession.

(3) ''insurance carrier'' means a person authorized to do aviation insurance business in a State, including a mutual or stock insurance company and a reciprocal insurance association.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 108–176, title I, § 106(a)(2), Dec. 12, 2003, 117 Stat. 2498.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44301	49 App.:1531.	Aug. 23, 1958, Pub. L. 85–726, § 1301, 72 Stat. 800; restated Nov. 9, 1977, Pub. L. 95–163, § 1(a), 91 Stat. 1278.

In this section, the text of 49 App.:1531(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1)(B)(i), the words ''United States Government'' are substituted for ''United States or any department or agency thereof'' for consistency in the revised title and with other titles of the United States Code.

In clause (1)(B)(ii), the words ''the government of'' are omitted for consistency in the revised title.

In clause (2), the words ''insurance company'' are omitted as being included in ''insurance carrier''. The words ''means a person'' are added because they are inclusive. The words ''group or association'' are omitted as being included in ''person''. The word ''State'' is substituted for ''State of the United States'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108–176 added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Statutory Notes and Related Subsidiaries

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.

§ 44302. General authority

(a) INSURANCE AND REINSURANCE.—(1) Subject to subsection (c) of this section and section 44305(a) of this title, the Secretary of Transportation may provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an American aircraft or foreign-flag aircraft.

(2) An aircraft may be insured or reinsured for not more than its reasonable value as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.

(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid

from the revolving fund established by section 44307.

(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.

(c) PRESIDENTIAL APPROVAL.—The Secretary may provide insurance or reinsurance under subsection (a) of this section, or reimburse an air carrier under subsection (b) of this section, only with the approval of the President. The President may approve the insurance or reinsurance or the reimbursement only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or reinsured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) CONSULTATION.—The President may require the Secretary to consult with interested departments, agencies, and instrumentalities of the Government before providing insurance or reinsurance or reimbursing an air carrier under this chapter.

(e) ADDITIONAL INSURANCE.—With the approval of the Secretary, a person having an insurable interest in an aircraft may insure with other underwriters in an amount that is more than the amount insured with the Secretary. However, the Secretary may not benefit from the additional insurance. This subsection does not prevent the Secretary from making contracts of coinsurance.

(f) EXTENSION OF POLICIES.—

(1) IN GENERAL.—The Secretary shall extend through December 11, 2014, the termination date of any insurance policy that the Department of Transportation issued to an air carrier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

(2) SPECIAL RULES.—Notwithstanding paragraph (1)—

(A) in no event shall the total premium paid by the air carrier for the policy, as amended, be more than twice the premium that the air carrier was paying to the Department of Transportation for its third party policy as of June 19, 2002; and

(B) the coverage in such policy shall begin with the first dollar of any covered loss that is incurred.

(g) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or $50,000,000.

(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 105–137, §2(a), Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107–42, title II, §201(a), Sept. 22, 2001, 115 Stat. 234; Pub. L. 107–296, title XII, §1202, Nov. 25, 2002, 116 Stat. 2286; Pub. L. 108–11, title IV, §4001(a), Apr. 16, 2003, 117 Stat. 606; Pub. L. 108–176, title I, §106(a)(1), Dec. 12, 2003, 117 Stat. 2498; Pub. L. 108–447, div. H, title I, §106(a), Dec. 8, 2004, 118 Stat. 3204; Pub. L. 109–115, div. A, title I, §108(a), Nov. 30, 2005, 119 Stat. 2402; Pub. L. 110–161, div. K, title I, §114(a), Dec. 26, 2007, 121 Stat. 2381; Pub. L. 110–253, §3(c)(6), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, §5(c), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(b), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(c), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(b), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–117, div. A, title I, §114(a), Dec. 16, 2009, 123 Stat. 3042; Pub. L. 111–153, §5(b), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(b), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(b), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(b), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(c), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(b), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(b), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(b), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(b), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(b), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(c), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(c), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title VII, §701, Feb. 14, 2012, 126 Stat. 118; Pub. L. 113–46, div. A, §152, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113–76, div. L, title I, §119E(a), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113–164, §148(a), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113–235, div. L, §102(a), Dec. 16, 2014, 128 Stat. 2767.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44302(a)	49 App.:1532(a)(1) (less words between 1st and 3d commas), (3).	Aug. 23, 1958, Pub. L. 85–726, §1302(a), 72 Stat. 801; restated Nov. 9, 1977, Pub. L. 95–163, §2, 91 Stat. 1278; Oct. 31, 1992, Pub. L. 102–581, §401(b), 106 Stat. 4897.
	49 App.:1537(a) (last sentence words between 2d and 3d commas).	Aug. 23, 1958, Pub. L. 85–726, §1307(a) (last sentence words between 2d and 3d commas), 72 Stat. 804; Oct. 4, 1984, Pub. L. 98–443, §9(b), 98 Stat. 1706.
44302(b)	49 App.:1532(a)(1) (words between 1st and 2d commas), (2).	
44302(c)	49 App.:1532(a)(1) (words between 2d and 3d commas).	
44302(d)	49 App.:1541.	Aug. 23, 1958, Pub. L. 85–726, §1311, 72 Stat. 806.

In subsection (a)(1), before clause (A), the words ''Subject to subsection (b) of this section'' are added, and the words ''American aircraft or foreign-flag aircraft'' are substituted for ''aircraft'' in 49 App.:1532(a), for clarity. The words ''in the manner and to the extent provided by this subchapter'' are omitted as unnecessary. The words ''Insurance shall be issued under this subchapter only to cover any risk from the operation of an aircraft . . . such aircraft is'' are omitted because of the restatement. In clause (B), the word ''places'' is substituted for ''points'' for consistency in the revised title.

In subsection (a)(2), the words ''An aircraft may be insured or reinsured for not more than'' are substituted for ''and such stated amount shall not exceed'' in 49 App.:1537(a) for clarity and because of the restatement. The words ''its reasonable value'' are substituted for ''an amount . . . to represent the fair and reasonable value of the aircraft'' to eliminate unnecessary words. The words ''Insurance or reinsurance may be provided only'' are added because of the restatement. The word ''conditions'' is omitted as being included in ''terms''.

In subsection (b), the words ''The Secretary may provide insurance or reinsurance under subsection (a) of this section only with the approval of the President'' are substituted for ''with the approval of the President'' for clarity and because of the restatement. The words ''The President may'' are substituted for ''The President shall'' because the authority of the President is discretionary.

In subsection (c), the words ''the Secretary to consult . . . before providing insurance or reinsurance under this chapter'' are substituted for ''and after such consultation . . . as'' because of the restatement. The words ''departments, agencies, and instrumentalities'' are substituted for ''agencies'' for consistency in the revised title and with other titles of the United States Code.

In subsection (d), the words ''However, the Secretary may not benefit from the additional insurance'' are substituted for ''in that event, the Secretary shall not be entitled to the benefit of such insurance'' for clarity.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (b)(4), is the date of enactment of Pub. L. 107–42, which was approved Sept. 22, 2001.

The date of enactment of this subsection, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 107–296, which was approved Nov. 25, 2002.

AMENDMENTS

2014—Subsec. (f)(1). Pub. L. 113–235 substituted ''December 11, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015''.

Pub. L. 113–164 substituted ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015'' for ''September 30, 2014''.

Pub. L. 113–76 substituted ''September 30, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014''.

2013—Subsec. (f)(1). Pub. L. 113–46 substituted ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014'' for ''September 30, 2013, and may extend through December 31, 2013''.

2012—Subsec. (f)(1). Pub. L. 112–95 substituted ''shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date'' for ''shall extend through February 17, 2012, and may extend through May 17, 2012, the termination date''.

Pub. L. 112–91 substituted ''February 17, 2012,'' for ''January 31, 2012,'' and ''May 17, 2012,'' for ''April 30, 2012,''.

2011—Subsec. (f)(1). Pub. L. 112–30 substituted ''January 31, 2012,'' for ''September 16, 2011,'' and ''April 30, 2012,'' for ''December 31, 2011,''.

Pub. L. 112–27 substituted ''September 16, 2011,'' for ''July 22, 2011,'' and ''December 31, 2011,'' for ''October 31, 2011,''.

Pub. L. 112–21 substituted ''July 22, 2011,'' for ''June 30, 2011,'' and ''October 31, 2011,'' for ''September 30, 2011,''.

Pub. L. 112–16 substituted ''June 30, 2011,'' for ''May 31, 2011,'' and ''September 30, 2011,'' for ''August 31, 2011,''.

Pub. L. 112–7 substituted ''May 31, 2011,'' for ''March 31, 2011,'' and ''August 31, 2011,'' for ''June 30, 2011,''.

2010—Subsec. (f)(1). Pub. L. 111–329, § 5(b), substituted ''March 31, 2011,'' for ''December 31, 2010,'' and ''June 30, 2011,'' for ''March 31, 2011,''.

Pub. L. 111–249 substituted ''December 31, 2010,'' for ''September 30, 2010,'' and ''March 31, 2011,'' for ''December 31, 2010,''.

Pub. L. 111–216 substituted ''September 30, 2010,'' for ''August 1, 2010,'' and ''December 31, 2010,'' for ''October 31, 2010,''.

Pub. L. 111–197 substituted ''August 1, 2010,'' for ''July 3, 2010,'' and ''October 31, 2010,'' for ''September 30, 2010,''.

Pub. L. 111–161 substituted ''July 3, 2010,'' for ''April 30, 2010,'' and ''September 30, 2010,'' for ''July 31, 2010,''.

Pub. L. 111–153 substituted ''April 30, 2010,'' for ''March 31, 2010,'' and ''July 31, 2010,'' for ''June 30, 2010,''.

2009—Subsec. (f)(1). Pub. L. 111–117, which directed the substitution of ''September 30, 2010,'' for ''September 30, 2009,'' and ''December 31, 2010,'' for ''December 31, 2009,'', could not be executed because of the intervening amendment by Pub. L. 111–69. See below.

Pub. L. 111–116 substituted ''March 31, 2010,'' for ''December 31, 2009,'' and ''June 30, 2010,'' for ''March 31, 2010,''.

Pub. L. 111–69 substituted ''December 31, 2009,'' for ''September 30, 2009,'' and ''March 31, 2010,'' for ''December 31, 2009,''.

Pub. L. 111–12 substituted ''September 30, 2009,'' for ''March 31, 2009,'' and ''December 31, 2009,'' for ''May 31, 2009,''.

2008—Subsec. (f)(1). Pub. L. 110–330 substituted ''March 31, 2009,'' for ''November 30, 2008,'' and ''May 31, 2009,'' for ''December 31, 2008,''.

Pub. L. 110–253 substituted ''November 30, 2008'' for ''August 31, 2008''.

2007—Subsec. (f)(1). Pub. L. 110–161 substituted ''2008'' for ''2006'' in two places.

2005—Subsec. (f)(1). Pub. L. 109–115 substituted ''2006'' for ''2005'' in two places.

2004—Subsec. (f)(1). Pub. L. 108–447 substituted ''2005'' for ''2004'' in two places.

2003—Subsec. (f)(1). Pub. L. 108–11, substituted ''2004'' for ''2003'' in two places.

Subsec. (g). Pub. L. 108–176 added subsec. (g).

2002—Subsec. (f). Pub. L. 107–296 added subsec. (f).

2001—Subsec. (a)(1). Pub. L. 107–42, § 201(a)(1), substituted ''subsection (c)'' for ''subsection (b)'' and ''foreign-flag aircraft.'' for ''foreign-flag aircraft—'' and struck out subpars. (A) and (B) which read as follows:

''(A) in foreign air commerce; or

''(B) between at least 2 places, all of which are outside the United States.''

Subsec. (b). Pub. L. 107–42, § 201(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107–42, § 201(a)(2), (4), redesignated subsec. (b) as (c), in first sentence inserted '', or reimburse an air carrier under subsection (b) of this section,'' before ''only with the approval'', and in second sentence inserted ''or the reimbursement'' before ''only after deciding'' and ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107–42, § 201(a)(2), (5), redesignated subsec. (c) as (d) and inserted ''or reimbursing an air carrier'' before ''under this chapter''. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 107–42, § 201(a)(2), redesignated subsec. (d) as (e).

1997—Subsec. (a)(2). Pub. L. 105–137 substituted ''as determined by the Secretary in accordance with reasonable business practices in the commercial aviation

insurance industry.'' for ''as determined by the Secretary.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–27 effective July 23, 2011, see section 5(j) of Pub. L. 112–27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–21 effective July 1, 2011, see section 5(j) of Pub. L. 112–21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–16 effective June 1, 2011, see section 5(j) of Pub. L. 112–16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112–7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111–329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111–216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–197 effective July 4, 2010, see section 5(j) of Pub. L. 111–197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–161 effective May 1, 2010, see section 5(j) of Pub. L. 111–161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111–153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111–116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111–12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 3(d) of Pub. L. 110–253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EXTENSION OF TERMINATION DATE OF POLICIES

Pub. L. 109–289, div. B, title II, §21002(a), as added by Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 47, provided that subsec. (f)(1) of this section would be applied by substituting ''September 30, 2007'' for ''August 31, 2006, and may extend through December 31, 2006''.

Executive Documents

PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE

Determination of President of the United States, No. 94–39, July 26, 1994, 59 F.R. 38551, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. 301 and 49 U.S.C. 44302, I hereby:

(1) determine that continuation of authorized humanitarian relief air services to Haiti is necessary to carry out the foreign policy of the United States;

(2) approve provision by the Secretary of Transportation of insurance against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in 49 U.S.C. 44301–44310, whenever he determines that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States;

(3) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44302(b) [now 44302(c)], for purposes of responding to the current crisis in Haiti; and

(4) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44306(b) [now 44306(c)] for purposes of responding to the current crisis in Haiti.

The Secretary of Transportation is directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE IN DOMESTIC AND INTERNATIONAL OPERATIONS

Memorandum for the Secretary of Transportation

Memorandum of President of the United States, Dec. 27, 2013, 79 F.R. 527, provided:

By the authority vested in me as President by the Constitution and the laws of the United States, including 49 U.S.C. 44301–44310, I hereby:

1. Determine that the continuation of U.S. air transportation is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-certificated air carriers against loss or damage arising out of any risk from the operation of an aircraft, in the manner and to the extent provided in chapter 443 of title 49, United States Code, until January 15, 2014, if he determines that such insurance or reinsurance cannot be obtained on reasonable terms from any company authorized to conduct an insurance business in a State of the United States.

3. Delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this approval and determination through December 31, 2014, or until any date prior to December 31, 2014, provided that the Congress further extends the date contained in section 44310 and further provided that he not use this delegation to extend this determination and approval beyond the dates authorized under any such provision of law with an ending effective date prior to December 31, 2014.

You are directed to bring this determination immediately to the attention of all air carriers, as defined in 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

BARACK OBAMA.

Prior Presidential documents related to provision of insurance to U.S.-flag commercial air service were contained in the following:

Memorandum of President of the United States, Sept. 27, 2012, 77 F.R. 60035.

Memorandum of President of the United States, Sept. 28, 2011, 76 F.R. 61247.

Memorandum of President of the United States, Sept. 29, 2010, 75 F.R. 61033.

Memorandum of President of the United States, Aug. 21, 2009, 74 F.R. 43617.

Memorandum of President of the United States, Dec. 23, 2008, 73 F.R. 79589.
Memorandum of President of the United States, Dec. 27, 2007, 73 F.R. 1813.
Memorandum of President of the United States, Dec. 21, 2006, 71 F.R. 77243.
Memorandum of President of the United States, Dec. 22, 2005, 70 F.R. 76669.
Determination of President of the United States, No. 2005–15, Dec. 21, 2004, 69 F.R. 77607.
Determination of President of the United States, No. 2004–13, Dec. 11, 2003, 69 F.R. 5237.
Determination of President of the United States, No. 01–29, Sept. 23, 2001, 66 F.R. 49075.

§ 44302a. Temporary insurance

(a) IN GENERAL.—The Secretary may provide insurance or reinsurance under this section to or for an air carrier for 1 coverage period not to exceed 90 days. Except as otherwise provided in this section, such insurance or reinsurance shall be subject to the requirements of this chapter.

(b) RESTRICTIONS.—A policy for insurance or reinsurance issued under this section—

(1) may not be issued unless the insurance carrier of the air carrier has unilaterally terminated the air carrier's war risk liability coverage pursuant to—

(A) notice under the policy;

(B) an endorsement to the policy; or

(C) an automatic termination provision in the policy or any endorsement thereto; and

(2) may cover hull, comprehensive, and third party liability risks.

(c) PREMIUM.—A premium for insurance or reinsurance provided under this section shall be calculated based on a prorated amount equivalent to the premium that was in effect under the terminated insurance carrier policy.

(d) APPROVAL.—A policy for insurance or reinsurance provided under this section—

(1) shall be exempt from the requirements of section 44302(c); and

(2) may provide coverage to the extent allowed under section 44303, as determined by the Secretary, notwithstanding any determination by the President in subsection (a)(1) of such section.

(Added Pub. L. 117–328, div. Q, § 103(a), Dec. 29, 2022, 136 Stat. 5252.)

§ 44303. Coverage

(a) IN GENERAL.—The Secretary of Transportation may provide insurance and reinsurance, or reimburse insurance costs, as authorized under sections 44302 and 44302a of this title for the following:

(1) an American aircraft or foreign-flag aircraft engaged in aircraft operations the President decides are necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(2) property transported or to be transported on aircraft referred to in clause (1) of this section, including—

(A) shipments by express or registered mail;

(B) property owned by citizens or residents of the United States;

(C) property—

(i) imported to, or exported from, the United States; and

(ii) bought or sold by a citizen or resident of the United States under a contract putting the risk of loss or obligation to provide insurance against risk of loss on the citizen or resident; and

(D) property transported between—

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

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

(iii) 2 places in the same territory or possession of the United States.

(3) the personal effects and baggage of officers and members of the crew of an aircraft referred to in clause (1) of this section and of other individuals employed or transported on that aircraft.

(4) officers and members of the crew of an aircraft referred to in clause (1) of this section and other individuals employed or transported on that aircraft against loss of life, injury, or detention.

(5) statutory or contractual obligations or other liabilities, customarily covered by insurance, of an aircraft referred to in clause (1) of this section or of the owner or operator of that aircraft.

(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(b) AIR CARRIER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—For acts of terrorism committed on or to an air carrier during the period beginning on September 22, 2001, and ending on December 11, 2014, the Secretary may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this subsection) under a cause of action arising out of such act. The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1169; Pub. L. 107–42, title II, § 201(b)(1), Sept. 22, 2001, 115 Stat. 235; Pub. L. 107–296, title XII, § 1201, Nov. 25, 2002, 116 Stat. 2286; Pub. L. 108–11, title IV, § 4001(b), Apr. 16, 2003, 117 Stat. 606; Pub. L.

108–176, title I, §106(a)(3), (b), Dec. 12, 2003, 117 Stat. 2499; Pub. L. 108–447, div. H, title I, §106(b), Dec. 8, 2004, 118 Stat. 3204; Pub. L. 109–115, div. A, title I, §108(b), Nov. 30, 2005, 119 Stat. 2402; Pub. L. 110–161, div. K, title I, §114(b), Dec. 26, 2007, 121 Stat. 2381; Pub. L. 110–253, §3(c)(7), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, §5(d), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(c), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(d), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(c), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–117, div. A, title I, §114(b), Dec. 16, 2009, 123 Stat. 3043; Pub. L. 111–153, §5(c), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(c), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(c), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(c), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(d), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(c), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(c), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(c), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(c), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(c), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(d), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(d), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title VII, §702, Feb. 14, 2012, 126 Stat. 118; Pub. L. 113–46, div. A, §153, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113–76, div. L, title I, §119E(b), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113–164, §148(b), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113–235, div. L, §102(b), Dec. 16, 2014, 128 Stat. 2767; Pub. L. 117–328, div. Q, §103(b)(1), Dec. 29, 2022, 136 Stat. 5252.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44303	49 App.:1533.	Aug. 23, 1958, Pub. L. 85–726, §1303, 72 Stat. 801; restated Nov. 9, 1977, Pub. L. 95–163, §3, 91 Stat. 1279.

In this section, before clause (1), the words ''persons, property, or interest'' are omitted as unnecessary. In clause (2), the word ''property'' is substituted for ''Cargoes'' and ''air cargoes'' for consistency in the revised title. In clause (2)(B) and (C), the words ''its territories, or possessions'' are omitted as unnecessary because of the definition of ''United States'' in section 40102(a) of the revised title. In clause (2)(C)(ii), the word ''contract'' is substituted for ''contracts of sale or purchase'', and the words ''putting . . . on'' are substituted for ''is assumed by or falls upon'', to eliminate unnecessary words. In clause (2)(D), the word ''place'' is substituted for ''point'' for consistency in the revised title. In subclause (i), the words ''a State or the District of Columbia'' are substituted for ''the United States'' for clarity and consistency because the definition of ''United States'' in section 40102(a) of the revised title is too broad for the context of the clause. The definition in section 40102(a) includes territories and possession and would therefore overlap with subclauses (ii) and (iii). In subclause (iii), the words ''2 places in the same territory or possession of the United States'' are substituted for ''any point in any such territory or possession and any other point in the same territory or possession'' for clarity. In clauses (3) and (4), the word ''individuals'' is substituted for ''persons'' as being more appropriate. The words ''captains'' and ''pilots'' are omitted as being included in ''officers and members of the crew''.

Editorial Notes

CODIFICATION

The text of section 201(b)(2) of Pub. L. 107–42, which was transferred and redesignated so as to appear as subsec. (b) of this section and amended by Pub. L. 107–296, was based on Pub. L. 107–42, title II, §201(b)(2), Sept. 22, 2001, 115 Stat. 235, formerly included in a note set out under section 40101 of this title.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–328 substituted ''sections 44302 and 44302a'' for ''section 44302'' in introductory provisions.

2014—Subsec. (b). Pub. L. 113–235 substituted ''December 11, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015''.

Pub. L. 113–164 substituted ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015'' for ''September 30, 2014''.

Pub. L. 113–76 substituted ''September 30, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014''.

2013—Subsec. (b). Pub. L. 113–46 substituted ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014'' for ''December 31, 2013''.

2012—Subsec. (b). Pub. L. 112–95 substituted ''ending on December 31, 2013, the Secretary may certify'' for ''ending on May 17, 2012, the Secretary may certify''.

Pub. L. 112–91 substituted ''May 17, 2012,'' for ''April 30, 2012,''.

2011—Subsec. (b). Pub. L. 112–30 substituted ''April 30, 2012,'' for ''December 31, 2011,''.

Pub. L. 112–27 substituted ''December 31, 2011,'' for ''October 31, 2011,''.

Pub. L. 112–21 substituted ''October 31, 2011,'' for ''September 30, 2011,''.

Pub. L. 112–16 substituted ''September 30, 2011,'' for ''August 31, 2011,''.

Pub. L. 112–7 substituted ''August 31, 2011,'' for ''June 30, 2011,''.

2010—Subsec. (b). Pub. L. 111–329 substituted ''June 30, 2011,'' for ''March 31, 2011,''.

Pub. L. 111–249 substituted ''March 31, 2011,'' for ''December 31, 2010,''.

Pub. L. 111–216 substituted ''December 31, 2010,'' for ''October 31, 2010,''.

Pub. L. 111–197 substituted ''October 31, 2010,'' for ''September 30, 2010,''.

Pub. L. 111–161 substituted ''September 30, 2010,'' for ''July 31, 2010,''.

Pub. L. 111–153 substituted ''July 31, 2010,'' for ''June 30, 2010,''.

2009—Subsec. (b). Pub. L. 111–117, which directed the substitution of ''December 31, 2010,'' for ''December 31, 2009,'', could not be executed due to the intervening amendment by Pub. L. 111–69. See below.

Pub. L. 111–116 substituted ''June 30, 2010,'' for ''March 31, 2010,''.

Pub. L. 111–69 substituted ''March 31, 2010,'' for ''December 31, 2009,''.

Pub. L. 111–12 substituted ''December 31, 2009,'' for ''May 31, 2009,''.

2008—Subsec. (b). Pub. L. 110–330 substituted ''May 31, 2009,'' for ''March 31, 2009,''.

Pub. L. 110–253 substituted ''March 31, 2009'' for ''December 31, 2008''.

2007—Subsec. (b). Pub. L. 110–161 substituted ''2008,'' for ''2006,''.

2005—Subsec. (b). Pub. L. 109–115 substituted ''2006'' for ''2005''.

2004—Subsec. (b). Pub. L. 108–447 substituted ''2005'' for ''2004'.

2003—Subsec. (a). Pub. L. 108–176, §106(a)(3)(A), substituted ''IN GENERAL'' for ''IN GENERAL'' in heading.

Subsec. (a)(6). Pub. L. 108–176, §106(a)(3)(B), added par. (6).

Subsec. (b). Pub. L. 108–176, §106(b), inserted at end ''The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.''

Pub. L. 108–11 substituted ''2004'' for ''2003''.

2002—Pub. L. 107–296 designated existing provisions as subsec. (a), inserted heading, transferred and redesignated the text of section 201(b)(2) of Pub. L. 107–42 so as

to appear as subsec. (b), in heading substituted ''Air Carrier Liability for Third Party Claims Arising Out of Acts of Terrorism'' for ''Discretion of the Secretary'', and in text substituted ''the period beginning on September 22, 2001, and ending on December 31, 2003, the Secretary'' for ''the 180-day period following the date of enactment of this Act, the Secretary of Transportation'' and ''this subsection'' for ''this paragraph''. See Codification note above.

2001—Pub. L. 107–42, § 201(b)(1)(A), inserted '', or reimburse insurance costs, as'' after ''insurance and reinsurance'' in introductory provisions.

Par. (1). Pub. L. 107–42, § 201(b)(1)(B), inserted ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–27 effective July 23, 2011, see section 5(j) of Pub. L. 112–27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–21 effective July 1, 2011, see section 5(j) of Pub. L. 112–21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–16 effective June 1, 2011, see section 5(j) of Pub. L. 112–16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112–7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111–329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111–216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–197 effective July 4, 2010, see section 5(j) of Pub. L. 111–197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–161 effective May 1, 2010, see section 5(j) of Pub. L. 111–161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111–153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111–116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111–12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 3(d) of Pub. L. 110–253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EXTENSION OF LIMITATION OF AIR CARRIER LIABILITY

Pub. L. 109–289, div. B, title II, § 21002(b), as added by Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 48, provided that subsec. (b) of this section would be applied by substituting ''September 30, 2007'' for ''December 31, 2006''.

§ 44304. Reinsurance

To the extent the Secretary of Transportation is authorized to provide insurance under this chapter, the Secretary may reinsure any part of the insurance provided by an insurance carrier. The Secretary may reinsure with, transfer to, or transfer back to, any insurance carrier any insurance or reinsurance provided by the Secretary under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1169; Pub. L. 107–42, title II, § 201(c), Sept. 22, 2001, 115 Stat. 235; Pub. L. 112–95, title VII, § 703, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44304(a)	49 App.:1535(a).	Aug. 23, 1958, Pub. L. 85–726, § 1305, 72 Stat. 802; Nov. 9, 1977, Pub. L. 95–163, § 4(a), 91 Stat. 1279.
44304(b)	49 App.:1535(b).	

In subsection (a), the words ''may reinsure any part of the insurance provided by an insurance carrier'' are substituted for ''may reinsure, in whole or in part, any company authorized to do an insurance business'' for clarity and consistency with source provisions restated in this subchapter and the definition of ''insurance carrier'' in section 44301 of the revised title. The words ''transfer to, or transfer back to'' are substituted for ''cede or retrocede to'' for clarity.

In subsection (b), the word ''same'' is omitted as being included in ''similar''. The words ''on account of the cost of'' are omitted as surplus. The word ''providing'' is substituted for ''rendered'' and ''furnished'' because it is inclusive. The words ''except for'' are substituted for ''but such allowance to the carrier shall not provide for'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95 substituted ''any insurance carrier'' for ''the carrier''.

2001—Pub. L. 107–42 struck out subsec. (a) designation and heading ''General Authority'' and struck out subsec. (b) which read as follows:

''(b) PREMIUM LEVELS.—The Secretary may provide reinsurance at premiums not less than, or obtain reinsurance at premiums not higher than, the premiums the Secretary establishes on similar risks or the premiums the insurance carrier charges for the insurance to be reinsured by the Secretary, whichever is most advantageous to the Secretary. However, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practice, except for payments by the carrier for the stimulation or solicitation of insurance business.''

§ 44305. Insuring United States Government property

(a) GENERAL.—With the approval of the President, a department, agency, or instrumentality of the United States Government may obtain—

(1) insurance under this chapter, including insurance for risks from operating an aircraft in intrastate or interstate air commerce, but

not including insurance on valuables subject to sections 17302 and 17303 of title 40; and

(2) insurance for risks arising from providing goods or services directly related to and necessary for operating an aircraft covered by insurance obtained under clause (1) of this subsection if the aircraft is operated—

(A) in carrying out a contract of the department, agency, or instrumentality; or

(B) to transport military forces or materiel on behalf of the United States under an agreement between the Government and the government of a foreign country.

(b) PREMIUM WAIVERS AND INDEMNIFICATION.—With the approval required under subsection (a) of this section, the Secretary of Transportation may provide the insurance without premium at the request of the Secretary of Defense or the head of a department, agency, or instrumentality designated by the President when the Secretary of Defense or the designated head agrees to indemnify the Secretary of Transportation against all losses covered by the insurance. The Secretary of Defense and any designated head may make indemnity agreements with the Secretary of Transportation under this section. If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(c), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1170; Pub. L. 105–137, § 3, Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107–42, title II, § 201(e), Sept. 22, 2001, 115 Stat. 236; Pub. L. 107–217, § 3(n)(6), Aug. 21, 2002, 116 Stat. 1303.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44305	49 App.:1534.	Aug. 23, 1958, Pub. L. 85–726, § 1304, 72 Stat. 802; Oct. 31, 1992, Pub. L. 102–581, § 401(a), 106 Stat. 4897.

In this section, the words ''a department, agency, or instrumentality'' are substituted for ''Any department or agency'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the words ''obtain insurance under this chapter'' are substituted for ''procure from the Secretary any of the insurance provided under this subchapter'' to eliminate unnecessary words. The words ''overseas air commerce'' are omitted for the reasons given in the revision note for section 40101.

In subsection (b), the words ''or the head of a department, agency, or instrumentality designated by the President'' are substituted for ''and such other agencies as the President may prescribe'' as being more precise and for consistency in the revised title. The words ''when the Secretary of Defense or the designated head agrees'' are substituted for ''in consideration of'' for clarity. The words ''any designated head'' are substituted for ''the agreement of . . . such agency'' and ''such other agencies'' for clarity and because of the restatement.

Editorial Notes

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–217 substituted ''sections 17302 and 17303 of title 40'' for ''sections 1 and 2 of the Government Losses in Shipment Act (40 U.S.C. 721, 722)''.

2001—Subsec. (b). Pub. L. 107–42 substituted ''44302(c)'' for ''44302(b)''.

1997—Subsec. (b). Pub. L. 105–137 inserted at end ''If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.''

§ 44306. Premiums and limitations on coverage and claims

(a) PREMIUMS BASED ON RISK.—To the extent practical, the premium charged for insurance or reinsurance under this chapter shall be based on consideration of the risk involved.

(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the insurance carrier for the stimulation or solicitation of insurance business.

(c) TIME LIMITS.—The Secretary of Transportation may provide insurance and reinsurance under this chapter for a period of not more than 1 year. The period may be extended for additional periods of not more than 1 year each only if the President decides, before each additional period, that the continued operation of the aircraft to be insured or reinsured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) MAXIMUM INSURED AMOUNT.—The insurance policy on an aircraft insured or reinsured under this chapter shall specify a stated amount that is not more than the value of the aircraft, as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. A claim under the policy may not be paid for more than that stated amount.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1170; Pub. L. 105–137, § 2(b), Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107–42, title II, § 201(d), Sept. 22, 2001, 115 Stat. 235; Pub. L. 107–71, title I, §§ 124(b), 147, Nov. 19, 2001, 115 Stat. 631, 645; Pub. L. 107–296, title XII, § 1203, Nov. 25, 2002, 116 Stat. 2287; Pub. L. 108–176, title I, § 106(c), (e), Dec. 12, 2003, 117 Stat. 2499.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44306(a)	49 App.:1532(b).	Aug. 23, 1958, Pub. L. 85–726, § 1302(b), (c), 72 Stat. 801; restated Nov. 9, 1977, Pub. L. 95–163, § 2, 91 Stat. 1279.
44306(b)	49 App.:1532(c).	
44306(c)	49 App.:1537(a) (last sentence less words between 2d and 3d commas).	Aug. 23, 1958, Pub. L. 85–726, § 1307(a) (last sentence less words between 2d and 3d commas), 72 Stat. 804; Oct. 4, 1984, Pub. L. 98–443, § 9(b), 98 Stat. 1706.

In subsection (a), the words ''To the extent'' are substituted for ''insofar as'' for consistency.

In subsection (b), the word ''initial'' is omitted as surplus. The words ''The period'' are substituted for

''Such insurance or reinsurance'', and the words ''the President decides . . . that the continued operation of the aircraft to be insured or reinsured is necessary to carry out the foreign policy of the United States Government'' are substituted for ''the President makes the same determination with respect to such extension as he is required to make under paragraph (2) of subsection (a) of this section for the initial provision of such insurance or reinsurance'', for clarity.

In subsection (c), the words ''or reinsured'' are added for consistency. The words ''to be paid in the event of total loss'' are omitted as unnecessary because of the last sentence. The words ''A claim under the policy may not be paid for more than that stated amount'' are substituted for ''the amount of any claim which is compromised, settled, adjusted, or paid shall in no event exceed such stated amount'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–176, § 106(c), substituted ''by the insurance carrier'' for ''by the air carrier''.

Subsec. (c). Pub. L. 108–176, § 106(e), made technical correction to directory language of Pub. L. 107–71, § 124(b). See 2001 Amendment note below.

2002—Subsec. (c). Pub. L. 107–296 made technical correction to directory language of Pub. L. 107–71, § 147. See 2001 Amendment note below.

2001—Subsec. (b). Pub. L. 107–42, § 201(d)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub.L. 107–71, § 147, as amended by Pub. L. 107–296, substituted ''1 year'' for ''60 days'' in two places.

Pub. L. 107–71, § 124(b), as amended by Pub. L. 108–176, § 106(e), inserted ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''.

Pub. L. 107–42, § 201(d)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107–42, § 201(d)(1), redesignated subsec. (c) as (d).

1997—Subsec. (c). Pub. L. 105–137 substituted ''as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.'' for ''as determined by the Secretary.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 106(c) of 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.

Pub. L. 108–176, title I, § 106(e), Dec. 12, 2003, 117 Stat. 2499, provided that the amendment made by section 106(e) is effective Nov. 19, 2001.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–296, title XII, § 1203, Nov. 25, 2002, 116 Stat. 2287, provided that the amendment made by section 1203 is effective Nov. 19, 2001.

DELEGATION OF AUTHORITY

Authority of President under subsec. (c) of this section delegated to Secretary of Transportation, with certain conditions, by Memorandum of President of the United States, Dec. 27, 2013, 79 F.R. 527, set out as a note under section 44302 of this title.

§ 44307. Revolving fund

(a) EXISTENCE, DISBURSEMENTS, APPROPRIATIONS, AND DEPOSITS.—(1) There is a revolving fund in the Treasury. The Secretary of the Treasury shall disburse from the fund payments to carry out this chapter.

(2) Necessary amounts to carry out this chapter may be appropriated to the fund. The amounts appropriated and other amounts received in carrying out this chapter shall be deposited in the fund.

(b) INVESTMENT.—On request of the Secretary of Transportation, the Secretary of the Treasury may invest any part of the amounts in the revolving fund in interest-bearing securities of the United States Government. The interest on, and the proceeds from the sale or redemption of, the securities shall be deposited in the fund.

(c) EXCESS AMOUNTS.—The balance in the revolving fund in excess of an amount the Secretary of Transportation determines is necessary for the requirements of the fund and for reasonable reserves to maintain the solvency of the fund shall be deposited at least annually in the Treasury as miscellaneous receipts.

(d) EXPENSES.—The Secretary of Transportation shall deposit annually an amount in the Treasury as miscellaneous receipts to cover the expenses the Government incurs when the Secretary of Transportation uses appropriated amounts in carrying out this chapter. The deposited amount shall equal an amount determined by multiplying the average monthly balance of appropriated amounts retained in the revolving fund by a percentage that is at least the current average rate payable on marketable obligations of the Government. The Secretary of the Treasury shall determine annually in advance the percentage applied.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1170.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44307(a)	49 App.:1536(a), (b).	Aug. 23, 1958, Pub. L. 85–726, § 1306(a)–(d), 72 Stat. 803.
44307(b)	49 App.:1536(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1306(f); added Aug. 9, 1975, Pub. L. 94–90, § 1(a), 89 Stat. 439.
44307(c)	49 App.:1536(c).	
44307(d)	49 App.:1536(d).	

In subsection (a)(1), the first sentence is added for clarity. The last sentence is substituted for 49 App.:1536(a) (last sentence) to eliminate unnecessary words and for consistency in the revised title.

In subsection (a)(2), the words ''The amounts appropriated and other amounts received in carrying out this chapter'' are substituted for ''Moneys appropriated by Congress to carry out the provisions of this subchapter and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this subchapter'' to eliminate unnecessary words.

In subsection (b), the words ''any part'' are substituted for ''all or any part'' to eliminate unnecessary words. The words ''held in the revolving fund'' are omitted as surplus. The words ''deposited in'' are substituted for ''credited to and form a part of'' for consistency.

In subsection (d), the words ''The Secretary of Transportation shall deposit annually an amount in the Treasury'' are substituted for ''Annual payments shall be made by the Secretary to the Treasury of the United States'', the words ''The deposited amount shall equal an amount determined by multiplying'' are substituted for ''These payments shall be computed by applying to'', and the words ''a percentage that is at least the current average rate payable on marketable obliga-

tions of the Government'' are substituted for ''a percentage'' and ''Such percentage shall not be less than the current average rate which the Treasury pays on its marketable obligations'', for clarity.

§ 44308. Administrative

(a) COMMERCIAL PRACTICES.—The Secretary of Transportation may carry out this chapter consistent with commercial practices of the aviation insurance business.

(b) ISSUANCE OF POLICIES AND DISPOSITION OF CLAIMS.—(1) The Secretary may issue insurance policies to carry out this chapter. The Secretary may prescribe the forms, amounts insured under the policies, and premiums charged. Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates. The Secretary may change an amount of insurance or a premium for an existing policy only with the consent of the insured.

(2) For a claim under insurance authorized by this chapter, the Secretary may—

(A) settle and pay the claim made for or against the United States Government;

(B) pay the amount of a binding arbitration award made under paragraph (1); and

(C) pay the amount of a judgment entered against the Government.

(c) UNDERWRITING AGENT.—(1) The Secretary may, and when practical shall, employ an insurance carrier or group of insurance carriers to act as an underwriting agent. The Secretary may use the agent, or a claims adjuster who is independent of the underwriting agent, to adjust claims under this chapter, but claims may be paid only when approved by the Secretary.

(2) The Secretary may pay reasonable compensation to an underwriting agent for servicing insurance the agent writes for the Secretary. Compensation may include payment for reasonable expenses incurred by the agent but may not include a payment by the agent for stimulation or solicitation of insurance business.

(3) Except as provided by this subsection, the Secretary may not pay an insurance broker or other person acting in a similar capacity any consideration for arranging insurance when the Secretary directly insures any part of the risk.

(d) BUDGET.—The Secretary shall submit annually a budget program for carrying out this chapter as provided for wholly owned Government corporations under chapter 91 of title 31.

(e) ACCOUNTS.—The Secretary shall maintain a set of accounts for audit under chapter 35 of title 31. Notwithstanding chapter 35, the Comptroller General shall allow credit for expenditures under this chapter made consistent with commercial practices in the aviation insurance business when shown to be necessary because of the business activities authorized by this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1171; Pub. L. 104–316, title I, § 127(e), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105–137, § 4, Dec. 2, 1997, 111 Stat. 2640; Pub. L. 112–95, title VII, § 704, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44308(a)	49 App.:1537(c) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 1307(a) (1st sentence), (c), (d), 72 Stat. 803, 804.
44308(b)(1) ..	49 App.:1537(a) (1st sentence words before 6th comma).	
	49 App.:1537(b).	Aug. 23, 1958, Pub. L. 85–726, § 1307(b), 72 Stat. 804; Nov. 9, 1977, Pub. L. 95–163, § 5(a), 91 Stat. 1280.
44308(b)(2) ..	49 App.:1537(a) (1st sentence words after 6th comma).	
44308(c)(1) ..	49 App.:1537(d) (1st, 3d sentences).	
44308(c)(2) ..	49 App.:1537(d) (2d, last sentences).	
44308(c)(3) ..	49 App.:1537(c) (last sentence).	
44308(d)	49 App.:1537(f) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 1307(f), 72 Stat. 804; Jan. 2, 1975, Pub. L. 93–604, § 702, 88 Stat. 1964.
44308(e)	49 App.:1537(f) (last sentence).	

In subsection (a), the words ''may carry out this chapter'' are substituted for ''in administering this subchapter, may exercise his powers, perform his duties and functions, and make his expenditures'' to eliminate unnecessary words.

In subsection (b)(1), the word ''insurance'' is added for clarity. The words ''rules, and regulations'' are omitted as unnecessary because of 49:322(a). The words ''as he deems proper'' and ''subject to the following provisions of this subsection'' are omitted as surplus. The words ''and change'' and ''fix, adjust, and change'' are omitted as being included in ''prescribe''. The words ''under the policies'' are added for clarity. The word ''charged'' is substituted for ''provided for in this subchapter'' for consistency in this subchapter.

In subsection (b)(2), before clause (A), the words ''the Secretary'' are added because of the restatement. In clause (A), the words ''adjust and . . . losses, compromise and'' are omitted as included in ''settle and pay the claim''. The word ''made'' is substituted for ''whether'' for clarity. In clause (B), the word ''entered'' is substituted for ''rendered'' because it is more appropriate. The words ''in any suit'' are omitted as surplus. The words ''or the amount of any settlement agreed upon'' are omitted as being included in ''settle and pay the claim''.

In subsection (c)(1), the words ''and when practical shall'' are substituted for ''and whenever he finds it practical to do so shall'' to eliminate unnecessary words. The word ''his'' is omitted as surplus. The words ''The Secretary may use'' are substituted for ''may be utilized'' for consistency. The words ''The services of'' are omitted as unnecessary.

In subsection (c)(2), the words ''pay reasonable compensation'' are substituted for ''allow . . . fair and reasonable compensation'' for consistency in the revised title. The words ''an underwriting agent'' are substituted for ''such companies or groups of companies'', and the words ''the agent writes'' are substituted for ''written by such companies or groups of companies as underwriting agent'', for clarity. The word ''payment'' is substituted for ''allowance'' for consistency.

In subsection (c)(3), the words ''intermediary'' and ''fee or other'' are omitted as surplus. The word ''for'' is substituted for ''by virtue of his participation in'' to eliminate unnecessary words.

In subsection (d), the word ''prepare'' is omitted as being included in ''submit''. The words ''for carrying out this chapter'' are substituted for ''in the performance of, and with respect to, the functions, powers, and duties vested in him by this subchapter'' for consistency and to eliminate unnecessary words. The words ''under chapter 91 of title 31'' are substituted for ''by the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 841)'' in section 1307(f) of the Act

of August 23, 1958 (Public Law 85–726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067).

In subsection (e), the words ''under chapter 35 of title 31'' are substituted for ''in accordance with the provisions of the Accounting and Auditing Act of 1950'' in section 1307(f) of the Act of August 23, 1958 (Public Law 85–726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067). The words ''*Provided*, That . . . the Secretary may exercise the powers conferred in said subchapter, perform the duties and functions'' are omitted as surplus. The words ''Notwithstanding chapter 35'' are added for clarity. The words ''Comptroller General'' are substituted for ''General Accounting Office'' because of 31:702.

Editorial Notes

AMENDMENTS

2012—Subsec. (c)(1). Pub. L. 112–95 substituted ''agent, or a claims adjuster who is independent of the underwriting agent,'' for ''agent'' in second sentence.

1997—Subsec. (b)(1). Pub. L. 105–137, § 4(a), inserted after second sentence ''Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.''

Subsec. (b)(2). Pub. L. 105–137, § 4(b), struck out ''and'' at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1996—Subsec. (e). Pub. L. 104–316 substituted ''for audit'' for ''. The Comptroller General shall audit those accounts''.

§ 44309. Civil actions

(a) LOSSES.—

(1) ACTIONS AGAINST UNITED STATES.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

(A) a loss insured under this chapter is in dispute; or

(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

(2) LIMITATION.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.

(3) PROCEDURE.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28, United States Code, applies to an action under this subsection.

(b) VENUE AND JOINDER.—(1) A civil action under subsection (a) of this section may be brought in the judicial district for the District of Columbia or in the judicial district in which the plaintiff or the agent of the plaintiff resides if the plaintiff resides in the United States. If the plaintiff does not reside in the United States, the action may be brought in the judicial district for the District of Columbia or in the judicial district in which the Attorney General agrees to accept service.

(2) An interested person may be joined as a party to a civil action brought under subsection (a) of this section initially or on motion of either party to the action.

(c) TIME REQUIREMENTS.—(1) Except as provided under paragraph (2), an insurance claim made under this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation within two years after the date on which the loss event occurred. Any civil action arising out of the denial of such a claim shall be filed by not later than six months after the date of the mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2)(A) For claims based on liability to persons with whom the insured has no privity of contract, an insurance claim made under the authority of this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation by not later than the earlier of—

(i) the date that is 60 days after the date on which final judgment is entered by a tribunal of competent jurisdiction; or

(ii) the date that is six years after the date on which the loss event occurred.

(B) Any civil action arising out of the denial of such claim shall be filed by not later than six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(3) A claim made under this chapter shall be deemed to be administratively denied if the Secretary fails to make a final disposition of the claim before the date that is 6 months after the date on which the claim is presented to the Secretary, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.

(d) INTERPLEADER.—(1) If the Secretary admits the Government owes money under an insurance claim under this chapter and there is a dispute about the person that is entitled to payment, the Government may bring a civil action of interpleader in a district court of the United States against the persons that may be entitled to payment. The action may be brought in the judicial district for the District of Columbia or in the judicial district in which any party resides.

(2) The district court may order a party not residing or found in the judicial district in which the action is brought to appear in a civil action under this subsection. The order shall be served in a reasonable manner decided by the district court. If the court decides an unknown person might assert a claim under the insurance that is the subject of the action, the court may order service on that person by publication in the Federal Register.

(3) Judgment in a civil action under this subsection discharges the Government from further liability to the parties to the action and to all other persons served by publication under paragraph (2) of this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1172; Pub. L. 105–277, div. C, title I, § 110(c)(1), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 113–291, div. A, title X, § 1074(a), Dec. 19, 2014, 128 Stat. 3518.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44309(a)	49 App.:1540 (1st sentence less 19th–70th words, 3d sentence).	Aug. 23, 1958, Pub. L. 85–726, § 1310, 72 Stat. 805.
44309(b)(1) ..	49 App.:1540 (1st sentence 19th–70th words, 2d sentence).	
44309(b)(2) ..	49 App.:1540 (4th sentence).	
44309(c)	49 App.:1540 (last sentence).	
44309(d)	49 App.:1540 (5th–8th sentences).	

In subsection (a), the words ''A person may bring'' are substituted for ''may be maintained'' for clarity. The words ''a civil action'' are substituted for ''suit'' because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''A civil action . . . (except the action authorized by this subsection) may not be brought'' are substituted for ''and this remedy shall be exclusive of any other action'', and the words ''involving the'' are substituted for ''by reason of'', for clarity. The words ''carrying out this chapter'' are substituted for ''employed or retained under this subchapter'', and the words ''in an action'' are substituted for ''for suits in the district courts'', for consistency. The words ''applies to'' are substituted for ''shall otherwise be the same as that provided for'' to eliminate unnecessary words. The words ''an action under this subsection'' are substituted for ''such suits'' for consistency.

In subsection (b)(1), the words ''A civil action under subsection (a) of this section may be brought'' are added for clarity. The words ''the plaintiff or the agent of the plaintiff resides'' are substituted for ''the claimant or his agent resides'' for consistency in the revised title. The words ''if the plaintiff resides in the United States'' are added for clarity. The words ''notwithstanding the amount of the claim'' are omitted as obsolete because jurisdiction under 28:1331 no longer depends on the amount of the claim. The words ''and any provision of existing law as to the jurisdiction of United States district courts'' are omitted as obsolete.

In subsection (b)(2), the words ''interested person'' are substituted for ''All persons having or claiming or who might have an interest in such insurance'' to eliminate unnecessary words. The word ''either'' is omitted as surplus. The words ''to a civil action brought under subsection (a) of this section'' are added for clarity.

In subsection (c), the words ''during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section'' are substituted for ''within which suits may be commenced contained in section 2401 of title 28 providing for bringing of suits against the United States'' for clarity. The words ''from such time of filing'' are omitted as surplus. The words ''60 days after the Secretary of Transportation denies the claim'' are substituted for ''the claim shall have been administratively denied by the Secretary and for sixty days thereafter'' for clarity.

In subsection (d)(1), the words ''a civil action of interpleader'' are substituted for ''an action in the nature of a bill of interpleader'' because of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''persons that may be entitled to payment'' are substituted for ''such parties'' for clarity.

In subsection (d)(2), the words ''in which the action is brought'' are added for clarity. The words ''The order shall be'' are added because of the restatement. The words ''the court may order service on that person'' are substituted for ''it may direct service upon such persons unknown'' as being more precise.

In subsection (d)(3), the words ''in a civil action under this subsection'' are substituted for ''in any such suit'' for clarity.

Editorial Notes

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113–291, § 1074(a)(1), inserted at end ''A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.''

Subsec. (c). Pub. L. 113–291, § 1074(a)(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ''When an insurance claim is made under this chapter, the period during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section is suspended until 60 days after the Secretary of Transportation denies the claim. The claim is deemed to be administratively denied if the Secretary does not act on the claim not later than 6 months after filing, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.''

1998—Subsec. (a). Pub. L. 105–277 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: ''A person may bring a civil action in a district court of the United States against the United States Government when a loss insured under this chapter is in dispute. A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–291, div. A, title X, § 1074(b), Dec. 19, 2014, 128 Stat. 3519, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to a claim arising after the date of the enactment of this Act [Dec. 19, 2014].''

§ 44310. Ending effective date

(a) IN GENERAL.—The authority of the Secretary of Transportation to provide insurance and reinsurance under any provision of this chapter other than sections 44302a and 44305 is not effective after December 11, 2014.

(b) INSURANCE OF UNITED STATES GOVERNMENT PROPERTY.—The authority of the Secretary of Transportation to provide insurance and reinsurance for a department, agency, or instrumentality of the United States Government under section 44305 is not effective after March 8, 2024.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1173; Pub. L. 105–85, div. A, title X, § 1088(a), Nov. 18, 1997, 111 Stat. 1921; Pub. L. 105–137, § 5(a), Dec. 2, 1997, 111 Stat. 2641; Pub. L. 105–277, div. C, title I, § 110(c)(2), Oct. 21, 1998, 112 Stat. 2681–588; Pub. L. 106–6, § 6, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, § 6002(f), May 21, 1999, 113 Stat. 113; Pub. L. 106–181, title VII, § 711, Apr. 5, 2000, 114 Stat. 160; Pub. L. 108–11, title IV, § 4001(c),

Apr. 16, 2003, 117 Stat. 606; Pub. L. 108–176, title I, § 106(d), Dec. 12, 2003, 117 Stat. 2499; Pub. L. 110–181, div. A, title III, § 378, Jan. 28, 2008, 122 Stat. 85; Pub. L. 113–46, div. A, § 154, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113–66, div. A, title X, § 1093, Dec. 26, 2013, 127 Stat. 878; Pub. L. 113–76, div. L, title I, § 119E(c), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113–164, § 148(c), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113–235, div. L, § 102(c), Dec. 16, 2014, 128 Stat. 2767; Pub. L. 114–328, div. A, title X, § 1046, Dec. 23, 2016, 130 Stat. 2395; Pub. L. 116–92, div. A, title III, § 374, Dec. 20, 2019, 133 Stat. 1332; Pub. L. 117–328, div. Q, § 103(b)(2), Dec. 29, 2022, 136 Stat. 5252; Pub. L. 118–15, div. B, title II, § 2202(a), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118–34, title I, § 102(a), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44310	49 App.:1542.	Aug. 23, 1958, Pub. L. 85–726, § 1312, 72 Stat. 806; July 20, 1961, Pub. L. 87–89, 75 Stat. 210; June 13, 1966, Pub. L. 89–447, 80 Stat. 199; Sept. 8, 1970, Pub. L. 91–399, 84 Stat. 837; Aug. 9, 1975, Pub. L. 94–90, § 2, 89 Stat. 439; July 31, 1976, Pub. L. 94–374, 90 Stat. 1065; Nov. 9, 1977, Pub. L. 95–163, § 6, 91 Stat. 1280; Oct. 14, 1982, Pub. L. 97–309, § 3, 96 Stat. 1453; Oct. 30, 1987, Pub. L. 100–148, 101 Stat. 878; Oct. 31, 1992, Pub. L. 102–581, § 402, 106 Stat. 4897.

The words ''is not effective after'' are substituted for ''shall expire at the termination of'' for clarity and consistency in the revised title.

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118–34 substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15 substituted ''December 31, 2023'' for ''September 30, 2023''.

2022—Subsec. (a). Pub. L. 117–328 substituted ''sections 44302a and 44305'' for ''section 44305''.

2019—Subsec. (b). Pub. L. 116–92 substituted ''September 30, 2023'' for ''December 31, 2019''.

2016—Subsec. (b). Pub. L. 114–328 substituted ''December 31, 2019'' for ''December 31, 2018''.

2014—Subsec. (a). Pub. L. 113–235 substituted ''December 11, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015''.

Pub. L. 113–164 substituted ''the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015'' for ''September 30, 2014''.

Pub. L. 113–76 substituted ''September 30, 2014'' for ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014''.

2013—Pub. L. 113–66 designated existing provisions as subsec. (a) and inserted heading, substituted ''any provision of this chapter other than section 4430'' for ''this chapter'', and added subsec. (b).

Pub. L. 113–46 substituted ''the date specified in section 106(3) of the Continuing Appropriations Act, 2014'' for ''December 31, 2013''.

2008—Pub. L. 110–181 substituted ''December 31, 2013'' for ''March 30, 2008''.

2003—Pub. L. 108–176 substituted ''March 30, 2008'' for ''December 31, 2004''.

Pub. L. 108–11, substituted ''2004'' for ''2003''.

2000—Pub. L. 106–181 substituted ''after December 31, 2003.'' for ''after August 6, 1999.''

1999—Pub. L. 106–31 substituted ''August 6, 1999'' for ''May 31, 1999''.

Pub. L. 106–6 substituted ''May'' for ''March''.

1998—Pub. L. 105–277 substituted ''March 31, 1999'' for ''December 31, 1998''.

1997—Pub. L. 105–137 substituted ''December 31, 1998'' for ''September 30, 2002''.

Pub. L. 105–85 substituted ''September 30, 2002'' for ''September 30, 1997''.

Statutory Notes and Related Subsidiaries

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 1997 AMENDMENTS

Pub. L. 105–137, § 5(b), Dec. 2, 1997, 111 Stat. 2641, provided that: ''The amendment made by subsection (a) [amending this section] takes effect on October 1, 1997.''

Pub. L. 105–85, div. A, title X, § 1088(b), Nov. 18, 1997, 111 Stat. 1921, provided that: ''This section [amending this section] shall take effect as of September 30, 1997.''

CONTINUATION OF AVIATION INSURANCE LAWS

Pub. L. 102–581, title IV, § 404, Oct. 31, 1992, 106 Stat. 4898, provided that: ''Notwithstanding any other provision of law, the provisions of title XIII of the Federal Aviation Act of 1958 [now this chapter] and all insurance policies issued by the Secretary of Transportation under such title, as in effect on September 30, 1992, shall be treated as having continued in effect until the date of the enactment of this Act [Oct. 31, 1992].''

CHAPTER 445—FACILITIES, PERSONNEL, AND RESEARCH

Sec.
44501. Plans and policy.
44502. General facilities and personnel authority.
44503. Reducing nonessential expenditures.
44504. Improved aircraft, aircraft engines, propellers, and appliances.
44505. Systems, procedures, facilities, and devices.
44506. Air traffic controllers.
44507. Regions and centers.
44508. Research advisory committee.
44509. Demonstration projects.
44510. Airway science curriculum grants.
44511. Aviation research grants.
44512. Catastrophic failure prevention research grants.
44513. Regional centers of air transportation excellence.
44514. Flight service stations.
44515. Advanced training facilities for maintenance technicians for air carrier aircraft.
44516. Human factors program.
44517. Program to permit cost sharing of air traffic modernization projects.
44518. Advanced Materials Center of Excellence.
44519. Certification personnel continuing education and training.

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–260, div. V, title I, § 112(b), Dec. 27, 2020, 134 Stat. 2332, added item 44519.

2018—Pub. L. 115–254, div. B, title V, § 524(b), title VII, § 762(b), Oct. 5, 2018, 132 Stat. 3364, 3428, substituted ''Regions and centers'' for ''Civil aeromedical research'' in item 44507 and added item 44518.

2003—Pub. L. 108–176, title I, §183(b), Dec. 12, 2003, 117 Stat. 2517, added item 44517.

2000—Pub. L. 106–181, title VII, §713(c), Apr. 5, 2000, 114 Stat. 161, added item 44516.

§ 44501. Plans and policy

(a) LONG RANGE PLANS AND POLICY REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall make long range plans and policy for the orderly development and use of the navigable airspace, and the orderly development and location of air navigation facilities, that will best meet the needs of, and serve the interests of, civil aeronautics and the national defense, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern.

(b) AIRWAY CAPITAL INVESTMENT PLAN.—The Administrator of the Federal Aviation Administration shall review, revise, and publish a national airways system plan, known as the Airway Capital Investment Plan, before the beginning of each fiscal year. The plan shall set forth—

(1) for a 10-year period, the research, engineering, and development programs and the facilities and equipment that the Administrator considers necessary for a system of airways, air traffic services, and navigation aids that will—

(A) meet the forecasted needs of civil aeronautics;

(B) meet the requirements that the Secretary of Defense establishes for the support of the national defense; and

(C) provide the highest degree of safety in air commerce;

(2) for the first and 2d years of the plan, detailed annual estimates of—

(A) the number, type, location, and cost of acquiring, operating, and maintaining required facilities and services;

(B) the cost of research, engineering, and development required to improve safety, system capacity, and efficiency; and

(C) personnel levels required for the activities described in subclauses (A) and (B) of this clause;

(3) for the 3d, 4th, and 5th years of the plan, estimates of the total cost of each major program for the 3-year period, and additional major research programs, acquisition of systems and facilities, and changes in personnel levels that may be required to meet long range objectives and that may have significant impact on future funding requirements;

(4) a 10-year investment plan that considers long range objectives that the Administrator considers necessary to—

(A) ensure that safety is given the highest priority in providing for a safe and efficient airway system; and

(B) meet the current and projected growth of aviation and the requirements of interstate commerce, the United States Postal Service, and the national defense; and

(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).

(c) NATIONAL AVIATION RESEARCH PLAN.—(1) The Administrator of the Federal Aviation Administration shall prepare and publish annually a national aviation research plan and submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The plan shall be submitted not later than the date of submission of the President's budget to Congress.

(2)(A) The plan shall describe, for a 5-year period, the research, engineering, and development that the Administrator of the Federal Aviation Administration considers necessary—

(i) to ensure the continued capacity, safety, and efficiency of aviation in the United States, considering emerging technologies and forecasted needs of civil aeronautics; and

(ii) to provide the highest degree of safety in air travel.

(B) The plan shall—

(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119,[1] 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

(iii) identify the allocation of resources among long-term research, near-term research, and development activities;

(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;

(v) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance; and

(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.

(3) Subject to section 40119(b)[1] of this title and regulations prescribed under section 40119(b),[1] the Administrator of the Federal Aviation Administration shall submit to the committees named in paragraph (1) of this subsection an annual report on the accomplishments of the research completed during the prior fiscal year, including a description of the dissemination to the private sector of research results and a description of any new technologies developed. The report shall be submitted with the plan required under paragraph (1) and be organized to allow comparison with the plan in effect for the prior fiscal year. The report shall be prepared in accordance with requirements of section 1116 of title 31.

[1] See References in Text note below.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1173; Pub. L. 104–264, title XI, § 1105, Oct. 9, 1996, 110 Stat. 3279; Pub. L. 104–287, § 5(74), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 106–181, title IX, § 902(a), Apr. 5, 2000, 114 Stat. 195; Pub. L. 112–95, title I, § 105, Feb. 14, 2012, 126 Stat. 17.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44501(a)	49 App.:1353(a).	Aug. 23, 1958, Pub. L. 85–726, § 312(a), 72 Stat. 752.
	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.
44501(b)	49 App.:2203(b).	Sept. 3, 1982, Pub. L. 97–248, § 504(b), 96 Stat. 675; Nov. 5, 1990, Pub. L. 101–508, § 9105(a), 104 Stat. 1388–355; Oct. 31, 1992, Pub. L. 102–581, § 114, 106 Stat. 4881.
44501(c)	49 App.:1353(d).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(d); added Nov. 3, 1988, Pub. L. 100–591, § 4(a), 102 Stat. 3011.

In subsection (a), the word ''Administrator'' in section 312(a) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 752) is retained on authority of 49:106(g). The words ''air navigation facilities'' are substituted for ''landing areas, Federal airways, radar installations and all other aids and facilities for air navigation'' because of the definition of ''air navigation facility'' in section 40102(a) of the revised title. The words ''the armed forces'' are substituted for ''military agencies'' because of 10:101.

In subsection (b), before clause (1), the words ''the requirements of'' are omitted as surplus. The text of 49 App.:2203(b) (1st sentence) is omitted as executed. The words ''thereafter'' and ''For fiscal year 1991 and thereafter'' are omitted as obsolete. In clauses (2)(C) and (3), the word ''personnel'' is substituted for ''manpower'' for consistency in the revised title. In clause (2)(C), the word ''all'' is omitted as surplus.

In subsection (c), before clause (1), the word ''completed'' is omitted as surplus.

In subsection (d)(1), the words ''review, revise'' are omitted as surplus. The word ''annually'' is substituted for ''for fiscal year 1990, and for each fiscal year thereafter'' to eliminate obsolete language.

In subsection (d)(2)(B), before clause (i), the words ''an appropriation'' are substituted for ''funding'', and in clause (ii), the word ''appropriations'' is substituted for ''funding'', for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (d)(3), the words ''beginning with the date of transmission of the first aviation research plan as required by paragraph (1)'' are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (c)(2)(B)(i), (3), was repealed by Pub. L. 115–254, div. K, title I, § 1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (c)(2)(B)(vi), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2012—Subsec. (b)(5). Pub. L. 112–95 added par. (5).

2000—Subsec. (c)(2)(B)(iv) to (vi). Pub. L. 106–181, § 902(a)(1), added cls. (iv) and (vi) and redesignated former cl. (iv) as (v).

Subsec. (c)(3). Pub. L. 106–181, § 902(a)(2), inserted at end ''The report shall be prepared in accordance with requirements of section 1116 of title 31.''

1996—Subsec. (c)(1). Pub. L. 104–287 substituted ''Committee on Science'' for ''Committee on Science, Space, and Technology''.

Subsec. (c)(2)(A). Pub. L. 104–264, § 1105(1), substituted ''5-year period'' for ''15-year period''.

Subsec. (c)(2)(B). Pub. L. 104–264, § 1105(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) set out the requirements for research plans including specific requirements for the first two years of the plan, for the 3rd, 4th, and 5th years, and for the 6th and subsequent years.

Subsec. (c)(3). Pub. L. 104–264, § 1105(3), inserted '', including a description of the dissemination to the private sector of research results and a description of any new technologies developed'' after ''during the prior fiscal year''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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.

CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES

Pub. L. 112–95, title VIII, § 804, Feb. 14, 2012, 126 Stat. 119, as amended by Pub. L. 115–254, div. B, title V, §§ 510, 545(b)(2), Oct. 5, 2018, 132 Stat. 3355, 3376, provided that:

''(a) NATIONAL FACILITIES REALIGNMENT AND CONSOLIDATION REPORT.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a report, to be known as the National Facilities Realignment and Consolidation Report, in accordance with the requirements of this subsection.

''(2) PURPOSE.—The purpose of the report shall be to reduce capital, operating, maintenance, and administrative costs of the FAA where such cost reductions can be implemented without adversely affecting safety.

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

''(A) recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

''(B) for each of the recommendations, a description of—

''(i) the Administrator's justification;

''(ii) the projected costs and savings; and

''(iii) the proposed timing for implementation.

''(4) INPUT.—The report shall be prepared by the Administrator (or the Administrator's designee) with the participation of—

''(A) representatives of labor organizations representing air traffic control system employees of the FAA; and

''(B) industry stakeholders.

''(5) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(6) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report in the Federal Register and allow 45 days for the submission of public comments.

''(b) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (a)(6), the Administrator shall submit to the committees specified in subsection (a)(5)—

''(1) a report containing the recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

''(2) copies of any public comments received by the Administrator under subsection (a)(6).

''(c) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Except as provided in subsection (d), the Administrator shall realign and consolidate the services and facilities of the FAA in accordance with the recommendations included in the report submitted under subsection (b).

''(d) CONGRESSIONAL DISAPPROVAL.—

''(1) IN GENERAL.—The Administrator may not carry out a recommendation for realignment or consolidation of services or facilities of the FAA that is included in the report submitted under subsection (b) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

''(A) the last day of the 30-day period beginning on the date of submission of the report; or

''(B) the adjournment of Congress sine die for the session during which the report is transmitted.

''(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

''(e) MILITARY OPERATIONS EXCLUSION.—

''(1) IN GENERAL.—The Administrator may not realign or consolidate a combined TRACON and tower with radar facility of the FAA under this section if, in 2015, the total annual military operations at the facility comprised at least 40 percent of the total annual TRACON operations at the facility.

''(2) TRACON DEFINED.—In this subsection, the term 'TRACON' means terminal radar approach control.

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

''(1) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(2) REALIGNMENT; CONSOLIDATION.—

''(A) IN GENERAL.—The terms 'realignment' and 'consolidation' include any action that—

''(i) relocates functions, services, or personnel positions;

''(ii) discontinues or severs existing facility functions or services; or

''(iii) combines the results described in clauses (i) and (ii).

''(B) EXCLUSION.—The terms do not include a reduction in personnel resulting from workload adjustments.''

[Section 545(b)(2) of Pub. L. 115–254, which directed amendment of section 804 of Pub. L. 112–95, set out above, by substituting ''Chief Technology Officer'' for ''Chief NextGen Officer'' in subsec. (a)(4)(A), could not be executed because the words ''Chief NextGen Officer'' did not appear after the intervening amendment of subsec. (a)(4) by section 510(a)(2) of Pub. L. 115–254.]

PROGRAM AUTHORIZATIONS

Pub. L. 112–95, title IX, §901(c), Feb. 14, 2012, 126 Stat. 137, provided that: ''From the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized:

''(1) Runway Incursion Reduction.

''(2) System Capacity, Planning, and Improvement.

''(3) Operations Concept Validation.

''(4) NAS Weather Requirements.

''(5) Airspace Management Program.

''(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

''(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions Reduction.

''(8) NextGen—New Air Traffic Management Requirements.

''(9) NextGen—Operations Concept Validation—Validation Modeling.

''(10) NextGen—System Safety Management Transformation.

''(11) NextGen—Wake Turbulence—Recategorization.

''(12) NextGen—Operational Assessments.

''(13) NextGen—Staffed NextGen Towers.

''(14) Center for Advanced Aviation System Development.

''(15) Airports Technology Research Program—Capacity.

''(16) Airports Technology Research Program—Safety.

''(17) Airports Technology Research Program—Environment.

''(18) Airport Cooperative Research—Capacity.

''(19) Airport Cooperative Research—Environment.

''(20) Airport Cooperative Research—Safety.''

§ 44502. General facilities and personnel authority

(a) GENERAL AUTHORITY.—(1) The Administrator of the Federal Aviation Administration may—

(A) acquire, establish, improve, operate, and maintain air navigation facilities; and

(B) provide facilities and personnel to regulate and protect air traffic.

(2) The cost of site preparation work associated with acquiring, establishing, or improving an air navigation facility under paragraph (1)(A) of this subsection shall be charged to amounts available for that purpose appropriated under section 48101(a) of this title. The Secretary of Transportation may make an agreement with an airport owner or sponsor (as defined in section 47102 of this title) so that the owner or sponsor will provide the work and be paid or reimbursed by the Secretary from the appropriated amounts.

(3) The Secretary of Transportation may authorize a department, agency, or instrumentality of the United States Government to carry out any duty or power under this subsection with the consent of the head of the department, agency, or instrumentality.

(4) PURCHASE OF INSTRUMENT LANDING SYSTEM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall purchase precision approach instrument landing system equipment for installation at airports on an expedited basis.

(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under section 48101(a) for each of fiscal years 2000 through 2002 shall be used for the purpose of carrying out this paragraph, including acquisition

under new or existing contracts, site preparation work, installation, and related expenditures.

(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

(A) the improvements primarily benefit the Government;

(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

(C) the interest of the United States Government in the improvements is protected.

(b) CERTIFICATION OF NECESSITY.—Except for Government money expended under this part or for a military purpose, Government money may be expended to acquire, establish, construct, operate, repair, alter, or maintain an air navigation facility only if the Administrator of the Federal Aviation Administration certifies in writing that the facility is reasonably necessary for use in air commerce or for the national defense. An interested person may apply for a certificate for a facility to be acquired, established, constructed, operated, repaired, altered, or maintained by or for the person.

(c) ENSURING CONFORMITY WITH PLANS AND POLICIES.—(1) To ensure conformity with plans and policies for, and allocation of, airspace by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title, a military airport, military landing area, or missile or rocket site may be acquired, established, or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator of the Federal Aviation Administration may advise the appropriate committees of Congress and interested departments, agencies, and instrumentalities of the Government on the effect of the acquisition, establishment, construction, or alteration on the use of airspace by aircraft. A disagreement between the Administrator of the Federal Aviation Administration and the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration may be appealed to the President for a final decision.

(2) To ensure conformity, an airport or landing area not involving the expenditure of Government money may be established or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator may provide advice on the effects of the establishment, construction, or alteration on the use of airspace by aircraft.

(d) PUBLIC USE AND EMERGENCY ASSISTANCE.—(1) The head of a department, agency, or instrumentality of the Government having jurisdiction over an air navigation facility owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for public use of the facility.

(2) The head of a department, agency, or instrumentality of the Government having jurisdiction over an airport or emergency landing field owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for assistance, and the sale of fuel, oil, equipment, and supplies, to an aircraft, but only when necessary, because of an emergency, to allow the aircraft to continue to the nearest airport operated by private enterprise. The head of the department, agency, or instrumentality shall provide for the assistance and sale at the prevailing local fair market value as determined by the head of the department, agency, or instrumentality. An amount that the head decides is equal to the cost of the assistance provided and the fuel, oil, equipment, and supplies sold shall be credited to the appropriation from which the cost was paid. The balance shall be credited to miscellaneous receipts.

(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—

(1) IN GENERAL.—An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration, an eligible air traffic system or equipment that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system or equipment.

(2) ACCEPTANCE.—The Administrator shall accept the eligible air traffic system or equipment and operate and maintain it under criteria of the Administrator.

(3) DEFINITION.—In this subsection, the term ''eligible air traffic system or equipment'' means—

(A) an instrument landing system consisting of a glide slope and localizer (if the Administrator has determined that a satellite navigation system cannot provide a suitable approach to an airport);

(B) an Automated Weather Observing System weather observation system; or

(C) a Remote Communication Air/Ground and Remote Communication Outlet communications facility.

(f) AIRPORT SPACE.—

(1) RESTRICTION.—The Administrator may not require an airport owner or sponsor (as defined in section 47102) to provide to the Federal Aviation Administration without cost any of the following:

(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect—

(A) any agreement the Secretary may have or make with an airport owner or sponsor for the airport owner or sponsor to provide any of the items described in paragraph (1)(A) or (1)(B) at below-market rates; or

(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1175; Pub. L. 103–305, title I, § 120(a), Aug. 23, 1994, 108 Stat. 1581; Pub. L. 103–429, § 6(54), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–287, § 5(75), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 106–181, title I, § 153, title VII, § 712, Apr. 5, 2000, 114 Stat. 87, 160; Pub. L. 115–254, div. B, title I, § 147, Oct. 5, 2018, 132 Stat. 3213.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44502(a)(1) ..	49 App.:1348(b) (1st sentence less cl. (3)).	Aug. 23, 1958, Pub. L. 85–726, § 307(b) (1st sentence less cl. (3), 2d sentence), 72 Stat. 750; Jan. 12, 1983, Pub. L. 97–449, § 4(c), 96 Stat. 2442.
	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.
44502(a)(2) ..	49 App.:2205(a)(3).	Sept. 3, 1982, Pub. L. 97–248, § 506(a)(3), 96 Stat. 677; Dec. 30, 1987, Pub. L. 100–223, § 105(a)(1), (g)(1), 101 Stat. 1489, 1494.
44502(a)(3) ..	49 App.:1348(b) (2d sentence).	
44502(b)	49 App.:1349(a) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, §§ 308(a) (1st, 2d sentences), (b), 309, 1107, 72 Stat. 750, 751, 798.
	49 App.:1655(c)(1).	
44502(c)(1) ..	49 App.:1349(b).	
	49 App.:1655(c)(1).	
44502(c)(2) ..	49 App.:1350.	
	49 App.:1655(c)(1).	
44502(d)	49 App.:1507.	
44502(e)	49 App.:1743.	Aug. 11, 1959, Pub. L. 86–154, 73 Stat. 333.
44502(f)	49 App.:2205 (notes).	Nov. 21, 1989, Pub. L. 101–164, § 331, 103 Stat. 1097. Nov. 5, 1990, Pub. L. 101–516, § 324, 104 Stat. 2182. Oct. 28, 1991, Pub. L. 102–143, § 324, 105 Stat. 943. Oct. 6, 1992, Pub. L. 102–388, § 324, 106 Stat. 1547.

In this section, the words ''department, agency, or instrumentality of the United States Government'' are substituted for ''Federal department or agency'' in 49 App.:1348(b), ''agencies'' in 49 App.:1349(b), and ''department or other agency'' and ''Government department or other agency'' in 49 App.:1507 for consistency in the revised title and with other titles of the United States Code.

In subsections (a)(1), (b), and (c), the word ''Administrator'' in sections 303(c) (1st sentence), 307(b), 308(a) (1st and 2d sentences) and (b), and 309 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 750, 751) is retained on authority of 49:106(g).

In subsection (a)(1), before clause (A), the words ''within the limits of available appropriations made by the Congress'' are omitted as surplus. In clause (A), the words ''wherever necessary'' are omitted as surplus. In clause (B), the word ''necessary'' is omitted as surplus.

In subsection (a)(2), the words ''by the Secretary'' and ''to the Secretary'' are omitted as surplus. The last sentence is substituted for 49 App.:2205(a)(3) (last sentence) to eliminate unnecessary words.

In subsection (a)(3), the words ''subject to such regulations, supervision, and review as he may prescribe'' are omitted because of 49:322(a). The words ''from time to time make such provision as he shall deem appropriate'' are omitted as surplus. The words ''duty or power'' are substituted for ''function'' for consistency in the revised title and with other titles of the Code. The words ''the head of'' are added for clarity and consistency.

In subsection (b), the words ''(whether or not in cooperation with State or other local governmental agencies)'' and ''thereon'' are omitted as surplus. The words ''landing area'' are omitted as being included in the definition of ''air navigation facility'' in section 40102(a) of the revised title. The words ''recommendation and'' are omitted as surplus. The words ''under regulations prescribed by him'' are omitted because of 49:322(a). The word ''proposed'' is omitted as surplus. The word ''acquired'' is added for consistency in this subsection.

In subsection (c)(1), the words ''In order'', ''layout'', and ''In case of . . . the matter'' are omitted as surplus. The words ''Secretary of Defense'' are substituted for ''Department of Defense'' because of 10:133(a). The words ''the Administrator of'' are added because of 42:2472(a).

In subsection (c)(2), the word ''layout'' is omitted as surplus. The words ''pursuant to regulations prescribed by him'' are omitted because of 49:322(a). The words ''the establishment, building, or alteration'' are substituted for ''such construction'' for clarity and consistency in this section.

In subsection (d)(1), the words ''under such conditions and to such extent as . . . deems advisable and'' are omitted as surplus. The word ''provide'' is substituted for ''be made available'', and the words ''of the facility'' are added, for clarity.

In subsection (d)(2), the words ''All amounts received under this subsection shall be covered into the Treasury'' are omitted because of 31:3302(b). The words ''services, shelter . . . other'' and ''if any'' are omitted as surplus.

In subsection (e), the words ''or compact'' are omitted as surplus. The words ''or States'' are omitted because of 1:1. The text of 49 App.:1743 (last sentence) is omitted as surplus.

In subsection (f), the words ''Notwithstanding any other provision of law'' and ''thereafter'' are omitted as surplus.

PUB. L. 103–429

This amends 49:44502(b) to clarify the restatement of 49 App.:1349(a) (1st, 2d sentences) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1175).

PUB. L. 104–287, § 5(75)(A)

This amends 49:44502(c)(1) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1175).

PUB. L. 104–287, § 5(75)(B)

This strikes 49:44502(e) and redesignates 49:44502(f) as 49:44502(e) because of the restatement of former 49:44502(e) as 49:40121.

Editorial Notes

AMENDMENTS

2018—Subsec. (e). Pub. L. 115–254, § 147(1), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: ''An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system (and associated approach lighting equipment and runway visual range equipment) that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system. The Administrator shall accept the system and operate and maintain it under criteria of the Administrator.''

Subsec. (f). Pub. L. 115–254, § 147(2), added subsec. (f).

2000—Subsec. (a)(4)(B). Pub. L. 106–181, § 153, substituted ''each of fiscal years 2000 through 2002'' for ''each of fiscal years 1995 and 1996'' and inserted ''under new or existing contracts'' after ''including acquisition''.

Subsec. (a)(5). Pub. L. 106–181, § 712, added par. (5).

1996—Subsec. (c)(1). Pub. L. 104–287, § 5(75)(A), substituted ''To ensure'' for ''To ensure that''.

Subsecs. (e), (f). Pub. L. 104–287, § 5(75)(B), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows:

''(e) CONSENT OF CONGRESS.—Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.''

1994—Subsec. (a)(4). Pub. L. 103–305 added par. (4).

Subsec. (b). Pub. L. 103–429 inserted ''Government'' before ''money may be expended''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES

Pub. L. 112–95, title V, § 508, Feb. 14, 2012, 126 Stat. 106, provided that: ''The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.''

STRATEGY FOR STAFFING, HIRING, AND TRAINING FLIGHT STANDARDS AND AIRCRAFT CERTIFICATION STAFF

Pub. L. 116–6, div. G, title I, Feb. 15, 2019, 133 Stat. 401, provided in part: ''That not later than March 31 of each fiscal year hereafter, the Administrator [of the Federal Aviation Administration] shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year''.

Similar provisions were contained in the following appropriation acts:

Pub. L. 117–328, div. L, title I, Dec. 29, 2022, 136 Stat. 5102.

Pub. L. 117–103, div. L, title I, Mar. 15, 2022, 136 Stat. 691.

Pub. L. 116–260, div. L, title I, Dec. 27, 2020, 134 Stat. 1830.

Pub. L. 116–94, div. H, title I, Dec. 20, 2019, 133 Stat. 2940.

Pub. L. 115–141, div. L, title I, Mar. 23, 2018, 132 Stat. 977.

Pub. L. 115–31, div. K, title I, May 5, 2017, 131 Stat. 730.

Pub. L. 114–113, div. L, title I, Dec. 18, 2015, 129 Stat. 2839.

Pub. L. 113–235, div. K, title I, Dec. 16, 2014, 128 Stat. 2700.

Pub. L. 113–76, div. L, title I, Jan. 17, 2014, 128 Stat. 578.

Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 646.

Pub. L. 111–117, div. A, title I, Dec. 16, 2009, 123 Stat. 3040.

PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT

Pub. L. 108–176, title I, § 182, Dec. 12, 2003, 117 Stat. 2515, as amended by Pub. L. 113–188, title XV, § 1501(d), Nov. 26, 2014, 128 Stat. 2024, provided that:

''(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

''(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

''(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

''(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

''(e) FUNDING.—Out of amounts appropriated under section 48101 [probably means section 48101 of title 49, United States Code] for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.''

ENHANCED VISION TECHNOLOGIES

Pub. L. 106–181, title I, § 124, Apr. 5, 2000, 114 Stat. 75, provided that:

''(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

''(c) CERTIFICATION.—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.''

TRANSFER BY AIRPORTS OF INSTRUMENT LANDING SYSTEMS AND ASSOCIATED EQUIPMENT TO FEDERAL AVIATION ADMINISTRATION

Pub. L. 109–115, div. A, title I, § 101, Nov. 30, 2005, 119 Stat. 2401, which provided that airports may transfer to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant, provided that the FAA accept such equipment and operate and

maintain it in accordance with agency criteria, was from the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–447, div. H, title I, §101, Dec. 8, 2004, 118 Stat. 3203.

Pub. L. 108–199, div. F, title I, §101, Jan. 23, 2004, 118 Stat. 284.

Pub. L. 108–7, div. I, title III, §313, Feb. 20, 2003, 117 Stat. 410.

Pub. L. 107–87, title III, §313, Dec. 18, 2001, 115 Stat. 858.

Pub. L. 106–346, §101(a) [title III, §314], Oct. 23, 2000, 114 Stat. 1356, 1356A–27.

Pub. L. 106–69, title III, §314, Oct. 9, 1999, 113 Stat. 1018.

Pub. L. 105–277, div. A, §101(g) [title III, §314], Oct. 21, 1998, 112 Stat. 2681–439, 2681–468.

Pub. L. 105–66, title III, §314, Oct. 27, 1997, 111 Stat. 1443.

Pub. L. 104–205, title III, §314, Sept. 30, 1996, 110 Stat. 2971.

Pub. L. 104–50, title III, §317, Nov. 15, 1995, 109 Stat. 455.

Pub. L. 103–331, title III, §317, Sept. 30, 1994, 108 Stat. 2491, repealed by Pub. L. 104–287, §7(4), Oct. 11, 1996, 110 Stat. 3400.

COST SAVINGS ASSOCIATED WITH PURCHASE

Pub. L. 103–305, title I, §120(b), Aug. 23, 1994, 108 Stat. 1581, provided that: ''Notwithstanding other provisions of law or regulations to the contrary, the Administrator [of the Federal Aviation Administration] shall establish, within 120 days after the date of the enactment of this Act [Aug. 23, 1994], a process through which airport sponsors may take advantage of cost savings associated with the purchase and installation of instrument landing systems, along with associated equipment, under existing or future Federal Aviation Administration contracts. The process established by the Administrator may provide for the direct reimbursement (including administrative costs) of the Administrator by an airport sponsor using grants funds under subchapter I of chapter 471 of subtitle VII of title 49, United States Code, relating to airport improvement, for the ordering of such equipment and installation or for the direct ordering of such equipment and installation by an airport sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.''

GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT

Pub. L. 103–260, title IV, §401, May 26, 1994, 108 Stat. 702, provided that:

''(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration, subject to subsection (d), shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

''(b) COMPUTATION RULES.—

''(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

''(A) any increase under section 5303 of title 5, United States Code;

''(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note));

''(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

''(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

''(E) any periodic step-increase under section 5335 of such title 5;

''(F) any additional step-increase under section 5336 of such title 5; and

''(G) any other increase in annual rate of basic pay under any other provision of law.

''(2) SECTION RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the 'amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994' shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

''(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

''(1) the amount of such allowance is reduced to zero under subsection (b), or

''(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project,

whichever is earlier.

''(d) SPECIAL PAYMENT RULE.—The Administrator of the Federal Aviation Administration may make payment for the costs incurred under the program established by subsection (a) for the period between June 18, 1994, and September 30, 1994, following the end of the first full pay period that begins on or after October 1, 1994, subject to appropriations made available in fiscal year 1995.

''(e) STUDY OF RECRUITMENT AND RETENTION INCENTIVES.—The Administrator of the Federal Aviation Administration shall conduct a study of impediments that may exist to achieving appropriate air traffic controller staffing levels at hard-to-staff facilities. In conducting such study, the Administrator shall identify and evaluate the extent to which special incentives, of a financial or non-financial nature, could be useful in recruiting or retaining air traffic controllers at such facilities. The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 180 days after the date of enactment of this Act [May 26, 1994] a report on (1) the results of such study, (2) planned administrative actions, and (3) any recommended legislation.''

§ 44503. Reducing nonessential expenditures

The Secretary of Transportation shall attempt to reduce the capital, operating, maintenance, and administrative costs of the national airport and airway system to the maximum extent practicable consistent with the highest degree of aviation safety. At least annually, the Secretary shall consult with and consider the rec-

ommendations of users of the system on ways to reduce nonessential expenditures of the United States Government for aviation. The Secretary shall give particular attention to a recommendation that may reduce, with no adverse effect on safety, future personnel requirements and costs to the Government required to be recovered from user charges.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1176.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44503	49 App.:1704.	July 12, 1976, Pub. L. 94–353, § 25, 90 Stat. 885.

The words ''in accordance with this section'' and ''due'' are omitted as surplus. The word ''personnel'' is substituted for ''manpower'' for consistency in the revised title.

§ 44504. Improved aircraft, aircraft engines, propellers, and appliances

(a) DEVELOPMENTAL WORK AND SERVICE TESTING.—The Administrator of the Federal Aviation Administration may conduct or supervise developmental work and service testing to improve aircraft, aircraft engines, propellers, and appliances.

(b) RESEARCH.—The Administrator shall conduct or supervise research—

(1) to develop technologies and analyze information to predict the effects of aircraft design, maintenance, testing, wear, and fatigue on the life of aircraft, including nonstructural aircraft systems, and air safety;

(2) to develop methods of analyzing and improving aircraft maintenance technology and practices, including nondestructive evaluation of aircraft structures;

(3) to assess the fire and smoke resistance of aircraft material;

(4) to develop improved fire and smoke resistant material for aircraft interiors;

(5) to develop and improve fire and smoke containment systems for inflight aircraft fires;

(6) to develop advanced aircraft fuels with low flammability and technologies that will contain aircraft fuels to minimize post-crash fire hazards;

(7) to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft; and

(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.

(c) AUTHORITY TO BUY ITEMS OFFERING SPECIAL ADVANTAGES.—In carrying out this section, the Administrator, by negotiation or otherwise, may buy or exchange experimental aircraft, aircraft engines, propellers, and appliances that the Administrator decides may offer special advantages to aeronautics.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1176; Pub. L. 106–181, title IX, § 904, Apr. 5, 2000, 114 Stat. 196; Pub. L. 112–95, title IX, § 903(a), Feb. 14, 2012, 126 Stat. 138.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44504(a)	49 App.:1353(b) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 312(b) (1st, last sentences), 72 Stat. 752.
	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.
44504(b)	49 App.:1353(b) (2d sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(b) (2d sentence); added Nov. 3, 1988, Pub. L. 100–591, § 2, 102 Stat. 3011; Nov. 5, 1990, Pub. L. 101–508, § 9208(a), 104 Stat. 1388–376.
44504(c)	49 App.:1353(b) (last sentence) 49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 312(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 752) is retained on authority of 49:106(g).

In subsection (a), the words ''to improve'' are substituted for ''such . . . as tends to the creation of improved'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2012—Subsec. (b)(8). Pub. L. 112–95 added par. (8).

2000—Subsec. (b)(1). Pub. L. 106–181 inserted '', including nonstructural aircraft systems,'' after ''life of aircraft''.

Statutory Notes and Related Subsidiaries

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.

ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM

Pub. L. 117–169, title IV, § 40007, Aug. 16, 2022, 136 Stat. 2030, provided that:

''(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

''(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

''(2) $46,530,000 for projects relating to low-emission aviation technologies; and

''(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

''(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

''(1) the capacity for the eligible entity to increase the domestic production and deployment of sustain-

able aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

''(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

''(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

''(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

''(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

''(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

''(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section [Aug. 16, 2022], adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

''(e) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or local government, including the District of Columbia, other than an airport sponsor;

''(B) an air carrier;

''(C) an airport sponsor;

''(D) an accredited institution of higher education;

''(E) a research institution;

''(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

''(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

''(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

''(2) FEEDSTOCK.—The term 'feedstock' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

''(3) INDUCED LAND-USE CHANGE VALUES.—The term 'induced land-use change values' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

''(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

''(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term 'low-emission aviation technologies' means technologies, produced in the United States, that significantly—

''(A) improve aircraft fuel efficiency;

''(B) increase utilization of sustainable aviation fuel; or

''(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(7) SUSTAINABLE AVIATION FUEL.—The term 'sustainable aviation fuel' means liquid fuel, produced in the United States, that—

''(A) consists of synthesized hydrocarbons;

''(B) meets the requirements of—

''(i) ASTM International Standard D7566; or

''(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

''(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 45K(c)(3)]), waste streams, renewable energy sources, or gaseous carbon oxides;

''(D) is not derived from palm fatty acid distillates; and

''(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

''(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

''(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

''(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

''(II) as stringent as the requirement under clause (i).''

CRASH-RESISTANT FUEL SYSTEMS

Pub. L. 114–190, title II, §2105, July 15, 2016, 130 Stat. 620, provided that: ''Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.''

AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 112–95, title IX, §910, 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 [of the Federal Aviation Administration], in coordination with the Administrator of NASA [National Aeronautics and Space Administration], shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

''(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

''(1) not later than 120 days after the date of enactment of this Act [Feb. 14, 2012], develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

''(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

''(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

''(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

''(c) COLLABORATION.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

''(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

''(2) other appropriate Federal agencies.

''(d) REPORT.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall provide to 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 plan, information obtained, and policies and guidelines developed pursuant to subsection (b).''

RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT

Pub. L. 112–95, title IX, §911, Feb. 14, 2012, 126 Stat. 142, provided that:

''(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration (FAA)] shall establish a research program to assist in the development and qualification of jet fuel from alternative sources (such as natural gas, biomass, ethanol, butanol, and hydrogen) and other renewable sources.

''(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through the use of grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

''(c) PARTICIPATION IN PROGRAM.—

''(1) PARTICIPATION OF EDUCATIONAL AND RESEARCH INSTITUTIONS.—In carrying out the program, the Administrator shall include participation by—

''(A) educational and research institutions that have existing facilities and leverage private sector partnerships; and

''(B) consortia with experience across the supply chain, including with research, feedstock development and production, small-scale development, testing, and technology evaluation related to the creation, processing, production, and transportation of alternative aviation fuel.

''(2) USE OF NASA FACILITIES.—In carrying out the program, the Administrator shall consider utilizing the existing capacity in aeronautics research at Langley Research Center, Glenn Research Center [renamed NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility by Pub. L. 116–263, 134 Stat. 3316], and other appropriate facilities of NASA [National Aeronautics and Space Administration].

''(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator may designate an institution described in subsection (c)(1)(A) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft.

''(2) EFFECT OF DESIGNATION.—The center designated under paragraph (1) shall become, upon its designation—

''(A) a member of the Consortium for Continuous Low Energy, Emissions, and Noise of the FAA; and

''(B) part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.''

PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT

Pub. L. 112–95, title IX, §914, Feb. 14, 2012, 126 Stat. 144, provided that:

''(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] shall establish a research program related to developing jet fuel from clean coal.

''(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through grants or other measures authorized under section 106(*l*)(6) of such title, including reimbursable agreements with other Federal agencies.

''(c) PARTICIPATION IN PROGRAM.—In carrying out the program, the Administrator shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal into aviation fuel.

''(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator may designate an institution described in subsection (c) as a Center of Excellence for Coal-to-Jet-Fuel Research.''

RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT

Pub. L. 112–95, title IX, §917, Feb. 14, 2012, 126 Stat. 145, provided that:

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration], to the extent practicable, shall implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

''(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) shall have the capacity, at a minimum—

''(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

''(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

''(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 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 on the results of the research and development work carried out under this section.''

FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT

Pub. L. 108–176, title VII, §708, Dec. 12, 2003, 117 Stat. 2582, as amended by Pub. L. 112–95, title IX, §916, Feb. 14, 2012, 126 Stat. 145, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

''(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

''(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator

$500,000 for each of fiscal years 2012 through 2015 to carry out this section.''

ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE

Pub. L. 108–176, title VII, §711, Dec. 12, 2003, 117 Stat. 2585, provided that:

''(a) OBJECTIVE.—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act [Dec. 12, 2003], technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

''(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

''(2) Factor of 10 reduction in vibration.

''(3) 30 percent reduction in empty weight.

''(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

''(5) Capability for zero-ceiling, zero-visibility operations.

''(b) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).''

SPECIALTY METALS CONSORTIUM

Pub. L. 106–181, title VII, §742, Apr. 5, 2000, 114 Stat. 175, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

''(b) REPORT.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.''

§ 44505. Systems, procedures, facilities, and devices

(a) GENERAL REQUIREMENTS.—(1) The Administrator of the Federal Aviation Administration shall—

(A) develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern; and

(B) select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.

(2) The Administrator may make contracts to carry out this subsection without regard to section 3324(a) and (b) of title 31.

(3) When a substantial question exists under paragraph (1) of this subsection about whether a matter is of primary concern to the armed forces, the Administrator shall decide whether the Administrator or the Secretary of the appropriate military department has responsibility. The Administrator shall be given technical information related to each research and development project of the armed forces that potentially applies to, or potentially conflicts with, the common system to ensure that potential application to the common system is considered properly and that potential conflicts with the system are eliminated.

(b) RESEARCH ON HUMAN FACTORS AND SIMULATION MODELS.—The Administrator shall conduct or supervise research—

(1) to develop a better understanding of the relationship between human factors and aviation accidents and between human factors and air safety;

(2) to enhance air traffic controller, mechanic, and flight crew performance;

(3) to develop a human-factor analysis of the hazards associated with new technologies to be used by air traffic controllers, mechanics, and flight crews;

(4) to identify innovative and effective corrective measures for human errors that adversely affect air safety;

(5) to develop dynamic simulation models of the air traffic control system and airport design and operating procedures that will provide analytical technology—

(A) to predict airport and air traffic control safety and capacity problems;

(B) to evaluate planned research projects; and

(C) to test proposed revisions in airport and air traffic control operations programs;

(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.

(c) RESEARCH ON DEVELOPING AND MAINTAINING A SAFE AND EFFICIENT SYSTEM.—The Administrator shall conduct or supervise research on—

(1) airspace and airport planning and design;

(2) airport capacity enhancement techniques;

(3) human performance in the air transportation environment;

(4) aviation safety and security;

(5) the supply of trained air transportation personnel, including pilots and mechanics; and

(6) other aviation issues related to developing and maintaining a safe and efficient air transportation system.

(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

(1) RESEARCH.—Not later than 1 year after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the FAA Modernization and Reform Act of 2012, the Admin-

istrator shall develop a plan for the research under paragraph (1) that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the FAA Modernization and Reform Act of 2012.

(e) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1177; Pub. L. 103–305, title III, § 307, Aug. 23, 1994, 108 Stat. 1593; Pub. L. 112–95, title IX, §§ 903(b), 905, Feb. 14, 2012, 126 Stat. 138, 139.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44505(a)(1) ..	49 App.:1353(c) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, § 312(c) (1st, 5th–last sentences), 72 Stat. 752.
	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.
44505(a)(2) ..	49 App.:1353(c) (5th sentence).	
	49 App.:1655(c)(1).	
44505(a)(3) ..	49 App.:1353(c) (6th, last sentences).	
	49 App.:1655(c)(1).	
44505(b)	49 App.:1353(c) (2d, 3d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(c) (2d, 3d sentences); added Nov. 3, 1988, Pub. L. 100–591, § 3, 102 Stat. 3011.
44505(c)	49 App.:1353(c) (4th sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(c) (4th sentence); added Nov. 5, 1990, Pub. L. 101–508, § 9209(c), 104 Stat. 1388–378.

In this section, the word ''Administrator'' in section 312(c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 752) is retained on authority of 49:106(g).

In subsection (a)(1) and (3), the words ''the armed forces'' are substituted for ''military agencies'' and ''the military'' because of the definition of ''armed forces'' in 10:101.

In subsection (a)(3), the words ''military department'' are substituted for ''military agency'' because of the definition of ''military department'' in 10:101. The words ''the needs of'' and ''to the maximum extent necessary'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (d), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2012—Subsec. (b)(6), (7). Pub. L. 112–95, § 903(b), added pars. (6) and (7).

Subsecs. (d), (e). Pub. L. 112–95, § 905, added subsec. (d) and redesignated former subsec. (d) as (e).

1994—Subsec. (d). Pub. L. 103–305 added subsec. (d).

Statutory Notes and Related Subsidiaries

RESEARCH AND DEPLOYMENT OF CERTAIN AIRFIELD PAVEMENT TECHNOLOGIES

Pub. L. 115–254, div. B, title VII, § 744, Oct. 5, 2018, 132 Stat. 3413, provided that: ''Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration may carry out a program for the research and development of aircraft pavement technologies under which the Administrator makes grants to, and enters into cooperative agreements with, institutions of higher education and nonprofit organizations that—

''(1) research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements;

''(2) develop and conduct training;

''(3) provide for demonstration projects; and

''(4) promote the latest airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.''

AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM

Pub. L. 112–95, title V, § 507, Feb. 14, 2012, 126 Stat. 106, as amended by Pub. L. 115–254, div. B, title V, § 539(t), Oct. 5, 2018, 132 Stat. 3372, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) of title 49, United States Code, to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

''(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

''(c) MAXIMUM AMOUNT.—Not more than a total of $2,500,000 may be expended under the pilot program at any single public-use airport.''

RESEARCH PROGRAM ON RUNWAYS

Pub. L. 112–95, title IX, § 904, Feb. 14, 2012, 126 Stat. 139, provided that: ''Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] shall continue to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and pavement research organizations for research and technology demonstrations related to—

''(1) the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements; and

''(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.''

WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH

Pub. L. 112–95, title IX, § 915, Feb. 14, 2012, 126 Stat. 144, provided that: ''Not later than 60 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration] shall—

''(1) initiate an evaluation of proposals related to research on the nature of wake vortexes that would increase national airspace system capacity by reducing existing spacing requirements between aircraft of all sizes;

''(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

''(3) coordinate with NOAA [National Oceanic and Atmospheric Administration], NASA [National Aeronautics and Space Administration], and other appropriate Federal agencies to conduct research to reduce the hazards presented to commercial aviation related to—

''(A) ground de-icing and anti-icing, ice pellets, and freezing drizzle;

''(B) oceanic weather, including convective weather;

''(C) en route turbulence prediction and detection; and

''(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available.''

ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 108–176, title V, §505, Dec. 12, 2003, 117 Stat. 2559, required the Administrator of the Federal Aviation Administration to enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program and required that a report on the assessment be provided to Committees of Congress not later than 1 year after Dec. 12, 2003.

ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS

Pub. L. 108–176, title VII, §705, Dec. 12, 2003, 117 Stat. 2581, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

''(b) REPORT.—Within 1 year after the date of enactment of this Act [Dec. 12, 2003], the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science [now Committee on Science, Space, and Technology].''

USE OF RECYCLED MATERIALS

Pub. L. 106–181, title I, §157, Apr. 5, 2000, 114 Stat. 89, provided that:

''(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

''(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university of higher education with expertise necessary to carry out the study.

''(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, together with recommendations concerning the use of recycled materials in aviation pavement.

''(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed $1,500,000 may be used to carry out this section.''

AIRFIELD PAVEMENT CONDITIONS

Pub. L. 106–181, title I, §160, Apr. 5, 2000, 114 Stat. 90, provided that:

''(a) EVALUATION OF OPTIONS.—The Administrator [of the Federal Aviation Administration] shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

''(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

''(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

''(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

''(b) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.''

PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS

Pub. L. 106–181, title III, §304, Apr. 5, 2000, 114 Stat. 122, provided that:

''(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation's air transportation system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

''(b) IN GENERAL.—Subject to the requirements of this section, the Secretary [of Transportation] shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

''(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

''(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $15,000,000 under the program.

''(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

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

''(1) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator [of the Federal Aviation Administration] and that promotes safety, efficiency, or mobility. Such projects may include—

''(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

''(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

''(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

''(2) PROJECT SPONSOR.—The term 'project sponsor' means a public-use airport or a joint venture between a public-use airport and one or more air carriers.

''(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

''(h) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall issue advisory guidelines on the implementation of the program.''

AIRCRAFT DISPATCHERS

Pub. L. 106–181, title V, § 516, Apr. 5, 2000, 114 Stat. 145, provided that:

''(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

''(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

''(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 conducted under this section.''

OCCUPATIONAL INJURIES OF AIRPORT WORKERS

Pub. L. 106–181, title V, § 520, Apr. 5, 2000, 114 Stat. 149, provided that:

''(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

''(b) 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 conducted under this section.''

ALKALI SILICA REACTIVITY DISTRESS

Pub. L. 106–181, title VII, § 743, Apr. 5, 2000, 114 Stat. 175, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

''(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

''(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.''

RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS

Pub. L. 108–176, title VII, § 704, Dec. 12, 2003, 117 Stat. 2581, provided that:

''(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

''(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.''

Pub. L. 106–181, title IX, § 905, Apr. 5, 2000, 114 Stat. 196, provided that: ''The Administrator [of the Federal Aviation Administration] shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.''

§ 44506. Air traffic controllers

(a) RESEARCH ON EFFECT OF AUTOMATION ON PERFORMANCE.—To develop the means necessary to establish appropriate selection criteria and training methodologies for the next generation of air traffic controllers, the Administrator of the Federal Aviation Administration shall conduct research to study the effect of automation on the performance of the next generation of air traffic controllers and the air traffic control system. The research shall include investigating—

(1) methods for improving and accelerating future air traffic controller training through the application of advanced training techniques, including the use of simulation technology;

(2) the role of automation in the air traffic control system and its physical and psychological effects on air traffic controllers;

(3) the attributes and aptitudes needed to function well in a highly automated air traffic control system and the development of appropriate testing methods for identifying individuals with those attributes and aptitudes;

(4) innovative methods for training potential air traffic controllers to enhance the benefits of automation and maximize the effectiveness of the air traffic control system; and

(5) new technologies and procedures for exploiting automated communication systems, including Mode S Transponders, to improve information transfers between air traffic controllers and aircraft pilots.

(b) RESEARCH ON HUMAN FACTOR ASPECTS OF AUTOMATION.—The Administrators of the Fed-

eral Aviation Administration and National Aeronautics and Space Administration may make an agreement for the use of the National Aeronautics and Space Administration's unique human factor facilities and expertise in conducting research activities to study the human factor aspects of the highly automated environment for the next generation of air traffic controllers. The research activities shall include investigating—

(1) human perceptual capabilities and the effect of computer-aided decision making on the workload and performance of air traffic controllers;

(2) information management techniques for advanced air traffic control display systems; and

(3) air traffic controller workload and performance measures, including the development of predictive models.

(c) COLLEGIATE TRAINING INITIATIVE.—(1) The Administrator of the Federal Aviation Administration may maintain the Collegiate Training Initiative program by making new agreements and continuing existing agreements with institutions of higher education (as defined by the Administrator) under which the institutions prepare students for the position of air traffic controller with the Department of Transportation (as defined in section 2109 of title 5). The Administrator may establish standards for the entry of institutions into the program and for their continued participation.

(2)(A) The Administrator of the Federal Aviation Administration may appoint an individual who has successfully completed a course of training in a program described in paragraph (1) of this subsection to the position of air traffic controller noncompetitively in the excepted service (as defined in section 2103 of title 5). An individual appointed under this paragraph serves at the pleasure of the Administrator, subject to section 7511 of title 5. However, an appointment under this paragraph may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service (as defined in section 2102 of title 5) when the individual achieves full performance level air traffic controller status, as decided by the Administrator.

(B) The authority under subparagraph (A) of this paragraph to make appointments in the excepted service expires on October 6, 1997, except that the Administrator of the Federal Aviation Administration may extend the authority for one or more successive one-year periods.

(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

(A) received a control tower operator certification (referred to in this subsection as a ''CTO'' certificate); and

(B) satisfied all other applicable qualification requirements for an air traffic control specialist position, including successful completion of orientation training at the Federal Aviation Administration Academy.

(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

(3) REPORT.—Not later than 2 years after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase, to the maximum extent practicable, the number of appointments of candidates who possess such certification.

(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.

(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

(iii) remain available until expended.

(e) STAFFING REPORT.—The Administrator of the Federal Aviation Administration shall submit annually 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—

(1) the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States;

(2) a 3-year projection of the number of controllers needed to be employed to operate the system to meet the standards; and

(3) a detailed plan for employing the controllers, including projected budget requests.

(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

(1) CONSIDERATION OF APPLICANTS.—

(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controller, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

(i) a Federal Aviation Administration air traffic control facility;

(ii) a civilian or military air traffic control facility of the Department of Defense (including a facility of the National Guard); or

(iii) a tower operating under contract with the Federal Aviation Administration under section 47124.

(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—

(i) IN GENERAL.—After giving preferential consideration to applicants under subparagraph (A), the Administrator shall consider additional applicants for the position of air traffic controller by giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans' preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).

(ii) POOL 1.—Pool 1 applicants are individuals who—

(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

(aa) an appropriate recommendation; or

(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38 and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

(III) are eligible veterans (as defined in section 4211 of title 38) maintaining aviation experience obtained in the course of the individual's military experience; or

(IV) are preference eligible veterans (as defined in section 2108 of title 5).

(iii) POOL 2.—Pool 2 applicants are individuals who apply under a vacancy announcement recruiting from all United States citizens.

(C) SPECIAL RULE.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), after giving preferential consideration to applicants under subparagraph (A) and if, after consulting with the labor organization recognized as the exclusive representative of air traffic controllers under section 7111 of title 5, the Administrator determines there are unique circumstances affecting a covered facility that warrant a vacancy announcement with a limited area of consideration, the Administrator may consider applicants for the position of air traffic controller who apply under a vacancy announcement recruiting from the local commuting area for that covered facility.

(ii) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment with respect to an applicant under this subparagraph who would otherwise qualify as a Pool 1 applicant under subparagraph (B)(ii).

(iii) COVERED FACILITY DEFINED.—In this subparagraph the term ''covered facility'' means a radar facility with at least 1,000,000 operations annually that is located in a metropolitan statistical area (as defined by the Office of Management and Budget) with a population estimate by the Bureau of the Census of more than 15,000,000 (as of July 1, 2016).

(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

(A) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment when hiring under paragraph (1)(A) or paragraph (1)(B)(ii).

(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON BASIS OF BIOGRAPHICAL ASSESSMENTS.—

(i) IN GENERAL.—If an individual described in paragraph (1)(A) or paragraph (1)(B)(ii), who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA–AMC–14–ALLSRCE–33537 (issued on February 10, 2014), was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply for the position as soon as practicable under the revised hiring practices.

(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

(II) met the maximum age requirement on the date of the individual's previous application for the position during the interim hiring process.

(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, except for individuals covered by the program described in paragraph (4), the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traf-

fic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.

(4) RETIRED MILITARY CONTROLLERS.—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

(B) have held either an air traffic certification or air traffic control facility rating according to Administration standards within 5 years of applying for the appointment.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1178; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 112–95, title VI, § 607, Feb. 14, 2012, 126 Stat. 114; Pub. L. 114–190, title II, § 2106(a), July 15, 2016, 130 Stat. 620; Pub. L. 115–141, div. M, title I, § 108, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 116–92, div. A, title XI, §§ 1132, 1133, Dec. 20, 2019, 133 Stat. 1615, 1616.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44506(a), (b)	49 App.:1353 (note).	Nov. 3, 1988, Pub. L. 100–591, § 8(a)–(c), 102 Stat. 3015; Nov. 17, 1988, Pub. L. 100–685, §§ 601–603, 102 Stat. 4102.
44506(c)	49 App.:1348a.	Oct. 6, 1992, Pub. L. 102–388, § 362, 106 Stat. 1560.
44506(d)	49 App.:1348 (note).	Oct. 31, 1992, Pub. L. 102–581, § 120, 106 Stat. 4884.

In subsections (a) and (b), the text of section 8(a) and (b)(3) of the Aviation Safety Research Act of 1988 (Public Law 100–581, 102 Stat. 3015, 3016) and sections 601 and 602(3) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100–685, 102 Stat. 4102, 4103) is omitted as executed.

In subsection (c), the words ''institutions of higher education'' are substituted for ''post-secondary educational institutions'' for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (d)(3), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2019—Subsec. (f)(1)(A)(ii). Pub. L. 116–92, § 1133, inserted ''(including a facility of the National Guard)'' after ''Department of Defense''.

Subsec. (f)(1)(B)(i). Pub. L. 116–92, § 1132, substituted ''giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans' preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).'' for ''referring an approximately equal number of individuals for appointment among the 2 applicant pools described in this subparagraph. The number of individuals referred for consideration from each group shall not differ by more than 10 percent.''

2018—Subsec. (f)(1)(C). Pub. L. 115–141, § 108(1), added subpar. (C).

Subsec. (f)(3). Pub. L. 115–141, § 108(2)(A), inserted ''except for individuals covered by the program described in paragraph (4),'' after ''section 3307 of title 5,''.

Subsec. (f)(4). Pub. L. 115–141, § 108(2)(B), added par. (4).

2016—Subsec. (f). Pub. L. 114–190 added subsec. (f).

2012—Subsecs. (d), (e). Pub. L. 112–95 added subsec. (d) and redesignated former subsec. (d) as (e).

1996—Subsec. (d). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Statutory Notes and Related Subsidiaries

NOTIFICATION OF VACANCIES

Pub. L. 114–190, title II, § 2106(b), July 15, 2016, 130 Stat. 622, provided that: ''The Administrator of the Federal Aviation Administration shall consider directly notifying secondary schools and institutions of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of a vacancy announcement under section 44506(f)(1)(B)(iii) of title 49, United States Code.''

AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS

Pub. L. 112–95, title II, § 224, Feb. 14, 2012, 126 Stat. 55, provided that: ''As soon as practicable, and not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall—

''(1) ensure, to the extent practicable, a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators to allow for an increase in the number of air traffic controllers at air traffic control facilities;

''(2) distribute, to the extent practicable, the placement of certified professional air traffic controllers-in-training and developmental air traffic controllers at facilities evenly across the calendar year in order to avoid training bottlenecks;

''(3) initiate an analysis, to be conducted in consultation with the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of scheduling processes and practices, including overtime scheduling practices at those facilities;

''(4) provide, to the extent practicable and where appropriate, priority to certified professional air traffic controllers-in-training when filling staffing vacancies at facilities;

''(5) assess training programs at air traffic control facilities with below-average success rates to determine if training is being carried out in accordance with Administration standards, and conduct exit interview analyses with all candidates to determine potential weaknesses in training protocols, or in the execution of such training protocols; and

''(6) prioritize, to the extent practicable, such efforts to address the recommendations for the facilities identified in the Department of Transportation's Office of the Inspector General Report Number: AV-2009-047.''

FACILITY TRAINING PROGRAM

Pub. L. 112–95, title VI, § 609(b), Feb. 14, 2012, 126 Stat. 116, provided that: ''Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration] shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—

''(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

''(2) communicate information concerning that responsibility to facility managers; and

''(3) establish standards to identify the number of developmental air traffic controllers that can be accommodated at each facility, based on—

''(A) the number of available on-the-job training instructors;

''(B) available classroom space;
''(C) the number of available simulators;
''(D) training requirements; and
''(E) the number of recently placed new personnel already in training.''

CONTROLLER STAFFING

Pub. L. 116–6, div. G, title I, Feb. 15, 2019, 133 Stat. 401, provided in part: ''That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176 [set out below]''.

Similar provisions were contained in the following appropriation acts:

Pub. L. 117–328, div. L, title I, Dec. 29, 2022, 136 Stat. 5102.
Pub. L. 117–103, div. L, title I, Mar. 15, 2022, 136 Stat. 691.
Pub. L. 116–260, div. L, title I, Dec. 27, 2020, 134 Stat. 1830.
Pub. L. 116–94, div. H, title I, Dec. 20, 2019, 133 Stat. 2940.
Pub. L. 115–141, div. L, title I, Mar. 23, 2018, 132 Stat. 977.
Pub. L. 115–31, div. K, title I, May 5, 2017, 131 Stat. 730.
Pub. L. 114–113, div. L, title I, Dec. 18, 2015, 129 Stat. 2839.
Pub. L. 113–235, div. K, title I, Dec. 16, 2014, 128 Stat. 2700.
Pub. L. 113–76, div. L, title I, Jan. 17, 2014, 128 Stat. 578.
Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 645.
Pub. L. 111–117, div. A, title I, Dec. 16, 2009, 123 Stat. 3039.
Pub. L. 111–8, div. I, title I, Mar. 11, 2009, 123 Stat. 918.
Pub. L. 110–161, div. K, title I, Dec. 26, 2007, 121 Stat. 2378.

Pub. L. 108–176, title II, § 221, Dec. 12, 2003, 117 Stat. 2526, provided that:

''(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

''(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

''(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office [now Government Accountability Office].

''(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Administrator shall complete development of the strategy.

''(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.''

§ 44507. Regions and centers

(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil Aeromedical Institute established by section 106(j) of this title may—

(1) conduct civil aeromedical research, including research related to—

(A) the protection and survival of aircraft occupants;

(B) medical accident investigation and airman medical certification;

(C) toxicology and the effects of drugs on human performance;

(D) the impact of disease and disability on human performance;

(E) vision and its relationship to human performance and equipment design;

(F) human factors of flight crews, air traffic controllers, mechanics, inspectors, airway facility technicians, and other individuals involved in operating and maintaining aircraft and air traffic control equipment; and

(G) agency work force optimization, including training, equipment design, reduction of errors, and identification of candidate tasks for automation;

(2) make comments to the Administrator of the Federal Aviation Administration on human factors aspects of proposed air safety regulations;

(3) make comments to the Administrator on human factors aspects of proposed training programs, equipment requirements, standards, and procedures for aviation personnel;

(4) advise, assist, and represent the Federal Aviation Administration in the human factors aspects of joint projects between the Administration and the National Aeronautics and Space Administration, other departments, agencies, and instrumentalities of the United States Government, industry, and governments of foreign countries; and

(5) provide medical consultation services to the Administrator about medical certification of airmen.

(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The Secretary of Transportation shall define the roles and responsibilities of the William J. Hughes Technical Center in a manner that is consistent with the defined roles and responsibilities of the Civil Aeromedical Institute under subsection (a).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1179; Pub. L. 115–254, div. B, title V, § 524(a), Oct. 5, 2018, 132 Stat. 3363.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44507	49 App.:1353(e).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(e); added Nov. 3, 1988, Pub. L. 100–591, § 5(b), 102 Stat. 3013.

In clause (4), the words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''Government agencies'' for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''Regions and centers'' for ''Civil aeromedical research'' in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

§ 44508. Research advisory committee

(a) ESTABLISHMENT AND DUTIES.—(1) There is a research advisory committee in the Federal Aviation Administration. The committee shall—

(A) provide advice and recommendations to the Administrator of the Federal Aviation Administration and Congress about needs, objectives, plans, approaches, content, and accomplishments of all aviation research and development activities and programs carried out, including those under sections 40119,[1] 44504, 44505, 44507, 44511–44513, and 44912 of this title;

(B) assist in ensuring that the research is coordinated with similar research being conducted outside the Administration;

(C) review the operations of the regional centers of air transportation excellence established under section 44513 of this title; and

(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).

(2) The Administrator may establish subordinate committees to provide advice on specific areas of research conducted under sections 40119,[1] 44504, 44505, 44507, 44511–44513, and 44912 of this title.

(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—(1) The committee is composed of not more than 30 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. In appointing members of the committee, the Administrator shall ensure that the regional centers of air transportation excellence, universities, corporations, associations, consumers, and other departments, agencies, and instrumentalities of the United States Government are represented.

(2) The Administrator shall designate the chairman of the committee.

(3) A member of the committee serves without pay. However, the Administrator may allow a member, when attending meetings of the committee or a subordinate committee, expenses as authorized under section 5703 of title 5.

(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

(d) NONAPPLICATION.—Section 1013 of title 5 does not apply to the committee.

(e) USE AND LIMITATION OF AMOUNTS.—(1) Not more than .1 percent of the amounts made available to conduct research under sections 40119,[1] 44504, 44505, 44507, 44511–44513, and 44912 of this title may be used by the Administrator to carry out this section.

(2) A limitation on amounts available for obligation by or for the committee does not apply to amounts made available to carry out this section.

[1] See References in Text note below.

(f) WRITTEN REPLY.—

(1) IN GENERAL.—Not later than 60 days after receiving any recommendation from the research advisory committee, the Administrator shall provide a written reply to the research advisory committee that, at a minimum—

(A) clearly states whether the Administrator accepts or rejects the recommendation;

(B) explains the rationale for the Administrator's decision;

(C) sets forth the timeframe in which the Administrator will implement the recommendation; and

(D) describes the steps the Administrator will take to implement the recommendation.

(2) TRANSPARENCY.—The written reply to the research advisory committee, when transmitted to the research advisory committee, shall be—

(A) made publicly available on the research advisory committee website; and

(B) transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) NATIONAL AVIATION RESEARCH PLAN.—The national aviation research plan required under section 44501(c) shall include a summary of all research advisory committee recommendations and a description of the status of their implementation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1180; Pub. L. 104–264, title XI, § 1104, Oct. 9, 1996, 110 Stat. 3279; Pub. L. 115–254, div. B, title VII, § 712, Oct. 5, 2018, 132 Stat. 3410; Pub. L. 117–286, § 4(a)(313), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44508(a)(1) ..	49 App.:1353(f)(1), (2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(f); added Nov. 3, 1988, Pub. L. 100–591, § 6, 102 Stat. 3013; Nov. 5, 1990, Pub. L. 101–508, § 9209(b), 104 Stat. 1388–377.
44508(a)(2) ..	49 App.:1353(f)(6) (last sentence).	
44508(b)	49 App.:1353(f)(3)–(5).	
44508(c)	49 App.:1353(f)(6) (1st sentence), (7).	
44508(d)	49 App.:1353(f)(8).	
44508(e)	49 App.:1353(f)(9).	

In subsection (a)(1), before clause (A), the words ''There is a'' are substituted for ''Not later than 180 days after November 3, 1988, the Administrator shall establish'' to eliminate obsolete words. In clause (C), the words ''operations of'' are substituted for ''research and training to be carried out by'' for consistency with section 44513 of the revised title.

In subsection (a)(2), the words ''to the advisory committee'' are omitted as surplus.

In subsection (b)(1), the words ''departments, agencies, and instrumentalities'' are substituted for ''agencies'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(3), the words ''travel or transportation'' are omitted as surplus.

In subsection (e), the words ''for fiscal years beginning after September 30, 1988'' are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsecs. (a)(1)(A), (2) and (e)(1), was repealed by Pub. L. 115–254, div. K, title I, § 1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

AMENDMENTS

2022—Subsec. (d). Pub. L. 117–286 substituted ''Section 1013 of title 5'' for ''Section 14 of the Federal Advisory Committee Act (5 App. U.S.C.)''.

2018—Subsec. (a)(1)(A). Pub. L. 115–254, § 712(a), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''provide advice and recommendations to the Administrator of the Federal Aviation Administration about needs, objectives, plans, approaches, content, and accomplishments of the aviation research program carried out under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title;''.

Subsec. (f). Pub. L. 115–254, § 712(b), added subsec. (f).

1996—Subsec. (a)(1)(D). Pub. L. 104–264 added subpar. (D).

Statutory Notes and Related Subsidiaries

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.

§ 44509. Demonstration projects

The Secretary of Transportation may carry out under this chapter demonstration projects that the Secretary considers necessary for research and development activities under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1181.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44509	49 App.:2205(b)(1).	Sept. 3, 1982, Pub. L. 97–248, § 506(b)(1), 96 Stat. 678; restated Dec. 30, 1987, Pub. L. 100–223, § 105(b)(1), 101 Stat. 1490.

§ 44510. Airway science curriculum grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make competitive grant agreements with institutions of higher education having airway science curricula for the United States Government's share of the allowable direct costs of the following categories of items to the extent that the items are in support of airway science curricula:

(1) the construction, purchase, or lease with an option to purchase, of buildings and associated facilities.

(2) instructional material and equipment.

(b) COST GUIDELINES.—The Administrator shall establish guidelines to determine the direct costs allowable under a grant to be made under this section. The Government's share of the allowable cost of a project assisted by a grant under this section may not be more than 65 percent.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1181.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44510(a)	49 App.:1354a (1st sentence).	Nov. 5, 1990, Pub. L. 101–516, (1st sentence last proviso, 3d, last sentences in par. under heading ''Facilities and Equipment''), 104 Stat. 2160. Oct. 28, 1991, Pub. L. 102–143, (1st sentence last proviso, 3d, last sentences in par. under heading ''Facilities and Equipment''), 105 Stat. 922. Oct. 6, 1992, Pub. L. 102–388, (1st sentence last proviso, 3d, last sentences in par. under heading ''Facilities and Equipment''), 106 Stat. 1525.
44510(b)	49 App.:1354a (3d, last sentences).	

In subsection (a), before clause (1), the words ''With appropriations made for the Airway Science Program, as authorized below in this section'' are omitted as unnecessary because of section 48106 of the revised title.

In subsection (b), the proviso is omitted as executed.

§ 44511. Aviation research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations to conduct aviation research in areas the Administrator considers necessary for the long-term growth of civil aviation.

(b) APPLICATIONS.—An institution of higher education or nonprofit research organization interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information the Administrator requires.

(c) SOLICITATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, review, and evaluation process that ensures—

(1) providing grants under this section for proposals having adequate merit and relevancy to the mission of the Administration;

(2) a fair geographical distribution of grants under this section; and

(3) the inclusion of historically black institutions of higher education and other minority nonprofit research organizations for grant consideration under this section.

(d) RECORDS.—Each person receiving a grant under this section shall maintain records that the Administrator requires as being necessary to facilitate an effective audit and evaluation of the use of money provided under the grant.

(e) ANNUAL REPORT.—The Administrator shall submit an annual report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on carrying out this section.

(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall maintain an airport cooperative research program to—

(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not

being adequately addressed by existing Federal research programs; and

(B) fund research to address those problems.

(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 1013 of title 5 shall not apply to the governing board.

(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

(4) REPORT.—Not later than September 30, 2012, the Secretary shall transmit to the Congress a report on the program.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1181; Pub. L. 104–287, § 5(74), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 108–176, title VII, § 712, Dec. 12, 2003, 117 Stat. 2586; Pub. L. 112–95, title IX, § 906, Feb. 14, 2012, 126 Stat. 139; Pub. L. 117–286, § 4(a)(314), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44511	49 App.:1353(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(g); added Nov. 5, 1990, Pub. L. 101–508, § 9205(a), 104 Stat. 1388–373.

In this section, the words ''institutions of higher education'' and ''institution of higher education'' are substituted for ''colleges, universities'', ''university, college'', and ''colleges and universities'' for consistency in the revised title.

In subsection (c), the words ''providing grants'' are substituted for ''the funding'', the word ''grants'' is substituted for ''grant funds'', and the words ''grant consideration'' are substituted for ''funding consideration'', for consistency in the revised title.

In subsection (d), the words ''money provided under the grant'' are substituted for ''grant funds'' for consistency.

Editorial Notes

AMENDMENTS

2022—Subsec. (f)(2). Pub. L. 117–286 substituted ''Section 1013 of title 5'' for ''Section 14 of the Federal Advisory Committee Act''.

2012—Subsec. (f)(1). Pub. L. 112–95, § 906(1), substituted ''maintain an'' for ''establish a 4-year pilot'' in introductory provisions.

Subsec. (f)(4). Pub. L. 112–95, § 906(2), substituted ''Not later than September 30, 2012,'' for ''Not later than 6 months after the expiration of the program under this subsection,'' and ''program'' for ''program, including recommendations as to the need for establishing a permanent airport cooperative research program''.

2003—Subsec. (f). Pub. L. 108–176 added subsec. (f).

1996—Subsec. (e). Pub. L. 104–287 substituted ''Committee on Science'' for ''Committee on Science, Space, and Technology''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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.

§ 44512. Catastrophic failure prevention research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations—

(1) to conduct aviation research related to the development of technologies and methods to assess the risk of, and prevent, defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft; and

(2) to establish centers of excellence for continuing the research.

(b) SOLICITATION, APPLICATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, application, review, and evaluation process that ensures providing grants under this section for proposals having adequate merit and relevancy to the research described in subsection (a) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1182.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44512	49 App.:1353(h).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(h); added Nov. 5, 1990, Pub. L. 101–508, § 9208(b), 104 Stat. 1388–376.

In this section, the words ''institutions of higher education'' are substituted for ''colleges, universities'' for consistency in the revised title.

In subsection (b), the words ''providing grants'' are substituted for ''the funding'' for consistency in the revised title.

§ 44513. Regional centers of air transportation excellence

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education to establish and operate regional centers of air transportation excellence. The locations shall be distributed in a geographically fair way.

(b) RESPONSIBILITIES.—(1) The responsibilities of each center established under this section shall include—

(A) conducting research on—

(i) airspace and airport planning and design;

(ii) airport capacity enhancement techniques;

(iii) human performance in the air transportation environment;

(iv) aviation safety and security;

(v) the supply of trained air transportation personnel, including pilots and mechanics; and

(vi) other aviation issues related to developing and maintaining a safe and efficient air transportation system; and

(B) interpreting, publishing, and disseminating the results of the research.

(2) In conducting research described in paragraph (1)(A) of this subsection, each center may make contracts with nonprofit research organizations and other appropriate persons.

(c) APPLICATIONS.—An institution of higher education interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information that the Administrator requires by regulation.

(d) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this section on the basis of the following criteria:

(1) the extent to which the needs of the State in which the applicant is located are representative of the needs of the region for improved air transportation services and facilities.

(2) the demonstrated research and extension resources available to the applicant to carry out this section.

(3) the ability of the applicant to provide leadership in making national and regional contributions to the solution of both long-range and immediate air transportation problems.

(4) the extent to which the applicant has an established air transportation program.

(5) the demonstrated ability of the applicant to disseminate results of air transportation research and educational programs through a statewide or regionwide continuing education program.

(6) the projects the applicant proposes to carry out under the grant.

(e) EXPENDITURE AGREEMENTS.—A grant may be made under this section in a fiscal year only if the recipient makes an agreement with the Administrator that the Administrator requires to ensure that the recipient will maintain its total expenditures from all other sources for establishing and operating the center and related research activities at a level at least equal to the average level of those expenditures in the 2 fiscal years of the recipient occurring immediately before November 5, 1990.

(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for a fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.

(g) ALLOCATING AMOUNTS.—The Administrator shall allocate amounts made available to carry out this section in a geographically fair way.

(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each center in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each research project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1182; Pub. L. 112–95, title IX, § 907, Feb. 14, 2012, 126 Stat. 140.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44513	49 App.:1353(i).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 312(i); added Nov. 5, 1990, Pub. L. 101–508, § 9209(a), 104 Stat. 1388–376.

In this section, the words ''institutions of higher education'' and ''institution of higher education'' are substituted for ''colleges or universities'' and ''college or university'' for consistency in the revised title.

In subsection (a), the words ''one or more'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Subsec. (f). Pub. L. 112–95, § 907(a), amended subsec. (f) generally. Prior to amendment, text read as follows: ''The United States Government's share of a grant under this section is 50 percent of the costs of establishing and operating the center and related research activities that the grant recipient carries out.''

Subsec. (h). Pub. L. 112–95, § 907(b), added subsec. (h).

Statutory Notes and Related Subsidiaries

FAA CENTER OF EXCELLENCE FOR AUTOMATED SYSTEMS AND HUMAN FACTORS IN AIRCRAFT

Pub. L. 116–260, div. V, title I, § 127, Dec. 27, 2020, 134 Stat. 2348, provided that:

''(a) IN GENERAL.—The Administrator shall develop or expand a Center of Excellence focused on automated systems and human factors in transport category aircraft.

''(b) DUTIES.—The Center of Excellence shall, as appropriate—

''(1) facilitate collaboration among academia, the FAA, and the aircraft and airline industries, including aircraft, engine, and equipment manufacturers, air carriers, and representatives of the pilot community;

''(2) establish goals for research in areas of study relevant to advancing technology, improving engineering practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex systems in commercial aircraft, including continuing education and training;

''(3) examine issues related to human system integration and flight crew and aircraft interfaces, in-

cluding tools and methods to support the integration of human factors considerations into the aircraft design and certification process; and

''(4) review safety reports to identify potential human factors issues for research.

''(c) AVOIDING DUPLICATION OF WORK.—In developing or expanding the Center of Excellence, the Administrator shall ensure the work of the Center of Excellence does not duplicate or overlap with the work of any other established center of excellence.

''(d) MEMBER PRIORITIZATION.—

''(1) IN GENERAL.—The Administrator, when developing or expanding the Center of Excellence, shall prioritize the inclusion of subject-matter experts whose professional experience enables them to be objective and impartial in their contributions to the greatest extent possible.

''(2) REPRESENTATION.—The Administrator shall require that the membership of the Center of Excellence reflect a balanced viewpoint across broad disciplines in the aviation industry.

''(3) DISCLOSURE.—Any member of the Center of Excellence who is a Boeing Company or FAA employee who participated in the certification of the Maneuvering Characteristics Augmentation System for the 737 MAX-8 airplane must disclose such involvement to the FAA prior to performing any work on behalf of the FAA.

''(4) TRANSPARENCY.—In developing or expanding the Center of Excellence, the Administrator shall develop procedures to facilitate transparency and appropriate maintenance of records to the maximum extent practicable.

''(5) COORDINATION.—Nothing in this section shall preclude coordination and collaboration between the Center of Excellence developed or expanded under this section and any other established center of excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.''

[For definitions of terms used in section 127 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH

Pub. L. 112–95, title IX, §908, Feb. 14, 2012, 126 Stat. 140, provided that:

''(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] may establish a center of excellence to conduct research on—

''(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

''(2) any other aviation human resource issue pertinent to developing and maintaining a safe and efficient air transportation system.

''(b) ACTIVITIES.—Activities conducted under this section may include the following:

''(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

''(2) Research and development of best practices for recruitment of individuals into the aviation field for mission critical positions.

''(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

''(4) Research and the development of a comprehensive assessment of the airframe and power plant technician certification process and its effect on employment trends.

''(5) Evaluation of aviation maintenance technician school environments.

''(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.''

§ 44514. Flight service stations

(a) HOURS OF OPERATION.—(1) The Secretary of Transportation may close, or reduce the hours of operation of, a flight service station in an area only if the service provided in the area after the closing or during the hours the station is not in operation is provided by an automated flight service station with at least model 1 equipment.

(2) The Secretary shall reopen a flight service station closed after March 24, 1987, but before July 15, 1987, as soon as practicable if the service in the area in which the station is located has not been provided since the closing by an automatic flight service station with at least model 1 equipment. The hours of operation for the reopened station shall be the same as were the hours of operation for the station on March 25, 1987. After reopening the station, the Secretary may close, or reduce the hours of operation of, the station only as provided in paragraph (1) of this subsection.

(b) MANNED AUXILIARY STATIONS.—The Secretary and the Administrator of the Federal Aviation Administration shall establish a system of manned auxiliary flight service stations. The manned auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. A manned auxiliary flight service station shall be located in an area of unique weather or operational conditions that are critical to the safety of flight.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44514(a)	49 App.:2224.	Sept. 3, 1982, Pub. L. 97–248, §528, 96 Stat. 699; restated Dec. 30, 1987, Pub. L. 100–223, §113, 101 Stat. 1505.
44514(b)	49 App.:1348 (notes).	Nov. 5, 1990, Pub. L. 101–508, §9115, 104 Stat. 1388–364. Nov. 5, 1990, Pub. L. 101–516, §330(a), 104 Stat. 2184.

In subsection (a)(1), the words ''On or after July 15, 1987'' are omitted as obsolete.

In subsection (a)(2), the words ''after December 30, 1987'' are omitted as obsolete. The words ''the date of'' are omitted as surplus.

In subsection (b), the text of section 9115(b) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–364) and section 330(a) (last sentence) of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101–516, 104 Stat. 2184) is omitted as obsolete.

§ 44515. Advanced training facilities for maintenance technicians for air carrier aircraft

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may

make grants to not more than 4 vocational technical educational institutions to acquire or construct facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY.—The Administrator may make a grant under this section to a vocational technical educational institution only if the institution has a training curriculum that prepares aircraft maintenance technicians who hold airframe and power plant certificates under subpart D of part 65 of title 14, Code of Federal Regulations, to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION.—A vocational technical educational institution may not receive more than a total of $5,000,000 in grants under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1184.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44515	49 App.:1354 (note).	Oct., 31, 1992, Pub. L. 102–581, § 119(a)–(c), 106 Stat. 4883.

The words ''vocational technical educational institution'' are used throughout this section for consistency in this section.

Statutory Notes and Related Subsidiaries

PROMOTING AVIATION REGULATIONS FOR TECHNICAL TRAINING

Pub. L. 116–260, div. V, title I, § 135, Dec. 27, 2020, 134 Stat. 2356, provided that:

''(a) NEW REGULATIONS REQUIRED.—

''(1) INTERIM FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this section [Dec. 27, 2020], the Administrator [of the Federal Aviation Administration] shall issue interim final regulations to establish requirements for issuing aviation maintenance technician school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings in accordance with the requirements of this section.

''(2) REPEAL OF CURRENT REGULATIONS.—Upon the effective date of the interim final regulations required under paragraph (1), part 147 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this title) and any regulations issued under section 624 of the FAA Reauthorization Act of 2018 (Public Law 115–254) [set out below] shall have no force or effect on or after the effective date of such interim final regulations.

''(b) AVIATION MAINTENANCE TECHNICIAN SCHOOL CERTIFICATION REQUIRED.—No person may operate an aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate and the operations specifications issued under the interim final regulations required under subsection (a)(1), the requirements of this section, or in a manner that is inconsistent with information in the school's operations specifications under subsection (c)(5).

''(c) CERTIFICATE AND OPERATIONS SPECIFICATIONS REQUIREMENTS.—

''(1) APPLICATION REQUIREMENTS.—

''(A) IN GENERAL.—An application for a certificate or rating to operate an aviation maintenance technician school shall include the following:

''(i) A description of the facilities, including the physical address of the certificate holder's primary location for operation of the school, any additional fixed locations where training will be provided, and the equipment and materials to be used at each location.

''(ii) A description of the manner in which the school's curriculum will ensure the student has the knowledge and skills necessary for attaining a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

''(iii) A description of the manner in which the school will ensure it provides the necessary qualified instructors to meet the requirements of subsection (d)(4).

''(B) DOCUMENTED IN THE SCHOOL'S OPERATIONS SPECIFICATIONS.—Upon issuance of the school's certificate or rating, the information required under subparagraph (A) shall be documented in the school's operations specifications.

''(2) CHANGE APPLICATIONS.—

''(A) IN GENERAL.—An application for an additional rating or amended certificate shall include only the information necessary to substantiate the reason for the requested additional rating or change.

''(B) APPROVED CHANGES.—Any approved changes shall be documented in the school's operations specifications.

''(3) DURATION.—An aviation maintenance technician school certificate or rating issued under the interim final regulations required under subsection (a)(1) shall be effective from the date of issue until the certificate or rating is surrendered, suspended, or revoked.

''(4) CERTIFICATE RATINGS.—An aviation maintenance technician school certificate issued under the interim final regulations required under subsection (a)(1) shall specify which of the following ratings are held by the aviation maintenance technician school:

''(A) Airframe.

''(B) Powerplant.

''(C) Airframe and Powerplant.

''(5) OPERATIONS SPECIFICATIONS.—A certificated aviation maintenance technician school shall operate in accordance with operations specifications that include the following:

''(A) The certificate holder's name.

''(B) The certificate holder's air agency certificate number.

''(C) The name and contact information of the certificate holder's primary point of contact.

''(D) The physical address of the certificate holder's primary location, as provided under paragraph (1)(A).

''(E) The physical address of any additional location of the certificate holder, as provided under subsection (d)(2).

''(F) The ratings held, as provided under paragraph (4).

''(G) Any regulatory exemption granted to the school by the Administrator.

''(d) OPERATIONS REQUIREMENTS.—

''(1) FACILITIES, EQUIPMENT, AND MATERIAL REQUIREMENTS.—Each certificated aviation maintenance technician school shall provide and maintain the facilities, equipment, and materials that are appropriate to the 1 or more ratings held by the school and the number of students taught.

''(2) TRAINING PROVIDED AT ANOTHER LOCATION.—A certificated aviation maintenance technician school may provide training at any additional location that meets the requirements of the interim final regulations required under subsection (a)(1) and is listed in the certificate holder's operations specifications.

''(3) TRAINING REQUIREMENTS.—Each certificated aviation maintenance technician school shall—

''(A) establish, maintain, and utilize a curriculum designed to continually align with mechanic airman certification standards as appropriate for the ratings held;

''(B) provide training of a quality that meets the requirements of subsection (f)(1); and

''(C) ensure students have the knowledge and skills necessary to be eligible to test for a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

''(4) INSTRUCTOR REQUIREMENTS.—Each certificated aviation maintenance technician school shall—

''(A) provide qualified instructors to teach in a manner that ensures positive educational outcomes are achieved;

''(B) ensure instructors hold a mechanic certificate with 1 or more appropriate ratings (or, with respect to instructors who are not certified mechanics, ensure instructors are otherwise specifically qualified to teach their assigned content); and

''(C) ensure the student-to-instructor ratio does not exceed 25:1 for any shop class.

''(5) CERTIFICATE OF COMPLETION.—Each certificated aviation maintenance technician school shall provide authenticated documentation to each graduating student, indicating the student's date of graduation and curriculum completed, as described in paragraph (3)(A).

''(e) QUALITY CONTROL SYSTEM.—

''(1) ACCREDITATION.—Each aviation maintenance technician school shall—

''(A) be accredited as meeting the definition of an institution of higher education provided for in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(B) establish and maintain a quality control system that meets the requirements specified in paragraph (2) and is approved by the Administrator.

''(2) FAA-APPROVED SYSTEM REQUIREMENTS.—In the case of an aviation maintenance technician school that is not accredited as set forth in paragraph (1), the Administrator shall approve a quality control system that provides procedures for recordkeeping, assessment, issuing credit, issuing of final course grades, attendance, ensuring sufficient number of instructors, granting of graduation documentation, and corrective action for addressing deficiencies.

''(f) ADDITIONAL REQUIREMENTS.—

''(1) MINIMUM PASSAGE RATE.—A certificated aviation maintenance technician school shall maintain a pass rate of at least 70 percent of students who took a written, oral, or practical (or any combination thereof) FAA mechanic tests within 60 days of graduation for the most recent 3-year period.

''(2) FAA INSPECTION.—A certificated aviation maintenance technician school shall allow the Administrator such access as the Administrator determines necessary to inspect the 1 or more locations of the school for purposes of determining the school's compliance with the interim final regulations required under subsection (a)(1), the procedures and information outlined in the school's operations specifications according to subsection (c)(5), and the aviation maintenance technician school certificate issued for the school.

''(3) DISPLAY OF CERTIFICATE.—A certificated aviation maintenance technician school shall display its aviation maintenance technician school certificate at a location in the school that is visible by and normally accessible to the public.

''(4) EARLY TESTING.—A certificated aviation maintenance technician school may issue authenticated documentation demonstrating a student's satisfactory progress, completion of corresponding portions of the curriculum, and preparedness to take the aviation mechanic written general knowledge test, even if the student has not met the experience requirements of section 65.77 of title 14, Code of Federal Regulations (or any successor regulation). Any such documentation shall specify the curriculum the student completed and the completion date.''

AVIATION MAINTENANCE INDUSTRY TECHNICAL WORKFORCE

Pub. L. 115–254, div. B, title VI, § 624, Oct. 5, 2018, 132 Stat. 3404, provided that:

''(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall issue a final rule to modernize training programs at aviation maintenance technician schools governed by part 147 of title 14, Code of Federal Regulations.

''(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall coordinate with government, educational institutions, labor organizations representing aviation maintenance workers, and businesses to develop and publish guidance or model curricula for aviation maintenance technician schools referred to in subsection (a) to ensure workforce readiness for industry needs, including curricula related to training in avionics, troubleshooting, and other areas of industry needs.

''(c) REVIEW AND PERIODIC UPDATES.—The Administrator shall—

''(1) ensure training programs referred to in subsection (a) are revised and updated in correlation with aviation maintenance technician airman certification standards as necessary to reflect current technology and maintenance practices; and

''(2) publish updates to the guidance or model curricula required under subsection (b) at least once every 2 years, as necessary, from the date of initial publication.

''(d) REPORT TO CONGRESS.—If the Administrator does not issue such final rule by the deadline specified in subsection (a), the Administrator shall, not later than 30 days after such deadline, submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report containing—

''(1) an explanation as to why such final rule was not issued by such deadline; and

''(2) a schedule for issuing such final rule.

''(e) STUDY.—The Comptroller General of the United States shall conduct a study on technical workers in the aviation maintenance industry.

''(f) CONTENTS.—In conducting the study under subsection (e), the Comptroller General shall—

''(1) analyze the current Standard Occupational Classification system with regard to the aviation profession, particularly technical workers in the aviation maintenance industry;

''(2) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect government data on unemployment rates and wages;

''(3) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect projections for future aviation maintenance industry workforce needs and project technical worker shortfalls;

''(4) analyze the impact of Federal regulation, including Federal Aviation Administration oversight of certification, testing, and education programs, on employment of technical workers in the aviation maintenance industry;

''(5) develop recommendations on how Federal Aviation Administration regulations and policies could be improved to modernize training programs at aviation maintenance technical schools and address aviation maintenance industry needs for technical workers;

''(6) develop recommendations for better coordinating actions by government, educational institutions, and businesses to support workforce growth in the aviation maintenance industry; and

''(7) develop recommendations for addressing the needs for government funding, private investment, equipment for training purposes, and other resources necessary to strengthen existing training programs or develop new training programs to support workforce growth in the aviation industry.

''(g) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study.

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

''(1) AVIATION MAINTENANCE INDUSTRY.—The term 'aviation maintenance industry' means repair stations certificated under part 145 of title 14, Code of Federal Regulations.

''(2) TECHNICAL WORKER.—The term 'technical worker' means an individual authorized under part 43 of title 14, Code of Federal Regulations, to maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or component part or employed by an entity so authorized to perform such a function.''

IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

Pub. L. 108–176, title V, § 504, Dec. 12, 2003, 117 Stat. 2559, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

''(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

''(c) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

''(d) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act [Dec. 12, 2003].

''(e) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.''

IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS

Pub. L. 106–181, title V, § 517, Apr. 5, 2000, 114 Stat. 145, provided that: ''The Administrator [of the Federal Aviation Administration] shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.''

§ 44516. Human factors program

(a) HUMAN FACTORS TRAINING.—

(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

(A) address the problems and concerns raised by the National Research Council in its report ''The Future of Air Traffic Control'' on air traffic control automation; and

(B) respond to the recommendations made by the National Research Council.

(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

(D) in landing and approaches, including nonprecision approaches and go-around procedures.

(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term ''advanced qualification program'' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.

(Added Pub. L. 106–181, title VII, § 713(a), Apr. 5, 2000, 114 Stat. 160.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

HUMAN FACTORS EDUCATION PROGRAM

Pub. L. 116–260, div. V, title I, § 124, Dec. 27, 2020, 134 Stat. 2346, provided that:

''(a) HUMAN FACTORS EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Administrator shall develop a human factors education program that addresses the effects of modern flight deck systems, including automated systems, on human performance for transport airplanes and the approaches for better integration of human factors in aircraft design and certification.

''(2) TARGET AUDIENCE.—The human factors education program shall be integrated into the training protocols (as in existence as of the date of enactment of this title [Dec. 27, 2020]) for, and be routinely administered to, the following:

''(A) Appropriate employees within the Flight Standards Service.

''(B) Appropriate employees within the Aircraft Certification Service.

''(C) Other employees or authorized representatives determined to be necessary by the Administrator.

''(b) TRANSPORT AIRPLANE MANUFACTURER INFORMATION SHARING.—The Administrator shall—

''(1) require each transport airplane manufacturer to provide the Administrator with the information or findings necessary for flight crew to be trained on flight deck systems;

''(2) ensure the information or findings under paragraph (1) adequately includes consideration of human factors; and

''(3) ensure that each transport airplane manufacturer identifies any technical basis, justification or rationale for the information and findings under paragraph (1).''

[For definitions of ''Administrator'' and ''transport airplanes'' as used in section 124 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

§ 44517. Program to permit cost sharing of air traffic modernization projects

(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $5,000,000 in Federal funds under the program.

(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

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

(1) ELIGIBLE PROJECT.—The term ''eligible project'' means a project to purchase equipment or software relating to the Nation's air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term ''project sponsor'' means any major user of the national airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 44518. Advanced Materials Center of Excellence

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue operation of the Advanced Materials Center of Excellence (referred to in this section as the ''Center'') under its structure as in effect on March 1, 2016, which shall focus on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

(b) RESPONSIBILITIES.—The Center shall—

(1) promote and facilitate collaboration among academia, the Transportation Division of the Federal Aviation Administration, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(c) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 48102(a), the Administrator may expend not more than $10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for each fiscal year shall remain available until expended.

(Added Pub. L. 115–254, div. B, title VII, § 762(a), Oct. 5, 2018, 132 Stat. 3428; amended Pub. L. 116–260, div. V, title I, § 134, Dec. 27, 2020, 134 Stat. 2356.)

AMENDMENTS

2020—Subsec. (c). Pub. L. 116–260 added subsec. (c).

§ 44519. Certification personnel continuing education and training

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall—

(1) develop a program for regular recurrent training of engineers, inspectors, and other subject-matter experts employed in the Aircraft Certification Service of the Administration in accordance with the training strategy developed pursuant to section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256);

(2) to the maximum extent practicable, implement measures, including assignments in multiple divisions of the Aircraft Certification Service, to ensure that such engineers and other subject-matter experts in the Aircraft Certification Service have access to diverse professional opportunities that expand their knowledge and skills;

(3) develop a program to provide continuing education and training to Administration personnel who hold positions involving aircraft certification and flight standards, including human factors specialists, engineers, flight test pilots, inspectors, and, as determined appropriate by the Administrator, industry personnel who may be responsible for compliance activities including designees; and

(4) in consultation with outside experts, develop—

(A) an education and training curriculum on current and new aircraft technologies, human factors, project management, and the roles and responsibilities associated with oversight of designees; and

(B) recommended practices for compliance with Administration regulations.

(b) IMPLEMENTATION.—The Administrator shall, to the maximum extent practicable, ensure that actions taken pursuant to subsection (a)—

(1) permit engineers, inspectors, and other subject matter experts to continue developing knowledge of, and expertise in, new and emerging technologies in systems design, flight controls, principles of aviation safety, system oversight, and certification project management;

(2) minimize the likelihood of an individual developing an inappropriate bias toward a designer or manufacturer of aircraft, aircraft engines, propellers, or appliances;

(3) are consistent with any applicable collective bargaining agreements; and

(4) account for gaps in knowledge and skills (as identified by the Administrator in consultation with the exclusive bargaining representatives certified under section 7111 of title 5, United States Code) between Administration employees and private-sector employees for each group of Administration employees covered under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, $10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(Added Pub. L. 116–260, div. V, title I, § 112(a), Dec. 27, 2020, 134 Stat. 2331.)

REFERENCES IN TEXT

Section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256), referred to in subsec. (a)(1), is section 231 of Pub. L. 115–254, div. B, title II, Oct. 5, 2018, 132 Stat. 3256, which is not classified to the Code.

CHAPTER 447—SAFETY REGULATION

Sec.
44701. General requirements.
44702. Issuance of certificates.
44703. Airman certificates.
44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.
44705. Air carrier operating certificates.
44706. Airport operating certificates.
44707. Examining and rating air agencies.
44708. Inspecting and rating air navigation facilities.
44709. Amendments, modifications, suspensions, and revocations of certificates.
44710. Revocations of airman certificates for controlled substance violations.
44711. Prohibitions and exemption.
44712. Emergency locator transmitters.
44713. Inspection and maintenance.
44714. Aviation fuel standards.
44715. Controlling aircraft noise and sonic boom.
44716. Collision avoidance systems.
44717. Aging aircraft.
44718. Structures interfering with air commerce or national security.
44719. Standards for navigational aids.
44720. Meteorological services.
44721. Aeronautical charts and related products and services.
44722. Aircraft operations in winter conditions.
44723. Annual report.
44724. Manipulation of flight controls.
44725. Life-limited aircraft parts.
44726. Denial and revocation of certificate for counterfeit parts violations.
44727. Runway safety areas.
44728. Flight attendant certification.
44729. Age standards for pilots.
44730. Helicopter air ambulance operations.
44731. Collection of data on helicopter air ambulance operations.
44732. Prohibition on personal use of electronic devices on flight deck.
44733. Inspection of repair stations located outside the United States.
44734. Training of flight attendants.
44735. Limitation on disclosure of safety information.
44736. Organization designation authorizations.
44737. Helicopter fuel system safety.
44738. Training on human trafficking for certain staff.
44739. Pets on airplanes.
44740. Special rule for certain aircraft operations.
44741. Approval of organization designation authorization unit members.
44742. Interference with the duties of organization designation authorization unit members.
44743. Pilot training requirements.
44744. Flight Crew Alerting.[1]

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–328, div. O, title V, § 501(e), Dec. 29, 2022, 136 Stat. 5231, added item 44744.

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

2020—Pub. L. 116–260, div. V, title I, §§107(d)(2), 119(b), Dec. 27, 2020, 134 Stat. 2326, 2339, added items 44740 to 44743 and struck out second item 44737 ''Special rule for certain aircraft operations''.

2018—Pub. L. 115–254, div. B, title II, §212(b), title III, §317(b), title IV, §§408(b), 417(b), title V, §581(b)(2), Oct. 5, 2018, 132 Stat. 3249, 3269, 3330, 3334, 3398, added item 44736, two items 44737, and items 44738 and 44739.

2016—Pub. L. 114–328, div. A, title III, §341(a)(4)(B), Dec. 23, 2016, 130 Stat. 2081, substituted ''Structures interfering with air commerce or national security'' for ''Structures interfering with air commerce'' in item 44718.

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

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

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

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

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

§ 44701. General requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) consider—

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

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

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

(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

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

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

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

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

(A) aircraft registered in the United States and operated pursuant to an agreement for

the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

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

(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

(A) ACCEPTANCE.—Subject to subparagraph (D), the Administrator may accept an airworthiness directive, as defined in section 39.3 of title 14, Code of Federal Regulations, issued by an aeronautical safety authority of a foreign country, and leverage that authority's regulatory process, if—

(i) the country is the state of design for the product that is the subject of the airworthiness directive;

(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

(iv) the aeronautical safety authority of the country utilizes an open and transparent notice and comment process in the issuance of airworthiness directives; and

(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

(B) ALTERNATIVE APPROVAL PROCESS.—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.

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

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1185; Pub. L. 103–429, § 6(55), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title VII, § 714, Apr. 5, 2000, 114 Stat. 161; Pub. L. 115–254, div. B, title II, § 242, Oct. 5, 2018, 132 Stat. 3258.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

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

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

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

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

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

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

In subsection (d), before clause (1), the word ''rules'' is omitted as being synonymous with ''regulations''. In clause (1), before subclause (A), the word ''full'' is omitted as surplus. In clause (1)(A), the word ''provide'' is substituted for ''perform'' for consistency in the revised title.

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

PUB. L. 103–429

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

Editorial Notes

AMENDMENTS

2018—Subsec. (e)(5). Pub. L. 115–254 added par. (5).

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

LETTER OF DEVIATION AUTHORITY

Pub. L. 117–263, div. E, title LVI, §5604, Dec. 23, 2022, 136 Stat. 3406, provided that: ''A flight instructor, registered owner, lessor, or lessee of an aircraft shall not be required to obtain a letter of deviation authority from the Administrator of the Federal Aviation Administration to allow, conduct or receive flight training, checking, and testing in an experimental aircraft if—

''(1) the flight instructor is not providing both the training and the aircraft;

''(2) no person advertises or broadly offers the aircraft as available for flight training, checking, or testing; and

''(3) no person receives compensation for use of the aircraft for a specific flight during which flight training, checking, or testing was received, other than expenses for owning, operating, and maintaining the aircraft.''

SAFETY MANAGEMENT SYSTEMS

Pub. L. 116–260, div. V, title I, §102(a)–(f), Dec. 27, 2020, 134 Stat. 2309, 2310, provided that:

''(a) RULEMAKING PROCEEDING.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate a rulemaking proceeding to require that manufacturers that hold both a type certificate and a production certificate issued pursuant to section 44704 of title 49, United States Code, where the United States is the State of Design and State of Manufacture, have in place a safety management system that is consistent with the standards and recommended practices established by ICAO and contained in annex 19 to the Convention on International Civil Aviation (61 Stat. 1180), for such systems.

''(2) CONTENTS OF REGULATIONS.—The regulations issued under paragraph (1) shall, at a minimum—

''(A) ensure safety management systems are consistent with, and complementary to, existing safety management systems;

''(B) include provisions that would permit operational feedback from operators and pilots qualified on the manufacturers' equipment to ensure that the operational assumptions made during design and certification remain valid;

''(C) include provisions for the Administrator's approval of, and regular oversight of adherence to, a certificate holder's safety management system adopted pursuant to such regulations; and

''(D) require such certificate holder to adopt, not later than 4 years after the date of enactment of this title, a safety management system.

''(b) FINAL RULE DEADLINE.—Not later than 24 months after initiating the rulemaking under subsection (a), the Administrator shall issue a final rule.

''(c) SURVEILLANCE AND AUDIT REQUIREMENT.—The final rule issued pursuant to subsection (b) shall include a requirement for the Administrator to implement a systems approach to risk-based surveillance by defining and planning inspections, audits, and monitoring activities on a continuous basis, to ensure that design and production approval holders of aviation products meet and continue to meet safety management system requirements under the rule.

''(d) ENGAGEMENT WITH ICAO.—The Administrator shall engage with ICAO and foreign civil aviation authorities to help encourage the adoption of safety management systems for manufacturers on a global basis, consistent with ICAO standards.

''(e) SAFETY REPORTING PROGRAM.—The regulations issued under subsection (a) shall require a safety management system to include a confidential employee reporting system through which employees can report hazards, issues, concerns, occurrences, and incidents. A reporting system under this subsection shall include provisions for reporting, without concern for reprisal for reporting, of such items by employees in a manner consistent with confidential employee reporting systems administered by the Administrator. Such regulations shall also require a certificate holder described in subsection (a) to submit a summary of reports received under this subsection to the Administrator at least twice per year.

''(f) CODE OF ETHICS.—The regulations issued under subsection (a) shall require a safety management system to include establishment of a code of ethics applicable to all appropriate employees of a certificate holder, including officers (as determined by the FAA), which clarifies that safety is the organization's highest priority.

[For definitions of terms used in section 102(a)–(f) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

CERTIFICATION OVERSIGHT STAFF

Pub. L. 116–260, div. V, title I, §104, Dec. 27, 2020, 134 Stat. 2316, provided that:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $27,000,000 for each of fiscal years 2021 through 2023 to recruit and retain engineers, safety inspectors, human factors specialists, chief scientific and technical advisors, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, aircraft engines, propellers, appliances, and new and emerging technologies, and perform other regulatory activities.

''(b) IN GENERAL.—Not later than 60 days after the date of enactment of this title [Dec. 27, 2020], and without duplicating any recently completed or ongoing reviews, the Administrator shall initiate a review of—

''(1) the inspectors, human factors specialists, flight test pilots, engineers, managers, and executives in the FAA who are responsible for the certification of the design, manufacture, and operation of aircraft intended for air transportation for purposes of determining whether the FAA has the expertise and capability to adequately understand the safety implications of, and oversee the adoption of, new or innovative technologies, materials, and procedures used by designers and manufacturers of such aircraft; and

''(2) the Senior Technical Experts Program to determine whether the program should be enhanced or expanded to bolster and support the programs of the FAA's Office of Aviation Safety, with particular focus placed on the Aircraft Certification Service and the Flight Standards Service (or any successor organizations), particularly with respect to understanding

the safety implications of new or innovative technologies, materials, aircraft operations, and procedures used by designers and manufacturers of such aircraft.

''(c) DEADLINE FOR COMPLETION.—Not later than 270 days after the date of enactment of this title, the Administrator shall complete the review required by subsection (b).

''(d) BRIEFING.—Not later than 30 days after the completion of the review required by subsection (b), the Administrator shall brief the congressional committees of jurisdiction on the results of the review. The briefing shall include the following:

''(1) An analysis of the Administration's ability to hire safety inspectors, human factors specialists, flight test pilots, engineers, managers, executives, scientists, and technical advisors, who have the requisite expertise to oversee new developments in aerospace design and manufacturing.

''(2) A plan for the Administration to improve the overall expertise of the FAA's personnel who are responsible for the oversight of the design and manufacture of aircraft.

''(e) CONSULTATION REQUIREMENT.—In completing the review under subsection (b), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, human factors specialists, flight test pilots, and FAA aviation safety inspectors), and aerospace manufacturers.

''(f) RECRUITMENT AND RETENTION.—

''(1) BARGAINING UNITS.—Not later than 30 days after the date of enactment of this title, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other qualified technical experts certified under section 7111 of title 5, United States Code, to improve recruitment of employees for, and to implement retention incentives for employees holding, positions with respect to the certification of aircraft, aircraft engines, propellers, and appliances. If the Administrator and such representatives are unable to reach an agreement collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to improve recruitment and implement retention incentives for employees described in subsection (a) who are covered under a collective bargaining agreement.

''(2) OTHER EMPLOYEES.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this title, the Administrator shall initiate actions to improve recruitment of, and implement retention incentives for, any individual described in subsection (a) who is not covered under a collective bargaining agreement.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to vest in any exclusive bargaining representative any management right of the Administrator, as such right existed on the day before the date of enactment of this title.

''(4) AVAILABILITY OF APPROPRIATIONS.—Any action taken by the Administrator under this section shall be subject to the availability of appropriations authorized under subsection (a).''

[For definitions of terms used in section 104 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

VOLUNTARY SAFETY REPORTING PROGRAM

Pub. L. 116–260, div. V, title I, § 113, Dec. 27, 2020, 134 Stat. 2332, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall establish a voluntary safety reporting program for engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code, to confidentially report instances where they have identified safety concerns during certification or oversight processes.

''(b) SAFETY REPORTING PROGRAM REQUIREMENTS.—In establishing the safety reporting program under subsection (a), the Administrator shall ensure the following:

''(1) The FAA maintains a reporting culture that encourages human factors specialists, engineers, flight test pilots, inspectors, and other appropriate FAA employees to voluntarily report safety concerns.

''(2) The safety reporting program is non-punitive, confidential, and protects employees from adverse employment actions related to their participation in the program.

''(3) The safety reporting program identifies exclusionary criteria for the program.

''(4) Collaborative development of the program with bargaining representatives of employees under section 7111 of title 5, United States Code, who are employed in the Aircraft Certification Service or Flight Standards Service of the Administration (or, if unable to reach an agreement collaboratively, the Administrator shall negotiate with the representatives in accordance with section 40122(a) of title 49, United States Code, regarding the development of the program).

''(5) Full and collaborative participation in the program by the bargaining representatives of employees described in paragraph (4).

''(6) The Administrator thoroughly reviews safety reports to determine whether there is a safety issue, including a hazard, defect, noncompliance, nonconformance, or process error.

''(7) The Administrator thoroughly reviews safety reports to determine whether any aircraft certification process contributed to the safety concern being raised.

''(8) The creation of a corrective action process in order to address safety issues that are identified through the program.

''(c) OUTCOMES.—Results of safety report reviews under this section may be used to—

''(1) improve—

''(A) safety systems, hazard control, and risk reduction;

''(B) certification systems;

''(C) FAA oversight;

''(D) compliance and conformance; and

''(E) any other matter determined necessary by the Administrator; and

''(2) implement lessons learned.

''(d) REPORT FILING.—The Administrator shall establish requirements for when in the certification process reports may be filed to—

''(1) ensure that identified issues can be addressed in a timely manner; and

''(2) foster open dialogue between applicants and FAA employees throughout the certification process.

''(e) INTEGRATION WITH OTHER SAFETY REPORTING PROGRAMS.—The Administrator shall implement the safety reporting program established under subsection (a) and the reporting requirements established pursuant to subsection (d) in a manner that is consistent with other voluntary safety reporting programs administered by the Administrator.

''(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this title, and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the effectiveness of the safety reporting program established under subsection (a).''

[For definitions of terms used in section 113 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

FAA SAFETY OVERSIGHT AND CERTIFICATION AND PERFORMANCE METRICS

Pub. L. 115–254, div. B, title II, §§ 201, 202, 211, 221, 223, 224, 243, Oct. 5, 2018, 132 Stat. 3242, 3246, 3252, 3254, 3255,

3259, as amended by Pub. L. 116–260, div. V, title I, §129, Dec. 27, 2020, 134 Stat. 2349, provided that:

''SEC. 201. DEFINITIONS.

''In this title [enacting this note and section 44736 of this title and amending this section and sections 40104, 44704, and 45305 of this title], the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the FAA.

''(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Safety Oversight and Certification Advisory Committee established under section 202.

''(3) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) SYSTEMS SAFETY APPROACH.—The term 'systems safety approach' means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

''SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish a Safety Oversight and Certification Advisory Committee.

''(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities, including, at a minimum, the following:

''(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

''(2) Implementation and oversight of safety management systems.

''(3) Risk-based oversight efforts.

''(4) Utilization of delegation and designation authorities, including organization designation authorization.

''(5) Regulatory interpretation standardization efforts.

''(6) Training programs.

''(7) Expediting the rulemaking process and giving priority to rules related to safety.

''(8) Enhancing global competitiveness of United States manufactured and United States certificated aerospace and aviation products and services throughout the world.

''(c) FUNCTIONS.—In carrying out its duties under subsection (b), the Advisory Committee shall:

''(1) Foster industry collaboration in an open and transparent manner.

''(2) Consult with, and ensure participation by—

''(A) the private sector, including representatives of—

''(i) general aviation;

''(ii) commercial aviation;

''(iii) aviation labor;

''(iv) aviation maintenance, repair, and overhaul;

''(v) aviation, aerospace, and avionics manufacturing;

''(vi) unmanned aircraft systems operators and manufacturers; and

''(vii) the commercial space transportation industry;

''(B) members of the public; and

''(C) other interested parties.

''(3) Recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.

''(4) Provide policy guidance recommendations for the FAA's certification and safety oversight efforts.

''(5) On a regular basis, review and provide recommendations on the FAA's certification and safety oversight efforts.

''(6) Periodically review and evaluate registration, certification, and related fees.

''(7) Provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.

''[(8), (9). Repealed. Pub. L. 116–260, div. V, title I, §129(b), Dec. 27, 2020, 134 Stat. 2349.]

''(10) Provide a venue for tracking progress toward national goals and sustaining joint commitments.

''(11) Recommend recruiting, hiring, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors.

''(12) Provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects.

''(13) Improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues.

''(14) Facilitate the validation and acceptance of United States manufactured and United States certificated products and services throughout the world.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of the following members:

''(A) The Administrator (or the Administrator's designee).

''(B) At least 11 individuals, appointed by the Secretary, each of whom represents at least 1 of the following interests:

''(i) Transport aircraft and engine manufacturers.

''(ii) General aviation aircraft and engine manufacturers.

''(iii) Avionics and equipment manufacturers.

''(iv) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

''(v) General aviation operators.

''(vi) Air carriers.

''(vii) Business aviation operators.

''(viii) Unmanned aircraft systems manufacturers and operators.

''(ix) Aviation safety management experts.

''(x) Aviation maintenance, repair, and overhaul.

''(xi) Airport owners and operators.

''(2) NONVOTING MEMBERS.—

''(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

''(B) DUTIES.—The nonvoting members may—

''(i) take part in deliberations of the Advisory Committee; and

''(ii) provide input with respect to any final reports or recommendations of the Advisory Committee.

''(C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than that of an FAA safety oversight program office.

''(3) TERMS.—Each voting member and nonvoting member of the Advisory Committee appointed by the Secretary shall be appointed for a term of 2 years.

''(4) COMMITTEE CHARACTERISTICS.—The Advisory Committee shall have the following characteristics:

''(A) Each voting member under paragraph (1)(B) shall be an executive officer of the organization who has decisionmaking authority within the member's organization and can represent and enter into commitments on behalf of such organization.

''(B) The ability to obtain necessary information from experts in the aviation and aerospace communities.

''(C) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in a timely manner.

''(D) Appropriate expertise, including expertise in certification and risked-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Public Law 104–65 [the Lobbying Disclosure Act of 1995] (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

''(e) CHAIRPERSON.—

''(1) IN GENERAL.—The Chairperson of the Advisory Committee shall be appointed by the Secretary from among those members of the Advisory Committee that are voting members under subsection (d)(1)(B).

''(2) TERM.—Each member appointed under paragraph (1) shall serve a term of 2 years as Chairperson.

''(f) MEETINGS.—

''(1) FREQUENCY.—The Advisory Committee shall meet at least twice each year at the call of the Chairperson.

''(2) PUBLIC ATTENDANCE.—The meetings of the Advisory Committee shall be open and accessible to the public.

''(g) SPECIAL COMMITTEES.—

''(1) ESTABLISHMENT.—The Advisory Committee may establish special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under this section.

''(2) RULEMAKING ADVICE.—A special committee established by the Advisory Committee may—

''(A) provide rulemaking advice and recommendations to the Advisory Committee with respect to aviation-related issues;

''(B) provide the FAA additional opportunities to obtain firsthand information and insight from those parties that are most affected by existing and proposed regulations; and

''(C) assist in expediting the development, revision, or elimination of rules without circumventing public rulemaking processes and procedures.

''(3) APPLICABLE LAW.—Public Law 92–463 [the Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to a special committee established by the Advisory Committee.

''(h) SUNSET.—The Advisory Committee shall terminate on the last day of the 6-year period beginning on the date of the initial appointment of the members of the Advisory Committee.

''(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE.—The Air Traffic Procedures Advisory Committee established by the FAA shall terminate on the date of the initial appointment of the members of the Advisory Committee.

''[SECS. 211, 221. Repealed. Pub. L. 116–260, div. V, title I, §129(a), Dec. 27, 2020, 134 Stat. 2349.]

''SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a centralized safety guidance database that will—

''(1) encompass all of the regulatory guidance documents of the FAA Office of Aviation Safety;

''(2) contain, for each such guidance document, a link to the Code of Federal Regulations provision to which the document relates; and

''(3) be publicly available in a manner that—

''(A) protects from disclosure identifying information regarding an individual or entity; and

''(B) prevents inappropriate disclosure proprietary information.

''(b) DATA ENTRY TIMING.—

''(1) EXISTING DOCUMENTS.—Not later than 14 months after the date of enactment of this Act, the Administrator shall begin entering into the database established under subsection (a) all of the regulatory guidance documents of the Office of Aviation Safety that are in effect and were issued before the date on which the Administrator begins such entry process.

''(2) NEW DOCUMENTS AND CHANGES.—On and after the date on which the Administrator begins the document entry process under paragraph (1), the Administrator shall ensure that all new regulatory guidance documents of the Office of Aviation Safety and any changes to existing documents are included in the database established under subsection (a) as such documents or changes to existing documents are issued.

''(c) CONSULTATION REQUIREMENT.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers and FAA aviation safety inspectors) and aviation industry stakeholders.

''(d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—In this section, the term 'regulatory guidance documents' means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, or rulemaking document.

''SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a Regulatory Consistency Communications Board (in this section referred to as the 'Board').

''(b) CONSULTATION REQUIREMENT.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors) and industry stakeholders.

''(c) MEMBERSHIP.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

''(1) the Flight Standards Service;

''(2) the Aircraft Certification Service; and

''(3) the Office of the Chief Counsel.

''(d) FUNCTIONS.—The Board shall carry out the following functions:

''(1) Establish, at a minimum, processes by which—

''(A) FAA personnel and persons regulated by the FAA may submit anonymous regulatory interpretation questions without fear of retaliation;

''(B) FAA personnel may submit written questions, and receive written responses, as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

''(C) any other person may submit written anonymous regulatory interpretation questions.

''(2) Meet on a regular basis to discuss and resolve questions submitted pursuant to paragraph (1) and the appropriate application of regulations and policy with respect to each question.

''(3) Provide to a person that submitted a question pursuant to subparagraph (A) or (B) of paragraph (1) a timely written response to the question.

''(4) Establish a process to make resolutions of common regulatory interpretation questions publicly available to FAA personnel, persons regulated by the FAA, and the public without revealing any identifying data of the person that submitted the question and in a manner that protects any proprietary information.

''(5) Ensure the incorporation of resolutions of questions submitted pursuant to paragraph (1) into regulatory guidance documents, as such term is defined in section 223(d).

''(e) PERFORMANCE METRICS, TIMELINES, AND GOALS.—Not later than 180 days after the date on which the Advisory Committee recommends performance objectives and performance metrics for the FAA and the regulated aviation industry under section 202, the Administrator, in collaboration with the Advisory Committee, shall—

''(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted pursuant to subsection (d)(1); and

''(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals established under paragraph (1).

''SEC. 243. FAA LEADERSHIP ABROAD.

''(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator shall—

''(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

''(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate United States certificated aeronautical products;

''(3) provide assistance to United States companies that have experienced significantly long foreign validation wait times;

''(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

''(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States certificated aeronautical products abroad; and

''(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

''(b) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report that—

''(1) describes the FAA's strategic plan for international engagement;

''(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

''(3) describes current and forecasted staffing and travel needs for the FAA's international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

''(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA's international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

''(5) identifies cost-effective policy initiatives, regulatory initiatives, or legislative initiatives needed to improve and enhance the timely acceptance of United States aerospace products abroad.

''(c) INTERNATIONAL TRAVEL.—The Administrator, or the Administrator's designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

''(1) to promote United States aerospace safety standards; or

''(2) to support expedited acceptance of FAA design and production approvals.''

FAA TECHNICAL TRAINING

Pub. L. 115–254, div. B, title III, §302, Oct. 5, 2018, 132 Stat. 3260, provided that:

''(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

''(b) CURRICULUM.—The pilot program shall—

''(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

''(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

''(3) include training courses on applicable regulations of the Federal Aviation Administration; and

''(4) consider the efficacy of instructor-led online training.

''(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

''(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

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

''(1) COVERED FAA PERSONNEL.—The term 'covered FAA personnel' means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

''(2) E-LEARNING TRAINING.—The term 'e-learning training' means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.''

SAFETY CRITICAL STAFFING

Pub. L. 115–254, div. B, title III, §303, Oct. 5, 2018, 132 Stat. 3261, provided that:

''(a) UPDATE OF FAA'S SAFETY CRITICAL STAFFING MODEL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall update the safety critical staffing model of the Administration to determine the number of aviation safety inspectors that will be needed to fulfill the safety oversight mission of the Administration.

''(b) AUDIT BY DOT INSPECTOR GENERAL.—

''(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator has updated the safety critical staffing model under subsection (a), the Inspector General of the Department of Transportation shall conduct an audit of the staffing model.

''(2) CONTENTS.—The audit shall include, at a minimum—

''(A) a review of the assumptions and methodologies used in devising and implementing the staffing model to assess the adequacy of the staffing model in predicting the number of aviation safety inspectors needed—

''(i) to properly fulfill the mission of the Administration; and

''(ii) to meet the future growth of the aviation industry; and

''(B) a determination on whether the staffing model takes into account the Administration's authority to fully utilize designees.

''(3) REPORT ON AUDIT.—

''(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the

Inspector General shall submit to the Secretary a report on the results of the audit.

''(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report, the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.''

EMERGENCY MEDICAL EQUIPMENT ON PASSENGER AIRCRAFT

Pub. L. 115–254, div. B, title III, §307, Oct. 5, 2018, 132 Stat. 3263, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall evaluate and revise, as appropriate, regulations in part 121 of title 14, Code of Federal Regulations, regarding emergency medical equipment, including the contents of first-aid kits, applicable to all certificate holders operating passenger aircraft under that part.

''(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider whether the minimum contents of approved emergency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women.''

FAA AND NTSB REVIEW OF GENERAL AVIATION SAFETY

Pub. L. 115–254, div. B, title III, §308, Oct. 5, 2018, 132 Stat. 3263, provided that:

''(a) STUDY REQUIRED.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in coordination with the Chairman of the National Transportation Safety Board, shall initiate a study of general aviation safety.

''(b) STUDY CONTENTS.—The study required under subsection (a) shall include—

''(1) a review of all general aviation accidents since 2000, including a review of—

''(A) the number of such accidents;

''(B) the number of injuries and fatalities, including with respect to both occupants of aircraft and individuals on the ground, as a result of such accidents;

''(C) the number of such accidents investigated by the National Transportation Safety Board;

''(D) the number of such accidents investigated by the FAA [Federal Aviation Administration]; and

''(E) a summary of the factual findings and probable cause determinations with respect to such accidents;

''(2) an assessment of the most common probable cause determinations issued for general aviation accidents since 2000;

''(3) an assessment of the most common facts analyzed by the FAA and the National Transportation Safety Board in the course of investigations of general aviation accidents since 2000, including operational details;

''(4) a review of the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

''(5) an assessment of the responses of the FAA and the general aviation community to the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

''(6) an assessment of the most common general aviation safety issues;

''(7) a review of the total costs to the Federal Government to conduct investigations of general aviation accidents over the last 10 years; and

''(8) other matters the Administrator or the Chairman considers appropriate.

''(c) RECOMMENDATIONS AND ACTIONS TO ADDRESS GENERAL AVIATION SAFETY.—Based on the results of the study required under subsection (a), the Administrator, in consultation with the Chairman, shall make such recommendations, including with respect to regulations and enforcement activities, as the Administrator considers necessary to—

''(1) address general aviation safety issues identified under the study;

''(2) protect persons and property on the ground; and

''(3) improve the safety of general aviation operators in the United States.

''(d) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake actions to address the recommendations made under subsection (c).

''(e) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the study required under subsection (a), including the recommendations described in subsection (c).

''(f) GENERAL AVIATION DEFINED.—In this section, the term 'general aviation' means aircraft operation for personal, recreational, or other noncommercial purposes.''

AVIATION RULEMAKING COMMITTEE FOR PART 135 PILOT REST AND DUTY RULES

Pub. L. 115–254, div. B, title III, §315, Oct. 5, 2018, 132 Stat. 3267, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.

''(b) DUTIES.—The Administrator shall—

''(1) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report based on the findings of the aviation rulemaking committee; and

''(2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any consensus recommendations reached by the aviation rulemaking committee.

''(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

''(1) representatives of industry;

''(2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and

''(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.

''(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—

''(1) recommendations of prior part 135 rulemaking committees;

''(2) accommodations necessary for small businesses;

''(3) scientific data derived from aviation-related fatigue and sleep research;

''(4) data gathered from aviation safety reporting programs;

''(5) the need to accommodate the diversity of operations conducted under part 135, including the unique

duty and rest time requirements of air ambulance pilots; and

''(6) other items, as appropriate.''

VOLUNTARY REPORTS OF OPERATIONAL OR MAINTENANCE ISSUES RELATED TO AVIATION SAFETY

Pub. L. 115–254, div. B, title III, §320, Oct. 5, 2018, 132 Stat. 3269, provided that:

''(a) IN GENERAL.—There shall be a presumption that an individual's voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.

''(b) DISCLAIMER REQUIRED.—Any dissemination, within the participating organization, of a report that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone review by an event review committee, shall be accompanied by a disclaimer stating that the report—

''(1) has not been reviewed by an event review committee tasked with reviewing such reports; and

''(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

''(c) REJECTION OF REPORT.—

''(1) IN GENERAL.—A report described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the report, an event review committee tasked with reviewing such report, or the Federal Aviation Administration member of the event review committee in the case that the review committee does not reach consensus, determines that the report fails to meet the criteria for acceptance under such program.

''(2) PROTECTIONS.—In any case in which a report of an individual described under subsection (a) is rejected under paragraph (1)—

''(A) the enforcement-related incentive offered to the individual for making such a report shall not apply; and

''(B) the protection from disclosure of the report itself under section 40123 of title 49, United States Code, shall not apply.

''(3) AVIATION SAFETY ACTION PROGRAM DEFINED.—In this section, the term 'aviation safety action program' means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.''

FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS

Pub. L. 115–254, div. B, title III, §335, Oct. 5, 2018, 132 Stat. 3280, provided that:

''(a) MODIFICATION OF FINAL RULE.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall modify the final rule of the Federal Aviation Administration published in the Federal Register on August 19, 1994 (59 Fed. Reg. 42974; relating to flight attendant duty period limitations and rest requirements) in accordance with the requirements of this subsection.

''(2) CONTENTS.—The final rule, as modified under paragraph (1), shall ensure that—

''(A) a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and

''(B) the rest period is not reduced under any circumstances.

''(b) FATIGUE RISK MANAGEMENT PLAN.—

''(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a 'part 121 air carrier'), shall submit to the Administrator of the Federal Aviation Administration for review and acceptance a fatigue risk management plan for the carrier's flight attendants.

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

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

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

''(i) fatigue;

''(ii) the effects of fatigue on flight attendants; and

''(iii) fatigue countermeasures.

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

''(i) to improve alertness; and

''(ii) to mitigate performance errors.

''(3) REVIEW.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall review and accept or reject each fatigue risk management plan submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

''(4) PLAN UPDATES.—

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

''(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

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

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

CLARIFICATION OF REQUIREMENTS FOR LIVING HISTORY FLIGHTS

Pub. L. 115–254, div. B, title V, §532, Oct. 5, 2018, 132 Stat. 3366, provided that:

''(a) IN GENERAL.—Notwithstanding any other law or regulation, in administering sections 61.113(c), 91.9, 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a) of title 14, Code of Federal Regulations (or any successor regulations), the Administrator [of the Federal Aviation Administration] shall allow an aircraft owner or operator to accept monetary or in-kind donations for a flight operated by a living history flight experience provider, 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 PUBLIC SAFETY.—The Administrator, consistent with current standards of the [Federal Aviation] Administration for such operations, shall impose minimum standards with respect to training and flight hours for operations conducted by an owner or operator of an aircraft providing living history flight experience operations, including mandating that the pilot in command of such aircraft hold a commercial pilot certificate with instrument rating and be current and qualified with respect to all ratings or au-

thorizations applicable to the specific aircraft being flown to ensure the safety of flight operations described in subsection (a).

''(c) LIVING HISTORY FLIGHT EXPERIENCE PROVIDER DEFINED.—In this section, the term 'living history flight experience provider' means an aircraft owner, aircraft operator, or organization that provides, arranges, or otherwise fosters living history flight experiences for the purpose of fulfilling its mission.''

FAA CIVIL AVIATION REGISTRY UPGRADE

Pub. L. 115–254, div. B, title V, § 546, Oct. 5, 2018, 132 Stat. 3376, provided that:

''(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete covered upgrades of the Administration's Civil Aviation Registry (in this section referred to as the 'Registry').

''(b) COVERED UPGRADE DEFINED.—In this section, the term 'covered upgrades' means—

''(1) the digitization of nondigital Registry information, including paper documents, microfilm images, and photographs, from an analog or nondigital format to a digital format;

''(2) the digitalization of Registry manual and paper-based processes, business operations, and functions by leveraging digital technologies and a broader use of digitized data;

''(3) the implementation of systems allowing a member of the public to submit any information or form to the Registry and conduct any transaction with the Registry by electronic or other remote means; and

''(4) allowing more efficient, broader, and remote access to the Registry.

''(c) APPLICABILITY.—The requirements of subsection (a) shall apply to the entire Civil Aviation Registry, including the Aircraft Registration Branch and the Airmen Certification Branch.

''(d) MANUAL SURCHARGE.—[Enacted section 45306 of this title.]

''(e) REPORT.—Not later than 1 year after date of enactment of this Act, and annually thereafter until the covered upgrades required under subsection (a) are complete, the Administrator shall submit a report to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] describing—

''(1) the schedule for the covered upgrades to the Registry;

''(2) the office responsible for the implementation of the such covered upgrades;

''(3) the metrics being used to measure progress in implementing the covered upgrades; and

''(4) the status of the covered upgrades as of the date of the report.''

UNDECLARED HAZARDOUS MATERIALS PUBLIC AWARENESS CAMPAIGN

Pub. L. 115–254, div. B, title V, § 583, Oct. 5, 2018, 132 Stat. 3399, provided that:

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a public awareness campaign to reduce the amount of undeclared hazardous materials traveling through air commerce.

''(b) CAMPAIGN REQUIREMENTS.—The public awareness campaign required under subsection (a) shall do the following:

''(1) Focus on targeting segments of the hazardous materials industry with high rates of undeclared shipments through air commerce and educate air carriers, shippers, manufacturers, and other relevant stakeholders of such segments on properly packaging and classifying such shipments.

''(2) Educate the public on proper ways to declare and ship hazardous materials, examples of everyday items that are considered hazardous materials, and penalties associated with intentional shipments of undeclared hazardous materials.

''(c) INTERAGENCY WORKING GROUP.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish an interagency working group to promote collaboration and engagement between the Department of Transportation and other relevant agencies, and develop recommendations and guidance on how best to conduct the public awareness campaign required under subsection (a).

''(2) DUTIES.—The interagency working group shall consult with relevant stakeholders, including cargo air carriers, passenger air carriers, and labor organizations representing pilots for cargo and passenger air carriers operating under part 121 of title 14, Code of Federal Regulations.

''(d) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall provide to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an update on the status of the public awareness campaign required under subsection (a).''

COCKPIT AUTOMATION MANAGEMENT

Pub. L. 114–190, title II, § 2102, July 15, 2016, 130 Stat. 619, provided that: ''Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall—

''(1) develop a process to verify that air carrier training programs incorporate measures to train pilots on—

''(A) monitoring automation systems; and

''(B) controlling the flightpath of aircraft without autopilot or autoflight systems engaged;

''(2) develop metrics or measurable tasks that air carriers can use to evaluate pilot monitoring proficiency;

''(3) issue guidance to aviation safety inspectors responsible for oversight of the operations of air carriers on tracking and assessing pilots' proficiency in manual flight; and

''(4) issue guidance to air carriers and inspectors regarding standards for compliance with the requirements for enhanced pilot training contained in the final rule published in the Federal Register on November 12, 2013 (78 Fed. Reg. 67800).''

ADDITIONAL CERTIFICATION RESOURCES

Pub. L. 114–190, title II, § 2109, July 15, 2016, 130 Stat. 623, provided that:

''(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator of the FAA may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval or the acceptance or validation by the FAA of a foreign authority certificate or design approval.

''(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

''(1) the travel covered under the agreement is deemed necessary, by both the Administrator and the applicant or certificate-holder, to expedite the acceptance or validation of the relevant certificate or approval;

''(2) the travel is conducted at the request of the applicant or certificate-holder;

''(3) travel plans and expenses are approved by the applicant or certificate-holder prior to travel; and

''(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(*l*)(6) of title 49, United States Code.

''(c) REPORT.—Not later than 2 years after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on—

''(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

''(2) the number of occasions on which the Administrator declined a request by an applicant or certificate-holder to enter into a reimbursable agreement under this section;

''(3) the amount of reimbursements collected in accordance with agreements under this section; and

''(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for validations of certificates and design approvals.

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

''(1) APPLICANT.—The term 'applicant' means a person that has—

''(A) applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval; or

''(B) applied to the FAA for the acceptance or validation of a foreign authority certificate or design approval.

''(2) CERTIFICATE-HOLDER.—The term 'certificate-holder' means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

''(3) FAA.—The term 'FAA' means the Federal Aviation Administration.''

NOTICES TO AIR MISSIONS

Pub. L. 118–4, §3, June 3, 2023, 137 Stat. 9, provided that: ''Not later than September 30, 2024, the Administrator of the Federal Aviation Administration shall make the following improvements:

''(1) Complete implementation of a Federal NOTAM System (in this section referred to as a 'FNS').

''(2) Implement a back-up system to the FNS.

''(3) Brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to enhance the capability to deliver information through the FNS that is machine-readable, filterable, and in the format used by the International Civil Aviation Organization (ICAO) to promote further global harmonization among neighboring Air Navigation Service Providers (ANSPs) and provide users of the National Airspace System with one consistent format for domestic and international operations.''

Pub. L. 115–254, div. B, title III, §394(a), Oct. 5, 2018, 132 Stat. 3325, provided that: ''Beginning on the date that is 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights [Pub. L. 112–153] (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section.''

Pub. L. 112–153, §3, Aug. 3, 2012, 126 Stat. 1162, as amended by Pub. L. 115–254, div. B, title III, §394(b), Oct. 5, 2018, 132 Stat. 3325, provided that:

''(a) IN GENERAL.—

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

''(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of the Fairness for Pilots Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete the implementation of a Notice to Airmen Improvement Program (in this section referred to as the 'NOTAM Improvement Program')—

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

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;

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

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.

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

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

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

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

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

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

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

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''

CONSISTENCY OF REGULATORY INTERPRETATION

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

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

comprised of both Government and industry representatives to—

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

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

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

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

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

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

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

FLIGHT STANDARDS EVALUATION PROGRAM

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

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

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

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

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

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

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

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

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

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

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

''(b) MONTHLY TEAM REPORTS.—

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

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

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

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

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

DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS

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

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

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

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

SAFETY CRITICAL STAFFING

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

''(a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration

shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled 'Staffing Standards for Aviation Safety Inspectors'. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

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

AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES

Pub. L. 115–254, div. B, title III, §333, Oct. 5, 2018, 132 Stat. 3274, provided that:

''(a) HARMONIZATION WITH ICAO TECHNICAL INSTRUCTIONS.—

''(1) ADOPTION OF ICAO INSTRUCTIONS.—

''(A) IN GENERAL.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015–2016 edition of the International Civil Aviation Organization's (referred to in this subsection as 'ICAO') Technical Instructions (to include all addenda), including the revised standards adopted by ICAO which became effective on April 1, 2016 and any further revisions adopted by ICAO prior to the effective date of the FAA Reauthorization Act of 2018 [probably means Oct. 5, 2018].

''(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

''(2) REVIEW OF OTHER REGULATIONS.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

''(b) MEDICAL DEVICE BATTERIES.—

''(1) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, not later than 45 days after receipt of an application, an application submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit to the Federal Aviation Administration based on the application. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 20 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

''(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

''(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; and

''(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices that cannot comply with a charge limitation in place at the time, each battery is—

''(i) individually packed in an inner packaging that completely encloses the battery;

''(ii) placed in a rigid outer packaging; and

''(iii) protected to prevent a short circuit.

''(3) MEDIAL [sic] DEVICE DEFINED.—In [sic] this subsection, the term 'medical device' means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

''(4) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

''(c) LITHIUM BATTERY SAFETY WORKING GROUP.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish a lithium battery safety working group (referred to as the 'working group' in this section) to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

''(2) DUTIES.—The working group shall coordinate and facilitate the transfer of knowledge and expertise among the following Federal agencies:

''(A) The Department of Transportation.

''(B) The Consumer Product Safety Commission.

''(C) The National Institute on Standards and Technology.

''(D) The Food and Drug Administration.

''(3) MEMBERS.—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

''(4) SUBCOMMITTEES.—The Secretary, or members of the working group, may—

''(A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

''(B) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the Secretary or members consider necessary.

''(5) REPORT.—Not later than 1 year after the date it is established, the working group shall—

''(A) identify and assess—

''(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

''(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

''(iii) new or existing technologies that may reduce the fire and explosion risk of lithium batteries and cells; and

''(B) transmit to the appropriate committees of Congress a report on the assessments conducted under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

''(6) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (5).

''(d) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish, in accordance with the re-

quirements of the Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the 'Committee').

''(2) DUTIES.—The Committee shall—

''(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

''(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

''(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums;

''(D) provide a forum for the Secretary to provide information and receive advice on—

''(i) activities carried out throughout the world to communicate and enforce relevant United States regulations and the ICAO Technical Instructions; and

''(ii) the effectiveness of the activities;

''(E) provide advice and recommendations to the Secretary with respect to lithium ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers; and

''(F) review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

''(3) MEMBERSHIP.—The Committee shall be composed of the following members:

''(A) Individuals appointed by the Secretary to represent—

''(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

''(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

''(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

''(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

''(v) marketers of products powered by lithium ion and lithium metal batteries;

''(vi) cargo air service providers based in the United States;

''(vii) passenger air service providers based in the United States;

''(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

''(ix) shippers of lithium ion and lithium metal batteries for air transportation;

''(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and

''(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

''(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

''(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary and the appropriate committees of Congress a report that—

''(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and

''(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

''(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

''(5) MEETINGS.—

''(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

''(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.

''(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

''(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

''(e) COOPERATIVE EFFORTS TO ENSURE COMPLIANCE WITH SAFETY REGULATIONS.—

''(1) IN GENERAL.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

''(2) COOPERATIVE EFFORTS.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

''(A) Encouraging training programs at locations outside the United States from which substantial cargo shipments of lithium ion or lithium metal batteries originate for manufacturers, freight forwarders, and other shippers and potential shippers of lithium ion and lithium metal batteries.

''(B) Working with Federal, regional, and international transportation agencies to ensure enforcement of U.S. Hazardous Materials Regulations and ICAO Technical Instructions with respect to shippers who offer noncompliant shipments of lithium ion and lithium metal batteries.

''(C) Sharing information, as appropriate, with Federal, regional, and international transportation agencies regarding noncompliant shipments.

''(D) Pursuing a joint effort with the international aviation community to develop a process to obtain assurances that appropriate enforcement actions are taken to reduce the likelihood of noncompliant shipments, especially with respect to jurisdictions in which enforcement activities historically have been limited.

''(E) Providing information in brochures and on the internet in appropriate foreign languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

''(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods

of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

''(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

''(f) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

''(g) DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—

''(1) IN GENERAL.—It shall be the policy of the Department of Transportation to support the participation of industry and labor stakeholders in all panels and working groups of the dangerous goods panel of the ICAO and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

''(2) PARTICIPATION.—The Secretary of Transportation shall request that as part of the ICAO deliberations in the dangerous goods panel on these issues, that appropriate experts on issues under consideration be allowed to participate.

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

''(1) ICAO TECHNICAL INSTRUCTIONS.—The term 'ICAO Technical Instructions' has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

''(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term 'U.S. Hazardous Materials Regulations' means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act [Oct. 5, 2018]).''

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

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

''(b) EXCEPTIONS.—

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

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

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

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

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

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

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

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

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

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

AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Pub. L. 111–216, title II, Aug. 1, 2010, 124 Stat. 2350, as amended by Pub. L. 111–249, §6, Sept. 30, 2010, 124 Stat. 2628; Pub. L. 117–286, §4(a)(315), Dec. 27, 2022, 136 Stat. 4340, provided that:

''SEC. 201. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

''[Amended section 1135 of this title.]

''SEC. 203. FAA PILOT RECORDS DATABASE.

''[Amended section 44703 of this title.]

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

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

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

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

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

''(2) Flight crewmember professional standards.

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

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

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

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

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

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

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

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

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

''(f) APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Chapter 10 of title 5, United States Code, shall not apply to the Task Force.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) AVIATION RULEMAKING COMMITTEE.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to develop procedures for each part 121 air carrier to take the following actions:

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

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

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

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

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

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

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

''(3) STREAMLINED PROGRAM REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

''(a) RULEMAKING PROCEEDINGS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(G) crew leadership training.

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

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

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

''[Amended section 41712 of this title.]

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

''The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract

with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

''SEC. 212. PILOT FATIGUE.

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

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

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

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

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

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

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

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

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

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

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

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

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

''(K) Medical screening and treatment.

''(L) Rest environments.

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

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

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

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

''(b) FATIGUE RISK MANAGEMENT PLAN.—

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

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

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

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

''(i) fatigue;

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

''(iii) fatigue countermeasures.

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

''(i) to improve alertness; and

''(ii) to mitigate performance errors.

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

''(4) PLAN UPDATES.—

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

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

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

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

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

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 213. VOLUNTARY SAFETY PROGRAMS.

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

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

''(1) a list of—

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

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

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

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

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

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

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

''(5) an explanation of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 215. SAFETY MANAGEMENT SYSTEMS.

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

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

''(1) An aviation safety action program.

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

''(3) A line operations safety audit.

''(4) An advanced qualification program.

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

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

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

''(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term 'safety management system' means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

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

''(a) REQUIREMENTS.—

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

''(2) MINIMUM REQUIREMENTS.—

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

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

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

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

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

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

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

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

''SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

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

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

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

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

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

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

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

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

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

''(c) FLIGHT HOURS.—

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

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

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

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

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

FAA INSPECTOR TRAINING

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

''(a) STUDY.—

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

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

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

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

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

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

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

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

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

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

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

''(c) WORKLOAD OF INSPECTORS.—

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

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

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

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

''(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.''

AIR TRANSPORTATION OVERSIGHT SYSTEM

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

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

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

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

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

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

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

REGULATION OF ALASKA GUIDE PILOTS

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

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

''(b) RULEMAKING PROCEEDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AVIATION MEDICAL ASSISTANCE

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

''SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

''(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 5. LIMITATIONS ON LIABILITY.

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

''(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a

Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

''SEC. 6. DEFINITIONS.

''In this Act—

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

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

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

DEFINITIONS

Pub. L. 115–254, div. B, title III, § 301, Oct. 5, 2018, 132 Stat. 3260, provided that: ''In this title [see Tables for classification], 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.''

§ 44702. Issuance of certificates

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

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

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

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

(1) consider—

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

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

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

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

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

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

(B) issuing the certificate.

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

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

(4)(A) With respect to a critical system design feature of a transport category airplane, the Administrator may not delegate any finding of compliance with applicable airworthiness standards or review of any system safety assessment required for the issuance of a certificate, including a type certificate, or amended or supplemental type certificate, under section 44704, until the Administrator has reviewed and validated any underlying assumptions related to human factors.

(B) The requirement under subparagraph (A) shall not apply if the Administrator determines the matter involved is a routine task.

(C) For purposes of subparagraph (A), the term critical system design feature includes any feature (including a novel or unusual design feature) for which the failure of such feature, either independently or in combination with other failures, could result in catastrophic or hazardous failure conditions, as those terms are defined by the Administrator.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 108–176, title II, § 227(a), Dec. 12, 2003, 117 Stat. 2531; Pub. L. 116–260, div. V, title I, § 106, Dec. 27, 2020, 134 Stat. 2320.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44702(a)	49 App.:1422(a) (1st–10th words). 49 App.:1423(a)(1), (b), (c) (as 49 App.:1423(a)(1), (b), (c) relate to issuing certificates). 49 App.:1424(a) (related to issuing certificates). 49 App.:1426 (last sentence).	Aug. 23, 1958, Pub. L. 85–726, §§ 314 (less (a) (last sentence related to fees)), 601(b) (1st sentence related to issuing certificates, 2d sentence), 602(a) (1st–8th words), 603(a)(1), (b), (c) (as § 603(a)(1), (b), (c) relate to issuing certificates), 604(a) (related to issuing certificates), 606 (last sentence), 607 (last sentence), 608, 72 Stat. 754, 775, 776, 777, 778, 779.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	49 App.:1427 (last sentence).	
	49 App.:1428.	
	49 App.:1432(a) (related to issuing certificates).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(a) (related to issuing certificates); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97–248, §525(a), 96 Stat. 697.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44702(b)	49 App.:1421(b) (1st sentence related to issuing certificates).	
	49 App.:1655(c)(1).	
44702(c)	49 App.:1421(b) (2d sentence).	
	49 App.:1655(c)(1).	
44702(d)	49 App.:1355 (less (a) (last sentence related to fees)).	
	49 App.:1655(c)(1).	

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

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

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

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

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

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

Editorial Notes

AMENDMENTS

2020—Subsec. (d)(4). Pub. L. 116–260 added par. (4).

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS

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

§ 44703. Airman certificates

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

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

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

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

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

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

(E) designate the class the certificate covers.

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

(c) PUBLIC INFORMATION.—

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

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

(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each indi-

vidual who becomes an airman after such date of enactment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

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

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

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

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

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

ployment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

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

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

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

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

(IV) section 125.401 of such title; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) inform the individual of—

(I) the request; and

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

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

(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot who is or has been employed by such carrier, make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B)(i) or (ii) pertaining to the employment of the pilot.

(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in

deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

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

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

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

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

(A) to protect—

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

(ii) the confidentiality of those records;

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

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

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

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

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

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

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

(i) FAA PILOT RECORDS DATABASE.—

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

(2) PILOT RECORDS DATABASE.—Not later than April 30, 2017, the Administrator shall establish and make available for use an electronic database (in this subsection referred to as the ''database'') containing the following records:

(A) FAA RECORDS.—From the Administrator—

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

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

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

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

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

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

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

(III) section 121.219(a) of such title;
(IV) section 125.401 of such title; and
(V) section 135.63(a)(4) of such title; and

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

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

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

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

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

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

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

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

(4) REPORTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) remain available until expended.

(9) PRIVACY PROTECTIONS.—

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

(B) DISCLOSURE OF INFORMATION.—

(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552(b)(3)(B) of title 5.

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

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

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

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

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

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

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

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

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

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

(A) to protect and secure—

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

(ii) the confidentiality of those records; and

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

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

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

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

(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

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

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

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

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

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

(15) REGULATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person knows is false; and

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

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

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

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

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

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 106–181, title VII, §715, Apr. 5, 2000, 114 Stat. 162; Pub. L. 107–71, title I, §§129, 138(b), 140(a), Nov. 19, 2001, 115 Stat. 633, 640, 641; Pub. L. 111–216, title II, §203, Aug. 1, 2010, 124 Stat. 2352; Pub. L. 111–249, §6(3), (4), Sept. 30, 2010, 124 Stat. 2629; Pub. L. 112–95, title III, §§301(a), 310(c), Feb. 14, 2012, 126 Stat. 56, 65; Pub. L. 112–153, §2(c)(1), Aug. 3, 2012, 126 Stat. 1160; Pub. L. 114–125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210; Pub. L. 114–190, title II, §2101, July 15, 2016, 130 Stat. 619.)

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

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

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

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

CODIFICATION

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

AMENDMENTS

2016—Subsec. (i)(2). Pub. L. 114–190 substituted ''Not later than April 30, 2017, the Administrator shall establish and make available for use'' for ''The Administrator shall establish''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

''Commissioner of U.S. Customs and Border Protection'' substituted for ''Commissioner of Customs'' in subsec. (g)(2) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2010 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

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

TERMINATION DATE

Subsec. (h) of this section ceases to be effective beginning on Sept. 9, 2024, see 14 C.F.R. §111.5(b).

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

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

APPLICABILITY OF MEDICAL CERTIFICATION STANDARDS TO OPERATORS OF AIR BALLOONS

Pub. L. 115–254, div. B, title III, §318, Oct. 5, 2018, 132 Stat. 3269, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Commercial Balloon Pilot Safety Act of 2018'.

''(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall revise section 61.3(c) of title 14, Code of Federal Regulations (relating to second-class medical certificates), to apply to an operator of an air balloon to the same extent such regulations apply to a pilot flight crewmember of other aircraft.

''(c) AIR BALLOON DEFINED.—In this section, the term 'air balloon' has the meaning given the term 'balloon' in section 1.1 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).''

DESIGNATED PILOT EXAMINER REFORMS

Pub. L. 115–254, div. B, title III, §319, Oct. 5, 2018, 132 Stat. 3269, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall assign to the Aviation Rulemaking Advisory Committee (in this section referred to as the 'Committee') the task of reviewing all regulations and policies related to designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations. The Committee shall focus on the processes and requirements by which the FAA [Federal Aviation Administration] selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties. The Committee also shall make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designed pilot examiner without regard to any individual managing office.

''(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a), the Administrator shall take such action as the Administrator considers appropriate with respect to those recommendations.''

PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING FLIGHT TIMES

Pub. L. 115–254, div. B, title V, §517, Oct. 5, 2018, 132 Stat. 3359, provided that: ''The Administrator [of the Federal Aviation Administration] shall issue regulations modifying section 61.51(j)(4) of title 14, Code of Federal Regulations, so as to include aircraft under the direct operational control of forestry and fire protection agencies as public aircraft eligible for logging flight times.''

PORTABILITY OF REPAIRMAN CERTIFICATES

Pub. L. 115–254, div. B, title V, §582, Oct. 5, 2018, 132 Stat. 3399, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall assign to the Aviation Rulemaking Advisory Committee the task of making recommendations with respect to the regulatory and policy changes, as appropriate, to allow a repairman certificate issued under section 65.101 of title 14, Code of Federal Regulations, to be portable from one employing certificate holder to another.

''(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a), the Administrator may take such action as the Administrator considers appropriate with respect to those recommendations.''

MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS

Pub. L. 114–190, title II, §2307, July 15, 2016, 130 Stat. 641, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

''(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

''(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

''(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

''(A) indicates whether the certificate is first, second, or third class;

''(B) may include authorization for special issuance;

''(C) may be expired;

''(D) cannot have been revoked or suspended; and

''(E) cannot have been withdrawn;

''(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

''(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

''(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

''(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

''(A) prior to the examination, the individual—

''(i) completed the individual's section of the checklist described in subsection (b); and

''(ii) provided the completed checklist to the physician performing the examination; and

''(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

''(8) the individual is operating in accordance with the following conditions:

''(A) The covered aircraft is carrying not more than 5 passengers.

''(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

''(C) The flight, including each portion of that flight, is not carried out—

''(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

''(ii) at an altitude that is more than 18,000 feet above mean sea level;

''(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

''(iv) at an indicated air speed exceeding 250 knots.

''(b) COMPREHENSIVE MEDICAL EXAMINATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

''(2) REQUIREMENTS.—The checklist shall contain—

''(A) a section, for the individual to complete that contains—

''(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99); and

''(ii) a signature line for the individual to affirm that—

''(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

''(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

''(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

''(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

''(C) a section, for the physician to complete, that instructs the physician—

''(i) to perform a clinical examination of—

''(I) head, face, neck, and scalp;

''(II) nose, sinuses, mouth, and throat;

''(III) ears, general (internal and external canals), and eardrums (perforation);

''(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

''(V) lungs and chest (not including breast examination);

''(VI) heart (precordial activity, rhythm, sounds, and murmurs);

''(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

''(VIII) abdomen and viscera (including hernia);

''(IX) anus (not including digital examination);

''(X) skin;

''(XI) G–U system (not including pelvic examination);

''(XII) upper and lower extremities (strength and range of motion);

''(XIII) spine and other musculoskeletal;

''(XIV) identifying body marks, scars, and tattoos (size and location);

''(XV) lymphatics;

''(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

''(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

''(XVIII) general systemic;

''(XIX) hearing;

''(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

''(XXI) blood pressure and pulse; and

''(XXII) anything else the physician, in his or her medical judgment, considers necessary;

''(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

''(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

''(iv) to sign the checklist, stating: 'I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.'; and

''(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

''(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

''(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

''(1) be available on the Internet free of charge;

''(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

''(3) educate pilots on conducting medical self-assessments;

''(4) advise pilots on identifying warning signs of potential serious medical conditions;

''(5) identify risk mitigation strategies for medical conditions;

''(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

''(7) encourage regular medical examinations and consultations with primary care physicians;

''(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

''(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

''(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

''(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

''(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

''(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under subsection (a)(6);

''(D) a form that includes—

''(i) the name, address, telephone number, and airman certificate number of the individual;

''(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

''(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

''(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

''(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: 'I understand that I cannot act as pilot in command,

or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.'.

''(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

''(e) SPECIAL ISSUANCE PROCESS.—

''(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

''(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

''(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

''(ii) psychosis, defined as a case in which an individual—

''(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

''(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

''(iii) bipolar disorder; or

''(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

''(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

''(i) Epilepsy.

''(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

''(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

''(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

''(i) Myocardial infraction [sic].

''(ii) Coronary heart disease that has required treatment.

''(iii) Cardiac valve replacement.

''(iv) Heart replacement.

''(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

''(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

''(A) IN GENERAL.—In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

''(i) in the judgment of the individual's State-licensed medical specialist, the condition—

''(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

''(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

''(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

''(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

''(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

''(A) IN GENERAL.—In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

''(i) in the judgment of the individual's State-licensed medical specialist, the condition—

''(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

''(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

''(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

''(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

''(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR CACI PROGRAM.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

''(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

''(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report listing the medical conditions that have been added to the CACI program under paragraph (1).

''(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

''(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

''(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

''(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

''(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the appropriate committees of Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

''(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft

for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

''(j) COVERED AIRCRAFT DEFINED.—In this section, the term 'covered aircraft' means an aircraft that—

''(1) is authorized under Federal law to carry not more than 6 occupants; and

''(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

''(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

''(*l*) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

''(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

''(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.''

FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE

Pub. L. 112–153, §2, Aug. 3, 2012, 126 Stat. 1159, as amended by Pub. L. 115–254, div. B, title III, §392, Oct. 5, 2018, 132 Stat. 3323, provided that:

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

''(b) ACCESS TO INFORMATION.—

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

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

''(A) of the nature of the investigation and the specific activity on which the investigation is based;

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

''(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

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

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

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

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

''(4) ACCESS TO AIR TRAFFIC DATA.—

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

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

''(i) relevant air traffic communication tapes;

''(ii) radar information;

''(iii) air traffic controller statements;

''(iv) flight data;

''(v) investigative reports; and

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

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

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

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

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

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

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

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

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

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

''(c) AMENDMENTS TO TITLE 49.—

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

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

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

''(d) APPEAL FROM CERTIFICATE ACTIONS.—

''(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question oc-

curred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

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

''(e) STANDARD OF REVIEW.—

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

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

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide, upon request, to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time of the request, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report not later than 5 days after its completion.

''(B) OTHER ORDERS.—In any nonemergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''

MEDICAL CERTIFICATION

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

''(a) ASSESSMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

''(4) to ensure that—

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

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

''(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to

advise the Administrator in carrying out the goals of the assessment required under this section.

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

IMPROVED PILOT LICENSES

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

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

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

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

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

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

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

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

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

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

''(3) be smart cards that—

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

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

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

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

''(f) REPORT TO CONGRESS.—

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

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

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

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

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

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

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

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

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

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

CREDITING OF LAW ENFORCEMENT FLIGHT TIME

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

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

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

§ 44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates

(a) TYPE CERTIFICATES.—

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

(2) SPECIFICATIONS.—The Administrator may—

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

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

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

(3) SPECIAL RULES FOR NEW AIRCRAFT AND APPLIANCES.—Except as provided in paragraph (4), if the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall pro-

vide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.

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

(5) RELEASE OF DATA.—

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

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

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

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

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

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

(b) SUPPLEMENTAL TYPE CERTIFICATES.—

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

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

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

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

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

(2) A person applying for the issuance or renewal of an airworthiness certificate for an aircraft for which ownership has not been recorded under section 44107 or 44110 of this title must submit with the application information related to the ownership of the aircraft the Administrator decides is necessary to identify each person having a property interest in the aircraft and the kind and extent of the interest.

(3) NONCONFORMITY WITH APPROVED TYPE DESIGN.—

(A) IN GENERAL.—Consistent with the requirements of paragraph (1), a holder of a production certificate for an aircraft may not present a nonconforming aircraft, either directly or through the registered owner of such aircraft or a person described in paragraph (2), to the Administrator for issuance of an initial airworthiness certificate.

(B) CIVIL PENALTY.—Notwithstanding section 46301, a production certificate holder who knowingly violates subparagraph (A) shall be

liable to the Administrator for a civil penalty of not more than $1,000,000 for each nonconforming aircraft.

(C) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (B), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time the nonconformity was known by the holder of a production certificate but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(D) NONCONFORMING AIRCRAFT DEFINED.—In this paragraph, the term ''nonconforming aircraft'' means an aircraft that does not conform to the approved type design for such aircraft type.

(e) DISCLOSURE OF SAFETY CRITICAL INFORMATION.—

(1) IN GENERAL.—Notwithstanding a delegation described in section 44702(d), the Administrator shall require an applicant for, or holder of, a type certificate for a transport category airplane covered under part 25 of title 14, Code of Federal Regulations, to submit safety critical information with respect to such airplane to the Administrator in such form, manner, or time as the Administrator may require. Such safety critical information shall include—

(A) any design and operational details, intended functions, and failure modes of any system that, without being commanded by the flight crew, commands the operation of any safety critical function or feature required for control of an airplane during flight or that otherwise changes the flight path or airspeed of an airplane;

(B) the design and operational details, intended functions, failure modes, and mode annunciations of autopilot and autothrottle systems, if applicable;

(C) any failure or operating condition that the applicant or holder anticipates or has concluded would result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity;

(D) any adverse handling quality that fails to meet the requirements of applicable regulations without the addition of a software system to augment the flight controls of the airplane to produce compliant handling qualities; and

(E) a system safety assessment with respect to a system described in subparagraph (A) or (B) or with respect to any component or other system for which failure or erroneous operation of such component or system could result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity.

(2) ONGOING COMMUNICATIONS.—

(A) NEWLY DISCOVERED INFORMATION.—The Administrator shall require that an applicant for, or holder of, a type certificate disclose to the Administrator, in such form, manner, or time as the Administrator may require, any newly discovered information or design or analysis change that would materially alter any submission to the Administrator under paragraph (1).

(B) SYSTEM DEVELOPMENT CHANGES.—The Administrator shall establish multiple milestones throughout the certification process at which a proposed airplane system will be assessed to determine whether any change to such system during the certification process is such that such system should be considered novel or unusual by the Administrator.

(3) FLIGHT MANUALS.—The Administrator shall ensure that an airplane flight manual and a flight crew operating manual (as appropriate or applicable) for an airplane contains a description of the operation of a system described in paragraph (1)(A) and flight crew procedures for responding to a failure or aberrant operation of such system.

(4) CIVIL PENALTY.—

(A) AMOUNT.—Notwithstanding section 46301, an applicant for, or holder of, a type certificate that knowingly violates paragraph (1), (2), or (3) of this subsection shall be liable to the Administrator for a civil penalty of not more than $1,000,000 for each violation.

(B) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (A), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time that such safety critical information was known but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(5) REVOCATION AND CIVIL PENALTY FOR INDIVIDUALS.—

(A) IN GENERAL.—The Administrator shall revoke any airline transport pilot certificate issued under section 44703 held by any individual who, while acting on behalf of an applicant for, or holder of, a type certificate, knowingly makes a false statement with respect to any of the matters described in subparagraphs (A) through (E) of paragraph (1).

(B) AUTHORITY TO IMPOSE CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation described in subparagraph (A).

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise inhibit the authority of the Administrator to deny an application by an applicant for a type certificate or to revoke or amend a type certificate of a holder of such certificate.

(7) DEFINITION OF TYPE CERTIFICATE.—In this subsection, the term ''type certificate''—

(A) means a type certificate issued under subsection (a) or an amendment to such certificate; and

(B) does not include a supplemental type certificate issued under subsection (b).

(f) HEARING REQUIREMENT.—The Administrator may find that a person has violated subsection (a)(6) or paragraph (1), (2), or (3) of subsection (e) and impose a civil penalty under the applicable subsection only after notice and an opportunity for a hearing. The Administrator shall provide a person—

(1) written notice of the violation and the amount of penalty; and

(2) the opportunity for a hearing under subpart G of part 13 of title 14, Code of Federal Regulations.

(g) CERTIFICATION DISPUTE RESOLUTION.—

(1) DISPUTE RESOLUTION PROCESS AND APPEALS.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Administrator shall issue an order establishing—

(i) an effective, timely, and milestone-based issue resolution process for type certification activities under subsection (a); and

(ii) a process by which a decision, finding of compliance or noncompliance, or other act of the Administration, with respect to compliance with design requirements, may be appealed by a covered person directly involved with the certification activities in dispute on the basis that such decision, finding, or act is erroneous or inconsistent with this chapter, regulations, or guidance materials promulgated by the Administrator, or other requirements.

(B) ESCALATION.—The order issued under subparagraph (A) shall provide processes for—

(i) resolution of technical issues at preestablished stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

(ii) automatic elevation to appropriate management personnel of the Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iv) initial review by appropriate Administration employees of any appeal described in subparagraph (A)(ii); and

(v) subsequent review of any further appeal by appropriate management personnel of the Administration and the Associate Administrator for Aviation Safety.

(C) DISPOSITION.—

(i) WRITTEN DECISION.—The Associate Administrator for Aviation Safety shall issue a written decision that states the grounds for the decision of the Associate Administrator on—

(I) each appeal submitted under subparagraph (A)(ii); and

(II) An appeal to the Associate Administrator submitted under subparagraph (B)(v).

(ii) REPORT TO CONGRESS.—Not later than December 31 of each calendar year through calendar year 2025, 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 summarizing each appeal resolved under this subsection.

(D) FINAL REVIEW.—

(i) IN GENERAL.—A written decision of the Associate Administrator under subparagraph (C) may be appealed to the Administrator for a final review and determination.

(ii) DECLINE TO REVIEW.—The Administrator may decline to review an appeal initiated pursuant to clause (i).

(iii) JUDICIAL REVIEW.—No decision under this paragraph (including a decision to decline to review an appeal) shall be subject to judicial review.

(2) PROHIBITED CONTACTS.—

(A) PROHIBITION GENERALLY.—During the course of an appeal under this subsection, no covered official may engage in an ex parte communication (as defined in section 551 of title 5) with an individual representing or acting on behalf of an applicant for, or holder of, a certificate under this section in relation to such appeal unless such communication is disclosed pursuant to subparagraph (B).

(B) DISCLOSURE.—If, during the course of an appeal under this subsection, a covered official engages in, receives, or is otherwise made aware of an ex parte communication, the covered official shall disclose such communication in the public record at the time of the issuance of the written decision under paragraph (1)(C), including the time and date of the communication, subject of communication, and all persons engaged in such communication.

(3) DEFINITIONS.—In this subsection:

(A) COVERED PERSON.—The term ''covered person'' means either—

(i) an employee of the Administration whose responsibilities relate to the certification of aircraft, engines, propellers, or appliances; or

(ii) an applicant for, or holder of, a type certificate or amended type certificate issued under this section.

(B) COVERED OFFICIAL.—The term ''covered official'' means the following officials:

(i) The Executive Director or any Deputy Director of the Aircraft Certification Service.

(ii) The Deputy Executive Director for Regulatory Operations of the Aircraft Certification Service.

(iii) The Director or Deputy Director of the Compliance and Airworthiness Division of the Aircraft Certification Service.

(iv) The Director or Deputy Director of the System Oversight Division of the Aircraft Certification Service.

(v) The Director or Deputy Director of the Policy and Innovation Division of the Aircraft Certification Service.

(vi) The Executive Director or any Deputy Executive Director of the Flight Standards Service.

(vii) The Associate Administrator or Deputy Associate Administrator for Aviation Safety.

(viii) The Deputy Administrator of the Federal Aviation Administration.

(ix) The Administrator of the Federal Aviation Administration.

(x) Any similarly situated or successor FAA management position to those described in clauses (i) through (ix), as determined by the Administrator.

(C) MAJOR CERTIFICATION PROCESS MILESTONE.—The term ''major certification process milestone'' means a milestone related to the type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall apply to the communication of a good-faith complaint by any individual alleging—

(A) gross misconduct;

(B) a violation of title 18; or

(C) a violation of any of the provisions of part 2635 or 6001 of title 5, Code of Federal Regulations.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1188; Pub. L. 104–264, title IV, § 403, Oct. 9, 1996, 110 Stat. 3256; Pub. L. 108–176, title II, § 227(b)(2), (e)(1), title VIII, § 811, Dec. 12, 2003, 117 Stat. 2531, 2532, 2590; Pub. L. 109–59, title IV, § 4405, Aug. 10, 2005, 119 Stat. 1776; Pub. L. 112–95, title III, §§ 302, 303(a), (c)(1), Feb. 14, 2012, 126 Stat. 56, 57; Pub. L. 115–254, div. B, title II, § 214, Oct. 5, 2018, 132 Stat. 3250; Pub. L. 116–260, div. V, title I, §§ 105(a), (b), 110, 120, Dec. 27, 2020, 134 Stat. 2317, 2328, 2343.)

HISTORICAL AND REVISION NOTES

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

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44704(c)(1) ..	49 App.:1423(c) (related to basis for issuing, and contents of, certificates).	
	49 App.:1655(c)(1).	
44704(c)(2) ..	49 App.:1403(h).	
	49 App.:1655(c)(1).	

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

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

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (g)(1)(A), is the date of enactment of Pub. L. 116–260, which was approved Dec. 27, 2020.

AMENDMENTS

2020—Subsec. (a)(6). Pub. L. 116–260, § 110(b), struck out par. (6) which related to type certification resolution process.

Subsec. (d)(3). Pub. L. 116–260, § 120, added par. (3).

Subsec. (e). Pub. L. 116–260, § 105(a), added subsec. (e) and struck out former subsec. (e) which related to design and production organization certificates.

Subsec. (f). Pub. L. 116–260, §105(b), added subsec. (f).

Subsec. (g). Pub. L. 116–260, §110(a), added subsec. (g).

2018—Pub. L. 115–254, §214(b), substituted ''airworthiness certificates,'' for ''airworthiness certificates,,'' in section catchline.

Subsec. (a)(6). Pub. L. 115–254, §214(a), added par. (6).

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

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

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

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

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

2003—Pub. L. 108–176, §227(e)(1), added section catchline and struck out former section catchline which read as follows: ''Type certificates, production certificates, and airworthiness certificates''.

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

REQUIRED SUBMISSION OF OUTLINE OF SYSTEM CHANGES AT THE BEGINNING OF THE CERTIFICATION PROCESS

Pub. L. 116–260, div. V, title I, §105(c), Dec. 27, 2020, 134 Stat. 2319, provided that:

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate a process to revise procedures to require an applicant for an amendment to a type certificate for a transport category aircraft to disclose to the Administrator, in a single document submitted at the beginning of the process for amending such certificate, all new systems and intended changes to existing systems then known to such applicant. The Administrator shall finalize the revision of such procedures not later than 18 months after initiating such process.

''(2) APPLICATION.—Compliance with the procedures revised pursuant to paragraph (1) shall not preclude an applicant from making additional changes to aircraft systems as the design and application process proceeds.

''(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to limit the obligations of an applicant for an amended type certificate for a transport category airplane under section 44704(e) of title 49, United States Code, as amended in this title.''

[For definitions of ''Administrator'' and ''type certificate'' as used in section 105(c) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

INTEGRATED PROJECT TEAMS

Pub. L. 116–260, div. V, title I, §108, Dec. 27, 2020, 134 Stat. 2326, provided that:

''(a) IN GENERAL.—Upon receipt of an application for a type certificate for a transport category airplane, the Administrator shall convene an interdisciplinary integrated project team responsible for coordinating review and providing advice and recommendations, as appropriate, to the Administrator on such application.

''(b) MEMBERSHIP.—In convening an interdisciplinary integrated project team under subsection (a), the Administrator shall appoint employees of the Administration or other Federal agencies, such as the Air Force, Volpe National Transportation Systems Center, or the National Aeronautics and Space Administration (with the concurrence of the head of such other Federal agency), with specialized expertise and experience in the fields of engineering, systems design, human factors, and pilot training, including, at a minimum—

''(1) not less than 1 designee of the Associate Administrator for Aviation Safety whose duty station is in the Administration's headquarters;

''(2) representatives of the Aircraft Certification Service of the Administration;

''(3) representatives of the Flight Standards Service of the Administration;

''(4) experts in the fields of human factors, aerodynamics, flight controls, software, and systems design; and

''(5) any other subject matter expert whom the Administrator determines appropriate.

''(c) AVAILABILITY.—In order to carry out its duties with respect to the areas specified in subsection (d), a project team shall be available to the Administrator, upon request, at any time during the certification process.

''(d) DUTIES.—A project team shall advise the Administrator and make written recommendations to the Administrator, to be retained in the certification project file, including recommendations for any plans, analyses, assessments, and reports required to support and document the certification project, in the following areas associated with a new technology or novel design:

''(1) Initial review of design proposals proposed by the applicant and the establishment of the certification basis.

''(2) Identification of new technology, novel design, or safety critical design features or systems that are potentially catastrophic, either alone or in combination with another failure.

''(3) Determination of compliance findings, system safety assessments, and safety critical functions the Administration should retain in terms of new technology, novel design, or safety critical design features or systems.

''(4) Evaluation of the Administration's expertise or experience necessary to support the project.

''(5) Review and evaluation of an applicant's request for exceptions or exemptions from compliance with airworthiness standards codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

''(6) Conduct of design reviews, procedure evaluations, and training evaluations.

''(7) Review of the applicant's final design documentation and other data to evaluate compliance with all relevant Administration regulations.

''(e) DOCUMENTATION OF FAA RESPONSE.—The Administrator shall provide a written response to each recommendation of each project team and shall retain such response in the certification project file.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section [Dec. 27, 2020], and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the establishment of each integrated project team in accordance with this section during such fiscal year, including the role and composition of each such project team.''

[For definitions of terms used in section 108 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

EMPLOYMENT RESTRICTIONS: DISQUALIFICATION BASED ON PRIOR EMPLOYMENT

Pub. L. 116–260, div. V, title I, §111(a), Dec. 27, 2020, 134 Stat. 2330, provided that: ''An employee of the [Federal Aviation] Administration with supervisory responsibility may not direct, conduct, or otherwise participate in oversight of a holder of a certificate issued under section 44704 of title 49, United States Code, that previously employed such employee in the preceding 1-year period.''

SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS

Pub. L. 116–260, div. V, title I, §115, Dec. 27, 2020, 134 Stat. 2333, provided that:

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title [Dec. 27, 2020], the Administrator shall issue such regulations as are necessary to amend part 25 of title 14, Code of Federal Regulations, and any associated advisory circular, guidance, or policy of the Administration, in accordance with this section.

''(b) SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS.—In developing regulations under subsection (a), the Administrator shall—

''(1) require an applicant for an amended type certificate for a transport airplane to—

''(A) perform a system safety assessment with respect to each proposed design change that the Administrator determines is significant, with such assessment considering the airplane-level effects of individual errors, malfunctions, or failures and realistic pilot response times to such errors, malfunctions, or failures;

''(B) update such assessment to account for each subsequent proposed design change that the Administrator determines is significant;

''(C) provide appropriate employees of the Administration with the data and assumptions underlying each assessment and amended assessment; and

''(D) provide for document traceability and clarity of explanations for changes to aircraft type designs and system safety assessment certification documents; and

''(2) work with other civil aviation authorities representing states of design to ensure such regulations remain harmonized internationally.

''(c) GUIDANCE.—Guidance or an advisory circular issued under subsection (a) shall, at minimum—

''(1) emphasize the importance of clear documentation of the technical details and failure modes and effects of a design change described in subsection (b)(1); and

''(2) ensure appropriate review of any change that results in a functional hazard assessment classification of major or greater, as such term is defined in FAA Advisory Circular 25.1309-1A (or any successor or replacement document).

''(d) FAA REVIEW.—Appropriate employees of the Aircraft Certification Service and the Flight Standards Service of the Administration shall review each system safety assessment required under subsection (b)(1)(A), updated assessment required under subsection (b)(1)(B), and supporting data and assumptions required under subsection (b)(1)(C), to ensure that each such assessment sufficiently addresses the considerations listed in subsection (b)(1)(A).''

[For definitions of terms used in section 115 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

FLIGHT CREW ALERTING

Pub. L. 116–260, div. V, title I, §116, Dec. 27, 2020, 134 Stat. 2334, as amended by Pub. L. 117–328, div. O, title V, §501(b), Dec. 29, 2022, 136 Stat. 5231, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall implement National Transportation Safety Board recommendations A–19–11 and A–19–12 (as contained in the safety recommendation report adopted on September 9, 2019).

''(b) PROHIBITION.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category aircraft unless, in the case of a transport category aircraft other than a transport airplane, the type certificate applicant provides a means acceptable to the Administrator to assist the flight crew in prioritizing corrective actions and responding to systems failures (including by cockpit or flight manual procedures).

''(c) EXISTING AIRPLANE DESIGNS.—It is the sense of Congress that the FAA shall ensure that any system safety assessment with respect to the Boeing 737-7, 737-8, 737-9, and 737-10 airplanes, as described in National Transportation Safety Board recommendation A-19-10, is conducted in accordance with such recommendation.''

[For definitions of terms used in section 116 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

CHANGED PRODUCT RULE

Pub. L. 116–260, div. V, title I, §117, Dec. 27, 2020, 134 Stat. 2335, provided that:

''(a) REVIEW AND REEVALUATION OF AMENDED TYPE CERTIFICATES.—

''(1) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates within the Certification Management Team.

''(2) REEVALUATION OF AMENDED TYPE CERTIFICATES.—In carrying out this subsection, the Administrator shall—

''(A) encourage Certification Management Team members to examine and address any relevant covered recommendations (as defined in section 121(c) [134 Stat. 2344]) relating to the issuance of amended type certificates;

''(B) reevaluate existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid; and

''(C) ensure, to the greatest extent practicable, that Federal regulations relating to the issuance of amended type certificates are harmonized with the regulations of other international states of design.

''(b) AMENDED TYPE CERTIFICATE REPORT AND RULEMAKING.—

''(1) BRIEFINGS.—Not later than 12 months after the date of enactment of this title [Dec. 27, 2020], and annually thereafter through fiscal year 2023, the Administrator shall brief the congressional committees of jurisdiction on the work and status of the development of such recommendations by the Certification Management Team.

''(2) INITIATION OF ACTION.—Not later than 2 years after the date of enactment of this title, the Administrator shall take action to revise and improve the process of issuing amended type certificates in accordance with this section. Such action shall include, at minimum—

''(A) initiation of a rulemaking proceeding; and

''(B) development or revision of guidance and training materials.

''(3) CONTENTS.—In taking actions required under paragraph (2), the Administrator shall do the following:

''(A) Ensure that proposed changes to an aircraft are evaluated from an integrated whole aircraft system perspective that examines the integration of proposed changes with existing systems and associated impacts.

''(B) Define key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

''(C) Consider—

''(i) the findings and work of the Certification Management Team and other similar international harmonization efforts;

''(ii) any relevant covered recommendations (as defined in section 121(c) [134 Stat. 2344]); and

''(iii) whether a fixed time beyond which a type certificate may not be amended would improve aviation safety.

''(D) Establish the extent to which the following design characteristics should preclude the issuance of an amended type certificate:

''(i) A new or revised flight control system.

''(ii) Any substantial changes to aerodynamic stability resulting from a physical change that may require a new or modified software system or control law in order to produce positive and acceptable stability and handling qualities.

''(iii) A flight control system or augmented software to maintain aerodynamic stability in any portion of the flight envelope that was not required for a previously certified derivative.

''(iv) A change in structural components (other than a stretch or shrink of the fuselage) that results in a change in structural load paths or the magnitude of structural loads attributed to flight maneuvers or cabin pressurization.

''(v) A novel or unusual system, component, or other feature whose failure would present a hazardous or catastrophic risk.

''(E) Develop objective criteria for helping to determine what constitutes a substantial change and a significant change.

''(F) Implement mandatory aircraft-level reviews throughout the certification process to validate the certification basis and assumptions.

''(G) Require maintenance of relevant records of agreements between the FAA and an applicant that affect certification documentation and deliverables.

''(H) Ensure appropriate documentation of any exception or exemption from airworthiness requirements codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

''(4) GUIDANCE MATERIALS.—The Administrator shall consider the following when developing orders and regulatory guidance, including advisory circulars, where appropriate:

''(A) Early FAA involvement and feedback paths in the aircraft certification process to ensure the FAA is aware of changes to design assumptions and product design impacting a changed product assessment.

''(B) Presentation to the FAA of new technology, novel design, or safety critical features or systems, initially and throughout the certification process, when development and certification prompt design or compliance method revision.

''(C) Examples of key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

''(D) Type certificate data sheet improvements to accurately state which regulations and amendment level the aircraft complies to and when compliance is limited to a subset of the aircraft.

''(E) Policies to guide applicants on proper visibility, clarity, and consistency of key design and compliance information that is submitted for certification, particularly with new design features.

''(F) The creation, validation, and implementation of analytical tools appropriate for the analysis of complex system for the FAA and applicants.

''(G) Early coordination processes with the FAA for the functional hazard assessments validation and preliminary system safety assessments review.

''(5) TRAINING MATERIALS.—The Administrator shall—

''(A) develop training materials for establishing the certification basis for changed aeronautical products pursuant to section 21.101 of title 14, Code of Federal Regulations, applications for a new type certificate pursuant to section 21.19 of such title, and the regulatory guidance developed as a result of the rulemaking conducted pursuant to paragraph (2); and

''(B) procedures for disseminating such materials to implementing personnel of the FAA, designees, and applicants.

''(6) CERTIFICATION MANAGEMENT TEAM DEFINED.—In this section, the term 'Certification Management Team' means the team framework under which the FAA, the European Aviation Safety Agency, the Transport Canada Civil Aviation, and the National Civil Aviation Agency of Brazil, manage the technical, policy, certification, manufacturing, export, and continued airworthiness issues common among the 4 authorities.

''(7) DEADLINE.—The Administrator shall finalize the actions initiated under paragraph (2) not later than 3 years after the date of enactment of this title.

''(c) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership within the ICAO and among other civil aviation regulators representing states of aircraft design to advocate for the adoption of an amended changed product rule on a global basis, consistent with ICAO standards.''

[For definitions of terms used in section 117 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

EXPERT SAFETY REVIEW

Pub. L. 116–260, div. V, title I, §119(c), Dec. 27, 2020, 134 Stat. 2339, provided that:

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate an expert safety review of assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

''(2) CONTENTS.—The expert safety review required under paragraph (1) shall include—

''(A) a review of Administration regulations, guidance, and directives related to pilot response assumptions relied upon by the FAA and manufacturers of transport category aircraft in the design and certification of such aircraft, and human factors and human system integration, particularly those related to pilot and aircraft interfaces;

''(B) a focused review of the assumptions relied on regarding the time for pilot responses to non-normal conditions in designing such aircraft's systems and instrumentation, including responses to safety-significant failure conditions and failure scenarios that trigger multiple, and possibly conflicting, warnings and alerts;

''(C) a review of human factors assumptions with applicable operational data, human factors research and the input of human factors experts and FAA operational data, and as appropriate, recommendations for modifications to existing assumptions;

''(D) a review of revisions made to the airman certification standards for certificates over the last 4 years, including any possible effects on pilot competency in basic manual flying skills;

''(E) consideration of the global nature of the aviation marketplace, varying levels of pilot competency, and differences in pilot training programs worldwide;

''(F) a process for aviation stakeholders, including pilots, airlines, inspectors, engineers, test pilots, human factors experts, and other aviation safety experts, to provide and discuss any observations, feedback, and best practices;

''(G) a review of processes currently in place to ensure that when carrying out the certification of a new aircraft type, or an amended type, the cumulative effects that new technologies, and the interaction between new technologies and unchanged systems for an amended type certificate, may have on pilot interactions with aircraft systems are properly assessed through system safety assessments or otherwise; and

''(H) a review of processes currently in place to account for any necessary adjustments to system safety assessments, pilot procedures and training requirements, or design requirements when there are changes to the assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

''(3) REPORT AND RECOMMENDATIONS.—Not later than 30 days after the conclusion of the expert safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, including any recommendations for actions or best practices to ensure the FAA and the manufacturers of transport category aircraft have accounted for pilot response assumptions to be relied upon in the design and certification of transport category aircraft and tools or methods identified to better integrate human factors throughout the process for such certification.

''(4) INTERNATIONAL ENGAGEMENT.—The Administrator shall notify other international regulators that certify transport category aircraft type designs of the expert panel report and encourage them to review the report and evaluate their regulations and processes in light of the recommendations included in the report.

''(5) TERMINATION.—The expert safety review shall end upon submission of the report required pursuant to paragraph (3).

''(6) REGULATIONS.—The Administrator shall issue or update such regulations as are necessary to implement the recommendations of the expert safety review that the Administrator determines are necessary to improve aviation safety.''

[For definitions of terms used in section 119(c) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

HUMAN FACTORS RESEARCH

Pub. L. 116–260, div. V, title I, § 126, Dec. 27, 2020, 134 Stat. 2347, provided that:

''(a) HUMAN FACTORS.—Not later than 180 days after the date of enactment of this title [Dec. 27, 2020], the Administrator, in consultation with aircraft manufacturers, operators, and pilots, and in coordination with the head of such other Federal agency that the Administrator determines appropriate, shall develop research requirements to address the integration of human factors in the design and certification of aircraft that are intended for use in air transportation.

''(b) REQUIREMENTS.—In developing such research requirements, the Administrator shall—

''(1) establish goals for research in areas of study relevant to advancing technology, improving design engineering and certification practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex flight deck systems in aircraft operations, including the development of tools to validate pilot recognition and response assumptions and diagnostic tools to improve the clarity of failure indications presented to pilots;

''(2) take into consideration and leverage any existing or planned research that is conducted by, or conducted in partnership with, the FAA; and

''(3) focus on—

''(A) preventing a recurrence of the types of accidents that have involved transport category airplanes designed and manufactured in the United States; and

''(B) increasingly complex aircraft systems and designs.

''(c) IMPLEMENTATION.—In implementing the research requirements developed under this section, the Administrator shall work with appropriate organizations and authorities with expertise including, to the maximum extent practicable, the Center of Excellence for Technical Training and Human Performance and the Center of Excellence developed or expanded pursuant to section 127 [set out as a note under section 44513 of this title].

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $7,500,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section.''

[For definitions of terms used in section 126 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

PILOT OPERATIONAL EVALUATIONS

Pub. L. 116–260, div. V, title I, § 128, Dec. 27, 2020, 134 Stat. 2349, provided that:

''(a) PILOT OPERATIONAL EVALUATIONS.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall revise existing policies for manufacturers of transport airplanes to ensure that pilot operational evaluations for airplane types that are submitted for certification utilize pilots from air carriers that are expected to operate such airplanes.

''(b) REQUIREMENT.—Such manufacturer shall ensure, to the satisfaction of the Administrator, that the air carrier and foreign air carrier pilots used for such evaluations include pilots of varying levels of experience.''

[For definitions of terms used in section 128 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

SECURING AIRCRAFT AVIONICS SYSTEMS

Pub. L. 115–254, div. B, title V, § 506, Oct. 5, 2018, 132 Stat. 3354, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall consider, where appropriate, revising Federal Aviation Administration regulations regarding airworthiness certification—

''(1) to address cybersecurity for avionics systems, including software components; and

''(2) to require that aircraft avionics systems used for flight guidance or aircraft control be secured against unauthorized access via passenger in-flight entertainment systems through such means as the Administrator determines appropriate to protect the avionics systems from unauthorized external and internal access.

''(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider the recommendations of the Aircraft Systems Information Security Protection Working Group under section 2111 of the FAA Extension Safety and Security Act of 2016 (Public Law 114–190; 130 Stat. 615 [625]) [49 U.S.C. 44903 note].''

SMALL AIRPLANE REVITALIZATION

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

''SECTION 1. SHORT TITLE.

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

''SEC. 2. FINDINGS.

''Congress makes the following findings:

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

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

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

''(4) General aviation contributes to well-paying jobs in the manufacturing and technology sectors in

the United States and products produced by those sectors are exported in great numbers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(e) DEFINITIONS.—In this section:

''(1) CONSENSUS STANDARDS.—

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

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

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

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

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

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

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

APPLICABILITY

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

AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM

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

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

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

''(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act [Feb. 14, 2012];

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

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

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

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

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

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

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

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

HISTORICAL AIRCRAFT DOCUMENTS

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

''(a) PRESERVATION OF DOCUMENTS.—

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

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

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

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

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

''(b) AVAILABILITY OF DOCUMENTS.—

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

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

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

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

''(c) HOLDER OF TYPE CERTIFICATE.—

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

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

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

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

Pub. L. 108–176, title II, § 227(b)(1), Dec. 12, 2003, 117 Stat. 2531, provided that, not later than 4 years after Dec. 12, 2003, the Administrator of the Federal Aviation Administration was to transmit to Congress a plan for the development and oversight of a certification system of design organizations to ensure compliance with the requirements and minimum standards of section 44701(a) of this title.

§ 44705. Air carrier operating certificates

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

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

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

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

HISTORICAL AND REVISION NOTES

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

In this section, the word ''Administrator'' in section 604(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g). Before clause (1), the words ''may file with the Secretary of Transportation an application for an air carrier operating certificate'' and ''the requirements of'' are omitted as surplus. The word ''rules'' is omitted as being synonymous with ''regulations''. In clause (1), the words ''conditions, and limitations . . . reasonably'' are omitted as surplus. In clause (2), the word ''places'' is substituted for ''points'' for consistency in the revised title. The words ''under an air carrier operating certificate'' are omitted as surplus.

§ 44706. Airport operating certificates

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

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

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

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

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

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

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

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

(c) EXEMPTIONS.—The Administrator may exempt from the requirements of this section, related to firefighting and rescue equipment, an operator of an airport described in subsection (a)

of this section having less than .25 percent of the total number of passenger boardings each year at all airports described in subsection (a) when the Administrator decides that the requirements are or would be unreasonably costly, burdensome, or impractical.

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

Editorial Notes

AMENDMENTS

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

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

Subsec. (e). Pub. L. 104–264, § 404(c), added subsec. (e).

Subsec. (f). Pub. L. 104–264, § 404(d), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

FIREFIGHTING FOAM AND FLUORINATED CHEMICALS

Pub. L. 115–254, div. B, title III, § 332(a), Oct. 5, 2018, 132 Stat. 3273, provided that: ''Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], using the latest version of National Fire Protection Association 403, 'Standard for Aircraft Rescue and Fire-Fighting Services at Airports', and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under [section] 139.319(l) of title 14, Code of Federal Regulations.''

IMPROVEMENT OF RUNWAY SAFETY AREAS

Pub. L. 109–115, div. A, title I, Nov. 30, 2005, 119 Stat. 2401, provided in part: ''That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.''

SMALL AIRPORT CERTIFICATION

Pub. L. 106–181, title V, § 518, Apr. 5, 2000, 114 Stat. 145, provided that, not later than 60 days after Apr. 5, 2000, the Administrator of the Federal Aviation Administration would issue a notice of proposed rulemaking on implementing subsec. (a)(2) of this section relating to issuance of airport operating certificates for small scheduled passenger air carrier operations, and not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator would issue a final rule on implementing this program.

§ 44707. Examining and rating air agencies

The Administrator of the Federal Aviation Administration may examine and rate the following air agencies:

(1) civilian schools giving instruction in flying or repairing, altering, and maintaining aircraft, aircraft engines, propellers, and appliances, on the adequacy of instruction, the suitability and airworthiness of equipment, and the competency of instructors.

(2) repair stations and shops that repair, alter, and maintain aircraft, aircraft engines, propellers, and appliances, on the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of the individuals doing the work or giving instruction in the work.

(3) other air agencies the Administrator decides are necessary in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44707	49 App.:1427 (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §607 (1st sentence), 72 Stat. 779.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

In this section, the word ''Administrator'' in section 607 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g). In clauses (1) and (2), the word ''overhaul'' is omitted as surplus. In clause (1), the words ''course of'' are omitted as surplus. In clause (3), the words ''in his opinion'' are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL

Pub. L. 106–181, title VII, §734, Apr. 5, 2000, 114 Stat. 170, provided that:

''(a) ESTABLISHMENT OF PANEL.—The Administrator [of the Federal Aviation Administration]—

''(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as 'aircraft repair facilities') located within, or outside of, the United States; and

''(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

''(b) MEMBERSHIP.—The panel shall consist of—

''(1) nine members appointed by the Administrator as follows:

''(A) three representatives of labor organizations representing aviation mechanics;

''(B) one representative of cargo air carriers;

''(C) one representative of passenger air carriers;

''(D) one representative of aircraft repair facilities;

''(E) one representative of aircraft manufacturers;

''(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

''(G) one representative of regional passenger air carriers;

''(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

''(3) one representative from the Department of State, designated by the Secretary of State; and

''(4) one representative from the Federal Aviation Administration, designated by the Administrator.

''(c) RESPONSIBILITIES.—The panel shall—

''(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

''(2) provide advice and counsel to the Secretary [of Transportation] with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

''(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

''(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

''(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

''(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

''(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

''(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

''(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

''(1) the date that is 2 years after the date of the enactment of this Act [Apr. 5, 2000]; or

''(2) December 31, 2001.

''(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.''

§ 44708. Inspecting and rating air navigation facilities

The Administrator of the Federal Aviation Administration may inspect, classify, and rate an air navigation facility available for the use of civil aircraft on the suitability of the facility for that use.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44708	49 App.:1426 (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §606 (1st sentence), 72 Stat. 779.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

The word ''Administrator'' in section 606 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g).

§ 44709. Amendments, modifications, suspensions, and revocations of certificates

(a) REINSPECTION AND REEXAMINATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under section 44703 of this title.

(2) NOTIFICATION OF REEXAMINATION OF AIRMAN.—Before taking any action to reexamine an airman under paragraph (1) the Administrator shall provide to the airman—

(A) a reasonable basis, described in detail, for requesting the reexamination; and

(B) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

(b) ACTIONS OF THE ADMINISTRATOR.—The Administrator may issue an order amending, modifying, suspending, or revoking—

(1) any part of a certificate issued under this chapter if—

(A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action; or

(B) the holder of the certificate has violated an aircraft noise or sonic boom standard or regulation prescribed under section 44715(a) of this title; and

(2) an airman certificate when the holder of the certificate is convicted of violating section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j–1(a)).

(c) ADVICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER.—Before acting under subsection (b) of this section, the Administrator shall advise the holder of the certificate of the charges or other reasons on which the Administrator relies for the proposed action. Except in an emergency, the Administrator shall provide the holder an opportunity to answer the charges and be heard why the certificate should not be amended, modified, suspended, or revoked.

(d) APPEALS.—(1) A person adversely affected by an order of the Administrator under this section may appeal the order to the National Transportation Safety Board. After notice and an opportunity for a hearing, the Board may amend, modify, or reverse the order when the Board finds—

(A) if the order was issued under subsection (b)(1)(A) of this section, that safety in air commerce or air transportation and the public interest do not require affirmation of the order; or

(B) if the order was issued under subsection (b)(1)(B) of this section—

(i) that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require affirmation of the order; or

(ii) the order, as it is related to a violation of aircraft noise or sonic boom standards and regulations, is not consistent with safety in air commerce or air transportation.

(2) The Board may modify a suspension or revocation of a certificate to imposition of a civil penalty.

(3) When conducting a hearing under this subsection, the Board is not bound by findings of fact of the Administrator.

(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.

(f) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this section, or the Administrator when the Administrator decides that an order of the Board under this section will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1190; Pub. L. 106–181, title VII, §716, Apr. 5, 2000, 114 Stat. 162; Pub. L. 108–176, title II, §227(c), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112–153, §2(c)(2), Aug. 3, 2012, 126 Stat. 1161; Pub. L. 115–254, div. B, title III, §393(a), Oct. 5, 2018, 132 Stat. 3325.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44709(a)	49 App.:1429(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, §609(a) (1st–7th sentences, 8th–last sentences less Administrator under title VII), 72 Stat. 779; Nov. 18, 1971, Pub. L. 92–159, §2(a), 85 Stat. 481; Nov. 27, 1971, Pub. L. 92–174, §6, 85 Stat. 492; Aug. 26, 1992, Pub. L. 102–345, §3(a)(1), 106 Stat. 925.
	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.
44709(b)	49 App.:1429(a) (2d sentence).	
	49 App.:1429(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §609(b); added Nov. 18, 1971, Pub. L. 92–159, §2(a), 85 Stat. 481.
	49 App.:1431(e) (words before 4th comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §611(e); added July 21, 1968, Pub. L. 90–411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, §7(b), 86 Stat. 1241.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44709(c)	49 App.:1655(c)(1). 49 App.:1429(a) (3d sentence). 49 App.:1431(e) (words between 4th and 5th commas).	
44709(d)(1) ..	49 App.:1655(c)(1). 49 App.:1429(a) (4th sentence). 49 App.:1431(e) (words after 4th comma).	
44709(d)(2) ..	49 App.:1429(a) (6th sentence).	
44709(d)(3) ..	49 App.:1429(a) (5th sentence). 49 App.:1655(c)(1).	
44709(e)	49 App.:1429(a) (7th sentence). 49 App.:1655(c)(1).	
44709(f)	49 App.:1429(a) (8th–last sentences less Administrator under subch. VII). 49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 609(a) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 779) is retained on authority of 49:106(g). The words ''modifying'', ''modify'', and ''modified'' are omitted as surplus.

In subsection (a), the words ''airman holding a certificate issued under section 44703 of this title'' are substituted for ''civil airman'' for clarity.

In subsection (b)(1), before subclause (A), the words ''certificate issued under this chapter'' are substituted for ''type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate (including airport operating certificate), or air agency certificate'' to eliminate unnecessary words.

In subsection (b)(2), the words ''in his discretion'' and ''regarding the use or operation of an aircraft'' in 49 App.:1429(b) are omitted as surplus.

In subsection (c), the words ''cases of'' in 49 App.:1429(a) are omitted as surplus.

In subsection (d)(1), before clause (A), the word ''adversely'' is substituted for ''whose certificate is'' in 49 App.:1429(a), and the words ''an opportunity for a'' are added, for consistency in the revised title and with other titles of the United States Code. The words ''of the FAA'' in 49 App.:1431(e) are omitted as surplus.

In subsection (d)(2), the words ''consistent with this subsection'' are omitted as surplus.

In subsection (d)(3), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g).

In subsection (e), before clause (1), the words ''the effectiveness of'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 designated existing provisions as par. (1), inserted heading, and added par. (2).

2012—Subsec. (d)(3). Pub. L. 112–153 struck out ''but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law'' after ''Administrator''.

2003—Subsec. (a). Pub. L. 108–176 inserted ''design organization, production certificate holder,'' after ''appliance,''.

2000—Subsec. (e). Pub. L. 106–181 amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ''When a person files an appeal with the Board under subsection (d) of the section, the order of the Administrator is stayed. However, if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately—

''(1) the order is effective; and

''(2) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

§ 44710. Revocations of airman certificates for controlled substance violations

(a) DEFINITION.—In this section, ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATION.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking an airman certificate issued an individual under section 44703 of this title after the individual is convicted, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), of an offense punishable by death or imprisonment for more than one year if the Administrator finds that—

(A) an aircraft was used to commit, or facilitate the commission of, the offense; and

(B) the individual served as an airman, or was on the aircraft, in connection with committing, or facilitating the commission of, the offense.

(2) The Administrator shall issue an order revoking an airman certificate issued an individual under section 44703 of this title if the Administrator finds that—

(A) the individual knowingly carried out an activity punishable, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), by death or imprisonment for more than one year;

(B) an aircraft was used to carry out or facilitate the activity; and

(C) the individual served as an airman, or was on the aircraft, in connection with carrying out, or facilitating the carrying out of, the activity.

(3) The Administrator has no authority under paragraph (1) of this subsection to review whether an airman violated a law of the United States or a State related to a controlled substance.

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator must—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator relies for the proposed revocation; and

(2) provide the holder of the certificate an opportunity to answer the charges and be heard why the certificate should not be revoked.

(d) APPEALS.—(1) An individual whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. When conducting the hearing, the Board is not bound by findings of fact of the Administrator.

(2) When an individual files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.

(3) An individual substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, an airman certificate under subsection (b)(2) of this section on the basis of an activity described in subsection (b)(2)(A) if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked an airman certificate under this section because of an activity described in subsection (b)(2)(A) of this section, the Administrator shall reissue a certificate to the individual if—

(A) the individual otherwise satisfies the requirements for a certificate under section 44703 of this title; and

(B)(i) the individual subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; or

(ii) the conviction on which a revocation under subsection (b)(1) of this section is based is reversed.

(f) WAIVERS.—The Administrator may waive the requirement of subsection (b) of this section that an airman certificate of an individual be revoked if—

(1) a law enforcement official of the United States Government or of a State requests a waiver; and

(2) the Administrator decides that the waiver will facilitate law enforcement efforts.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1191; Pub. L. 112–153, § 2(c)(3), Aug. 3, 2012, 126 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44710(a)	49 App.:1429(c)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 609(c)(1), (2), (4); added Oct. 19, 1984, Pub. L. 98–499, § 2(a), 98 Stat. 2312, 2313.
44710(b)(1) ..	49 App.:1429(c)(1) (1st sentence).	
44710(b)(2) ..	49 App.:1429(c)(2) (1st sentence).	
44710(b)(3) ..	49 App.:1429(c)(1) (last sentence).	
44710(c)	49 App.:1429(c)(3) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 609(c)(3); added Oct. 19, 1984, Pub. L. 98–499, § 2(a), 98 Stat. 2312; Aug. 26, 1992, Pub. L. 102–345, § 3(b), 106 Stat. 926.
44710(d)	49 App.:1429(c)(3) (2d–last sentences).	
44710(e)(1) ..	49 App.:1429(c)(2) (last sentence).	
44710(e)(2) ..	49 App.:1422(b)(2)(C).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 602(b)(2)(C); added Oct. 19, 1984, Pub. L. 98–499, § 3, 98 Stat. 2313.
44710(f)	49 App.:1429(c)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 609(c)(5); added Nov. 18, 1988, Pub. L. 100–690, § 7204(b), 102 Stat. 4425.

In subsection (b)(1) and (2), before each clause (A), the words ''of any person'' are omitted as surplus. The words ''issued . . . under section 44703 of this title'' are added for clarity.

In subsection (b)(1), the word ''offense'' is substituted for ''crime'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2)(C), the words ''in connection with carrying out, or facilitating the carrying out of, the activity'' are substituted for ''in connection with such activity or the facilitation of such activity'' for consistency with the source provisions restated in paragraph (1)(B) of this subsection.

In subsection (d)(1), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g).

In subsection (e)(1), the words ''on appeal'' and ''contained'' are omitted as surplus.

In subsection (e)(2)(B)(i), the word ''contained'' is omitted as surplus.

In subsection (e)(2)(B)(ii), the words ''judgment of'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112–153 struck out ''but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law'' after ''findings of fact of the Administrator''.

§ 44711. Prohibitions and exemption

(a) PROHIBITIONS.—A person may not—

(1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;

(2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—

(A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or

(B) in violation of a term of the certificate or a regulation prescribed or order issued

under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing the airman to serve in the capacity for which the airman is employed;

(4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;

(5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate;

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title; or

(10) violate section 44732 or any regulation issued thereunder.

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airmen serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.

(d) POST-EMPLOYMENT RESTRICTIONS FOR INSPECTORS AND ENGINEERS.—

(1) PROHIBITION.—A person holding a certificate issued under part 21 or 119 of title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of such person in any matter before the Administration if the individual, in the preceding 2-year period—

(A) served as, or was responsible for oversight of—

(i) a flight standards inspector of the Administration; or

(ii) an employee of the Administration with responsibility for certification functions with respect to a holder of a certificate issued under section 44704(a); and

(B) had responsibility to inspect, or oversee inspection of, the operations of such person.

(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as an individual covered under paragraph (1).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1193; Pub. L. 103–429, § 6(56), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title V, § 505(b), Apr. 5, 2000, 114 Stat. 136; Pub. L. 108–176, title II, § 227(d), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112–95, title III, §§ 307(b), 342(a), Feb. 14, 2012, 126 Stat. 61, 79; Pub. L. 116–260, div. V, title I, § 111(b), Dec. 27, 2020, 134 Stat. 2330.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44711(a)(1) ..	49 App.:1430(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(1)–(5), (b), 72 Stat. 780.
44711(a)(2) ..	49 App.:1430(a)(2).	
44711(a)(3) ..	49 App.:1430(a)(3).	
44711(a)(4) ..	49 App.:1430(a)(4).	
44711(a)(5) ..	49 App.:1430(a)(5).	
44711(a)(6) ..	49 App.:1430(a)(6).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(6), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(A), 84 Stat. 235.
44711(a)(7) ..	49 App.:1430(a)(7).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(7), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(B), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705.
44711(a)(8) ..	49 App.:1430(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(8); added May 21, 1970, Pub. L. 91–258, § 51(b)(3)(C), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; restated Sept. 3, 1982, Pub. L. 97–248, § 525(d), 96 Stat. 697.
44711(a)(9) ..	49 App.:1430(a)(9).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(9); added Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95–163, § 15(b)(2), 91 Stat. 1283.
44711(b)	49 App.:1430(b). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In subsection (a)(1) and (7), the words ''condition, or limitation'' are omitted as being included in ''term''.

In subsection (a)(1), the words ''without . . . in effect'' are substituted for ''for which there is not currently in effect an'' to eliminate unnecessary words.

In subsection (a)(2), (5), and (7), the word ''rule'' is omitted as being synonymous with ''regulations''.

In subsection (a)(2)(B), the word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(5) and (7), the words ''prescribed . . . issued'' are added for consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words ''of the Secretary of Transportation'' are omitted as surplus.

In subsection (a)(6), the words ''proclaimed by the President'' are omitted as surplus. The words ''section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602)'' are substituted for ''section 143 of title 33'' because the section was part of the Act of October 11, 1951 (ch. 495, 65 Stat. 406), that was repealed by section 3 of the Act of September 24, 1963 (Public Law 88–131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95–75, 91 Stat. 311) and replaced by 33:1601–1608.

In subsection (a)(7), the words ''holding . . . such certificate'' are omitted because of the restatement.

In subsection (a)(8), the words ''by the Administrator'' are omitted as surplus.

In subsection (b), the word ''Administrator'' in section 610(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 780) is retained on authority of 49:106(g). The words ''to the extent, and . . . and conditions'' and ''by such airmen'' are omitted as surplus.

PUB. L. 103–429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

2020—Subsec. (d). Pub. L. 116–260 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to postemployment restrictions for flight standards inspectors.

2012—Subsec. (a)(10). Pub. L. 112–95, §307(b), added par. (10).

Subsec. (d). Pub. L. 112–95, §342(a), added subsec. (d).

2003—Subsec. (a)(7). Pub. L. 108–176 substituted ''agency, design organization certificate,'' for ''agency''.

2000—Subsec. (c). Pub. L. 106–181 added subsec. (c).

1994—Subsec. (a)(2)(B), (5), (7). Pub. L. 103–429 inserted ''any of sections'' before ''44702–44716''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title III, §342(b), Feb. 14, 2012, 126 Stat. 80, provided that: ''The amendment made by subsection (a) [amending this section] shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act [Feb. 14, 2012].''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 44712. Emergency locator transmitters

(a) INSTALLATION.—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) NONAPPLICATION.—Prior to January 1, 2002, subsection (a) does not apply to—

(1) turbojet-powered aircraft;

(2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;

(4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;

(5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;

(6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(7) aircraft equipped to carry only one individual.

(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

(H) aircraft equipped to carry only one individual.

(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

(B) other safety objectives.

(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equip-

ment approved by the Secretary for meeting the requirement of subsection (a).

(e) REMOVAL.—The Administrator shall prescribe regulations specifying the conditions under which an aircraft subject to subsection (a) of this section may operate when its emergency locator transmitter has been removed for inspection, repair, alteration, or replacement.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 106–181, title V, § 501(a), Apr. 5, 2000, 114 Stat. 131.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44712(a)	49 App.:1421(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 601(d)(1); added Dec. 29, 1970, Pub. L. 91–596, § 31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, § 4, 87 Stat. 1048; Nov. 9, 1977, Pub. L. 95–163, § 15(a)(1), 91 Stat. 1283.
44712(b)	49 App.:1421(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 601(d)(2); added Dec. 29, 1970, Pub. L. 91–596, § 31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, § 4, 87 Stat. 1048.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, § 3(e), 98 Stat. 1704.
44712(c)	49 App.:1421(d)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 601(d)(3); added Nov. 9, 1977, Pub. L. 95–163, § 15(a)(2), 91 Stat. 1283.

In subsection (a), the words ''Except with respect to aircraft described in paragraph (2) of this subsection and except as provided in paragraph (3) of this subsection'' are omitted as surplus. The words ''minimum standards pursuant to this section shall include a requirement that'', the text of 49 App.:1421(d)(1)(A), and the words ''after three years and six months following such date'' are omitted as executed.

In subsection (b), the word ''used'' is substituted for ''engaged'' for consistency. In clause (3), the word ''training'' is substituted for ''local flight'' for consistency. In clause (4), the words ''chemicals and other'' are omitted as surplus. In clause (5), the word ''purposes'' is omitted as surplus.

In subsection (c), the words ''prescribe regulations'' are substituted for ''shall issue regulations . . . as he prescribes in such regulations'' to eliminate unnecessary words. The words ''such limitations and'' and ''from such aircraft'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–181, § 501(a)(1), substituted ''Prior to January 1, 2002, subsection (a)'' for ''Subsection (a) of this section'' in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106–181, § 501(a)(2), (3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

REGULATIONS

Pub. L. 106–181, title V, § 501(b), Apr. 5, 2000, 114 Stat. 132, provided that: ''The Secretary [of Transportation] shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.''

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

Pub. L. 112–95, title III, § 347, Feb. 14, 2012, 126 Stat. 82, provided that:

''(a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an 'ELT') installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer's specifications.

''(b) MOUNTING AND RETENTION.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

''(2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.

''(c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

''(1) the Committee on Commerce, Science, and Transportation of the Senate; and

''(2) the Committee on Transportation and Infrastructure of the House of Representatives.''

§ 44713. Inspection and maintenance

(a) GENERAL EQUIPMENT REQUIREMENTS.—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) DUTIES OF INSPECTORS.—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.

(d) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for processing forms for major repairs or alterations to fuel tanks and fuel systems of aircraft not used to provide air transportation that are necessary to make the system more effective in serving the needs of users of the system, including officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the lack of a special identification feature to allow the forms to be distinguished easily from other major repair and alteration forms.

(B) the excessive period of time required to receive the forms at the Airmen and Aircraft Registry of the Administration.

(C) the backlog of forms waiting for processing at the Registry.

(D) the lack of ready access by law enforcement officials to information contained on the forms.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of U.S. Customs and Border Protection, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

(2) DEADLINES FOR DEPLOYMENT.—

(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 104–264, title IV, §407(b), Oct. 9, 1996, 110 Stat. 3258; Pub. L. 114–125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44713(a)	49 App.:1425(a).	Aug. 23, 1958, Pub. L. 85–726, §605(a), (b), 72 Stat. 778.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44713(b)	49 App.:1425(b) (1st sentence).	
	49 App.:1655(c)(1).	
44713(c)	49 App.:1425(b) (last sentence).	
	49 App.:1655(c)(1).	
44713(d)(1) ..	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, §7214, 102 Stat. 4434.
	49 App.:1425(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §605(c); added Nov. 18, 1988, Pub. L. 100–690, §7206(a), 102 Stat. 4426.
44713(d)(2) ..	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, §7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(c), the word ''Administrator'' in section 605(a) and (b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g).

In subsection (a), the word ''overhaul'' is omitted as being included in ''repair''. The word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code. The words ''A person operating, inspecting, overhauling, or maintaining the equipment shall comply with those requirements, regulations, and orders'' are substituted for 49 App.:1425(a) (last sentence) to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''be charged with the duty . . . of'' are omitted as surplus. In clause (1), the words ''in use'' are substituted for ''used by an air carrier in air transportation'' to eliminate unnecessary words. The words ''as may be necessary'' and ''for operation in air transportation'' are omitted as surplus.

In subsection (c), the words ''in the performance of his duty'', ''used or intended to be used by any air carrier in air transportation'', and ''a period of'' are omitted as surplus.

In subsection (d)(1), before clause (A), the words ''not used to provide air transportation'' are substituted for section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4434) because of the restatement.

In subsection (d)(2), the words ''Not later than September 18, 1989'' and ''final'' are omitted as obsolete. The words ''Administrator of Drug Enforcement'' are substituted for ''Drug Enforcement Administration of the Department of Justice'' because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words ''Commissioner of Customs'' are substituted for ''United States Customs Service'' because of 19:2071.

Editorial Notes

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–264 added subsec. (e).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

''Commissioner of U.S. Customs and Border Protection'' substituted for ''Commissioner of Customs'' in

subsec. (d)(2) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

MAINTENANCE PROVIDERS

Pub. L. 112–95, title III, §319, Feb. 14, 2012, 126 Stat. 69, provided that:

''(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

''(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

''(1) a part 121 air carrier;

''(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or

''(3) subject to subsection (c), a person that—

''(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and

''(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

''(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

''(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.

''(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

''(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED WORK.—The term 'covered work' means any of the following:

''(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

''(B) Regularly scheduled maintenance.

''(C) A required inspection item (as defined by the Administrator).

''(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

''(4) PERSON.—The term 'person' means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.''

§ 44714. Aviation fuel standards

The Administrator of the Federal Aviation Administration shall prescribe—

(1) standards for the composition or chemical or physical properties of an aircraft fuel or fuel additive to control or eliminate aircraft emissions the Administrator of the Environmental Protection Agency decides under section 231 of the Clean Air Act (42 U.S.C. 7571) endanger the public health or welfare; and

(2) regulations providing for carrying out and enforcing those standards.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1195.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44714	49 App.:1421(e).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(e); added Dec. 31, 1970, Pub. L. 91–604, §11(b)(1), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95–163, §15(b)(1), 91 Stat. 1283.

In this section, before clause (1), the words ''and from time to time revise'' are omitted as surplus. In clause (1), the words ''establishing'' and ''the purpose of'' are omitted as surplus.

Statutory Notes and Related Subsidiaries

AVIATION FUEL

Pub. L. 115–254, div. B, title V, §565, Oct. 5, 2018, 132 Stat. 3385, provided that:

''(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator [of the Federal Aviation Administration] shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

''(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

''(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

''(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

''(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

''(1) the date on which the [Federal Aviation] Administration completes the Piston Aviation Fuels Initiative; or

''(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

''(c) TYPE CERTIFICATION.—Existing regulatory mechanisms by which an unleaded aviation gasoline can be approved for use in an engine or aircraft by Type or Supplemental Type Certificate for individual aircraft

and engine types or by Approved Model List Supplemental Type Certificate providing coverage for a broad range of applicable types of aircraft or engines identified in the application shall continue to be fully available as a means of approving and bringing an unleaded aviation gasoline into general use in the United States. Such approvals shall be issued when the Administrator finds that the aircraft or engine performs properly and meets the applicable regulations and minimum standards under the normal certification process.''

§ 44715. Controlling aircraft noise and sonic boom

(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

(i) standards to measure aircraft noise and sonic boom; and

(ii) regulations to control and abate aircraft noise and sonic boom.

(B) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

(2) The Administrator of the Federal Aviation Administration may prescribe standards and regulations under this subsection only after consulting with the Administrator of the Environmental Protection Agency. The standards and regulations shall be applied when issuing, amending, modifying, suspending, or revoking a certificate authorized under this chapter.

(3) An original type certificate may be issued under section 44704(a) of this title for an aircraft for which substantial noise abatement can be achieved only after the Administrator of the Federal Aviation Administration prescribes standards and regulations under this section that apply to that aircraft.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a standard or regulation under this section, the Administrator of the Federal Aviation Administration shall—

(1) consider relevant information related to aircraft noise and sonic boom;

(2) consult with appropriate departments, agencies, and instrumentalities of the United States Government and State and interstate authorities;

(3) consider whether the standard or regulation is consistent with the highest degree of safety in air transportation or air commerce in the public interest;

(4) consider whether the standard or regulation is economically reasonable, technologically practicable, and appropriate for the applicable aircraft, aircraft engine, appliance, or certificate; and

(5) consider the extent to which the standard or regulation will carry out the purposes of this section.

(c) PROPOSED REGULATIONS OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall submit to the Administrator of the Federal Aviation Administration proposed regulations to control and abate aircraft noise and sonic boom (including control and abatement through the use of the authority of the Administrator of the Federal Aviation Administration) that the Administrator of the Environmental Protection Agency considers necessary to protect the public health and welfare. The Administrator of the Federal Aviation Administration shall consider those proposed regulations and shall publish them in a notice of proposed regulations not later than 30 days after they are received. Not later than 60 days after publication, the Administrator of the Federal Aviation Administration shall begin a hearing at which interested persons are given an opportunity for oral and written presentations. Not later than 90 days after the hearing is completed and after consulting with the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration shall—

(1) prescribe regulations as provided by this section—

(A) substantially the same as the proposed regulations submitted by the Administrator of the Environmental Protection Agency; or

(B) that amend the proposed regulations; or

(2) publish in the Federal Register—

(A) a notice that no regulation is being prescribed in response to the proposed regulations of the Administrator of the Environmental Protection Agency;

(B) a detailed analysis of, and response to, all information the Administrator of the Environmental Protection Agency submitted with the proposed regulations; and

(C) a detailed explanation of why no regulation is being prescribed.

(d) CONSULTATION AND REPORTS.—(1) If the Administrator of the Environmental Protection Agency believes that the action of the Administrator of the Federal Aviation Administration under subsection (c)(1)(B) or (2) of this section does not protect the public health and welfare from aircraft noise or sonic boom, consistent with the considerations in subsection (b) of this section, the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Federal Aviation Administration and may request a report on the advisability of prescribing the regulation as originally proposed. The request, including a detailed statement of the information on which the request is based, shall be published in the Federal Register.

(2) The Administrator of the Federal Aviation Administration shall report to the Administrator of the Environmental Protection Agency within the time, if any, specified in the request. However, the time specified must be at least 90 days after the date of the request. The report shall—

(A) be accompanied by a detailed statement of the findings of the Administrator of the Federal Aviation Administration and the reasons for the findings;

(B) identify any statement related to an action under subsection (c) of this section filed

under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(C) specify whether and where that statement is available for public inspection; and

(D) be published in the Federal Register unless the request proposes specific action by the Administrator of the Federal Aviation Administration and the report indicates that action will be taken.

(e) SUPPLEMENTAL REPORTS.—The Administrator of the Environmental Protection Agency may request the Administrator of the Federal Aviation Administration to file a supplemental report if the report under subsection (d) of this section indicates that the proposed regulations under subsection (c) of this section, for which a statement under section 102(2)(C) of the Act (42 U.S.C. 4332(2)(C)) is not required, should not be prescribed. The supplemental report shall be published in the Federal Register within the time the Administrator of the Environmental Protection Agency specifies. However, the time specified must be at least 90 days after the date of the request. The supplemental report shall contain a comparison of the environmental effects, including those that cannot be avoided, of the action of the Administrator of the Federal Aviation Administration and the proposed regulations of the Administrator of the Environmental Protection Agency.

(f) EXEMPTIONS.—An exemption from a standard or regulation prescribed under this section may be granted only if, before granting the exemption, the Administrator of the Federal Aviation Administration consults with the Administrator of the Environmental Protection Agency. However, if the Administrator of the Federal Aviation Administration finds that safety in air transportation or air commerce requires an exemption before the Administrator of the Environmental Protection Agency can be consulted, the exemption may be granted. The Administrator of the Federal Aviation Administration shall consult with the Administrator of the Environmental Protection Agency as soon as practicable after the exemption is granted.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1196; Pub. L. 104–264, title IV, § 406(a), Oct. 9, 1996, 110 Stat. 3257.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44715(a)(1), (2).	49 App.:1431(a), (b)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 611(a), (b), (d); added July 21, 1968, Pub. L. 90–411, § 1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, § 7(b), 86 Stat. 1239, 1241.
44715(a)(3) ..	49 App.:1431(b)(2).	
44715(b)	49 App.:1431(d).	
44715(c)	49 App.:1431(c)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 611(c); added July 21, 1968, Pub. L. 90–411, § 1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92–574, § 7(b), 86 Stat. 1240; Nov. 8, 1978, Pub. L. 95–609, § 3, 92 Stat. 3080.
44715(d)	49 App.:1431(c)(2).	
44715(e)	49 App.:1431(c)(3).	
44715(f)	49 App.:1431(b)(1) (last sentence).	

In subsection (a)(1), before clause (A), the text of 49 App.:1431(a) is omitted because the revised section identifies the appropriate Administrator each time the Administrator is mentioned. The words ''present and future'' and ''and amend'' are omitted as surplus. In clause (B), the words ''as the FAA may find necessary to provide'' are omitted as surplus.

In subsection (a)(2), the word ''only'' is added for clarity.

Subsection (a)(3) is substituted for 49 App.:1431(b)(2) to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''and amending'' are omitted as surplus. In clause (1), the words ''available . . . including the results of research, development, testing, and evaluation activities conducted pursuant to this chapter and the Department of Transportation Act'' are omitted as surplus. In clause (2), the words ''departments, agencies, and instrumentalities of the United States Government and State and interstate authorities'' are substituted for ''Federal, State, and interstate agencies'' for consistency in the revised title and with other titles of the United States Code. The words ''as he deems'' are omitted as surplus. In clauses (3) and (4), the word ''proposed'' is omitted as surplus. In clause (4), the word ''applicable'' is substituted for ''particular type of . . . to which it will apply'' to eliminate unnecessary words. In clause (5), the words ''contribute to'' are omitted as surplus.

In subsection (c), before clause (1), the words ''Not earlier than the date of submission of the report required by section 4906 of title 42'' are omitted as executed. The words ''regulatory . . . over air commerce or transportation or over aircraft or airport operations'' and ''submitted by the EPA under this paragraph'' are omitted as surplus. The word ''regulations'' is substituted for ''rulemaking'' for consistency in the revised title. The words ''after they are received'' are substituted for ''of the date of its submission to the FAA'' to eliminate unnecessary words. The words ''of data, views, and arguments'' are omitted as surplus. In clause (1), the words ''in accordance with subsection (b) of this section'' are omitted because of the restatement. In clause (2)(B), the words ''documentation or other'' are omitted as surplus.

In subsection (d)(1), the words ''listed'' and ''the FAA to review, and . . . to EPA . . . by EPA'' are omitted as surplus.

In subsection (d)(2), before clause (A), the words ''shall complete the review requested and'' are omitted as surplus. In clause (B), the words ''of the FAA'' are omitted as surplus.

In subsection (e), the words ''actually taken . . . in response to EPA's proposed regulations'' are omitted as surplus.

In subsection (f), the words ''under any provision of this chapter'' and ''that . . . be granted'' are omitted as surplus. The words ''the exemption may be granted'' are added for clarity.

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–264, which in directing the general amendment of par. (1) inserted an additional subsec. (a) designation and heading identical to the existing subsec. heading as well as restating the text of par. (1), was executed by restating the text only to reflect the probable intent of Congress. Prior to amendment, par. (1) read as follows: ''To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration shall prescribe—

''(A) standards to measure aircraft noise and sonic boom; and

''(B) regulations to control and abate aircraft noise and sonic boom.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years

beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

§ 44716. Collision avoidance systems

(a) DEVELOPMENT AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall—

(1) complete the development of the collision avoidance system known as TCAS–II so that TCAS–II can operate under visual and instrument flight rules and can be upgraded to the performance standards applicable to the collision avoidance system known as TCAS–III;

(2) develop and carry out a schedule for developing and certifying TCAS–II that will result in certification not later than June 30, 1989; and

(3) submit to Congress monthly reports on the progress being made in developing and certifying TCAS–II.

(b) INSTALLATION AND OPERATION.—The Administrator shall require by regulation that, not later than 30 months after the date certification is made under subsection (a)(2) of this section, TCAS–II be installed and operated on each civil aircraft that has a maximum passenger capacity of at least 31 seats and is used to provide air transportation of passengers, including intrastate air transportation of passengers. The Administrator may extend the deadline in this subsection for not more than 2 years if the Administrator finds the extension is necessary to promote—

(1) a safe and orderly transition to the operation of a fleet of civil aircraft described in this subsection equipped with TCAS–II; or

(2) other safety objectives.

(c) OPERATIONAL EVALUATION.—Not later than December 30, 1990, the Administrator shall establish a one-year program to collect and assess safety and operational information from civil aircraft equipped with TCAS–II for the operational evaluation of TCAS–II. The Administrator shall encourage foreign air carriers that operate civil aircraft equipped with TCAS–II to participate in the program.

(d) AMENDING SCHEDULE FOR WINDSHEAR EQUIPMENT.—The Administrator shall consider the feasibility and desirability of amending the schedule for installing airborne low-altitude windshear equipment to make the schedule compatible with the schedule for installing TCAS–II.

(e) DEADLINE FOR DEVELOPMENT AND CERTIFICATION.—(1) The Administrator shall complete developing and certifying TCAS–III as soon as possible.

(2) Necessary amounts may be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this subsection.

(f) INSTALLING AND USING TRANSPONDERS.—The Administrator shall prescribe regulations requiring that, not later than December 30, 1990, operating transponders with automatic altitude reporting capability be installed and used for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft. The Administrator may provide for access to that airspace (except terminal control areas and airport radar service areas) by nonequipped aircraft if the Administrator finds the access will not interfere with the normal traffic flow.

(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(B) other safety or public interest objectives.

(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term ''collision avoidance equipment'' means equipment that provides protection from mid-air collisions using technology that provides—

(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1198; Pub. L. 106–181, title V, § 502, Apr. 5, 2000, 114 Stat. 132.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44716(a)	49 App.:1421(f)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 601(f); added Dec. 30, 1987, Pub. L. 100–223, § 203(b), 101 Stat. 1518; Dec. 15, 1989, Pub. L. 101–236, § 2, 103 Stat. 2060.
44716(b)	49 App.:1421(f)(2), (4).	
44716(c)	49 App.:1421(f)(3).	
44716(d)	49 App.:1421(f)(5).	
44716(e)	49 App.:1421 (note).	Dec. 30, 1987, Pub. L. 100–223, § 203(d), 101 Stat. 1519.
44716(f)	49 App.:1421(f)(6).	

In subsection (c), the words ''In conducting the program'' are omitted as surplus.

In subsection (e)(1), the word ''research'' is omitted as included in ''developing''.

In subsection (e)(2), the words ''established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)'' are added for consistency in the revised title.

In subsection (f), the words ''Not later than 6 months after December 30, 1987, the Administrator shall promulgate a final rule'' and ''Such final rule'' are omitted as executed.

Editorial Notes

AMENDMENTS

2000—Subsec. (g). Pub. L. 106–181 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

Pub. L. 106–181, set out as a note under section 106 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a)(3) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 8th item on page 138 of House Document No. 103–7.

§ 44717. Aging aircraft

(a) INSPECTIONS AND REVIEWS.—The Administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed under subsection (a) of this section—

(1) at least shall require the Administrator to make inspections, and review the maintenance and other records, of each aircraft an air carrier uses to provide air transportation that the Administrator decides may be necessary to enable the Administrator to decide whether the aircraft is in safe condition and maintained properly for operation in air transportation;

(2) at least shall require an air carrier to demonstrate to the Administrator, as part of the inspection, that maintenance of the aircraft's age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety;

(3) shall require the air carrier to make available to the Administrator the aircraft and any records about the aircraft that the Administrator requires to carry out a review; and

(4) shall establish procedures to be followed in carrying out an inspection.

(b) WHEN AND HOW INSPECTIONS AND REVIEWS SHALL BE CARRIED OUT.—(1) Inspections and reviews required under subsection (a)(1) of this section shall be carried out as part of each heavy maintenance check of the aircraft conducted after the 14th year in which the aircraft has been in service.

(2) Inspections under subsection (a)(1) of this section shall be carried out as provided under section 44701(a)(2)(B) and (C) of this title.

(c) AIRCRAFT MAINTENANCE SAFETY PROGRAMS.—The Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft according to maintenance programs approved by the Administrator;

(2) a program—

(A) to provide inspectors and engineers of the Administration with training necessary to conduct auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of those inspectors and engineers in those inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to ensure the airworthiness of aircraft that the carriers operate.

(d) FOREIGN AIR TRANSPORTATION.—(1) The Administrator shall take all possible steps to encourage governments of foreign countries and relevant international organizations to develop standards and requirements for inspections and reviews that—

(A) will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States; and

(B) will provide passengers of those foreign air carriers with the same level of safety that will be provided passengers of air carriers by carrying out this section.

(2) Not later than September 30, 1994, the Administrator shall report to Congress on carrying out this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44717(a)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, §§ 402(a), (b)(1), (c)–(e), 405, 105 Stat. 951, 952.
44717(b)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 402(b)(2), (3), 105 Stat. 951.
44717(c)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 403, 105 Stat. 952.
44717(d)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102–143, § 404, 105 Stat. 952.

In subsections (a) and (c), before clause (1), the words ''Not later than 180 days after the date of the enactment of this title'' are omitted as obsolete.

In subsection (a), before clause (1), the text of section 405 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143, 105 Stat. 952) is omitted as surplus because the complete name of the Administrator of the Federal Aviation Administration is used the first time the term appears in a section. The word ''regulations'' is substituted for ''rule'' because the terms are synonymous. In clauses (2)–(4), the words ''required by the rule'' are omitted as surplus. In clause (2), the words ''structure, skin, and other'' are omitted as surplus. In clause (3), the words ''inspection, maintenance, and other'' are omitted as surplus.

In subsection (c)(1), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' for consistency in the revised title.

In subsection (d)(1), before clause (A), the words ''governments of foreign countries'' are substituted for ''foreign governments'' for consistency in the revised title and with other titles of the United States Code.

§ 44718. Structures interfering with air commerce or national security

(a) NOTICE.—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

(1) safety in air commerce;

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports; or

(3) the interests of national security, as determined by the Secretary of Defense.

(b) STUDIES.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary, if the Secretary de-

cides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air or space navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

(i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

(ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(iii) the impact on existing public-use airports and aeronautical facilities;

(iv) the impact on planned public-use airports and aeronautical facilities;

(v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures;

(vi) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary of Transportation; and

(vii) other factors relevant to the efficient and effective use of navigable airspace; and

(B) include the finding made by the Secretary of Defense under subsection (f).

(2) REPORT.—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).

(c) BROADCAST APPLICATIONS AND TOWER STUDIES.—In carrying out laws related to a broadcast application and conducting an aeronautical study related to broadcast towers, the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—

(1) the receipt and consideration of, and action on, the application; and

(2) the completion of any associated aeronautical study.

(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.

(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.

(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b) and in accordance with section 183a(e) of title 10, the Secretary of Defense shall—

(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study would result in an unacceptable risk to the national security of the United States; and

(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

(g) SPECIAL RULE FOR IDENTIFIED GEOGRAPHIC AREAS.—In the case of a proposed structure to be located within a geographic area identified under section 183a(d)(2)(B) of title 10, the Secretary of Transportation may not issue a determination pursuant to this section until the Secretary of Defense issues a finding under section 183a(e) of title 10, the Secretary of Defense advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming, or 180 days have lapsed since the project was filed with the Secretary of Transportation pursuant to this section, whichever occurs first.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term ''adverse impact on military operations and readiness'' has the meaning given the term in section 183a(h)(1) of title 10.

(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term ''unacceptable risk to the national security of the United States'' has the meaning given the term in section 183a(h)(7)[1] of title 10.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1200; Pub. L. 104–264, title XII, § 1220(a), Oct. 9, 1996, 110 Stat. 3286; Pub. L. 106–181, title V, § 503(b), Apr. 5, 2000, 114 Stat. 133; Pub. L. 112–81, div. A, title III, § 332, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 114–248, § 1(a), Nov. 28, 2016, 130 Stat. 998; Pub. L. 114–328, div. A, title III, § 341(a)(1)–(4)(A), Dec. 23, 2016, 130 Stat. 2079–2081; Pub. L. 115–91, div. A, title III, § 311(b)(2), (3), (e), Dec. 12, 2017, 131 Stat. 1347, 1348; Pub. L. 115–232, div. A, title X, § 1081(e)(2), Aug. 13, 2018, 132 Stat. 1986; Pub. L. 115–254, div. B, title V, § 539(h), Oct. 5, 2018, 132 Stat. 3371.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44718(a)	49 App.:1501(a).	Aug. 23, 1958, Pub. L. 85–726, § 1101, 72 Stat. 797; restated Dec. 30, 1987, Pub. L. 100–223, § 206 (less (b)), 101 Stat. 1521; Oct. 31, 1992, Pub. L. 102–581, § 203(a), 106 Stat. 4890.
44718(b)	49 App.:1501(b).	
44718(c)	49 App.:1501(c).	

In subsection (a), before clause (1), the words ''(hereinafter in this section referred to as the 'Secretary')'' and ''where necessary'' are omitted as surplus.

In subsection (b)(1), before clause (A), the word ''thoroughly'' is omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d), probably means the date of enactment of Pub. L. 106–181, which amended subsec. (d) generally, and which was approved Apr. 5, 2000.

Section 183a(h)(7) of title 10, referred to in subsec. (h)(2), was redesignated as section 183a(h)(9) of title 10 by Pub. L. 116–92, div. A, title III, § 371(5)(A), Dec. 20, 2019, 133 Stat. 1329, and subsequently was redesignated as section 183a(h)(11) of title 10 by Pub. L. 118–31, div. A, title III, § 362(b)(2), Dec. 22, 2023, 137 Stat. 232.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–254, § 539(h)(1), substituted ''air or space navigation facilities and equipment'' for ''air navigation facilities and equipment'' in introductory provisions.

Subsec. (b)(1)(A)(vi), (vii). Pub. L. 115–254, § 539(h)(2), added cl. (vi) and redesignated former cl. (vi) as (vii).

Subsec. (h)(1). Pub. L. 115–232, § 1081(e)(2)(A), substituted ''section 183a(h)(1) of title 10'' for ''section 183a(g) of title 10''.

Subsec. (h)(2). Pub. L. 115–232, § 1081(e)(2)(B), substituted ''section 183a(h)(7) of title 10'' for ''section 183a(g) of title 10''.

2017—Subsec. (f). Pub. L. 115–91, § 311(b)(2), inserted ''and in accordance with section 183a(e) of title 10'' after ''conducted under subsection (b)'' in introductory provisions.

Subsec. (g). Pub. L. 115–91, § 311(e)(2), added subsec. (g). Former subsec. (g) redesignated (h).

Pub. L. 115–91, § 311(b)(3), substituted ''183a(g) of title 10'' for ''211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014'' in pars. (1) and (2).

Subsec. (h). Pub. L. 115–91, § 311(e)(1), redesignated subsec. (g) as (h).

2016—Pub. L. 114–328, § 341(a)(4)(A), inserted ''or national security'' after ''air commerce'' in section catchline.

Subsec. (a)(3). Pub. L. 114–328, § 341(a)(1), added par. (3).

Subsec. (b). Pub. L. 114–328, § 341(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to studies by Secretary to determine obstruction of airspace by newly contructed or altered structures.

Subsec. (b)(1). Pub. L. 114–248, § 1(a)(1), substituted ''air or space navigation facilities and equipment'' for ''air navigation facilities and equipment'' in introductory provisions.

Subsec. (b)(1)(F). Pub. L. 114–248, § 1(a)(2)–(4), added subpar. (F).

Subsecs. (f), (g). Pub. L. 114–328, § 341(a)(3), added subsecs. (f) and (g).

2011—Subsec. (e). Pub. L. 112–81 added subsec. (e).

2000—Subsec. (d). Pub. L. 106–181 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill.''

1996—Subsec. (d). Pub. L. 104–264 added subsec. (d).

Statutory Notes and Related Subsidiaries

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.

RULEMAKING

Pub. L. 114–248, § 1(b), Nov. 28, 2016, 130 Stat. 998, provided that: ''Not later than 18 months after the date of enactment of this Act [Nov. 28, 2016], the Administrator of the Federal Aviation Administration shall initiate a rulemaking to implement the amendments made by subsection (a) [amending this section].''

TOWER MARKING

Pub. L. 114–190, title II, § 2110, July 15, 2016, 130 Stat. 623, as amended by Pub. L. 115–254, div. B, title V, § 576, Oct. 5, 2018, 132 Stat. 3391, provided that:

''(a) APPLICATION.—

''(1) IN GENERAL.—Except as provided by paragraph (2), not later than 18 months after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018] or the date of availability of the database developed by the Administrator pursuant to subsection (c), whichever is later, all covered towers shall be either—

''(A) clearly marked consistent with applicable guidance in the advisory circular of the FAA issued December 4, 2015 (AC 70/7460-1L); or

''(B) included in the database described in subsection (c).

''(2) METEOROLOGICAL EVALUATION TOWER.—A covered tower that is a meteorological evaluation tower shall be subject to the requirements of subparagraphs (A) and (B) of paragraph (1).

[1] See References in Text note below.

''(b) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions apply:

''(A) COVERED TOWER.—

''(i) IN GENERAL.—The term 'covered tower' means a structure that—

''(I) is a meteorological evaluation tower, a self-standing tower, or [a] tower supported by guy wires and ground anchors;

''(II) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

''(III) at the highest point of the structure is at least 50 feet above ground level;

''(IV) at the highest point of the structure is not more than 200 feet above ground level;

''(V) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

''(VI) is located on land that is—

''(aa) in a rural area; and

''(bb) used for agricultural purposes or immediately adjacent to such land.

''(ii) EXCLUSIONS.—The term 'covered tower' does not include any structure that—

''(I) is adjacent to a house, barn, electric utility station, or other building;

''(II) is within the curtilage of a farmstead or adjacent to another building or visible structure;

''(III) supports electric utility transmission or distribution lines;

''(IV) is a wind-powered electrical generator with a rotor blade radius that exceeds 6 feet;

''(V) is a street light erected or maintained by a Federal, State, local, or tribal entity;

''(VI) is designed and constructed to resemble a tree or visible structure other than a tower;

''(VII) is an advertising billboard;

''(VIII) is located within the right-of-way of a rail carrier, including within the boundaries of a rail yard, and is used for a railroad purpose;

''(IX)(aa) is registered with the Federal Communications Commission under the Antenna Structure Registration program set forth under part 17 of title 47, Code of Federal Regulations; and

''(bb) is determined by the Administrator to pose no hazard to air navigation; or

''(X) has already mitigated any hazard to aviation safety in accordance with Federal Aviation Administration guidance or as otherwise approved by the Administrator.

''(B) RURAL AREA.—The term 'rural area' has the meaning given the term in section 609(a)(5) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)(5)).

''(C) AGRICULTURAL PURPOSES.—The term 'agricultural purposes' means farming in all its branches and the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities performed by a farmer or on a farm, or on pasture land or rangeland.

''(2) OTHER DEFINITIONS.—The Administrator shall define such other terms as may be necessary to carry out this section.

''(c) DATABASE.—The Administrator shall—

''(1) develop a new database, or if appropriate use an existing database that meets the requirements under this section, that contains the location and height of each covered tower that, pursuant to subsection (a), the owner or operator of such tower elects not to mark (unless the Administrator has determined that there is a significant safety risk requiring that the tower be marked), except that meteorological evaluation towers shall be marked and contained in the database;

''(2) keep the database current to the extent practicable;

''(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law;

''(4) ensure that, by virtue of accessing the database, users agree and acknowledge that information in the database—

''(A) may only be used for aviation safety purposes; and

''(B) may not be disclosed for purposes other than aviation safety, regardless of whether or not the information is marked or labeled as proprietary or with a similar designation;

''(5) ensure that the tower information in the database is de-identified and that the information only includes the location and height of covered towers and whether the tower has guy wires;

''(6) ensure that information in the dataset is encrypted at rest and in transit and is protected from unauthorized access and acquisition;

''(7) ensure that towers excluded from the definition of covered tower under subsection (d)(1)(B)(ii)(VIII) must be registered by its owner in the database;

''(8) ensure that a tower to be included in the database pursuant to subsection (c)(1) and constructed after the date on which the database is fully operational is submitted by its owner to the FAA for inclusion in the database before its construction;

''(9) ensure that pilots who intend to conduct low-altitude operations in locations described in subsection (b)(1)(A)(i)(VI) consult the relevant parts of the database before conducting such operations; and

''(10) make the database available for use not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018].

''(d) EXCLUSION AND WAIVER AUTHORITIES.—As part of a rulemaking conducted pursuant to this section, the Administrator—

''(1) may exclude a class, category, or type of tower that is determined by the Administrator, after public notice and comment, to not pose a hazard to aviation safety;

''(2) shall establish a process to waive specific covered towers from the marking requirements under this section as required under the rulemaking if the Administrator later determines such tower or towers do not pose a hazard to aviation safety;

''(3) shall consider, in establishing exclusions and granting waivers under this subsection, factors that may sufficiently mitigate risks to aviation safety, such as the length of time the tower has been in existence or alternative marking methods or technologies that maintains a tower's level of conspicuousness to a degree which adequately maintains the safety of the airspace; and

''(4) shall consider excluding towers located in a State that has enacted tower marking requirements according to the Federal Aviation Administration's recommended guidance for the voluntary marking of meteorological evaluation towers erected in remote and rural areas that are less than 200 feet above ground level to enhance the conspicuity of the towers for low level agricultural operations in the vicinity of those towers.

''(e) PERIODIC REVIEW.—The Administrator shall, in consultation with the Federal Communications Commission, periodically review any regulations or guidance regarding the marking of covered towers issued pursuant to this section and update them as necessary, consistent with this section, and in the interest of safety of low-altitude aircraft operations.

''(f) FCC REGULATIONS.—The Federal Communications Commission shall amend section 17.7 of title 47, Code of Federal Regulations, to require a notification to the Federal Aviation Administration for any construction or alteration of an antenna structure, as defined in section 17.2(a) of title 47, Code of Federal Regulations, that is a covered tower as defined by this section.''

STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS

Pub. L. 111–383, div. A, title III, § 358, Jan. 7, 2011, 124 Stat. 4198, as amended by Pub. L. 112–81, div. A, title

III, § 331, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112–239, div. A, title X, § 1076(b)(1), Jan. 2, 2013, 126 Stat. 1949; Pub. L. 114–92, div. A, title III, § 314, Nov. 25, 2015, 129 Stat. 790, related to study of effects of new construction of obstructions on military installations and operations, prior to repeal by Pub. L. 115–91, div. A, title III, § 311(b)(1), Dec. 12, 2017, 131 Stat. 1347. See section 183a of Title 10, Armed Forces.

LANDFILLS INTERFERING WITH AIR COMMERCE

Pub. L. 106–181, title V, § 503(a), Apr. 5, 2000, 114 Stat. 133, provided that: ''Congress finds that—

''(1) collisions between aircraft and birds have resulted in fatal accidents;

''(2) bird strikes pose a special danger to smaller aircraft;

''(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

''(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

''(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

''(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.''

§ 44719. Standards for navigational aids

The Secretary of Transportation shall prescribe regulations on standards for installing navigational aids, including airport control towers. For each type of facility, the regulations shall consider at a minimum traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44719	49 App.:1348 (note).	Dec. 30, 1987, Pub. L. 100–223, § 308, 101 Stat. 1526.

The words ''Not later than December 31, 1988'' are omitted as obsolete.

§ 44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance information about probable weather conditions;

(2) provide reports to the Administrator[1] to persons engaged in civil aeronautics that are designated by the Administrator and to other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44720(a)	49 App.:1351.	Aug. 23, 1958, Pub. L. 85–726, §§ 310, 803, 72 Stat. 751, 783.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44720(b)	49 App.:1463.	
	49 App.:1655(c)(1).	

In subsection (b), the title ''Secretary'' [of Commerce] is substituted for ''Chief of the Weather Bureau'' in section 803 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 783) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). Before clause (1), the words ''In order'' and ''in addition to any other functions or duties pertaining to weather information for other purposes'' are omitted as surplus. In clause (2), the words ''forecasts, warnings, and advices'' are omitted as being included in ''reports''. In clause (3), the words ''or employees thereof'' and ''establish and'' are omitted as surplus. The words ''with those persons'' are added for clarity. In clause (5), the words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''governmental agencies of the United States'' for consistency in the revised title and with other titles of the United States Code.

[1] So in original. Probably should be followed by a comma.

Statutory Notes and Related Subsidiaries

IMPROVED SAFETY IN RURAL AREAS

Pub. L. 115–254, div. B, title III, §322, Oct. 5, 2018, 132 Stat. 3270, provided that: ''The Administrator [of the Federal Aviation Administration] shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations, to operate to a destination with a published approach, in a noncontiguous State under instrument flight rules and conduct an instrument approach without a destination Meteorological Aerodrome Report (METAR) if a current Area Forecast, supplemented by noncertified local weather observations (such as weather cameras and human observations) is available, and an alternate airport that has a weather report is specified. The operator shall have approved procedures for departure and en route weather evaluation.''

TERMINAL AERODROME FORECAST

Pub. L. 115–254, div. B, title V, §516, Oct. 5, 2018, 132 Stat. 3358, provided that:

''(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall permit a covered air carrier to operate to or from a location in a noncontiguous State without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if—

''(1) such location is determined to be under visual meteorological conditions;

''(2) a current Area Forecast, supplemented by other local weather observations or reports, is available; and

''(3) an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified.

''(b) PROCEDURES.—A covered air carrier shall—

''(1) have approved procedures for dispatch or release and enroute weather evaluation; and

''(2) operate under instrument flight rules enroute to the destination.

''(c) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document pursuant to this section that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

''(d) COVERED AIR CARRIER DEFINED.—In this section, the term 'covered air carrier' means an air carrier operating in a noncontiguous State under part 121 of title 14, Code of Federal Regulations.''

AUTOMATED WEATHER OBSERVING SYSTEMS POLICY

Pub. L. 115–254, div. B, title V, §553, Oct. 5, 2018, 132 Stat. 3379, provided that:

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall—

''(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

''(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

''(3) establish a process under which appropriate onsite airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum triannual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220–16E) and any other similar, successor checks.

''(b) PERMISSION.—Permission to conduct the minimum triannual preventative maintenance checks described under subsection (a)(3) and any similar, successor checks shall not be withheld but for specific cause.

''(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

''(1) ensure the standards are performance-based;

''(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

''(3) provide a cost-benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

''(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

''(1) IN GENERAL.—Notwithstanding any other law, the Administrator is authorized to and shall waive any positive benefit-cost ratio requirement for automated weather-observing system equipment under subchapter I of chapter 471, of title 49, United States Code, if—

''(A) the airport sponsor or State, as applicable, certifies that a grant for such automated weather observing systems equipment under that chapter will assist an applicable airport to respond to regional emergency needs, including medical, firefighting, and search and rescue needs;

''(B) the Secretary determines, after consultation with the airport sponsor or State, as applicable, that the placement of automated weather-observing equipment at the airport will not cause unacceptable radio frequency congestion; and

''(C) the other requirements under that chapter are met.

''(2) APPLICABILITY TO LOW POPULATION DENSITY STATES.—This subsection is applicable only to airports located in states with a population density, based on the most recent decennial census, of 50 or fewer persons per square mile.

''(e) REPORT.—Not later than September 30, 2025, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the implementation of the requirements under this section.''

AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS

Pub. L. 106–181, title VII, §728, Apr. 5, 2000, 114 Stat. 168, provided that: ''The Administrator [of the Federal Aviation Administration] shall not terminate human weather observers for Automated Surface Observation System stations until—

''(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

''(2) 60 days have passed since the report was transmitted to Congress.''

§ 44721. Aeronautical charts and related products and services

(a) PUBLICATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes

would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

(1) prescribed by the Administrator;

(2) depicted accurately on the map or chart; and

(3) not obviously defective or deficient.

(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

(1) Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947,[1] (33 U.S.C. 883a–883h).

(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

(f) SPECIAL SERVICES AND PRODUCTS.—

(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.

(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

(A) without charge to each foreign government or international organization with which the Administrator or a Federal de-

[1] So in original. The comma probably should not appear.

partment or agency has an agreement for exchange of these products or services without cost;

(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1202; Pub. L. 106–181, title VI, §603(a), Apr. 5, 2000, 114 Stat. 150; Pub. L. 106–424, §17(a), Nov. 1, 2000, 114 Stat. 1888.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44721(a)(1) ..	49 App.:1348(b) (1st sentence cl. (3)).	Aug. 23, 1958, Pub. L. 85–726, §307(b) (1st sentence cl. (3)), 72 Stat. 750.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44721(a)(2) ..	49 App.:1348(b) (3d, last sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 749, §307(b) (3d, last sentences); added Oct. 31, 1992, Pub. L. 102–581, §125, 106 Stat. 4885.
44721(b)	49 App.:1519.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1118; added Dec. 19, 1985, Pub. L. 99–190, §328(a), 99 Stat. 1289.

In subsection (a)(1), the word ''Administrator'' in section 307(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 750) is retained on authority of 49:106(g). The words ''within the limits of available appropriations made by the Congress'' are omitted as surplus. The words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''existing agencies of the Government'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), before clause (1), the words ''Notwithstanding the provisions of section 1341 of title 31 or any other provision of law'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, referred to in subsec. (c)(1), are classified to sections 883a to 883i of Title 33, Navigation and Navigable Waters. Section 883g of Title 33 was repealed by Pub. L. 88–611, §4(a)(2), Oct. 2, 1964, 78 Stat. 991.

AMENDMENTS

2000—Pub. L. 106–181 amended section catchline and text generally. Prior to amendment, text read as follows:

''(a) PUBLICATION.—(1) The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

''(2) In carrying out paragraph (1) of this subsection, the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

''(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

''(1) prescribed by the Administrator;

''(2) depicted accurately on the map or chart; and

''(3) not obviously defective or deficient.''

Subsec. (c)(3), (4). Pub. L. 106–424, §17(a)(1), struck out pars. (3) and (4) which read as follows:

''(3) Section 1307 of title 44, United States Code.

''(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note).''

Subsec. (g)(1)(D). Pub. L. 106–424, §17(a)(2), added subpar. (D).

Subsec. (g)(5). Pub. L. 106–424, §17(a)(3), added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106–424, §17(b), Nov. 1, 2000, 114 Stat. 1889, provided that: ''The amendments made by subsection (a) [amending this section] take effect on October 1, 2000.''

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

SAVINGS PROVISION

Pub. L. 106–181, title VI, §604, Apr. 5, 2000, 114 Stat. 152, provided that:

''(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

''(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this

title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section]; and

''(2) are in effect on the date of transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

''(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

''(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

''(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

''(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

''(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

''(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

''(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.''

TRANSFER OF FUNCTIONS

Pub. L. 106–181, title VI, § 601, Apr. 5, 2000, 114 Stat. 149, provided that: ''Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.''

TRANSFER OF OFFICE, PERSONNEL, AND FUNDS

Pub. L. 106–181, title VI, § 602, Apr. 5, 2000, 114 Stat. 149, provided that:

''(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

''(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section], including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.''

PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS

Pub. L. 106–181, title VI, § 607, Apr. 5, 2000, 114 Stat. 154, provided that: ''The Administrator [of the Federal Aviation Administration] shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.''

§ 44722. Aircraft operations in winter conditions

The Administrator of the Federal Aviation Administration shall prescribe regulations requiring procedures to improve safety of aircraft operations during winter conditions. In deciding on the procedures to be required, the Administrator shall consider at least aircraft and air traffic control modifications, the availability of different types of deicing fluids (considering their efficacy and environmental limitations),

the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44722	49:1421 (note).	Oct. 31, 1992, Pub. L. 102–581, §124, 106 Stat. 4885.

The words ''Before November 1, 1992'' are omitted as obsolete. The words ''prescribe regulations requiring'' are substituted for ''require, by regulation'', and the words ''other factors the Administrator considers appropriate'' are substituted for ''among other things'', for consistency in the revised title.

§ 44723. Annual report

Not later than January 1 of each year, the Secretary of Transportation shall submit to Congress a comprehensive report on the safety enforcement activities of the Federal Aviation Administration during the fiscal year ending the prior September 30th. The report shall include—

(1) a comparison of end-of-year staffing levels by operations, maintenance, and avionics inspector categories to staffing goals and a statement on how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance, and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs by field location and, for any field location completing less than 80 percent of its planned number of inspections, an explanation of why annual work program plans were not met;

(6) a statement of the adequacy of Administration internal management controls available to ensure that field managers comply with Administration policies and procedures, including those on inspector priorities, district office coordination, minimum inspection standards, and inspection followup;

(7) the status of efforts made by the Administration to update inspector guidance documents and regulations to include technological, management, and structural changes taking place in the aviation industry, including a listing of the backlog of all proposed regulatory amendments;

(8) a list of the specific operational measures of effectiveness used to evaluate—

(A) the progress in meeting program objectives;

(B) the quality of program delivery; and

(C) the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the 2 prior fiscal years, including the total initial and final penalties imposed, the total number of dollars collected, the range of dollar amounts collected, the average case processing time, and the range of case processing time;

(10) a schedule showing the number of enforcement actions taken (except civil penalties) during the 2 prior fiscal years, including the total number of violations cited, and the number of cited violation cases closed by certificate suspensions, certificate revocations, warnings, and no action taken; and

(11) schedules showing the safety record of the aviation industry during the fiscal year for air carriers and general aviation, including—

(A) the number of inspections performed when deficiencies were identified compared with inspections when no deficiencies were found;

(B) the frequency of safety deficiencies for each air carrier; and

(C) an analysis based on data of the general status of air carrier and general aviation compliance with aviation regulations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44723	49:308 (note).	Dec. 22, 1987, Pub. L. 100–202, §317(a), 101 Stat. 1329–380. Sept. 30, 1988, Pub. L. 100–457, §317(a), 102 Stat. 2148.

In clauses (4) and (7), the word ''regulations'' is substituted for ''Federal regulations'' for consistency in the revised title.

In clause (5), the words ''by field location'' are substituted for ''disaggregated to the field locations'' for clarity.

In clause (8), before subclause (A), the words '' 'best proxies' standing between the ultimate goal of accident prevention and ongoing program activities'' are omitted as surplus.

In clause (9), the words ''penalties imposed'' are substituted for ''assessments'' for consistency in the revised title and with other titles of the United States Code.

In clause (11)(C), the words ''aviation regulations'' are substituted for ''Federal Aviation Regulations'' for consistency in the revised title.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 22nd item on page 132 and the 10th item on page 135 of House Document No. 103–7.

§ 44724. Manipulation of flight controls

(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

(c) PILOT IN COMMAND DEFINED.—In this section, the term ''pilot in command'' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.

(Added Pub. L. 104–264, title VI, § 602(a)(1), Oct. 9, 1996, 110 Stat. 3263.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

§ 44725. Life-limited aircraft parts

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

(2) The part may be permanently marked to indicate its used life status.

(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

(5) Any other method approved by the Administrator.

(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.

(Added Pub. L. 106–181, title V, § 504(a), Apr. 5, 2000, 114 Stat. 134.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 44726. Denial and revocation of certificate for counterfeit parts violations

(a) DENIAL OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material;

(B) whose certificate is revoked under subsection (b); or

(C) subject to a controlling or ownership interest of an individual described in subparagraph (A) or (B).

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

(b) REVOCATION OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

(1) advise the holder of the certificate of the reason for the revocation; and

(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, ''person'' shall be substituted for ''individual'' each place it appears.

(e) ACQUITTAL OR REVERSAL.—

(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

(1) a law enforcement official of the United States Government requests a waiver; and

(2) the waiver will facilitate law enforcement efforts.

(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.

(Added Pub. L. 106–181, title V, § 505(a)(1), Apr. 5, 2000, 114 Stat. 134; amended Pub. L. 108–176, title V, § 501, Dec. 12, 2003, 117 Stat. 2556.)

Editorial Notes

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108–176 struck out ''or'' at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C) and substituted ''described in subparagraph (A) or (B)'' for ''convicted of such a violation''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 44727. Runway safety areas

(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.

(Added Pub. L. 108–176, title V, § 502(a), Dec. 12, 2003, 117 Stat. 2557.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 44728. Flight attendant certification

(a) CERTIFICATE REQUIRED.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of title 14, Code of Federal Regulation,[1] the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

(1) be numbered and recorded by the Administrator;

(2) contain the name, address, and description of the individual to whom the certificate is issued;

(3) be similar in size and appearance to certificates issued to airmen;

(4) contain the airplane group for which the certificate is issued; and

(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

(f) MINIMUM LANGUAGE SKILLS.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

(A) read material written in English and comprehend the information;

(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

(C) write incident reports and statements and log entries and statements; and

(D) carry out written and oral instructions regarding the proper performance of their duties.

(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.

(g) FLIGHT ATTENDANT DEFINED.—In this section, the term ''flight attendant'' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.

(Added Pub. L. 108–176, title VIII, § 814(a), Dec. 12, 2003, 117 Stat. 2590; amended Pub. L. 112–95, title III, § 304(a), Feb. 14, 2012, 126 Stat. 58; Pub. L. 115–254, div. B, title V, § 539(i), Oct. 5, 2018, 132 Stat. 3371.)

Editorial Notes

REFERENCES IN TEXT

For effective date of this section, referred to in subsecs. (a)(2) and (d)(5), see Effective Date note below.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254, § 539(i)(1), substituted ''title 14'' for ''chapter 14''.

Subsec. (d)(3). Pub. L. 115–254, § 539(i)(2), substituted ''be'' for ''is''.

2012—Subsecs. (f), (g). Pub. L. 112–95 added subsec. (f) and redesignated former subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108–176, title VIII, § 814(c), Dec. 12, 2003, 117 Stat. 2592, provided that: ''The amendments made by subsections (a) and (b) [enacting this section and amending the analysis to this chapter] shall take effect on the 365th day following the date of enactment of this Act [Dec. 12, 2003].''

FACILITATION

Pub. L. 112–95, title III, § 304(b), Feb. 14, 2012, 126 Stat. 58, provided that: ''The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).''

[1] So in original. Probably should be ''Regulations,''.

§ 44729. Age standards for pilots

(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—

(1) shall take effect 1 year after the date of delivery of written notice of the election; and

(2) may not be terminated after the date on which such election takes effect by the air carrier.

(b) COVERED OPERATIONS DEFINED.—In this section, the term ''covered operations'' means—

(1) operations under part 121 of title 14, Code of Federal Regulations; or

(2) operations by a person that—

(A) holds an air carrier certificate issued pursuant to part 119 of title 14, Code of Federal Regulations, to conduct operations under part 135 of such title;

(B) holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations; and

(C) performed an aggregate total of at least 75,000 turbojet operations in calendar year 2019 or any subsequent year.

(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

(d) SUNSET OF AGE 60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

(e) APPLICABILITY.—

(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

(g) MEDICAL STANDARDS AND RECORDS.—

(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

(h) SAFETY.—

(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

(2) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).

(Added Pub. L. 110–135, § 2(a), Dec. 13, 2007, 121 Stat. 1450; amended Pub. L. 112–95, title III, § 305, Feb. 14, 2012, 126 Stat. 58; Pub. L. 117–328, div. Q, § 107(a), (b), Dec. 29, 2022, 136 Stat. 5257, 5258.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section and such date of enactment, referred to in subsecs. (d), (e), (g)(1) and (h)(2), is the date of enactment of Pub. L. 110–135, which was approved Dec. 13, 2007.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–328, § 107(a), substituted ''covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—'' and pars. (1) and (2) for ''covered operations until attaining 65 years of age.''

Subsec. (b). Pub. L. 117–328, § 107(b), substituted ''means—'' and pars. (1) and (2) for ''means operations under part 121 of title 14, Code of Federal Regulations.''

2012—Subsec. (h)(2), (3). Pub. L. 112–95 redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: ''Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.''

Statutory Notes and Related Subsidiaries

PROTECTION FOR COMPLIANCE

Pub. L. 117–328, div. Q, § 107(c), Dec. 29, 2022, 136 Stat. 5258, provided that: ''An action or election taken in conformance with the amendments made by this section [amending this section], or taken in conformance with a regulation issued to carry out the amendments made by this section, may not serve as a basis for liability or relief in a proceeding brought under any employment law or regulation before any court or agency of the United States or of any State or locality.''

§ 44730. Helicopter air ambulance operations

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including establishment of training standards in—

(A) preventing controlled flight into terrain; and

(B) recovery from inadvertent flight into instrument meteorological conditions.

(3) Safety-enhancing technology and equipment, including—

(A) helicopter terrain awareness and warning systems;

(B) radar altimeters; and

(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

(4) Such other matters as the Administrator considers appropriate.

(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

(C) requires the pilots of the certificate holder to use the checklist.

(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

(e) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

(A) Pilot training standards, including—

(i) mandatory training requirements, including a minimum time for completing the training requirements;

(ii) training subject areas, such as communications procedures and appropriate technology use; and

(iii) establishment of training standards in—

(I) crew resource management;

(II) flight risk evaluation;

(III) operational control of the pilot in command; and

(IV) use of flight simulation training devices and line-oriented flight training.

(B) Use of safety equipment that should be worn or used by flight crewmembers and

medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.

(3) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) PART 135.—The term ''part 135'' means part 135 of title 14, Code of Federal Regulations.

(2) PART 135 CERTIFICATE HOLDER.—The term ''part 135 certificate holder'' means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

(Added Pub. L. 112–95, title III, §306(a), Feb. 14, 2012, 126 Stat. 58.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

§ 44731. Collection of data on helicopter air ambulance operations

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, annually, a report containing, at a minimum, the following data:

(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

(2) The number of hours flown by the helicopters operated by the certificate holder.

(3) The number of patients transported and the number of patient transport requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, or organ transport).

(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

(5) The number of hours flown under instrument flight rules by helicopters operated by the certificate holder.

(6) The number of hours flown at night by helicopters operated by the certificate holder.

(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

(c) DATABASE.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

(d) REPORT TO CONGRESS.—The Administrator shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a). The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.

(e) IMPLEMENTATION.—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.

(f) DEFINITIONS.—In this section, the terms ''part 135'' and ''part 135 certificate holder'' have the meanings given such terms in section 44730.

(Added Pub. L. 112–95, title III, §306(a), Feb. 14, 2012, 126 Stat. 60; amended Pub. L. 115–254, div. B, title III, §314(d), Oct. 5, 2018, 132 Stat. 3266.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §314(d)(1)(A), substituted ''annually'' for ''not later than 1 year after the date of enactment of this section, and annually thereafter'' in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §314(d)(1)(B), substituted ''hours flown by the helicopters operated by the certificate holder'' for ''flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services''.

Subsec. (a)(3). Pub. L. 115–254, §314(d)(1)(C), substituted ''of patients transported and the number of patient transport'' for ''of flight'', inserted ''or'' after ''interfacility transport,'', and struck out '', or ferry or repositioning flight'' after ''organ transport''.

Subsec. (a)(5). Pub. L. 115–254, §314(d)(1)(D), struck out ''flights and'' after ''The number of'' and ''while providing air ambulance services'' before period at end.

Subsec. (a)(6). Pub. L. 115–254, §314(d)(1)(E), amended par. (6) generally. Prior to amendment, par. (6) read as

follows: ''The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.''

Subsec. (d). Pub. L. 115–254, §314(d)(2), substituted ''The Administrator shall submit annually'' for ''Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit'' and inserted at end ''The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.''

Subsecs. (e), (f). Pub. L. 115–254, §314(d)(3), (4), added subsec. (e) and redesignated former subsec. (e) as (f).

Statutory Notes and Related Subsidiaries

HELICOPTER AIR AMBULANCE OPERATIONS DATA AND REPORTS

Pub. L. 115–254, div. B, title III, §314(a)–(c), Oct. 5, 2018, 132 Stat. 3265, 3266, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in collaboration with helicopter air ambulance industry stakeholders, shall assess the availability of information to the general public related to the location of heliports and helipads used by helicopters providing air ambulance services, including helipads and helipads outside of those listed as part of any existing databases of Airport Master Record (5010) forms.

''(b) REQUIREMENTS.—Based on the assessment under subsection (a), the Administrator shall—

''(1) update, as necessary, any existing guidance on what information is included in the current databases of Airport Master Record (5010) forms to include information related to heliports and helipads used by helicopters providing air ambulance services; or

''(2) develop, as appropriate and in collaboration with helicopter air ambulance industry stakeholders, a new database of heliports and helipads used by helicopters providing air ambulance services.

''(c) REPORTS.—

''(1) ASSESSMENT REPORT.—Not later than 30 days after the date the assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the assessment, including any recommendations on how to make information related to the location of heliports and helipads used by helicopters providing air ambulance services available to the general public.

''(2) IMPLEMENTATION REPORT.—Not later than 30 days after completing action under paragraph (1) or paragraph (2) of subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on such action.''

§ 44732. Prohibition on personal use of electronic devices on flight deck

(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term ''personal wireless communications device'' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.

(Added Pub. L. 112–95, title III, §307(a), Feb. 14, 2012, 126 Stat. 61.)

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 112–95, title III, §307(d), Feb. 14, 2012, 126 Stat. 62, provided that: ''Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44732 of title 49, United States Code (as added by this section), and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.''

§ 44733. Inspection of repair stations located outside the United States

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;

(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administra-

tion's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;

(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

(3) describe the training provided to inspectors; and

(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements. The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.

(f) RISK-BASED OVERSIGHT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

(A) in accordance with United States obligations under applicable international agreements; and

(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) HEAVY MAINTENANCE WORK.—The term ''heavy maintenance work'' means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(Added Pub. L. 112–95, title III, §308(a), Feb. 14, 2012, 126 Stat. 62; amended Pub. L. 114–190, title II, §2112(a), July 15, 2016, 130 Stat. 627.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a) and (d)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

The date of enactment of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 114–190, which was approved July 15, 2016.

AMENDMENTS

2016—Subsec. (f). Pub. L. 114–190, §2112(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 114–190, §2112(a)(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Pub. L. 114–190, §2112(a)(1), redesignated subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Pub. L. 114–190, title II, §2112(b), July 15, 2016, 130 Stat. 628, provided that: ''The Administrator of the Federal Aviation Administration shall ensure that—

''(1) not later than 90 days after the date of enactment of this Act [July 15, 2016], a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and

''(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.''

BACKGROUND INVESTIGATIONS

Pub. L. 114–190, title II, §2112(c), July 15, 2016, 130 Stat. 628, provided that: ''Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to de-

termine whether the individual presents a threat to aviation safety, in a manner that is—

''(1) determined acceptable by the Administrator;

''(2) consistent with the applicable laws of the country in which the repair station is located; and

''(3) consistent with the United States obligations under international agreements.''

§ 44734. Training of flight attendants

(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—

(1) serving alcohol to passengers;

(2) recognizing intoxicated passengers;

(3) dealing with disruptive passengers; and

(4) recognizing and responding to potential human trafficking victims.

(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.

(2) FLIGHT ATTENDANT.—The term ''flight attendant'' has the meaning given that term in section 44728(g).

(Added Pub. L. 112–95, title III, § 309(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 114–190, title II, § 2113, July 15, 2016, 130 Stat. 628.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a)(4). Pub. L. 114–190 added par. (4).

§ 44735. Limitation on disclosure of safety information

(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5—

(1) if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law; or

(2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act.

(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

(1) Reports, data, or other information developed under the Aviation Safety Action Program.

(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.

(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

(2) DE-IDENTIFIED DEFINED.—In this subsection, the term ''de-identified'' means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.

(Added Pub. L. 112–95, title III, § 310(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 116–260, div. V, title I, § 102(g), Dec. 27, 2020, 134 Stat. 2311.)

REFERENCES IN TEXT

Section 102(e) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (a)(2), is section 102(e) of title I of Pub. L. 116–260, div. V, Dec. 27, 2020, 134 Stat. 2310, which is set out in a note under section 44701 of this title.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–260 inserted ''—'' after ''title 5'', designated remaining existing provisions as par. (1), and added par. (2).

§ 44736. Organization designation authorizations

(a) DELEGATIONS OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator's designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder; and

(B) conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

(B) make the procedures manual available to each member of the appropriate ODA unit; and

(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures

manual approved by the Administrator before the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

(b) ODA OFFICE.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.

(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure the consistency of the FAA's audit functions under the ODA program across the FAA.

(3) FUNCTIONS.—The ODA Office shall—

(A)(i) require, as appropriate, an ODA holder to establish a corrective action plan to regain authority for any retained limitations;

(ii) require, as appropriate, an ODA holder to notify the ODA Office when all corrective actions have been accomplished; and

(iii) when appropriate, make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;

(B) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

(C) review, in a timely fashion, a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;

(D) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program;

(E) at the request of an ODA holder, review and, when appropriate, approve new limitations to ODA functions; and

(F) ensure the ODA holders procedures manual contains procedures and policies based on best practices established by the Administrator.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) ODA HOLDER.—The term ''ODA holder'' means an entity authorized to perform functions pursuant to a delegation made by the Administrator of the FAA under section 44702(d).

(3) ODA UNIT.—The term ''ODA unit'' means a group of 2 or more individuals who perform, under the supervision of an ODA holder, authorized functions under an ODA.

(4) ORGANIZATION.—The term ''organization'' means a firm, partnership, corporation, company, association, joint-stock association, or governmental entity.

(5) ORGANIZATION DESIGNATION AUTHORIZATION; ODA.—The term ''Organization Designation Authorization'' or ''ODA'' means an authorization by the FAA under section 44702(d) for an organization composed of 1 or more ODA units to perform approved functions on behalf of the FAA.

(d) AUDITS.—

(1) IN GENERAL.—The Administrator shall perform a periodic audit of each ODA unit and its procedures.

(2) DURATION.—An audit required under paragraph (1) shall be performed with respect to an ODA holder once every 7 years (or more frequently as determined appropriate by the Administrator).

(3) RECORDS.—The ODA holder shall maintain, for a period to be determined by the Administrator, a record of—

(A) each audit conducted under this subsection; and

(B) any corrective actions resulting from each such audit.

(e) FEDERAL AVIATION SAFETY ADVISORS.—

(1) IN GENERAL.—In the case of an ODA holder, the Administrator shall assign FAA aviation safety personnel with appropriate expertise to be advisors to the ODA unit members that are authorized to make findings of compliance on behalf of the Administrator. The advisors shall—

(A) communicate with assigned unit members on an ongoing basis to ensure that the assigned unit members are knowledgeable of relevant FAA policies and acceptable methods of compliance; and

(B) monitor the performance of the assigned unit members to ensure consistency with such policies.

(2) APPLICABILITY.—Paragraph (1) shall only apply to an ODA holder that is—

(A) a manufacturer that holds both a type and a production certificate for—

(i) transport category airplanes with a maximum takeoff gross weight greater than 150,000 pounds; or

(ii) airplanes produced and delivered to operators operating under part 121 of title 14, Code of Federal Regulations, for air carrier service under such part 121; or

(B) a manufacturer of engines for an airplane described in subparagraph (A).

(f) COMMUNICATION WITH THE FAA.—Neither the Administrator nor an ODA holder may prohibit—

(1) an ODA unit member from communicating with, or seeking the advice of, the Administrator or FAA staff; or

(2) the Administrator or FAA staff from communicating with an ODA unit member.

(Added Pub. L. 115–254, div. B, title II, §212(a), Oct. 5, 2018, 132 Stat. 3247; amended Pub. L. 116–260, div. V, title I, §§107(b)(1), (c), 125(b), Dec. 27, 2020, 134 Stat. 2324, 2325, 2347.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018 and the date of enactment of this section, referred to in subsecs. (a)(3) and (b)(1), is the date of en-

actment of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116–260, § 107(c)(1)(A), redesignated subpar. (C) as (B) and struck out former subpars. (B) and (D) which read as follows:

''(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions;

''(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder's capability to execute that function safely and effectively and return to full authority status.''

Subsec. (a)(3). Pub. L. 116–260, § 107(c)(1)(B), substituted ''shall conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.'' for ''shall—'' and subpars. (A) to (D) which read as follows:

''(A) at the request of the ODA holder and in an expeditious manner, approve revisions to the ODA holder's procedures manual;

''(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to one or more of the functions;

''(C) conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings; and

''(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder's capability to execute that function safely and effectively and return to full authority status.''

Subsec. (b)(3)(A). Pub. L. 116–260, § 107(c)(2)(A), redesignated cls. (ii) to (iv) as (i) to (iii), respectively, in cls. (i) and (ii), inserted '', as appropriate,'' after ''require'', in cl. (iii), inserted ''when appropriate,'' before ''make a reassessment'', and struck out former cl. (i) which read as follows: ''at the request of an ODA holder, eliminate all limitations specified in a procedures manual in place on the day before the date of enactment of the FAA Reauthorization Act of 2018 that are low and medium risk as determined by a risk analysis using criteria established by the ODA Office and disclosed to the ODA holder, except where an ODA holder's performance warrants the retention of a specific limitation due to documented concerns about inadequate current performance in carrying out that authorized function;''.

Subsec. (b)(3)(B) to (E). Pub. L. 116–260, § 107(c)(2)(B), (D), redesignated subpars. (C) to (F) as (B) to (E), respectively, and struck out former subpar. (B) which read as follows: ''improve FAA and ODA holder performance and ensure full utilization of the authorities delegated under the ODA program;''.

Subsec. (b)(3)(F). Pub. L. 116–260, § 125(b), added subpar. (F). Former subpar. (F) redesignated (E).

Pub. L. 116–260, § 107(c)(2)(C), (D), inserted '', when appropriate,'' before ''approve'' and then redesignated subpar. (F) as (E).

Subsecs. (d), (e). Pub. L. 116–260, § 107(b)(1), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

EXPERT REVIEW OF ORGANIZATION DESIGNATION AUTHORIZATIONS FOR TRANSPORT AIRPLANES

Pub. L. 116–260, div. V, title I, § 103, Dec. 27, 2020, 134 Stat. 2311, provided that:

''(a) EXPERT REVIEW.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall convene an expert panel (in this section referred to as the 'review panel') to review and make findings and recommendations on the matters listed in paragraph (2).

''(2) CONTENTS OF REVIEW.—With respect to each holder of an organization designation authorization for the design and production of transport airplanes, the review panel shall review the following:

''(A) The extent to which the holder's safety management processes promote or foster a safety culture consistent with the principles of the International Civil Aviation Organization Safety Management Manual, Fourth Edition (International Civil Aviation Organization Doc. No. 9859) or any similar successor document.

''(B) The effectiveness of measures instituted by the holder to instill, among employees and contractors of such holder that support organization designation authorization functions, a commitment to safety above all other priorities.

''(C) The holder's capability, based on the holder's organizational structures, requirements applicable to officers and employees of such holder, and safety culture, of making reasonable and appropriate decisions regarding functions delegated to the holder pursuant to the organization designation authorization.

''(D) Any other matter determined by the Administrator for which inclusion in the review would be consistent with the public interest in aviation safety.

''(3) COMPOSITION OF REVIEW PANEL.—The review panel shall consist of—

''(A) 2 representatives of the National Aeronautics and Space Administration;

''(B) 2 employees of the Administration's Aircraft Certification Service with experience conducting oversight of persons not involved in the design or production of transport airplanes;

''(C) 1 employee of the Administration's Aircraft Certification Service with experience conducting oversight of persons involved in the design or production of transport airplanes;

''(D) 2 employees of the Administration's Flight Standards Service with experience in oversight of safety management systems;

''(E) 1 appropriately qualified representative, designated by the applicable represented organization, of each of—

''(i) a labor union representing airline pilots involved in both passenger and all-cargo operations;

''(ii) a labor union, not selected under clause (i), representing airline pilots with expertise in the matters described in paragraph (2);

''(iii) a labor union representing employees engaged in the assembly of transport airplanes;

''(iv) the certified bargaining representative under section 7111 of title 5, United States Code, for field engineers engaged in the audit or oversight of an organization designation authorization within the Aircraft Certification Service of the Administration;

''(v) the certified bargaining representative for safety inspectors of the Administration; and

''(vi) a labor union representing employees engaged in the design of transport airplanes;

''(F) 2 independent experts who have not served as a political appointee in the Administration and—

''(i) who hold either a baccalaureate or postgraduate degree in the field of aerospace engineering or a related discipline; and

''(ii) who have a minimum of 20 years of relevant applied experience;

''(G) 4 air carrier employees whose job responsibilities include administration of a safety management system;

''(H) 4 individuals representing 4 different holders of organization designation authorizations, with preference given to individuals representing holders of organization designation authorizations for the

design or production of aircraft other than transport airplanes or for the design or production of aircraft engines, propellers, or appliances; and

''(I) 1 individual holding a law degree and who has expertise in the legal duties of a holder of an organization designation authorization and the interaction with the FAA, except that such individual may not, within the 10-year period preceding the individual's appointment, have been employed by, or provided legal services to, the holder of an organization designation authorization referenced in paragraph (2).

''(4) RECOMMENDATIONS.—The review panel shall make recommendations to the Administrator regarding suggested actions to address any deficiencies found after review of the matters listed in paragraph (2).

''(5) REPORT.—

''(A) SUBMISSION.—Not later than 270 days after the date of the first meeting of the review panel, the review panel shall transmit to the Administrator and the congressional committees of jurisdiction a report containing the findings and recommendations of the review panel regarding the matters listed in paragraph (2), except that such report shall include—

''(i) only such findings endorsed by 10 or more individual members of the review panel; and

''(ii) only such recommendations described in paragraph (4) endorsed by 18 or more of the individual members of the review panel.

''(B) DISSENTING VIEWS.—In submitting the report required under this paragraph, the review panel shall append to such report the dissenting views of any individual member or group of members of the review panel regarding the findings or recommendations of the review panel.

''(C) PUBLICATION.—Not later than 5 days after receiving the report under subparagraph (A), the Administrator shall publish such report, including any dissenting views appended to the report, on the website of the Administration.

''(D) TERMINATION.—The review panel shall terminate upon submission of the report under subparagraph (A).

''(6) ADMINISTRATIVE PROVISIONS.—

''(A) ACCESS TO INFORMATION.—The review panel shall have authority to perform the following actions if a majority of the total number of review panel members consider each action necessary and appropriate:

''(i) Entering onto the premises of a holder of an organization designation authorization referenced in paragraph (2) for access to and inspection of records or other purposes.

''(ii) Notwithstanding any other provision of law, accessing and inspecting unredacted records directly necessary for the completion of the panel's work under this section that are in the possession of such holder of an organization designation authorization or the Administration.

''(iii) Interviewing employees of such holder of an organization designation authorization or the Administration as necessary for the panel to complete its work.

''(B) DISCLOSURE OF FINANCIAL INTERESTS.—Each individual serving on the review panel shall disclose to the Administrator any financial interest held by such individual, or a spouse or dependent of such individual, in a business enterprise engaged in the design or production of transport airplanes, aircraft engines designed for transport airplanes, or major systems, components, or parts thereof.

''(C) PROTECTION OF PROPRIETARY INFORMATION; TRADE SECRETS.—

''(i) MARKING.—The custodian of a record accessed under subparagraph (A) may mark such record as proprietary or containing a trade secret. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure.

''(ii) NONDISCLOSURE FOR NON-FEDERAL GOVERNMENT PARTICIPANTS.—

''(I) NON-FEDERAL GOVERNMENT PARTICIPANTS.—Prior to participating on the review panel, each individual serving on the review panel representing a non-Federal entity, including a labor union, shall execute an agreement with the Administrator in which the individual shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the panel under subparagraph (A).

''(II) FEDERAL EMPLOYEE PARTICIPANTS.—Federal employees serving on the review panel as representatives of the Federal Government and who are required to protect proprietary information and trade secrets under section 1905 of title 18, United States Code, shall not be required to execute agreements under this subparagraph.

''(iii) PROTECTION OF VOLUNTARILY SUBMITTED SAFETY INFORMATION.—Information subject to protection from disclosure by the Administration in accordance with sections 40123 and 44735 of title 49, United States Code, is deemed voluntarily submitted to the Administration under such sections when shared with the review panel and retains its protection from disclosure (including protection under section 552(b)(3) of title 5, United States Code). The custodian of a record subject to such protection may mark such record as subject to statutory protections. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Members of the review panel will protect voluntarily submitted safety information and other otherwise exempt information to the extent permitted under applicable law.

''(iv) PROTECTION OF PROPRIETARY INFORMATION AND TRADE SECRETS.—Members of the review panel will protect proprietary information, trade secrets, and other otherwise exempt information to the extent permitted under applicable law.

''(v) RESOLVING CLASSIFICATION OF INFORMATION.—If the review panel and a holder of an organization designation authorization subject to review under this section disagree as to the proper classification of information described in this subparagraph, then an employee of the Administration who is not a political appointee shall determine the proper classification of such information and whether such information will be withheld, in part or in full, from release to the public.

''(D) APPLICABLE LAW.—Public Law 92–463 [Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to the panel established under this subsection.

''(E) FINANCIAL INTEREST DEFINED.—In this paragraph, the term 'financial interest'—

''(i) excludes securities held in an index fund; and

''(ii) includes—

''(I) any current or contingent ownership, equity, or security interest;

''(II) an indebtedness or compensated employment relationship; or

''(III) any right to purchase or acquire any such interest, including a stock option or commodity future.

''(b) FAA AUTHORITY.—

''(1) IN GENERAL.—After reviewing the findings of the review panel submitted under subsection (a)(5), the Administrator may limit, suspend, or terminate an organization designation authorization subject to review under this section.

''(2) REINSTATEMENT.—The Administrator may condition reinstatement of a limited, suspended, or ter-

minated organization designation authorization on the holder's implementation of any corrective actions determined necessary by the Administrator.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Administrator's authority to take any action with respect to an organization designation authorization, including limitation, suspension, or termination of such authorization.

''(c) ORGANIZATION DESIGNATION AUTHORIZATION PROCESS IMPROVEMENTS.—Not later than 1 year after receipt of the recommendations submitted under subsection (a)(5), the Administrator shall report to the congressional committees of jurisdiction on—

''(1) whether the Administrator has concluded that such holder is able to safely and reliably perform all delegated functions in accordance with all applicable provisions of chapter 447 of title 49, United States Code, title 14, Code of Federal Regulations, and other orders or requirements of the Administrator, and, if not, the Administrator shall outline—

''(A) the risk mitigations or other corrective actions, including the implementation timelines of such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under this paragraph; or

''(B) the status of any ongoing investigatory actions;

''(2) the status of implementation of each of the recommendations of the review panel, if any, with which the Administrator concurs;

''(3) the status of procedures under which the Administrator will conduct focused oversight of such holder's processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

''(4) the Administrator's efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

''(A) each office of the Administration responsible for dedicated oversight of such holder; and

''(B) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

''(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.''

[For definitions of terms used in section 103 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

ODA REVIEW

Pub. L. 115–254, div. B, title II, §213, Oct. 5, 2018, 132 Stat. 3249, as amended by Pub. L. 116–260, div. V, title I, §125(a), Dec. 27, 2020, 134 Stat. 2346, provided that:

''(a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

''(1) EXPERT PANEL.—Not later than 120 days after the dateof enactment of this Act [Oct. 5, 2018], the Administrator shall convene a multidisciplinary expert review panel (in this section referredto as the 'Panel').

''(2) COMPOSITION OF PANEL.—

''(A) APPOINTMENT OF MEMBERS.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

''(B) QUALIFICATIONS.—The members appointed to the Panel shall—

''(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

''(ii) represent, at a minimum, ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

''(b) SURVEY.—The Panel shall conduct a survey of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including use of the ODA program and the timeliness and efficiency of the certification process. In carrying out this subsection, the Panel shall consult with appropriate survey experts to best design and conduct the survey.

''(c) BEST PRACTICES REVIEW.—In addition to conducting the survey required under subsection (b), the Panel shall conduct a review of a sampling of ODA holders to identify and develop best practices. At a minimum, the best practices shall address preventing and deterring instances of undue pressure on or by an ODA unit member, within an ODA, or by an ODA holder, or failures to maintain independence between the FAA and an ODA holder or an ODA unit member. In carrying out such review, the Panel shall—

''(1) examine other government regulated industries to gather lessons learned, procedures, or processes that address undue pressure of employees, perceived regulatory coziness, or other failures to maintain independence;

''(2) identify ways to improve communications between an ODA Administrator, ODA unit members, and FAA engineers and inspectors, consistent with section 44736(g) of title 49, United States Code, in order to enable direct communication of technical concerns that arise during a certification project without fear of reprisal to the ODA Administrator or ODA unit member; and

''(3) examine FAA designee programs, including the assignment of FAA advisors to designees, to determine which components of the program may improve the FAA's oversight of ODA units, ODA unit members, and the ODA program.

''(d)ASSESSMENT AND RECOMMENDATIONS.—The Panel shall assess and make recommendations concerning—

''(1) the FAA's processes and procedures under the ODA program and whether the processes and procedures function as intended;

''(2) the best practices of and lessons learned by ODA holders and FAA personnel who provide oversight of ODA holders;

''(3) training activities related to the ODA program for FAApersonnel and ODA holders;

''(4) the impact, if any, that oversight of the ODA programhas on FAA resources and the FAA's ability to process applicationsfor certifications outside of the ODA program;

''(5) the results of the survey conducted under subsection(b); and

''(6) the results of the review conducted under subsection (c).

''(e) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee, and the appropriate committees of Congress a report on the findings and recommendations of the Panel.

''(f) DEFINITIONS.—The definitions contained in section 44736 of title 49, United States Code, as added by this Act, apply to this section.

''(g) APPLICABLE LAW.—Public Law 92–463 [Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to the Panel.

''(h) BEST PRACTICES ADOPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives the report required under subsection (e), the Administrator shall establish best practices that are generally applicable to all ODA holders and require such practices to be incorporated, as appropriate, into each ODA holder's approved procedures manual.

''(2) NOTICE AND COMMENT PERIOD.—The Administrator shall publish the established best practices for

public notice and comment for not fewer than 60 days prior to requiring the practices, as appropriate, be incorporated into each ODA holder's approved procedures manual.

''(i) SUNSET.—The Panel shall terminate on the earlier of—

''(1) the date of submission of the report under subsection (e); or

''(2) the date that is 2 years after the date on which the Panel is first convened under subsection (a).''

§ 44737. Helicopter fuel system safety

(a) PROHIBITION.—

(1) IN GENERAL.—A person may not operate a covered rotorcraft in United States airspace unless the design of the rotorcraft is certified by the Administrator of the Federal Aviation Administration to—

(A) comply with the requirements applicable to the category of the rotorcraft under paragraphs (1), (2), (3), (5), and (6) of section 27.952(a), section 27.952(c), section 27.952(f), section 27.952(g), section 27.963(g) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and section 27.975(b) or paragraphs (1), (2), (3), (5), and (6) of section 29.952(a), section 29.952(c), section 29.952(f), section 29.952(g), section 29.963(b) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this section; or

(B) employ other means acceptable to the Administrator to provide an equivalent level of fuel system crash resistance.

(2) COVERED ROTORCRAFT DEFINED.—In this subsection, the term ''covered rotorcraft'' means a rotorcraft not otherwise required to comply with section 27.952, section 27.963, and section 27.975, or section 29.952, section 29.963, and section 29.975 of title 14, Code of Federal Regulations as in effect on the date of enactment of this section for which manufacture was completed, as determined by the Administrator, on or after the date that is 18 months after the date of enactment of this section.

(b) ADMINISTRATIVE PROVISIONS.—The Administrator shall—

(1) expedite the certification and validation of United States and foreign type designs and retrofit kits that improve fuel system crashworthiness; and

(2) not later than 180 days after the date of enactment of this section, and periodically thereafter, issue a bulletin to—

(A) inform rotorcraft owners and operators of available modifications to improve fuel system crashworthiness; and

(B) urge that such modifications be installed as soon as practicable.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the operation of a rotorcraft by the Department of Defense.

(Added Pub. L. 115–254, div. B, title III, § 317(a), Oct. 5, 2018, 132 Stat. 3268.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

CODIFICATION

Another section 44737 was renumbered section 44740 of this title.

§ 44738. Training on human trafficking for certain staff

In addition to other training requirements, each air carrier shall provide training to ticket counter agents, gate agents, and other air carrier workers whose jobs require regular interaction with passengers on recognizing and responding to potential human trafficking victims.

(Added Pub. L. 115–254, div. B, title IV, § 408(a), Oct. 5, 2018, 132 Stat. 3330.)

§ 44739. Pets on airplanes

(a) PROHIBITION.—It shall be unlawful for any person to place a live animal in an overhead storage compartment of an aircraft operated under part 121 of title 14, Code of Federal Regulations.

(b) CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation of this section.

(Added Pub. L. 115–254, div. B, title IV, § 417(a), Oct. 5, 2018, 132 Stat. 3334.)

§ 44740. Special rule for certain aircraft operations

(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in section 50902 of title 51); and

(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

(1) The aircraft conducting the space support vehicle flight—

(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehi-

cle licensed for operations pursuant to chapter 509 of title 51; and

(D) is used only to simulate space flight conditions in support of—

(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

(ii) the testing of hardware to be used in space flight; or

(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

(c) RULES OF CONSTRUCTION.—

(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the person is operating the space support vehicle prohibits the carriage of persons or property for compensation or hire.

(2) AUTHORITY OF ADMINISTRATOR.—Nothing in this section shall be construed to limit the authority of the Administrator of the Federal Aviation Administration to exempt a person from a regulatory prohibition on the carriage of persons or property for compensation or hire subject to terms and conditions other than those described in this section.

(Added Pub. L. 115–254, div. B, title V, § 581(b)(1), Oct. 5, 2018, 132 Stat. 3398, § 44737; renumbered § 44740 and amended Pub. L. 116–260, div. V, title I, § 107(d)(1), (3), Dec. 27, 2020, 134 Stat. 2326.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–260, § 107(d)(3)(A), struck out period after ''operations'' in section catchline.

Pub. L. 116–260, § 107(d)(1), renumbered section 44737 of this title as this section.

Subsec. (a)(1). Pub. L. 116–260, § 107(d)(3)(B), substituted ''section'' for ''chapter''.

Subsec. (b)(1). Pub. L. 116–260, § 107(d)(3)(C), struck out ''(1)'' the second time appearing before ''The'' in introductory provisions.

Subsec. (c)(2). Pub. L. 116–260, § 107(d)(3)(D), inserted period at end.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION RELATING TO ROLE OF NASA

Pub. L. 115–254, div. B, title V, § 581(b)(3), Oct. 5, 2018, 132 Stat. 3399, provided that: ''Nothing in this subsection [enacting this section] shall be construed as limiting the ability of [the] National Aeronautics and Space Administration (NASA) to place conditions on or otherwise qualify the operations of NASA contractors providing NASA services.''

§ 44741. Approval of organization designation authorization unit members

(a) IN GENERAL.—Beginning January 1, 2022, each individual who is selected on or after such date to become an ODA unit member by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance and performs an authorized function pursuant to a delegation by the Administrator of the Federal Aviation Administration under section 44702(d)—

(1) shall be—

(A) an employee, a contractor, or a consultant of the ODA holder; or

(B) the employee of a supplier of the ODA holder; and

(2) may not become a member of such unit unless approved by the Administrator pursuant to this section.

(b) PROCESS AND TIMELINE.—

(1) IN GENERAL.—The Administrator shall maintain an efficient process for the review and approval of an individual to become an ODA unit member under this section.

(2) PROCESS.—An ODA holder described in subsection (a) may submit to the Administrator an application for an individual to be approved to become an ODA unit member under this section. The application shall be submitted in such form and manner as the Administrator determines appropriate. The Administrator shall require an ODA holder to submit with such an application information sufficient to demonstrate an individual's qualifications under subsection (c).

(3) TIMELINE.—The Administrator shall approve or reject an individual that is selected by an ODA holder to become an ODA unit member under this section not later than 30 days after the receipt of an application by an ODA holder.

(4) DOCUMENTATION OF APPROVAL.—Upon approval of an individual to become an ODA unit member under this section, the Administrator shall provide such individual a letter confirming that such individual has been approved by the Administrator under this section to be an ODA unit member.

(5) REAPPLICATION.—An ODA holder may submit an application under this subsection for an individual to become an ODA unit member under this section regardless of whether an application for such individual was previously rejected by the Administrator.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The Administrator shall issue minimum qualifications for an individual to become an ODA unit member under this section. In issuing such qualifications, the Administrator shall consider existing qualifications for Administration employees with similar duties and whether such individual—

(A) is technically proficient and qualified to perform the authorized functions sought;

(B) has no recent record of serious enforcement action, as determined by the Administrator, taken by the Administrator with respect to any certificate, approval, or authorization held by such individual;

(C) is of good moral character (as such qualification is applied to an applicant for an airline transport pilot certificate issued under section 44703);

(D) possesses the knowledge of applicable design or production requirements in this chapter and in title 14, Code of Federal Regulations, necessary for performance of the authorized functions sought;

(E) possesses a high degree of knowledge of applicable design or production principles, system safety principles, or safety risk man-

agement processes appropriate for the authorized functions sought; and

(F) meets such testing, examination, training, or other qualification standards as the Administrator determines are necessary to ensure the individual is competent and capable of performing the authorized functions sought.

(2) PREVIOUSLY REJECTED APPLICATION.—In reviewing an application for an individual to become an ODA unit member under this section, if an application for such individual was previously rejected, the Administrator shall ensure that the reasons for the prior rejection have been resolved or mitigated to the Administrator's satisfaction before making a determination on the individual's reapplication.

(d) RESCISSION OF APPROVAL.—The Administrator may rescind an approval of an individual as an ODA unit member granted pursuant to this section at any time and for any reason the Administrator considers appropriate. The Administrator shall develop procedures to provide for notice and opportunity to appeal rescission decisions made by the Administrator. Such decisions by the Administrator are not subject to judicial review.

(e) CONDITIONAL SELECTIONS.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Administrator may authorize an ODA holder to conditionally designate an individual to perform the functions of an ODA unit member for a period of not more than 30 days (beginning on the date an application for such individual is submitted under subsection (b)(2)).

(2) REQUIRED DETERMINATION.—The Administrator may not make an authorization under paragraph (1) unless—

(A) the ODA holder has instituted, to the Administrator's satisfaction, systems and processes to ensure the integrity and reliability of determinations by conditionally-designated ODA unit members; and

(B) the ODA holder has instituted a safety management system in accordance with regulations issued by the Administrator under section 102 of the Aircraft Certification, Safety, and Accountability Act.

(3) FINAL DETERMINATION.—The Administrator shall approve or reject the application for an individual designated under paragraph (1) in accordance with the timeline and procedures described in subsection (b).

(4) REJECTION AND REVIEW.—If the Administrator rejects the application submitted under subsection (b)(2) for an individual conditionally designated under paragraph (1), the Administrator shall review and approve or disapprove any decision pursuant to any authorized function performed by such individual during the period such individual served as a conditional designee.

(5) PROHIBITIONS.—Notwithstanding the requirements of paragraph (2), the Administrator may prohibit an ODA holder from making conditional designations of individuals as ODA unit members under this subsection at any time for any reason the Administrator considers appropriate. The Administrator may prohibit any conditionally designated individual from performing an authorized function at any time for any reason the Administrator considers appropriate.

(f) RECORDS AND BRIEFINGS.—

(1) IN GENERAL.—Beginning on the date described in subsection (a), an ODA holder shall maintain, for a period to be determined by the Administrator and with proper protections to ensure the security of sensitive and personal information—

(A) any data, applications, records, or manuals required by the ODA holder's approved procedures manual, as determined by the Administrator;

(B) the names, responsibilities, qualifications, and example signature of each member of the ODA unit who performs an authorized function pursuant to a delegation by the Administrator under section 44702(d);

(C) training records for ODA unit members and ODA administrators; and

(D) any other data, applications, records, or manuals determined appropriate by the Administrator.

(2) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter through September 30, 2023, the Administrator shall provide a briefing 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 and effects of this section, including—

(A) the Administration's performance in completing reviews of individuals and approving or denying such individuals within the timeline required under subsection (b)(3);

(B) for any individual rejected by the Administrator under subsection (b) during the preceding 90-day period, the reasoning or basis for such rejection; and

(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

(g) SPECIAL REVIEW OF QUALIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is an ODA unit member of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c).

(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator—

(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

(B) may, if the Administrator determines the lack of qualification may not be rem-

edied, take appropriate action, including prohibiting such individual from performing an authorized function.

(3) DEADLINE.—The Administrator shall complete the review required under paragraph (1) not later than 18 months after the date on which such review was initiated.

(4) SAVINGS CLAUSE.—An individual approved to become an ODA unit member of a holder of a type certificate for a transport airplane under subsection (a) shall not be subject to the review under this subsection.

(h) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

(i) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) TRANSPORT AIRPLANE.—The term ''transport airplane'' means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2021 through 2023.

(Added Pub. L. 116–260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2320.)

REFERENCES IN TEXT

Section 102 of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (e)(2)(B), is section 102 of title I of Pub. L. 116–260, div. V, Dec. 27, 2020, 134 Stat. 2309. Section 102(a)–(f) of Pub. L. 116–260 is set out as a note under section 44701 of this title, and section 102(g) of Pub. L. 116–260 amended section 44735 of this title.

The date of enactment of this section, referred to in subsec. (f)(2), is the date of enactment of Pub. L. 116–260, which was approved Dec. 27, 2020.

§ 44742. Interference with the duties of organization designation authorization unit members

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continuously seek to eliminate or minimize interference by an ODA holder that affects the performance of authorized functions by ODA unit members.

(b) PROHIBITION.—

(1) IN GENERAL.—It shall be unlawful for any individual who is a supervisory employee of an ODA holder that manufactures a transport category airplane to commit an act of interference with an ODA unit member's performance of authorized functions.

(2) CIVIL PENALTY.—

(A) INDIVIDUALS.—An individual shall be subject to a civil penalty under section 46301(a)(1) for each violation under paragraph (1).

(B) SAVINGS CLAUSE.—Nothing in this paragraph shall be construed as limiting or constricting any other authority of the Administrator to pursue an enforcement action against an individual or organization for violation of applicable Federal laws or regulations of the Administration.

(c) REPORTING.—

(1) REPORTS TO ODA HOLDER.—An ODA unit member of an ODA holder that manufactures a transport category airplane shall promptly report any instances of interference to the office of the ODA holder that is designated to receive such reports.

(2) REPORTS TO THE FAA.—

(A) IN GENERAL.—The ODA holder office described in paragraph (1) shall investigate reports and submit to the office of the Administration designated by the Administrator to accept and review such reports any instances of interference reported under paragraph (1).

(B) CONTENTS.—The Administrator shall prescribe parameters for the submission of reports to the Administration under this paragraph, including the manner, time, and form of submission. Such report shall include the results of any investigation conducted by the ODA holder in response to a report of interference, a description of any action taken by the ODA holder as a result of the report of interference, and any other information or potentially mitigating factors the ODA holder or the Administrator deems appropriate.

(d) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) INTERFERENCE.—In this section, the term ''interference'' means—

(A) blatant or egregious statements or behavior, such as harassment, beratement, or threats, that a reasonable person would conclude was intended to improperly influence or prejudice an ODA unit member's performance of his or her duties; or

(B) the presence of non-ODA unit duties or activities that conflict with the performance of authorized functions by ODA unit members.

(Added Pub. L. 116–260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2323.)

§ 44743. Pilot training requirements

(a) IN GENERAL.—

(1) ADMINISTRATOR'S DETERMINATION.—In establishing any pilot training requirements with respect to a new transport airplane, the Administrator of the Federal Aviation Administration shall independently review any proposal by the manufacturer of such airplane with respect to the scope, format, or minimum level of training required for operation of such airplane.

(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established applicable training requirements, an applicant for a new or amended type certificate for an airplane described in paragraph (1) may not, with respect to the scope, format, or magnitude of pilot training for such airplane—

(A) make any assurance or other contractual commitment, whether verbal or in writing, to a potential purchaser of such airplane unless a clear and conspicuous disclaimer (as defined by the Administrator) is included regarding the status of training required for operation of such airplane; or

(B) provide financial incentives (including rebates) to a potential purchaser of such airplane regarding the scope, format, or magnitude of pilot training for such airplane.

(b) PILOT RESPONSE TIME.—Beginning on the day after the date on which regulations are issued under section 119(c)(6) of the Aircraft Certification, Safety, and Accountability Act, the Administrator may not issue a new or amended type certificate for an airplane described in subsection (a) unless the applicant for such certificate has demonstrated to the Administrator that the applicant has accounted for realistic assumptions regarding the time for pilot responses to non-normal conditions in designing the systems and instrumentation of such airplane. Such assumptions shall—

(1) be based on test data, analysis, or other technical validation methods; and

(2) account for generally accepted scientific consensus among experts in human factors regarding realistic pilot response time.

(c) DEFINITION.—In this section, the term ''transport airplane'' means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(Added Pub. L. 116–260, div. V, title I, §119(a), Dec. 27, 2020, 134 Stat. 2338.)

REFERENCES IN TEXT

Section 119(c) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (b), is section 119(c) of title I of Pub. L. 116–260, div. V, Dec. 27, 2020, 134 Stat. 2339, which is set out as a note under section 44704 of this title.

§ 44744. Flight crew alerting

(a) IN GENERAL.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category airplane unless such airplane incorporates a flight crew alerting system that, at a minimum—

(1) displays and differentiates among warnings, cautions, and advisories; and

(2) includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures.

(b) LIMITATION.—The prohibition in subsection (a) shall not apply to any application for an original or amended type certificate that was submitted to the Administrator prior to December 27, 2020.

(c) SAFETY ENHANCEMENTS.—

(1) RESTRICTION ON AIRWORTHINESS CERTIFICATE ISSUANCE.—Beginning on the date that is 1 year after the date on which the Administrator issues a type certificate for the Boeing 737-10, the Administrator may not issue an original airworthiness certificate for any Boeing 737 MAX aircraft unless the Administrator finds that the type design for the aircraft includes safety enhancements that have been approved by the Administrator.

(2) RESTRICTION ON OPERATION.—Beginning on the date that is 3 years after the date on which the Administrator issues a type certificate for the Boeing 737-10, no person may operate a Boeing 737 MAX aircraft unless—

(A) the type design for the aircraft includes safety enhancements approved by the Administrator; and

(B) the aircraft was—

(i) produced in conformance with such type design; or

(ii) altered in accordance with such type design.

(d) DEFINITIONS.—In this section:

(1) BOEING 737 MAX AIRCRAFT.—The term ''Boeing 737 MAX aircraft'' means any—

(A) Model 737 series aircraft designated as a 737-7, 737-8, 737-8200, 737-9, or 737-10; or

(B) other variant of a model described in subparagraph (A).

(2) SAFETY ENHANCEMENT.—The term ''safety enhancement'' means any design change to the flight crew alerting system approved by the Administrator for the Boeing 737-10, including—

(A) a—

(i) synthetic enhanced angle-of-attack system; and

(ii) means to shut off stall warning and overspeed alerts; or

(B) any design changes equivalent to subparagraph (A) determined appropriate by the Administrator.

(Added Pub. L. 117–328, div. O, title V, §501(a), Dec. 29, 2022, 136 Stat. 5230.)

Statutory Notes and Related Subsidiaries

COSTS OF SAFETY ENHANCEMENTS

Pub. L. 117–328, div. O, title V, §501(c), Dec. 29, 2022, 136 Stat. 5231, provided that: ''Any costs associated with the safety enhancements required by section 44744 of title 49, United States Code, as added by subsection (a), shall be borne by the holder of the type certificate.''

CONGRESSIONAL BRIEFINGS

Pub. L. 117–328, div. O, title V, §501(d), Dec. 29, 2022, 136 Stat. 5231, provided that: ''Not later than March 1, 2023, and on a quarterly basis thereafter, the Administrator shall brief Congress on the status of—

''(1) the issuance of a type certificate for the Boeing 737-7 and 737-10, including any design enhancements, pilot procedures, or training requirements resulting from system safety assessments; and

''(2) the implementation of safety enhancements for Boeing 737 MAX aircraft, as required by section 44744 of title 49, United States Code, as added by subsection (a).''

CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.
44801. Definitions.
44802. Integration of civil unmanned aircraft systems into national airspace system.
44803. Unmanned aircraft system test ranges.[1]

[1] So in original. Does not conform to section catchline.

Sec.
44804. Small unmanned aircraft in the Arctic.
44805. Small unmanned aircraft safety standards.[1]
44806. Public unmanned aircraft systems.
44807. Special authority for certain unmanned aircraft systems.
44808. Carriage of property by small unmanned aircraft systems for compensation or hire.
44809. Exception for limited recreational operations of unmanned aircraft.
44810. Airport safety and airspace hazard mitigation and enforcement.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title III, §§343(b), 344(b), 345(c), 346(b)(1), 347(b)(1), 348(b), 349(b)(1), 383(b)(1), Oct. 5, 2018, 132 Stat. 3290, 3291, 3293, 3295–3297, 3300, 3322, added items 44803 to 44810.

§ 44801. Definitions

In this chapter, the following definitions apply:

(1) ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.—The term ''actively tethered unmanned aircraft system'' means an unmanned aircraft system in which the unmanned aircraft component—

(A) weighs 4.4 pounds or less, including payload but not including the tether;

(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; and

(C) is controlled and retrieved by such ground station through physical manipulation of the tether.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

(4) 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.

(5) COUNTER-UAS SYSTEM.—The term ''counter-UAS system'' means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned aircraft or unmanned aircraft system.

(6) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(7) 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.

(8) 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, structures on the ground, and other objects.

(9) SMALL UNMANNED AIRCRAFT.—The term ''small unmanned aircraft'' means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

(10) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration, and includes any of the 6 test ranges established by the Administrator under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.

(11) 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.

(12) 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 operator to operate safely and efficiently in the national airspace system.

(13) UTM.—The term ''UTM'' means an unmanned aircraft system traffic management system or service.''

(Added Pub. L. 115–254, div. B, title III, §341(a), Oct. 5, 2018, 132 Stat. 3284.)

Editorial Notes

REFERENCES IN TEXT

Section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, referred to in par. (10), means section 332(c) of Pub. L. 112–95, as in effect on the day before the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018. Section 332 of Pub. L. 112–95 was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY

Pub. L. 115–254, div. B, title III, §357, Oct. 5, 2018, 132 Stat. 3305, provided that: ''It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.''

STRATEGY FOR RESPONDING TO PUBLIC SAFETY THREATS AND ENFORCEMENT UTILITY OF UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–254, div. B, title III, §366, Oct. 5, 2018, 132 Stat. 3310, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall develop a comprehensive strategy to provide outreach to State and local governments and provide guidance for local law enforcement agencies and first responders with respect to—

''(1) how to identify and respond to public safety threats posed by unmanned aircraft systems; and

''(2) how to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and first responders.

''(b) RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a publicly available Internet website that contains resources for State and local law enforcement agencies and first responders seeking—

''(1) to respond to public safety threats posed by unmanned aircraft systems; and

''(2) to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and public safety response efforts.

''(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term 'unmanned aircraft system' has the meaning given that term in section 44801 of title 49, United States Code, as added by this Act.''

FEDERAL TRADE COMMISSION AUTHORITY

Pub. L. 115–254, div. B, title III, §375, Oct. 5, 2018, 132 Stat. 3314, provided that:

''(a) IN GENERAL.—A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

''(b) DEFINITIONS.—In this section, the terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.''

COMMERCIAL AND GOVERNMENTAL OPERATORS

Pub. L. 115–254, div. B, title III, §379, Oct. 5, 2018, 132 Stat. 3318, provided that:

''(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, to the extent practicable and consistent with applicable law, make available in a single location on the website of the Department of Transportation:

''(1) Any certificate of waiver or authorization issued by the Administration to Federal, State, tribal or local governments for the operation of unmanned aircraft systems within 30 days of issuance of such certificate of waiver or authorization.

''(2) A spreadsheet of UAS registrations, including the city, state [probably should be ''State''], and zip code of each registered drone owner, on its website that is updated once per quarter each calendar year.

''(3) Summary descriptions and general purposes of public unmanned aircraft operations, including the locations where such unmanned aircraft may generally operate.

''(4) Summary descriptions of common civil unmanned aircraft operations.

''(5) The expiration date of any authorization of public or civil unmanned aircraft operations.

''(6) Links to websites of State agencies that enforce any applicable privacy laws.

''(7) For any unmanned aircraft system, except with respect to any operation protected by the First Amendment to the Constitution of the United States, that will collect personally identifiable information about individuals, including the use of facial recognition—

''(A) the circumstance under which the system will be used;

''(B) the specific kinds of personally identifiable information that the system will collect about individuals; and

''(C) how the information referred to in subparagraph (B), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

''(i) how the collection or retention of such information that is unrelated to the specific use will be minimized;

''(ii) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

''(iii) the period during which such information will be retained;

''(iv) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

''(v) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

''(8) With respect to public unmanned aircraft systems—

''(A) the locations where the unmanned aircraft system will operate;

''(B) the time during which the unmanned aircraft system will operate;

''(C) the general purpose of the flight; and

''(D) the technical capabilities that the unmanned aircraft system possesses.

''(b) EXCEPTIONS.—The Administrator shall not disclose information pursuant to subsection (a) if the Administrator determines that the release of such information—

''(1) is not applicable;

''(2) is not practicable, including when the information is not available to the Administrator;

''(3) is not in compliance with applicable law;

''(4) would compromise national defense, homeland security or law enforcement activity;

''(5) would be withheld pursuant to an exception of the [sic] section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); or

''(6) is otherwise contrary to the public interest.

''(c) SUNSET.—This section will cease to be effective on the date that is the earlier of—

''(1) the date of publication of a Notice of Proposed Rulemaking or guidance regarding remote identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615 [629]) [49 U.S.C. 44802 note]; or

''(2) September 30, 2023.''

§ 44802. Integration of civil unmanned aircraft systems into national airspace system

(a) REQUIRED PLANNING FOR INTEGRATION.—

(1) COMPREHENSIVE PLAN.—Not later than November 10, 2012,[1] 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—

[1] See Prior Provisions note below.

(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 airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

(F) 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;

(G) 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

(H) 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.[1]

(4) REPORT TO CONGRESS.—Not later than February 14, 2013,[1] the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

(5) ROADMAP.—Not later than February 14, 2013,[1] the Secretary shall approve and make available in print and on the Administration's internet website 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, in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia, the roadmap annually. The roadmap shall include, at a minimum—

(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA's Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and

(D) an update on the advancement of technologies needed to integrate unmanned aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.

(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 44807;

(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.

(Added Pub. L. 115–254, div. B, title III, § 341(a), Oct. 5, 2018, 132 Stat. 3285.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(a) and (b) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The dates in subsec. (a)(1) and (3) to (5) reflect those enacted by Pub. L. 112–95, which all precede the date of the enactment of this section by Pub. L. 115–254. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out below.

Statutory Notes and Related Subsidiaries

DRONE ADVISORY COMMITTEE FOR THE 21ST CENTURY

Pub. L. 116–280, Dec. 31, 2020, 134 Stat. 3379, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Drone Advisory Committee for the 21st Century Act'.

''SEC. 2. SENSE OF CONGRESS.

''It is the Sense of Congress that:

''(1) Due to the ever-increasing use of Unmanned Aircraft Systems in the agriculture, forestry, and rangeland sectors, as well as the inherently different uses in less populated parts of the nation, membership of the Drone Advisory Committee established by the Federal Aviation Administration should, to the extent practicable, include direct representatives from county and tribal government, agriculture, forestry, and rangeland interests.

''(2) Full transparency in the work of the Drone Advisory Committee is vital to ensuring the public can effectively participate and contribute to the development of sound Federal policies. The Administrator of the Federal Aviation Administration should, to the maximum extent practicable, ensure the work of the Drone Advisory Committee is shared with and easily accessible to the public and shall ensure transparency and openness in the manner in which the affairs of the Committee are conducted.

''SEC. 3. DRONE ADVISORY COMMITTEE MEMBERSHIP.

''(1) IN GENERAL.—The Federal Aviation Administration shall take appropriate steps to encourage direct representation of county and tribal governments as well as agriculture, forestry, rangeland sectors, and other rural interests on the Drone Advisory Committee.

''(2) PUBLIC PARTICIPATION.—To the maximum extent practicable, the Administrator shall include public participation in the process of nominating individuals for membership on the Committee.''

UPDATE OF FAA COMPREHENSIVE PLAN

Pub. L. 115–254, div. B, title III, §342, Oct. 5, 2018, 132 Stat. 3287, provided that:

''(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall update the comprehensive plan described in section 44802 of title 49, United States Code, to develop a concept of operations for the integration of unmanned aircraft into the national airspace system.

''(b) CONSIDERATIONS.—In carrying out the update under subsection (a), the Secretary shall consider, at a minimum—

''(1) the potential use of UTM and other technologies to ensure the safe and lawful operation of unmanned aircraft in the national airspace system;

''(2) the appropriate roles, responsibilities, and authorities of government agencies and the private sector in identifying and reporting unlawful or harmful operations and operators of unmanned aircraft;

''(3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

''(4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.

''(c) CONSULTATION.—The Secretary shall carry out the update under subsection (a) 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.

''(d) PROGRAM ALIGNMENT REPORT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives], a report that describes a strategy to—

''(1) avoid duplication;

''(2) leverage capabilities learned across programs;

''(3) support the safe integration of UAS into the national airspace; and

''(4) systematically and timely implement or execute—

''(A) commercially-operated Low Altitude Authorization and Notification Capability;

''(B) the Unmanned Aircraft System Integration Pilot Program; and

''(C) the Unmanned Traffic Management Pilot Program.''

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Pub. L. 115–254, div. B, title III, §351, Oct. 5, 2018, 132 Stat. 3301, provided that:

''(a) AUTHORITY.—The Secretary of Transportation may establish a pilot program to enable enhanced drone operations as required in the October 25, 2017 Presidential Memorandum entitled 'Unmanned Aircraft Systems Integration Pilot Program' and described in 82 Federal Register 50301 [set out below].

''(b) APPLICATIONS.—The Secretary shall accept applications from State, local, and Tribal governments, in partnership with unmanned aircraft system operators and other private-sector stakeholders, to test and evaluate the integration of civil and public UAS operations into the low-altitude national airspace system.

''(c) OBJECTIVES.—The purpose of the pilot program is to accelerate existing UAS integration plans by working to solve technical, regulatory, and policy challenges, while enabling advanced UAS operations in select areas subject to ongoing safety oversight and cooperation between the Federal Government and applicable State, local, or Tribal jurisdictions, in order to—

''(1) accelerate the safe integration of UAS into the NAS by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather, and human factors;

''(2) address ongoing concerns regarding the potential security and safety risks associated with UAS operating in close proximity to human beings and critical infrastructure by ensuring that operators communicate more effectively with Federal, State, local, and Tribal law enforcement to enable law enforcement to determine if a UAS operation poses such a risk;

''(3) promote innovation in and development of the United States unmanned aviation industry, especially in sectors such as agriculture, emergency management, inspection, and transportation safety, in which there are significant public benefits to be gained from the deployment of UAS; and

''(4) identify the most effective models of balancing local and national interests in UAS integration.

''(d) APPLICATION SUBMISSION.—The Secretary shall establish application requirements and require applicants to include the following information:

''(1) Identification of the airspace to be used, including shape files and altitudes.

''(2) Description of the types of planned operations.

''(3) Identification of stakeholder partners to test and evaluate planned operations.

''(4) Identification of available infrastructure to support planned operations.

''(5) Description of experience with UAS operations and regulations.

''(6) Description of existing UAS operator and any other stakeholder partnerships and experience.

''(7) Description of plans to address safety, security, competition, privacy concerns, and community outreach.

''(e) MONITORING AND ENFORCEMENT OF LIMITATIONS.—

''(1) IN GENERAL.—Monitoring and enforcement of any limitations enacted pursuant to this pilot project shall be the responsibility of the jurisdiction.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent the Secretary from enforcing Federal law.

''(3) EXAMPLES OF LIMITATIONS.—Limitations under this section may include—

''(A) prohibiting flight during specified morning and evening rush hours or only permitting flight during specified hours such as daylight hours, sufficient to ensure reasonable airspace access;

''(B) establishing designated take-off and landing zones, limiting operations over moving locations or fixed site public road[s] and parks, sidewalks or private property based on zoning density, or other land use considerations;

''(C) requiring notice to public safety or zoning or land use authorities before operating; and

''(D) prohibiting operations in connection with community or sporting events that do not remain in one place (for example, parades and running events).

''(f) SELECTION CRITERIA.—In making determinations, the Secretary shall evaluate whether applications meet or exceed the following criteria:

''(1) Overall economic, geographic, and climatic diversity of the selected jurisdictions.

''(2) Overall diversity of the proposed models of government involvement.

''(3) Overall diversity of the UAS operations to be conducted.

''(4) The location of critical infrastructure.

''(5) The involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS.

''(6) The involvement of affected communities in, and their support for, participating in the pilot program.

''(7) 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.

''(8) 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.

''(E) Using radio spectrum efficiently and competitively.

''(g) IMPLEMENTATION.—The Secretary shall use the data collected and experience gained over the course of this pilot program to—

''(1) identify and resolve technical challenges to UAS integration;

''(2) address airspace use to safely and efficiently integrate all aircraft;

''(3) inform operational standards and procedures to improve safety (for example, detect and avoid capabilities, navigation and altitude performance, and command and control link);

''(4) inform FAA standards that reduce the need for waivers (for example, for operations over human beings, night operations, and beyond visual line of sight); and

''(5) address competing interests regarding UAS operational expansion, safety, security, roles and responsibilities of non-Federal Government entities, and privacy issues.

''(h) NOTIFICATION.—Prior to initiating any additional rounds of agreements with State, local, or Tribal governments as part of the pilot program established under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations in the Senate.

''(i) SUNSET.—The pilot program established under subsection (a) shall terminate 3 years after the date on which the memorandum referenced in subsection (a) is signed by the President [Oct. 25, 2017].

''(j) SAVINGS CLAUSE.—Nothing in this section shall affect any proposals, selections, imposition of conditions, operations, or other decisions made—

''(1) under the pilot program developed by the Secretary of Transportation pursuant to the Presidential memorandum titled 'Unmanned Aircraft Systems Integration Pilot Program', as published in the Federal Register on October 30, 2017 (82 Fed. Reg. 50301); and

''(2) prior to the date of enactment of this Act [Oct. 5, 2018].

''(k) DEFINITIONS.—In this section:

''(1) The term 'Lead Applicant' means an eligible State, local or Tribal government that has submitted a timely application.

''(2) The term 'NAS' means the low-altitude national airspace system.

''(3) The term 'UAS' means unmanned aircraft system.''

PART 107 TRANSPARENCY AND TECHNOLOGY IMPROVEMENTS

Pub. L. 115–254, div. B, title III, §352, Oct. 5, 2018, 132 Stat. 3304, provided that:

''(a) TRANSPARENCY.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall publish on the FAA [Federal Aviation Administration] website a representative sample of the safety justifications, offered by applicants for small unmanned aircraft system waivers and airspace authorizations, that have been approved by the Administration for each regulation waived or class of airspace authorized, except that any published justification shall not reveal proprietary or commercially sensitive information.

''(b) TECHNOLOGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the online waiver and certificates of authorization processes—

''(1) to provide real time confirmation that an application filed online has been received by the Administration; and

''(2) to provide an applicant with an opportunity to review the status of the applicant's application.''

EMERGENCY EXEMPTION PROCESS

Pub. L. 115–254, div. B, title III, §353, Oct. 5, 2018, 132 Stat. 3304, provided that:

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of unmanned aircraft systems by civil and public operators—

''(1) is an increasingly important tool in response to a catastrophe, disaster, or other emergency;

''(2) helps facilitate emergency response operations, such as firefighting and search and rescue; and

''(3) helps facilitate post-catastrophic response operations, such as utility and infrastructure restoration efforts and the safe and prompt processing, adjustment, and payment of insurance claims.

''(b) UPDATES.—The Administrator [of the Federal Aviation Administration] shall, as necessary, update and improve the Special Government Interest process described in chapter 7 of Federal Aviation Administration Order JO 7200.23A to ensure that civil and public operators, including local law enforcement agencies and first responders, continue to use unmanned aircraft system operations quickly and efficiently in response to a catastrophe, disaster, or other emergency.

''(c) BEST PRACTICES.—The Administrator shall develop best practices for the use of unmanned aircraft systems by States and localities to respond to a catastrophe, disaster, or other emergency response and recovery operation.''

TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND

Pub. L. 115–254, div. B, title III, §354, Oct. 5, 2018, 132 Stat. 3305, provided that: ''An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by

the FAA [Federal Aviation Administration] under title 49, United States Code.''

PROHIBITION REGARDING WEAPONS

Pub. L. 115–254, div. B, title III, §363, Oct. 5, 2018, 132 Stat. 3308, provided that:

''(a) IN GENERAL.—Unless authorized by the Administrator [of the Federal Aviation Administration], a person may not operate an unmanned aircraft or unmanned aircraft system that is equipped or armed with a dangerous weapon.

''(b) DANGEROUS WEAPON DEFINED.—In this section, the term 'dangerous weapon' has the meaning given that term in section 930(g)(2) of title 18, United States Code.

''(c) PENALTY.—A person who violates this section is liable to the United States Government for a civil penalty of not more than $25,000 for each violation.''

PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT

Pub. L. 115–254, div. B, title III, §376, Oct. 5, 2018, 132 Stat. 3314, provided that:

''(a) IN GENERAL.—In conjunction with completing the requirements of section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), subject to subsection (b) of this section, the Administrator [of the Federal Aviation Administration], in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with unmanned aircraft systems industry stakeholders, shall develop a plan to allow for the implementation of unmanned aircraft systems traffic management (UTM) services that expand operations beyond visual line of sight, have full operational capability, and ensure the safety and security of all aircraft.

''(b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—The Administrator shall ensure that the UTM system pilot program, as established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), is conducted to meet the following objectives of a comprehensive UTM system by the conclusion of the pilot program:

''(1) In cooperation with the National Aeronautics and Space Administration and manned and unmanned aircraft industry stakeholders, allow testing of unmanned aircraft operations, of increasing volumes and density, in airspace above test ranges, as such term is defined in section 44801 of title 49, United States Code, as well as other sites determined by the Administrator to be suitable for UTM testing, including those locations selected under the pilot program required in the October 25, 2017, Presidential Memorandum entitled, 'Unmanned Aircraft Systems Integration Pilot Program' and described in 82 Federal Register 50301 [set out below].

''(2) Permit the testing of various remote identification and tracking technologies evaluated by the Unmanned Aircraft Systems Identification and Tracking Aviation Rulemaking Committee.

''(3) Where the particular operational environment permits, permit blanket waiver authority to allow any unmanned aircraft approved by a UTM system pilot program selectee to be operated under conditions currently requiring a case-by-case waiver under part 107, title 14, Code of Federal Regulations, provided that any blanket waiver addresses risks to airborne objects as well as persons and property on the ground.

''(c) IMPLEMENTATION PLAN CONTENTS.—The plan required by subsection (a) shall—

''(1) include the development of safety standards to permit, authorize, or allow the use of UTM services, which may include the demonstration and validation of such services at the test ranges, as defined in section 44801 of title 49, United States Code, or other sites as authorized by the Administrator;

''(2) outline the roles and responsibilities of industry and government in establishing UTM services that allow applicants to conduct commercial and noncommercial operations, recognizing the primary private sector role in the development and implementation of the Low Altitude Authorization and Notification Capability and future expanded UTM services;

''(3) include an assessment of various components required for necessary risk reduction and mitigation in relation to the use of UTM services, including—

''(A) remote identification of both cooperative and non-cooperative unmanned aircraft systems in the national airspace system;

''(B) deconfliction of cooperative unmanned aircraft systems in the national airspace system by such services;

''(C) the manner in which the Federal Aviation Administration will conduct oversight of UTM systems, including interfaces between UTM service providers and air traffic control;

''(D) the need for additional technologies to detect cooperative and non-cooperative aircraft;

''(E) collaboration and coordination with air traffic control, or management services and technologies to ensure the safety oversight of manned and unmanned aircraft, including—

''(i) the Federal Aviation Administration responsibilities to collect and disseminate relevant data to UTM service providers; and

''(ii) data exchange protocols to share UAS operator intent, operational approvals, operational restraints, and other data necessary to ensure safety or security of the National Airspace System;

''(F) the potential for UTM services to manage unmanned aircraft systems carrying either cargo, payload, or passengers, weighing more than 55 pounds, and operating at altitudes higher than 400 feet above ground level; and

''(G) cybersecurity protections, data integrity, and national and homeland security benefits; and

''(4) establish a process for—

''(A) accepting applications for operation of UTM services in the national airspace system;

''(B) setting the standards for independent private sector validation and verification that the standards for UTM services established pursuant to paragraph (1) enabling operations beyond visual line of sight, have been met by applicants; and

''(C) notifying the applicant, not later than 120 days after the Administrator receives a complete application, with a written approval, disapproval, or request to modify the application.

''(d) SAFETY STANDARDS.—In developing the safety standards in subsection (c)(1), the Administrator—

''(1) shall require that UTM services help ensure the safety of unmanned aircraft and other aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below, including operations conducted under a waiver issued pursuant to subpart D of part 107 of title 14, Code of Federal Regulations;

''(2) shall consider, as appropriate—

''(A) protection of persons and property on the ground;

''(B) remote identification and tracking of aircraft;

''(C) collision avoidance with respect to obstacles and non-cooperative aircraft;

''(D) deconfliction of cooperative aircraft and integration of other relevant airspace considerations;

''(E) right of way rules, inclusive of UAS operations;

''(F) safe and reliable coordination between air traffic control and other systems operated in the national airspace system;

''(G) detection of non-cooperative aircraft;

''(H) geographic and local factors including but not limited to terrain, buildings and structures;

''(I) aircraft equipage; and

''(J) qualifications, if any, necessary to operate UTM services; and

''(3) may establish temporary flight restrictions or other means available such as a certificate of waiver or authorization (COA) for demonstration and validation of UTM services.

''(e) REVOCATION.—The Administrator may revoke the permission, authorization, or approval for the operation of UTM services if the Administrator determines that the services or its operator are no longer in compliance with applicable safety standards.

''(f) LOW-RISK AREAS.—The Administrator shall establish expedited procedures for approval of UTM services operated in—

''(1) airspace away from congested areas; or

''(2) other airspace above areas in which operations of unmanned aircraft pose low risk, as determined by the Administrator.

''(g) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

''(h) SENSE OF CONGRESS.—It is the sense of Congress that, in developing the safety standards for UTM services, the Federal Aviation Administration shall consider ongoing research and development efforts on UTM services conducted by—

''(1) the National Aeronautics and Space Administration in partnership with industry stakeholders;

''(2) the UTM System pilot program required by section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]); and

''(3) the participants in the pilot program required in the October 25, 2017, Presidential Memorandum entitled, 'Unmanned Aircraft Systems Integration Pilot Program' and described in 82 Federal Register 50301.

''(i) DEADLINE.—Not later than 1 year after the date of conclusion of the UTM pilot program established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), the Administrator shall—

''(1) complete the plan required by subsection (a);

''(2) submit the plan to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(3) publish the plan on a publicly accessible Internet website of the Federal Aviation Administration.''

EARLY IMPLEMENTATION OF CERTAIN UTM SERVICES

Pub. L. 115–254, div. B, title III, § 377, Oct. 5, 2018, 132 Stat. 3317, provided that:

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, upon request of a UTM service provider, determine if certain UTM services may operate safely in the national airspace system before completion of the implementation plan required by section 376 [set out above].

''(b) ASSESSMENT OF UTM SERVICES.—In making the determination under subsection (a), the Administrator shall assess, at a minimum, whether the proposed UTM services, as a result of their operational capabilities, reliability, intended use, areas of operation, and the characteristics of the aircraft involved, will maintain the safety and efficiency of the national airspace system and address any identified risks to manned or unmanned aircraft and persons and property on the ground.

''(c) REQUIREMENTS FOR SAFE OPERATION.—If the Administrator determines that certain UTM services may operate safely in the national airspace system, the Administrator shall establish requirements for their safe operation in the national airspace system.

''(d) EXPEDITED PROCEDURES.—The Administrator shall provide expedited procedures for making the assessment and determinations under this section where the UTM services will be provided primarily or exclusively in airspace above areas in which the operation of unmanned aircraft poses low risk, including but not limited to croplands and areas other than congested areas.

''(e) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

''(f) PREEXISTING UTM SERVICES APPROVALS.—Nothing in this Act [see Tables for classification] shall affect or delay approvals, waivers, or exemptions granted by the Administrator for UTM services already in existence or approved by the Administrator prior to the date of enactment of this Act [Oct. 5, 2018], including approvals under the Low Altitude Authorization and Notification Capability.''

TRANSITION LANGUAGE

Pub. L. 115–254, div. B, title III, § 380, Oct. 5, 2018, 132 Stat. 3319, provided that:

''(a) REGULATIONS.—Notwithstanding the repeals under sections 341, 348 [probably should be ''346''], 347, and 383 of this Act [repealing the provisions listed in subsec. (b)(1) to (4) below], all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section before the effective date of this Act [probably means Oct. 5, 2018, the date of enactment of Pub. L. 115–254] shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act [see Tables for classification].

''(b) LAWS DESCRIBED.—The laws described under this subsection are as follows:

''(1) Section 332 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 40101 note).

''(2) Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

''(3) Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

''(4) Section 2206 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

''(c) EFFECT ON PENDING PROCEEDINGS.—This Act shall not affect administrative or judicial proceedings pending on the effective date of this Act.''

UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP

Pub. L. 115–254, div. B, title VII, § 721, Oct. 5, 2018, 132 Stat. 3411, provided that: ''The Secretary [of Transportation] shall submit the unmanned aircraft systems roadmap to Congress on an annual basis as required under section 48802(a) [probably should be ''44802(a)''] of title 49, United States Code, as added by this Act.''

COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–91, div. A, title X, § 1092, Dec. 12, 2017, 131 Stat. 1610, provided that:

''(a) COLLABORATION.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense may collaborate on sense-and-avoid capabilities for unmanned aircraft systems.

''(2) ELEMENTS.—The collaboration described in paragraph (1) may include, as appropriate, the following:

''(A) Sharing information on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

''(B) The development of civil standards, policies, and procedures for the Federal Aviation Administration for integrating unmanned aircraft systems in the national airspace system by leveraging the historical and current testing, training, and oper-

ational experiences of the Department of Defense, particularly the Air Force, of unmanned flight operations[.]

''(C) Informing stakeholders about—

''(i) the development of airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems; and

''(ii) research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

''(b) PARTICIPATION BY FAA IN DOD ACTIVITIES.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may participate, and provide assistance to the Secretary of Defense for activities during the test and evaluation efforts of the Department of Defense, including the Air Force, relating to airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems.

''(2) PARTICIPATION THROUGH TEST SITES.—Participation under paragraph (1) may include provision of assistance through Department of Defense unmanned aircraft systems test sites or a Federal Aviation Administration test range.

''(c) DEFINITIONS.—In this section, the terms 'unmanned aircraft system' and 'test range' have the meaning given such terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]).

''(d) RESTORATION OF RULES FOR REGISTRATION AND MARKING OF UNMANNED AIRCRAFT.—The rules adopted by the Administrator of the Federal Aviation Administration in the matter of registration and marking requirements for small unmanned aircraft (FAA-2015-7396; published on December 16, 2015) that were vacated by the United States Court of Appeals for the District of Columbia Circuit in Taylor v. Huerta (No. 15-1495; decided on May 19, 2017) shall be restored to effect on the date of enactment of this Act [Dec. 12, 2017].''

UAS SAFETY

Pub. L. 114–190, title II, subtitle B, July 15, 2016, 130 Stat. 628, as amended by Pub. L. 115–254, div. B, title III, §§ 346(b)(3), 369, 383(b)(2), Oct. 5, 2018, 132 Stat. 3295, 3311, 3322, provided that:

''SEC. 2201. DEFINITIONS.

''(a) DEFINITIONS APPLIED.—In this subtitle, the terms 'unmanned aircraft', 'unmanned aircraft system', and 'small unmanned aircraft' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), as amended by this Act.

''(b) FAA MODERNIZATION AND REFORM ACT.—[Amended section 331 of Pub. L. 112–95, set out in a note below.]

''SEC. 2202. IDENTIFICATION STANDARDS.

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Director of the National Institute of Standards and Technology, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

''(b) CONSIDERATIONS.—As part of any standards developed under subsection (a), the Administrator shall ensure the consideration of—

''(1) requirements for remote identification of unmanned aircraft systems;

''(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil; and

''(3) the feasibility of the development and operation of a publicly accessible online database of unmanned aircraft and the operators thereof, and any criteria for exclusion from the database.

''(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on any standards developed under subsection (a).

''(d) GUIDANCE.—Not later than 1 year after the date on which the Administrator submits the report under subsection (c), the Administrator shall issue regulations or guidance, as appropriate, based on any standards developed under subsection (a).

''SEC. 2203. SAFETY STATEMENTS.

''(a) REQUIRED INFORMATION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), a manufacturer of a small unmanned aircraft shall make available to the owner at the time of delivery of the small unmanned aircraft the safety statement described in subsection (b)(2).

''(b) SAFETY STATEMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

''(2) REQUIREMENTS.—A safety statement required under subsection (a) shall include—

''(A) information about, and sources of, laws and regulations applicable to small unmanned aircraft;

''(B) recommendations for using small unmanned aircraft in a manner that promotes the safety of persons and property;

''(C) the date that the safety statement was created or last modified; and

''(D) language approved by the Administrator regarding the following:

''(i) A person may operate the small unmanned aircraft as a model aircraft (as defined in [former] section 336 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

''(ii) The definition of a model aircraft under [former] section 336 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

''(iii) The requirements regarding the operation of a model aircraft under [former] section 336 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

''(iv) The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

''(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a) of title 49, United States Code.

''SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUPPORT OF FIREFIGHTING OPERATIONS AND UTILITY RESTORATION.

''(a) FIREFIGHTING OPERATIONS.—The Administrator of the Federal Aviation Administration shall enter into agreements with the Secretary of the Interior and the Secretary of Agriculture, as necessary, to continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations consistent with the requirements of section 44806 of title 49, United States Code.

''(b) UTILITY RESTORATION.—The Administrator shall enter into agreements with the Secretary of Energy and with such other agencies or parties, including the Federal Emergency Management Agency, as are necessary to facilitate the expeditious authorization of safe unmanned aircraft system operations in support of service restoration efforts of utilities.

''(c) DEFINITION OF UTILITY.—In this section, the term 'utility' shall at a minimum include the definition in

section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)).

''SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION, LAW ENFORCEMENT, OR EMERGENCY RESPONSE EFFORT BY OPERATION OF UNMANNED AIRCRAFT.

''(a) IN GENERAL.—[Enacted section 46320 of this title.]

''(b) FAA TO IMPOSE CIVIL PENALTY.—[Amended section 46301 of this title.]

''(c) CLERICAL AMENDMENT.—[Amended analysis of chapter 463 of this title.]

''[SEC. 2206. Repealed. Pub. L. 115–254, div. B, title III, § 383(b)(2), Oct. 5, 2018, 132 Stat. 3322.]

''SEC. 2207. EMERGENCY EXEMPTION PROCESS.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. In processing such applications, the Administrator shall give priority to applications for public unmanned aircraft systems engaged in emergency response activities.

''(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

''(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight or nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

''(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with other emergency response efforts.

''(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other emergency, the Administrator shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

''SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

''(a) RESEARCH PLAN FOR UTM DEVELOPMENT AND DEPLOYMENT.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration (in this section referred to as the 'Administrator'), in coordination with the Administrator of the National Aeronautics and Space Administration, shall continue development of a research plan for unmanned aircraft systems traffic management (in this section referred to as 'UTM') development and deployment.

''(2) REQUIREMENTS.—In developing the research plan, the Administrator shall—

''(A) identify research outcomes sought; and

''(B) ensure the plan is consistent with existing regulatory and operational frameworks, and considers potential future regulatory and operational frameworks, for unmanned aircraft systems in the national airspace system.

''(3) ASSESSMENT.—The research plan shall include an assessment of the interoperability of a UTM system with existing and potential future air traffic management systems and processes.

''(4) DEADLINES.—The Administrator shall—

''(A) initiate development of the research plan not later than 60 days after the date of enactment of this Act [July 15, 2016]; and

''(B) not later than 180 days after the date of enactment of this Act—

''(i) complete the research plan;

''(ii) submit the research plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(iii) publish the research plan on the Internet Web site of the Federal Aviation Administration.

''(b) PILOT PROGRAM.—

''(1) IN GENERAL.—Not later than 90 days after the date of submission of the research plan under subsection (a)(4)(B), the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, the Drone Advisory Committee, the research advisory committee established by section 44508(a) of title 49, United States Code, and representatives of the unmanned aircraft industry, shall establish a UTM system pilot program.

''(2) SUNSET.—Not later than 2 years after the date of establishment of the pilot program, the Administrator shall conclude the pilot program.

''(c) UPDATES.—Not later than 180 days after the date of establishment of the pilot program, and every 180 days thereafter until the date of conclusion of the pilot program, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives an update on the status and progress of the pilot program.

''SEC. 2209. APPLICATIONS FOR DESIGNATION.

''(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

''(b) REVIEW PROCESS.—

''(1) APPLICATION PROCEDURES.—

''(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

''(B) REQUIREMENTS.—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

''(C) CONSIDERATIONS.—Only the following may be considered fixed site facilities:

''(i) Critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities.

''(ii) Oil refineries and chemical facilities.

''(iii) Amusement parks.

''(iv) Other locations that warrant such restrictions.

''(2) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

''(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

''(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

''(ii) such other limitations that the Administrator determines may be appropriate.

''(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

''(i) aviation safety;

''(ii) protection of persons and property on the ground;

''(iii) national security; or

''(iv) homeland security.

''(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

''(c) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

''(d) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

''(e) DEADLINES.—

''(1) Not later than March 31, 2019, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

''(2) Not later than 12 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.

''SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.

''(a) IN GENERAL.—Any application process established under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note) shall allow for a person to apply to the Administrator of the Federal Aviation Administration to operate an unmanned aircraft system, for purposes of conducting an activity described in subsection (b)—

''(1) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

''(2) during the day or at night.

''(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

''(1) activities for which manned aircraft may be used to comply with Federal, State, or local laws, including—

''(A) activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; and

''(B) activities relating to ensuring compliance with—

''(i) parts 192 and 195 of title 49, Code of Federal Regulations; and

''(ii) the requirements of any Federal, State, or local governmental or regulatory body, or industry best practice, pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities;

''(2) activities to inspect, repair, construct, maintain, or protect covered facilities, including for the purpose of responding to a pipeline, pipeline system, or electric energy infrastructure incident; and

''(3) activities in response to or in preparation for a natural disaster, manmade disaster, severe weather event, or other incident beyond the control of the applicant that may cause material damage to a covered facility.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED FACILITY.—The term 'covered facility' means—

''(A) a pipeline or pipeline system;

''(B) an electric energy generation, transmission, or distribution facility (including a renewable electric energy facility);

''(C) an oil or gas production, refining, or processing facility; or

''(D) any other critical infrastructure facility.

''(2) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given that term in section 2339D of title 18, United States Code.

''(d) DEADLINES.—

''(1) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a certification that a process has been established to facilitate applications for unmanned aircraft systems operations described in this section.

''(2) FAILURE TO MEET CERTIFICATION DEADLINE.—If the Administrator cannot provide a certification under paragraph (1), the Administrator, not later than 180 days after the deadline specified in paragraph (1), shall update the process under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note) to facilitate applications for unmanned aircraft systems operations described in this section.

''(e) EXEMPTIONS.—In addition to the operations described in this section, the Administrator may authorize, exempt, or otherwise allow other unmanned aircraft systems operations under [former] section 333 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note) that are conducted beyond the visual line of sight of the individual operating the unmanned aircraft system or during the day or at night.

''SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.

[Amended section 332 of Pub. L. 112–95, formerly set out in a note below.]

''SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIRCRAFT COLLISION RESEARCH.

''(a) RESEARCH.—The Administrator of the Federal Aviation Administration (in this section referred to as the 'Administrator'), in continuation of ongoing work, shall coordinate with the Administrator of the National Aeronautics and Space Administration to develop a program to conduct comprehensive testing or modeling of unmanned aircraft systems colliding with various sized aircraft in various operational settings, as considered appropriate by the Administrator, including—

''(1) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and jet aircraft of various sizes, traveling at various speeds;

''(2) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and propeller-driven aircraft of various sizes, traveling at various speeds;

''(3) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and rotorcraft of various sizes, traveling at various speeds; and

''(4) collisions between unmanned aircraft systems and various parts of the aforementioned aircraft, including—

''(A) windshields;

''(B) noses;

''(C) engines;

''(D) radomes;

''(E) propellers; and

''(F) wings.

''(b) REPORT.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the costs and results of research under this section.

''SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVELOPMENT STUDY.

''(a) STUDY.—Not later than 30 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies to study the potential use of probabilistic assessments of risks by the Administration to streamline the integration of

unmanned aircraft systems into the national airspace system, including any research and development necessary.

''(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''

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 procedures 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) [49 U.S.C. 44802 note].

''(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.''

UNMANNED AIRCRAFT SYSTEMS

Pub. L. 112–95, title III, subtitle B, Feb. 14, 2012, 126 Stat. 72, as amended by Pub. L. 114–190, title I, § 1102(i), title II, §§ 2201(b), 2211, July 15, 2016, 130 Stat. 618, 628, 636; Pub. L. 115–254, div. B, title III, §§ 341(b)(2), 346(b)(2), 347(b)(2), 349(b)(2), Oct. 5, 2018, 132 Stat. 3287, 3295, 3296, 3300, 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, including everything that is on board or otherwise attached to the aircraft.

''(7) TEST RANGE.—

''(A) IN GENERAL.—The term 'test range' means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

''(B) INCLUSIONS.—The term 'test range' includes any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c), as in effect on the day before the date of enactment of this subparagraph [July 15, 2016], and any public entity authorized by the Federal Aviation Administration as an unmanned

aircraft system flight test center before January 1, 2009.

''(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. Repealed. Pub. L. 115–254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287.]

''[SEC. 333. Repealed. Pub. L. 115–254, div. B, title III, § 347(b)(2), Oct. 5, 2018, 132 Stat. 3296.]

''[SEC. 334. Repealed. Pub. L. 115–254, div. B, title III, § 346(b)(2), Oct. 5, 2018, 132 Stat. 3295.]

''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. Repealed. Pub. L. 115–254, div. B, title III, § 349(b)(2), Oct. 5, 2018, 132 Stat. 3300.]''

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.''

PROMOTING ECONOMIC COMPETITIVENESS WHILE SAFEGUARDING PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES IN DOMESTIC USE OF UNMANNED AIRCRAFT SYSTEMS

Memorandum of President of the United States, Feb. 15, 2015, 80 F.R. 9355, provided:

Memorandum for the Heads of Executive Departments and Agencies

Unmanned Aircraft Systems (UAS) technology continues to improve rapidly, and increasingly UAS are able to perform a variety of missions with greater operational flexibility and at a lower cost than comparable manned aircraft. A wide spectrum of domestic users—including industry, private citizens, and Federal, State, local, tribal, and territorial governments—are using or expect to use these systems, which may play a transformative role in fields as diverse as urban infrastructure management, farming, public safety, coastal security, military training, search and rescue, and disaster response.

The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Public Law 112–95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. As compared to manned aircraft, UAS may provide lower-cost operation and augment existing capabilities while reducing risks to human life. Estimates suggest the positive economic impact to U.S. industry of the integration of UAS into the NAS could be substantial and likely will grow for the foreseeable future.

As UAS are integrated into the NAS, the Federal Government will take steps to ensure that the integration takes into account not only our economic competitiveness and public safety, but also the privacy, civil rights, and civil liberties concerns these systems may raise.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish transparent principles that govern the Federal Government's use of UAS in the NAS, and to promote the responsible use of this technology in the private and commercial sectors, it is hereby ordered as follows:

SECTION 1. *UAS Policies and Procedures for Federal Government Use.* The Federal Government currently operates UAS in the United States for several purposes, including to manage Federal lands, monitor wildfires, conduct scientific research, monitor our borders, support law enforcement, and effectively train our military. As with information collected by the Federal Government using any technology, where UAS is the platform for collection, information must be collected, used, retained, and disseminated consistent with the Constitution, Federal law, and other applicable regulations and policies. Agencies must, for example, comply with the Privacy Act of 1974 (5 U.S.C. 552a) (the ''Privacy Act''), which, among other things, restricts the collection and dissemination of individuals' information that is maintained in systems of records, including personally identifiable information (PII), and permits

individuals to seek access to and amendment of records.

(a) *Privacy Protections.* Particularly in light of the diverse potential uses of UAS in the NAS, expected advancements in UAS technologies, and the anticipated increase in UAS use in the future, the Federal Government shall take steps to ensure that privacy protections and policies relative to UAS continue to keep pace with these developments. Accordingly, agencies shall, prior to deployment of new UAS technology and at least every 3 years, examine their existing UAS policies and procedures relating to the collection, use, retention, and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected. Agencies shall update their policies and procedures, or issue new policies and procedures, as necessary. In addition to requiring compliance with the Privacy Act in applicable circumstances, agencies that collect information through UAS in the NAS shall ensure that their policies and procedures with respect to such information incorporate the following requirements:

(i) *Collection and Use.* Agencies shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.

(ii) *Retention.* Information collected using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

(iii) *Dissemination.* UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

(b) *Civil Rights and Civil Liberties Protections.* To protect civil rights and civil liberties, agencies shall:

(i) ensure that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

(ii) ensure that UAS activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

(iii) ensure that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.

(c) *Accountability.* To provide for effective oversight, agencies shall:

(i) ensure that oversight procedures for agencies' UAS use, including audits or assessments, comply with existing agency policies and regulations;

(ii) verify the existence of rules of conduct and training for Federal Government personnel and contractors who work on UAS programs, and procedures for reporting suspected cases of misuse or abuse of UAS technologies;

(iii) establish policies and procedures, or confirm that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information (including any PII) collected using UAS;

(iv) ensure that any data-sharing agreements or policies, data use policies, and record management policies applicable to UAS conform to applicable laws, regulations, and policies;

(v) establish policies and procedures, or confirm that policies and procedures are in place, to authorize the use of UAS in response to a request for UAS assistance in support of Federal, State, local, tribal, or territorial government operations; and

(vi) require that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of UAS for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds.

(d) *Transparency.* To promote transparency about their UAS activities within the NAS, agencies that use UAS shall, while not revealing information that could reasonably be expected to compromise law enforcement or national security:

(i) provide notice to the public regarding where the agency's UAS are authorized to operate in the NAS;

(ii) keep the public informed about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties; and

(iii) make available to the public, on an annual basis, a general summary of the agency's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to State, local, tribal, or territorial governments.

(e) *Reports.* Within 180 days of the date of this memorandum, agencies shall provide the President with a status report on the implementation of this section. Within 1 year of the date of this memorandum, agencies shall publish information on how to access their publicly available policies and procedures implementing this section.

SEC. 2. *Multi-stakeholder Engagement Process.* In addition to the Federal uses of UAS described in section 1 of this memorandum, the combination of greater operational flexibility, lower capital requirements, and lower operating costs could allow UAS to be a transformative technology in the commercial and private sectors for fields as diverse as urban infrastructure management, farming, and disaster response. Although these opportunities will enhance American economic competitiveness, our Nation must be mindful of the potential implications for privacy, civil rights, and civil liberties. The Federal Government is committed to promoting the responsible use of this technology in a way that does not diminish rights and freedoms.

(a) There is hereby established a multi-stakeholder engagement process to develop and communicate best practices for privacy, accountability, and transparency issues regarding commercial and private UAS use in the NAS. The process will include stakeholders from the private sector.

(b) Within 90 days of the date of this memorandum, the Department of Commerce, through the National Telecommunications and Information Administration, and in consultation with other interested agencies, will initiate this multi-stakeholder engagement process to develop a framework regarding privacy, accountability, and transparency for commercial and private UAS use. For this process, commercial and private use includes the use of UAS for commercial purposes as civil aircraft, even if the use would qualify a UAS as a public aircraft under 49 U.S.C. 40102(a)(41) and 40125. The process shall not focus on law enforcement or other noncommercial governmental use.

SEC. 3. *Definitions.* As used in this memorandum:

(a) ''Agencies'' means executive departments and agencies of the Federal Government that conduct UAS operations in the NAS.

(b) ''Federal Government use'' means operations in which agencies operate UAS in the NAS. Federal Government use includes agency UAS operations on behalf of another agency or on behalf of a State, local, tribal, or territorial government, or when a nongovernmental entity operates UAS on behalf of an agency.

(c) ''National Airspace System'' means the common network of U.S. airspace; air navigation facilities, equipment, and services; airports or landing areas; aeronautical charts, information, and services; related rules, regulations, and procedures; technical information; and manpower and material. Included in this definition are system components shared jointly by the De-

partments of Defense, Transportation, and Homeland Security.

(d) ''Unmanned Aircraft System'' means an unmanned aircraft (an aircraft that is operated without direct human intervention from within or on the aircraft) and associated elements (including communication links and components that control the unmanned aircraft) that are required for the pilot or system operator in command to operate safely and efficiently in the NAS.

(e) ''Personally identifiable information'' refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, as set forth in Office of Management and Budget Memorandum M–07–16 (May 22, 2007) and Office of Management and Budget Memorandum M–10–23 (June 25, 2010).

SEC. 4. *General Provisions*. (a) This memorandum complements and is not intended to supersede existing laws and policies for UAS operations in the NAS, including the National Strategy for Aviation Security and its supporting plans, the FAA Modernization and Reform Act of 2012, the Federal Aviation Administration's (FAA's) Integration of Civil UAS in the NAS Roadmap, and the FAA's UAS Comprehensive Plan.

(b) This memorandum shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) Independent agencies are strongly encouraged to comply with this memorandum.

(e) 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.

(f) The Secretary of Commerce is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Memorandum of President of the United States, Oct. 25, 2017, 82 F.R. 50301, provided:

Memorandum for the Secretary of Transportation

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 shall be the policy of the United States to promote the safe operation of unmanned aircraft systems (UAS) and enable the development of UAS technologies for use in agriculture, commerce, emergency management, human transportation, and other sectors. Compared to manned aircraft, UAS provide novel, low-cost capabilities for both public and private applications. UAS present opportunities to enhance the safety of the American public, increase the efficiency and productivity of American industry, and create tens of thousands of new American jobs.

The private sector has rapidly advanced UAS capabilities to address the needs of recreational, commercial, and public users. To promote continued technological innovation and to ensure the global leadership of the United States in this emerging industry, the regulatory framework for UAS operations must be sufficiently flexible to keep pace with the advancement of UAS technology, while balancing the vital Federal roles in protecting privacy and civil liberties; mitigating risks to national security and homeland security; and protecting the safety of the American public, critical infrastructure, and the Nation's airspace. Well-coordinated integration of UAS into the national airspace system (NAS) alongside manned aircraft will increase the safety of the NAS and enable the authorization of more complex UAS operations.

The Federal Aviation Administration (FAA) has taken steps to integrate UAS into the NAS at specific test sites and has issued operational requirements for small UAS operations in the NAS. Further integration will require continued private-sector cooperation and the involvement of State, local, and tribal governments in Federal efforts to develop and enforce regulations on UAS operations in their jurisdictions. Input from State, local, tribal, and private-sector stakeholders will be necessary to craft an optimal strategy for the national management of UAS operations. A coordinated effort between the private sector and among these governments will provide certainty and stability to UAS owners and operators, maximize the benefits of UAS technologies for the public, and mitigate risks to public safety and security.

SEC. 2. *UAS Integration Pilot Program*. (a) Within 90 days of the date of this memorandum, the Secretary of Transportation (Secretary), in consultation with the Administrator of the FAA (Administrator), shall establish a UAS Integration Pilot Program (Program) to test the further integration of UAS into the NAS in a select number of State, local, and tribal jurisdictions.

(b) The objectives of the Program shall be to:

(i) test and evaluate various models of State, local, and tribal government involvement in the development and enforcement of Federal regulations for UAS operations;

(ii) encourage UAS owners and operators to develop and safely test new and innovative UAS concepts of operations; and

(iii) inform the development of future Federal guidelines and regulatory decisions on UAS operations nationwide.

SEC. 3. *Implementation*. (a) To implement the Program, the Secretary or the Administrator, as appropriate, shall:

(i) solicit proposals from State, local, and tribal governments to test within their jurisdictions the integration of civil and public UAS operations into the NAS below 200 feet above ground level, or up to 400 feet above ground level if the Secretary determines that such an adjustment would be appropriate;

(ii) select proposals by State, local, and tribal governments for participation in the Program according to the criteria listed in subsection (b) of this section;

(iii) enter into agreements with the selected governments to establish the terms of their involvement in UAS operations within their jurisdictions, including their support for Federal enforcement responsibilities; describe the proposed UAS operations to be conducted; and identify the entities that will conduct such operations, including, if applicable, the governments themselves; and

(iv) as necessary, use existing authorities to grant exceptions, exemptions, authorizations, and waivers from FAA regulations to the entities identified in the agreements described in subsection (iii) of this section [sic], including through the issuance of waivers under 14 CFR Part 107 and Certificates of Waiver or Authorization under [former] section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) (Public Law 112–95) [see note above].

(b) In selecting proposals for participation in the Program under subsection (a) of this section, the Secretary shall consider:

(i) overall economic, geographic, and climatic diversity of the selected jurisdictions;

(ii) overall diversity of the proposed models of government involvement;

(iii) overall diversity of the UAS operations to be conducted;

(iv) the location of critical infrastructure;

(v) the involvement of commercial entities in the proposal, and their ability to advance objectives that

may serve the public interest as a result of further integration of UAS into the NAS;

(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 [former] 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) [set out in a note above].

(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 [Pub. L. 112–95, set out in a note above].

(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.

§ 44803. Unmanned aircraft test ranges

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

(7) engage test range operators, as necessary and within available resources, in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

(C) sense and avoid capabilities;

(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what research would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate; [1]

(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

(c) WAIVERS.—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

(d) REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.—The operator of each test range under subsection (a) shall—

(1) review the operations of unmanned aircraft systems conducted at the test range, including—

(A) ongoing or completed research; and

(B) data regarding operations by private and public operators; and

(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

(e) TESTING.—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

(f) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(*l*)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

(g) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

(h) TERMINATION.—The program under this section shall terminate on March 8, 2024.

(Added Pub. L. 115–254, div. B, title III, §343(a), Oct. 5, 2018, 132 Stat. 3288; amended Pub. L. 118–15, div. B, title II, §2202(b), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(b), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

AMENDMENTS

2023—Subsec. (h). Pub. L. 118–34 substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15 substituted ''December 31, 2023'' for ''September 30, 2023''.

§ 44804. Small unmanned aircraft in the Arctic

(a) IN GENERAL.—The Secretary of Transportation 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.

(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of

[1] So in original. Probably should be followed by ''and''.

processes to facilitate the safe operation of small unmanned aircraft beyond the visual line of sight.

(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable overwater flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) AIRCRAFT APPROVAL.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a small unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the small unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) EXISTING PROCESS.—The Secretary may implement an existing process to meet the requirements under paragraph (1).

(Added Pub. L. 115–254, div. B, title III, § 344(a), Oct. 5, 2018, 132 Stat. 3290.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(d) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

§ 44805. Small Unmanned[1] aircraft safety standards

(a) FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.—The Administrator of the Federal Aviation Administration shall establish a process for—

(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

(2) authorizing the operation of small[2] unmanned aircraft system make and model designed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (1).

(b) CONSIDERATIONS.—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

(2) Using performance-based requirements.

(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

(7) Consensus identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

(8) To the extent not considered previously by the consensus body that crafted consensus safety standards, cost-benefit and risk analyses of consensus safety standards that may be accepted pursuant to subsection (a) for newly designed small unmanned aircraft systems.

(9) Applicability of consensus safety standards to small unmanned aircraft systems that are not manufactured commercially.

(10) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

(11) Any category of unmanned aircraft systems that should be exempt from the consensus safety standards based on risk factors.

(e)[3] NONAPPLICABILITY OF OTHER LAWS.—The process for authorizing the operation of small unmanned aircraft systems under subsection (a) may allow for operation of any applicable small unmanned aircraft systems within the national airspace system without requiring—

(1) airworthiness certification requirements under section 44704 of this title; or

(2) type certification under part 21 of title 14, Code of Federal Regulations.

(f) REVOCATION.—The Administrator may suspend or revoke the authorizations in subsection (a) if the Administrator determines that the manufacturer or the small unmanned aircraft system is no longer in compliance with the standards accepted by the Administrator under subsection (a)(1) or with the manufacturer's statement of compliance under subsection (h).

(g) REQUIREMENTS.—With regard to an authorization under the processes in subsection (a), the

[1] So in original. Probably should not be capitalized.

[2] So in original. Probably should be preceded by ''a''.

[3] So in original. There are no subsecs. (c) and (d).

Administrator may require a manufacturer of small unmanned aircraft systems to provide the Federal Aviation Administration with the following:

(1) The aircraft system's operating instructions.

(2) The aircraft system's recommended maintenance and inspection procedures.

(3) The manufacturer's statement of compliance described in subsection (h).

(4) Upon request, a sample aircraft to be inspected by the Federal Aviation Administration to ensure compliance with the consensus safety standards accepted by the Administrator under subsection (a).

(h) MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.—A manufacturer's statement of compliance shall—

(1) identify the aircraft make, model, range of serial numbers, and any applicable consensus safety standards used and accepted by the Administrator;

(2) state that the aircraft make and model meets the provisions of the consensus safety standards identified in paragraph (1);

(3) state that the aircraft make and model conforms to the manufacturer's design data and is manufactured in a way that ensures consistency across units in the production process in order to meet the applicable consensus safety standards accepted by the Administrator;

(4) state that the manufacturer will make available to the Administrator, operators, or customers—

(A) the aircraft's operating instructions, which conform to the consensus safety standards identified in paragraph (1); and

(B) the aircraft's recommended maintenance and inspection procedures, which conform to the consensus safety standards identified in paragraph (1);

(5) state that the manufacturer will monitor safety-of-flight issues and take action to ensure it meets the consensus safety standards identified in paragraph (1) and report these issues and subsequent actions to the Administrator;

(6) state that at the request of the Administrator, the manufacturer will provide reasonable access for the Administrator to its facilities for the purposes of overseeing compliance with this section; and

(7) state that the manufacturer, in accordance with the consensus safety standards accepted by the Federal Aviation Administration, has—

(A) ground and flight tested random samples of the aircraft;

(B) found the sample aircraft performance acceptable; and

(C) determined that the make and model of aircraft is suitable for safe operation.

(i) PROHIBITIONS.—

(1) FALSE STATEMENTS OF COMPLIANCE.—It shall be unlawful for any person to knowingly submit a statement of compliance described in subsection (h) that is fraudulent or intentionally false.

(2) INTRODUCTION INTO INTERSTATE COMMERCE.—Unless the Administrator determines operation of an unmanned aircraft system may be conducted without an airworthiness certificate or permission, authorization, or approval under subsection (a), it shall be unlawful for any person to knowingly introduce or deliver for introduction into interstate commerce any small unmanned aircraft system that is manufactured after the date that the Administrator accepts consensus safety standards under this section unless—

(A) the make and model has been authorized for operation under subsection (a); or

(B) the aircraft has alternatively received design and production approval issued by the Federal Aviation Administration.

(j) EXCLUSIONS.—The Administrator may exempt from the requirements of this section small unmanned aircraft systems that are not capable of navigating beyond the visual line of sight of the operator through advanced flight systems and technology, if the Administrator determines that such an exemption does not pose a risk to the safety of the national airspace system.

(Added Pub. L. 115–254, div. B, title III, § 345(a), Oct. 5, 2018, 132 Stat. 3291.)

Editorial Notes

REFERENCES IN TEXT

Section 2202 of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (b)(7), is section 2202 of Pub. L. 114–190, which is set out in a note under section 44802 of this title.

Statutory Notes and Related Subsidiaries

UNMANNED AIRCRAFT SYSTEMS RESEARCH FACILITY

Pub. L. 115–254, div. B, title III, § 345(b), Oct. 5, 2018, 132 Stat. 3293, provided that: ''The Center of Excellence for Unmanned Aircraft Systems shall establish an unmanned aircraft systems research facility to study appropriate safety standards for unmanned aircraft systems and to validate such standards, as directed by the Administrator of the Federal Aviation Administration, consistent with section 44805 of title 49, United States Code, as added by this section.''

§ 44806. Public unmanned aircraft systems

(a) GUIDANCE.—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

(2) to 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 public unmanned aircraft systems; and

(3) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of author-

ization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

(2) CONTENTS.—An agreement under paragraph (1) 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 not later than 60 business days after 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 an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

(i) within or beyond the visual 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.

(c) PUBLIC ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall permit the use of, and may issue guidance regarding, the use of public actively tethered unmanned aircraft systems that are—

(A) operated at an altitude of less than 150 feet above ground level;

(B) operated—

(i) within class G airspace; or

(ii) at or below the ceiling depicted on the Federal Aviation Administration's published UAS facility maps for class B, C, D, or E surface area airspace;

(C) not flown directly over non-participating persons;

(D) operated within visual line of sight of the operator; and

(E) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) REQUIREMENTS.—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—Public actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(Added Pub. L. 115–254, div. B, title III, § 346(a), Oct. 5, 2018, 132 Stat. 3294.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (b) of this section were contained in section 334(a) and (c) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, § 346(b)(2), Oct. 5, 2018, 132 Stat. 3295. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE

Pub. L. 115–254, div. B, title III, § 368, Oct. 5, 2018, 132 Stat. 3310, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities.''

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

(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, operational capability, proximity to airports and populated areas, operation over

people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

(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, including operation related to research, development, and testing of proprietary systems.

(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective March 8, 2024.

(Added Pub. L. 115–254, div. B, title III, §347(a), Oct. 5, 2018, 132 Stat. 3296; amended Pub. L. 118–15, div. B, title II, §2202(c), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(c), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 333 of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §347(b)(2), Oct. 5, 2018, 132 Stat. 3296. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

AMENDMENTS

2023—Subsec. (d). Pub. L. 118–34 substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15 substituted ''December 31, 2023'' for ''September 30, 2023''.

§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

(b) CONTENTS.—Any rulemaking conducted under subsection (a) shall provide for the following:

(1) Use performance-based requirements.

(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

(4) Include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

(A) airworthiness of small unmanned aircraft systems;

(B) qualifications for operators and the type and nature of the operations;

(C) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations; and

(D) the views of State, local, and tribal officials related to potential impacts of the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the communities to be served.

(5) SMALL UAS.—The Secretary may amend part 298 of title 14, Code of Federal Regulations, to update existing regulations to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such authority shall only require—

(A) registration with the Department of Transportation;

(B) authorization from the Federal Aviation Administration to conduct operations; and

(C) compliance with chapters 401, 411, and 417.

(6) AVAILABILITY OF CURRENT CERTIFICATION PROCESSES.—Pending completion of the rulemaking required in subsection (a) of this section, a person may seek an air carrier operating certificate and certificate of public convenience and necessity, or an exemption from such certificate, using existing processes.

(Added Pub. L. 115–254, div. B, title III, §348(a), Oct. 5, 2018, 132 Stat. 3297.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

§ 44809. Exception for limited recreational operations of unmanned aircraft

(a) IN GENERAL.—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

(6) In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

(b) OTHER OPERATIONS.—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

(c) OPERATIONS AT FIXED SITES.—

(1) OPERATING PROCEDURE REQUIRED.—Persons operating unmanned aircraft under subsection (a) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization conducting a sanctioned event within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

(2) UNMANNED AIRCRAFT WEIGHING MORE THAN 55 POUNDS.—A person may operate an unmanned aircraft weighing more than 55 pounds, including the weight of anything attached to or carried by the aircraft, under subsection (a) if—

(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

(B) the aircraft is operated from a fixed site as described in paragraph (1).

(d) UPDATES.—

(1) IN GENERAL.—The Administrator, in consultation with government, stakeholders, and community-based organizations, shall initiate a process to periodically update the operational parameters under subsection (a), as appropriate.

(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

(A) appropriate operational limitations to mitigate risks to aviation safety and national security, including risk to the uninvolved public and critical infrastructure;

(B) operations outside the membership, guidelines, and programming of a community-based organization;

(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

(D) trends in use, enforcement, or incidents involving unmanned aircraft systems;

(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology; and

(F) equipage requirements that facilitate safe, efficient, and secure operations and further integrate all unmanned aircraft into the national airspace system.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require a person operating an unmanned aircraft under this section to seek permissive authority of the Administrator, beyond that required in subsection (a) of this section, prior to operation in the national airspace system.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

(f) EXCEPTIONS.—Nothing in this section prohibits the Administrator from promulgating rules generally applicable to unmanned aircraft, including those unmanned aircraft eligible for the exception set forth in this section, relating to—

(1) updates to the operational parameters for unmanned aircraft in subsection (a);

(2) the registration and marking of unmanned aircraft;

(3) the standards for remotely identifying owners and operators of unmanned aircraft systems and associated unmanned aircraft; and

(4) other standards consistent with maintaining the safety and security of the national airspace system.

(g) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be administered electronically by the Administrator, a community-based organization, or a person designated by the Administrator.

(2) REQUIREMENTS.—The Administrator shall ensure the aeronautical knowledge and safety test is designed to adequately demonstrate an operator's—

(A) understanding of aeronautical safety knowledge; and

(B) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

(h) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term ''community-based organization'' means a membership-based association entity that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

(3) the mission of which is demonstrably the furtherance of model aviation;

(4) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;

(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

(i) RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of the date of enactment of this section that identifies the criteria and process required for recognition of community-based organizations.

(Added Pub. L. 115–254, div. B, title III, §349(a), Oct. 5, 2018, 132 Stat. 3298.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (g)(1) and (i), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (h)(1), (2), is classified to section 501 of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (e) of this section were contained in section 336(a) and (b) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §349(b)(2), Oct. 5, 2018, 132 Stat. 3300. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

USE OF UNMANNED AIRCRAFT SYSTEMS FOR EDUCATIONAL PURPOSES

Pub. L. 115–254, div. B, title III, §350, Oct. 5, 2018, 132 Stat. 3300, as amended by Pub. L. 116–283, div. H, title C, §10002, Jan. 1, 2021, 134 Stat. 4863, provided that:

''(a) EDUCATIONAL AND RESEARCH PURPOSES.—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a 'recreational purpose' as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system—

''(1) operated by an institution of higher education for educational or research purposes;

''(2) flown as part of an established Junior Reserve Officers' Training Corps (JROTC) program for education or research purposes; or

''(3) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).

''(b) UPDATES.—In updating an operational parameter under subsection (d)(1) of such section for unmanned aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

''(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution's curricula or research;

''(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

''(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

''(c) DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

''(d) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(2) EDUCATIONAL OR RESEARCH PURPOSES.—The term 'education or research purposes', with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

''(A) instruction of students at the institution;

''(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

''(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

''(D) other academic activities approved by the institution.

''(e) STATUTORY CONSTRUCTION.—

''(1) ENFORCEMENT.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

''(2) REGULATIONS AND STANDARDS.—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.''

§ 44810. Airport safety and airspace hazard mitigation and enforcement

(a) COORDINATION.—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(b) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

(2) CONTENTS.—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the

Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.)[1] shall not apply to an aviation rulemaking committee chartered under this paragraph.

(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data.

(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary[2] of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),[1] sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection[3] (c) and (d).

(h) SUNSET.—This section ceases to be effective March 8, 2024.

(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

(Added Pub. L. 115–254, div. B, title III, § 383(a), Oct. 5, 2018, 132 Stat. 3321; amended Pub. L. 118–15, div. B, title II, § 2202(d), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, § 102(d), Dec. 26, 2023, 137 Stat. 1113.)

[1] See References in Text note below.

[2] So in original. Probably should be preceded by ''the''.

[3] So in original. Probably should be ''subsections''.

Editorial Notes

REFERENCES IN TEXT

The Aircraft Sabotage Act, referred to in subsec. (g), is part B (§§ 2011–2015) of chapter XX of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2187. Section 2013(b) of the Act generally amended section 32 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 31 of Title 18 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§ 1001 et seq.) of Title 5 by Pub. L. 117–286, §§ 3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

The Computer Fraud and Abuse Act of 1986, referred to in subsec. (g), is Pub. L. 99–474, § 1, Oct. 16, 1986, 100 Stat. 1213, which amended section 1030 of Title 18, Crimes and Criminal Procedure. Section 1031 of Title 18 was enacted by Pub. L. 100–700, known as the Major Fraud Act of 1988.

AMENDMENTS

2023—Subsec. (h). Pub. L. 118–34 substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15 substituted ''December 31, 2023'' for ''September 30, 2023''.

Statutory Notes and Related Subsidiaries

COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY

Pub. L. 115–254, div. B, title III, § 365, Oct. 5, 2018, 132 Stat. 3310, provided that: ''In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.''

ENFORCEMENT

Pub. L. 115–254, div. B, title III, § 372, Oct. 5, 2018, 132 Stat. 3312, as amended by Pub. L. 118–15, div. B, title II, § 2202(q), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, § 102(q), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

''(b) REPORTING.—As part of the pilot program, the Administrator shall establish and publicize a mecha-

nism for the public and Federal, State, and local law enforcement to report suspected operation of unmanned aircraft in violation of applicable Federal laws and regulations.

''(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018], and annually thereafter through the duration of the pilot program established in subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the following:

''(1) The number of unauthorized unmanned aircraft operations detected in restricted airspace, including in and around airports, together with a description of such operations.

''(2) The number of enforcement cases brought by the Federal Aviation Administration or other Federal agencies for unauthorized operation of unmanned aircraft detected through the program, together with a description of such cases.

''(3) Recommendations for safety and operational standards for unmanned aircraft detection and mitigation systems.

''(4) Recommendations for any legislative or regulatory changes related to mitigation or detection or identification of unmanned aircraft systems.

''(d) SUNSET.—The pilot program established in subsection (a) shall terminate on March 8, 2024.

''(e) CIVIL PENALTIES.—[Amended section 46301 of this title.]

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this subtitle or any other applicable provision of aviation safety law or regulation using remote detection or identification or other technology following the sunset of the pilot program.''

CHAPTER 449—SECURITY

SUBCHAPTER I—REQUIREMENTS

Sec.
44901. Screening passengers and property.
44902. Refusal to transport passengers and property.
44903. Air transportation security.
44904. Domestic air transportation system security.
44905. Information about threats to civil aviation.
44906. Foreign air carrier security programs.
44907. Security standards at foreign airports.
44908. Travel advisory and suspension of foreign assistance.
44909. Passenger manifests.
44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security.
44911. Intelligence.
44912. Research and development.
44913. Explosive detection.
44914. Airport construction guidelines.
44915. Exemptions.
44916. Assessments and evaluations.
44917. Deployment of Federal air marshals.
44918. Crew training.
44919. PreCheck Program.
44920. Security screening opt-out program.[1]
44921. Federal flight deck officer program.
44922. Deputization of State and local law enforcement officers.
44923. Airport security improvement projects.
44924. Repair station security.
44925. Deployment and use of detection equipment at airport screening checkpoints.
44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans.
44928. Honor Flight program.
44929. Donation of screening equipment to protect the United States.

SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

44931. Authority to exempt.
44932. Administrative.
44933. Federal Security Managers.
44934. Foreign Security Liaison Officers.
44935. Employment standards and training.
44936. Employment investigations and restrictions.
44937. Prohibition on transferring duties and powers.
44938. Reports.
44939. Training to operate certain aircraft.
44940. Security service fee.
44941. Immunity for reporting suspicious activities.
44942. Performance goals and objectives.
44943. Performance management system.
44944. Voluntary provision of emergency services.
44945. Disposition of unclaimed money and clothing.
44946. Aviation Security Advisory Committee.
44947. Air cargo security division.
44948. National Deployment Office.

[1] Section catchline amended by Pub. L. 115–254 without corresponding amendment of chapter analysis.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. K, title I, §§1937(b)(2), 1943(b), 1955(a)(2), 1988(b), 1991(j)(2), 1992, Oct. 5, 2018, 132 Stat. 3579, 3584, 3596, 3623, 3646, added items 44929, 44931, 44932, 44942, 44943, 44947, and 44948 and substituted ''PreCheck Program'' for ''Security screening pilot program'' in item 44919 and ''Deputization'' for ''Deputation'' in item 44922.

2014—Pub. L. 113–238, §2(b), Dec. 18, 2014, 128 Stat. 2846, which directed amendment of analysis for subchapter II of chapter 449 of title 49 by adding item 44946 at the end, was executed by adding item 44946 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 113–221, §2(b), Dec. 16, 2014, 128 Stat. 2094, which directed amendment of analysis for title 49 by adding item 44928 after item 44927, was executed by adding item 44928 to analysis for this chapter, to reflect the probable intent of Congress.

2013—Pub. L. 113–27, §2(b), Aug. 9, 2013, 127 Stat. 504, which directed amendment of analysis for subchapter I of chapter 449 by adding item 44927 after item 44926, was executed by adding item 44927 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112–271, §2(b), Jan. 14, 2013, 126 Stat. 2447, substituted ''Disposition of unclaimed money and clothing'' for ''Disposition of unclaimed money'' in item 44945.

2007—Pub. L. 110–53, title XVI, §1606(b), Aug. 3, 2007, 121 Stat. 483, added item 44926.

2004—Pub. L. 108–458, title IV, §4013(b), Dec. 17, 2004, 118 Stat. 3720, added item 44925.

Pub. L. 108–334, title V, §515(c), Oct. 18, 2004, 118 Stat. 1318, added item 44945.

2003—Pub. L. 108–176, title VI, §§605(b)(3), 611(b)(2), Dec. 12, 2003, 117 Stat. 2568, 2572, added items 44923 and 44924.

Pub. L. 108–7, div. I, title III, §351(c), Feb. 20, 2003, 117 Stat. 420, added item 44922.

2002—Pub. L. 107–296, title XIV, §1402(b)(1), Nov. 25, 2002, 116 Stat. 2305, added item 44921.

2001—Pub. L. 107–71, title I, §§101(f)(6), 105(b), 107(b), 108(b), 113(b), 125(b), 131(b), Nov. 19, 2001, 115 Stat. 603, 607, 611, 613, 622, 632, 635, added items 44917 to 44920, 44939, 44941, and 44944 and struck out items 44931 ''Director of Intelligence and Security'' and 44932 ''Assistant Administrator for Civil Aviation Security''.

Pub. L. 107–71, title I, §118(b), Nov. 19, 2001, 115 Stat. 627, which directed addition of item 44940 to the anal-

ysis for chapter 449 without specifying the Code title to be amended, was executed by adding item 44940 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104–264, title III, § 312(b), Oct. 9, 1996, 110 Stat. 3254, added item 44916.

SUBCHAPTER I—REQUIREMENTS

§ 44901. Screening passengers and property

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5), except as otherwise provided in section 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable.

(d) EXPLOSIVES DETECTION SYSTEMS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall take all necessary action to ensure that—

(A) explosives detection systems are deployed as soon as possible to ensure that all United States airports described in section 44903(c) have sufficient explosives detection systems to screen all checked baggage, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

(B) all systems deployed under subparagraph (A) are fully utilized; and

(C) if explosives detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

(2) PRECLEARANCE AIRPORTS.—

(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Administrator of the Transportation Security Administration may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term ''aviation security preclearance agreement'' means an agreement that delineates and implements security standards and protocols that are determined by the Administrator of the Transportation Security Administration, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

(C) RESCREENING REQUIREMENT.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel rescreen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.

(D) REPORT.—The Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Administrator determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosives detection system before such baggage continued on an additional flight or flight segment.

(ii) The amount of Federal savings generated from the exercise of such authority.

(e) MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.—As soon as practicable and until the requirements of subsection (b)(1)(A) are met, the Administrator of the Transportation Security Administration shall require alternative means for screening any piece of checked baggage that is not screened by an explosives detection system. Such alternative means may include 1 or more of the following:

(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

(2) Manual search.

(3) Search by canine explosives detection units in combination with other means.

(4) Other means or technology approved by the Administrator.

(f) CARGO DEADLINE.—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable.

(g) AIR CARGO ON PASSENGER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

(3) REGULATIONS.—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

(4) SCREENING DEFINED.—In this subsection the term ''screening'' means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(h) DEPLOYMENT OF ARMED PERSONNEL.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Administrator of the Transportation Security Administration shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Administrator shall order the deployment of additional law enforcement personnel at airport security screening locations if the Administrator determines that the additional deployment is necessary to ensure passenger safety and national security.

(i) EXEMPTIONS AND ADVISING CONGRESS ON REGULATIONS.—The Administrator of the Transportation Security Administration—

(1) may exempt from this section air transportation operations, except scheduled passenger operations of an air carrier providing air transportation under a certificate issued under section 41102 of this title or a permit issued under section 41302 of this title; and

(2) shall advise Congress of a regulation to be prescribed under this section at least 30 days before the effective date of the regulation, unless the Administrator decides an emergency exists requiring the regulation to become effective in fewer than 30 days and notifies Congress of that decision.

(j) BLAST-RESISTANT CARGO CONTAINERS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before August 3, 2007; and

(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees[1] of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

(B) pay for the program; and

(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.

(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); [2] and

[1] So in original. Probably should be ''committees''.

[2] See References in Text note below.

(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

(2) GRANT PROGRAM.—The Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m))[1] for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—The Administrator shall develop a risk-based system under which—

(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

(B) such information is checked against appropriate databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).

(*l*) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ADVANCED IMAGING TECHNOLOGY.—The term ''advanced imaging technology''—

(i) means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as ''whole-body imaging technology'' or ''body scanning machines''.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ''automatic target recognition software'' means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

(2) USE OF ADVANCED IMAGING TECHNOLOGY.—The Administrator of the Transportation Security Administration shall ensure that any advanced imaging technology used for the screening of passengers under this section—

(A) is equipped with and employs automatic target recognition software; and

(B) complies with such other requirements as the Administrator determines necessary to address privacy considerations.

(3) EXTENSION.—

(A) IN GENERAL.—The Administrator of the Transportation Security Administration may extend the deadline specified in paragraph (2), if the Administrator determines that—

(i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software; or

(ii) additional testing of such software is necessary.

(B) DURATION OF EXTENSIONS.—The Administrator of the Transportation Security Administration may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator of the Transportation Security Administration issues any extension under paragraph (3), the Administrator shall submit to the appropriate congressional committees a report on the implementation of this subsection.

(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:

(i) A description of all matters the Administrator of the Transportation Security Administration considers relevant to the implementation of the requirements of this subsection.

(ii) The status of compliance by the Transportation Security Administration with such requirements.

(iii) If the Administration is not in full compliance with such requirements—

(I) the reasons for the noncompliance; and

(II) a timeline depicting when the Administrator of the Transportation Security Administration expects the Administration to achieve full compliance.

(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107–71, title I, §§ 101(f)(7), 110(b), Nov. 19, 2001, 115 Stat. 603, 614; Pub. L. 107–296, title IV, § 425, Nov. 25, 2002, 116 Stat. 2185; Pub. L. 110–53, title XVI, §§ 1602(a), 1609, 1617, Aug. 3, 2007, 121 Stat. 477, 484, 488; Pub. L. 112–95, title VIII, § 826, Feb. 14, 2012, 126 Stat. 132; Pub. L. 112–218, § 2, Dec. 20, 2012, 126 Stat. 1593; Pub. L. 114–125, title VIII, § 815, Feb. 24, 2016, 130 Stat. 220; Pub. L. 115–254, div. K, title I, §§ 1937(b)(3), 1991(d)(1), Oct. 5, 2018, 132 Stat. 3579, 3627.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44901(a)	49 App.:1356(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §315(a) (1st, 2d sentences, 3d sentence 19th–last words); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415; Aug. 8, 1985, Pub. L. 99–83, §551(b)(1), 99 Stat. 225.
44901(b)	49 App.:1356(a) (2d sentence).	
44901(c)(1) ..	49 App.:1356(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §315(c); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415; Nov. 16, 1990, Pub. L. 101–604, §102(a), 104 Stat. 3068.
44901(c)(2) ..	49 App.:1356(a) (3d sentence 19th–last words).	

In subsection (a), the words ''or continue in effect reasonable'', ''intended'', and ''the aircraft for such transportation'' are omitted as surplus.

In subsection (b), the words ''Notwithstanding subsection (a) of this section'' are added for clarity. The words ''One year after August 5, 1974, or after the effective date of such regulations, whichever is later'' are omitted as executed. The words ''alter or'', ''a continuation of'', ''the extent deemed necessary to'', and ''acts of'' are omitted as surplus.

In subsection (c)(1), the words ''in whole or in part'' and ''those'' are omitted as surplus. The word ''providing'' is substituted for ''engaging in'' for consistency in the revised title. The words ''interstate, overseas, or foreign'' are omitted because of the definition of ''air transportation'' in section 40102(a) of the revised title. The words ''of public convenience and necessity'', ''by the Civil Aeronautics Board'', ''foreign air carrier'', and ''by the Board'' are omitted as surplus.

In subsection (c)(2), the words ''or amendments thereto'' and ''or amendments'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (g)(4), is section 1602(b) of Pub. L. 110–53, title XVI, Aug. 3, 2007, 121 Stat. 479, which is not classified to the Code.

Section 47134(m), referred to in subsec. (k)(1)(A), (2), is section 47134(m) of this title, which was repealed by Pub. L. 115–254, div. B, title I, §160(a)(6), Oct. 5, 2018, 132 Stat. 3221.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(1)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' and struck out '', United States Code'' after ''title 5''.

Pub. L. 115–254, §1937(b)(3), struck out ''44919 or'' before ''44920''.

Subsec. (c). Pub. L. 115–254, §1991(d)(1)(B), struck out ''but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act'' before period at end.

Subsec. (d)(1). Pub. L. 115–254, §1991(d)(1)(C)(i)(I), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 115–254, §1991(d)(1)(C)(i)(II), struck out ''no later than December 31, 2002'' after ''to screen all checked baggage''.

Subsec. (d)(2). Pub. L. 115–254, §1991(d)(1)(C)(ii), (iii), redesignated par. (4) as (2) and struck out former par. (2) which related to determination by the Under Secretary of Transportation for Security that the Transportation Security Administration would not be able to deploy required explosives detection systems at certain airports by Dec. 31, 2002.

Subsec. (d)(2)(A). Pub. L. 115–254, §1991(d)(1)(C)(iv)(I), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary (Transportation Security Administration)''.

Subsec. (d)(2)(B). Pub. L. 115–254, §1991(d)(1)(C)(iv)(II), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary''.

Subsec. (d)(2)(D). Pub. L. 115–254, §1991(d)(1)(C)(iv)(III), in introductory provisions, substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary'' and, in cl. (i), substituted ''Administrator'' for ''Assistant Secretary''.

Subsec. (d)(3), (4). Pub. L. 115–254, §1991(d)(1)(C)(ii), (iii), struck out par. (3) and redesignated par. (4) as (2). Prior to amendment, text of par. (3) read as follows: ''Until the Transportation Security Administration has met the requirements of paragraph (1), the Under Secretary shall submit a classified report every 30 days after the date of enactment of this Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the progress made toward meeting such requirements at each airport.''

Subsec. (e). Pub. L. 115–254, §1991(d)(1)(D)(i), in introductory provisions, struck out ''but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act'' after ''practicable'' and substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (e)(4). Pub. L. 115–254, §1991(d)(1)(D)(ii), substituted ''Administrator'' for ''Under Secretary''.

Subsec. (f). Pub. L. 115–254, §1991(d)(1)(E), struck out ''after the date of enactment of the Aviation and Transportation Security Act'' before period at end.

Subsec. (g)(1). Pub. L. 115–254, §1991(d)(1)(F)(i), substituted ''The'' for ''Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the''.

Subsec. (g)(2). Pub. L. 115–254, §1991(d)(1)(F)(ii), substituted ''baggage.'' for ''baggage as follows:

''(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

''(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.''

Subsec. (g)(3). Pub. L. 115–254, §1991(d)(1)(F)(iii), amended par. (3) generally. Prior to amendment, par. (3) related to the issuance by the Secretary of Homeland Security of an interim final rule and a final rule implementing subsec. (g).

Subsec. (g)(4), (5). Pub. L. 115–254, §1991(d)(1)(F)(iv), (v), redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text of par. (4) read as follows: ''Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.''

Subsec. (h)(1). Pub. L. 115–254, §1991(d)(1)(G)(i), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (h)(2). Pub. L. 115–254, §1991(d)(1)(G)(ii), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' in first sentence, and ''Administrator'' for ''Under Secretary'' in two places in second sentence.

Subsec. (i). Pub. L. 115–254, §1991(d)(1)(H)(i), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' in introductory provisions.

Subsec. (i)(2). Pub. L. 115–254, §1991(d)(1)(H)(ii), substituted ''Administrator'' for ''Under Secretary''.

Subsec. (j)(1). Pub. L. 115–254, §1991(d)(1)(I)(i), substituted ''The'' for ''Before January 1, 2008, the'' in introductory provisions.

Subsec. (j)(1)(A). Pub. L. 115–254, §1991(d)(1)(I)(ii), substituted ''August 3, 2007'' for ''the date of enactment of this subsection''.

Subsec. (k)(1). Pub. L. 115–254, §1991(d)(1)(J)(i), substituted ''The'' for ''Not later than one year after the date of enactment of this subsection, the'' in introductory provisions.

Subsec. (k)(2). Pub. L. 115–254, §1991(d)(1)(J)(ii), substituted ''The'' for ''Not later than 6 months after the date of enactment of this subsection, the''.

Subsec. (k)(3). Pub. L. 115–254, §1991(d)(1)(J)(iii), substituted ''The'' for ''Not later than 180 days after the date of enactment of this subsection, the'' in introductory provisions.

Subsec. (*l*)(2). Pub. L. 115–254, §1991(d)(1)(K)(i)(I), substituted ''The Administrator of the Transportation Security Administration'' for ''Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)'' in introductory provisions.

Subsec. (*l*)(2)(B). Pub. L. 115–254, §1991(d)(1)(K)(i)(II), substituted ''Administrator'' for ''Assistant Secretary''.

Subsec. (*l*)(3)(A). Pub. L. 115–254, §1991(d)(1)(K)(ii)(I), substituted ''Administrator of the Transportation Security Administration may extend'' for ''Assistant Secretary may extend'' and ''Administrator determines'' for ''Assistant Secretary determines'' in introductory provisions.

Subsec. (*l*)(3)(B). Pub. L. 115–254, §1991(d)(1)(K)(ii)(II), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary''.

Subsec. (*l*)(4)(A). Pub. L. 115–254, §1991(d)(1)(K)(iii)(I), struck out ''60 days after the deadline specified in paragraph (2), and not later than'' after ''Not later than'' and substituted ''Administrator of the Transportation Security Administration issues'' for ''Assistant Secretary issues'' and ''Administrator shall'' for ''Assistant Secretary shall''.

Subsec. (*l*)(4)(B)(i), (iii)(II). Pub. L. 115–254, §1991(d)(1)(K)(iii)(II), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary''.

2016—Subsec. (d)(4)(C), (D). Pub. L. 114–125 added subpar. (C) and redesignated former subpar. (C) as (D).

2012—Subsec. (d). Pub. L. 112–218, §2(b), which directed substitution of ''explosives'' for ''explosive'' wherever appearing in this section, was executed in subsec. (d) by making such substitution wherever appearing in text as well as by substituting ''Explosives'' for ''Explosive'' in heading, to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 112–218, §2(a), added par. (4).

Subsec. (e). Pub. L. 112–218, §2(b), substituted ''explosives'' for ''explosive'' in introductory provisions and in par. (3).

Subsec. (*l*). Pub. L. 112–95 added subsec. (*l*).

2007—Subsecs. (g) to (i). Pub. L. 110–53, §1602(a), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

Subsec. (j). Pub. L. 110–53, §1609, added subsec. (j).

Subsec. (k). Pub. L. 110–53, §1617, added subsec. (k).

2002—Subsec. (d)(2), (3). Pub. L. 107–296 added pars. (2) and (3).

2001—Subsec. (a). Pub. L. 107–71, §110(b)(2), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: ''The Administrator of the Federal Aviation Administration shall prescribe regulations requiring screening of all passengers and property that will be carried in a cabin of an aircraft in air transportation or intrastate air transportation. The screening must take place before boarding and be carried out by a weapon-detecting facility or procedure used or operated by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier.''

Subsec. (b). Pub. L. 107–71, §110(b)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: ''Notwithstanding subsection (a) of this section, the Administrator may amend a regulation prescribed under subsection (a) to require screening only to ensure security against criminal violence and aircraft piracy in air transportation and intrastate air transportation.''

Subsec. (c). Pub. L. 107–71, §110(b)(2), added subsec. (c). Former subsec. (c) redesignated (h).

Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions and par. (2).

Subsecs. (d) to (g). Pub. L. 107–71, §110(b)(2), added subsecs. (d) to (g).

Subsec. (h). Pub. L. 107–71, §110(b)(1), redesignated subsec. (c) as (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

SAVINGS PROVISION

Pub. L. 107–71, title I, §141, Nov. 19, 2001, 115 Stat. 643, provided that:

''(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act [see Tables for classification], those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

''(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

''(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

''(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration], any other authorized official, a court of competent jurisdiction, or operation of law.

''(c) PROCEEDINGS.—

''(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect [Nov. 19, 2001], insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

''(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such pro-

ceeding could have been discontinued or modified if this Act had not been enacted.

''(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

''(d) SUITS.—

''(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act [Nov. 19, 2001], except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

''(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

''(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

''(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

''(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

''(g) ACT DEFINED.—In this section, the term 'Act' includes the amendments made by this Act.''

TRANSITION PROVISIONS

Pub. L. 107–71, title I, §101(g), Nov. 19, 2001, 115 Stat. 603, provided that:

''(1) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall assume civil aviation security functions and responsibilities under chapter 449 of title 49, United States Code, as amended by this Act, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

''(2) ASSUMPTION OF CONTRACTS.—As of the date specified in paragraph (1), the Under Secretary may assume the rights and responsibilities of an air carrier or foreign air carrier contract for provision of passenger screening services at airports in the United States described in section 44903(c), subject to payment of adequate compensation to parties to the contract, if any.

''(3) ASSIGNMENT OF CONTRACTS.—

''(A) IN GENERAL.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 of title 49, United States Code, may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out the function, before the Under Secretary assumes responsibility for the function.

''(B) SCHEDULE.—The Under Secretary may enter into an agreement under subparagraph (A) as soon as possible, but not later than 90 days after the date of enactment of this Act [Nov. 19, 2001]. The Under Secretary may enter into such an agreement for one 180-day period and may extend such agreement for one 90-day period if the Under Secretary determines it necessary.

''(4) TRANSFER OF OWNERSHIP.—In recognition of the assumption of the financial costs of security screening of passengers and property at airports, and as soon as practical after the date of enactment of this Act [Nov. 19, 2001], air carriers may enter into agreements with the Under Secretary to transfer the ownership, at no cost to the United States Government, of any personal property, equipment, supplies, or other material associated with such screening, regardless of the source of funds used to acquire the property, that the Secretary determines to be useful for the performance of security screening of passengers and property at airports.

''(5) PERFORMANCE OF UNDER SECRETARY'S FUNCTIONS DURING INTERIM PERIOD.—Until the Under Secretary takes office, the functions of the Under Secretary that relate to aviation security may be carried out by the Secretary or the Secretary's designee.''

TSA REACHING ACROSS NATIONALITIES, SOCIETIES, AND LANGUAGES TO ADVANCE TRAVELER EDUCATION

Pub. L. 117–263, div. G, title LXXI, §7131, Dec. 23, 2022, 136 Stat. 3644, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Administrator of the Transportation Security Administration (TSA) shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports.

''(b) CONTENTS.—The plan required under subsection (a) shall include the following:

''(1) An identification of the most common languages other than English that are the primary languages of individuals that travel through or work in each major airport.

''(2) A plan to improve—

''(A) TSA materials to communicate information in languages identified pursuant to paragraph (1); and

''(B) the communication of TSA material to individuals with vision or hearing impairments or other possible barriers to understanding such material.

''(c) CONSIDERATIONS.—In developing the plan required under subsection (a), the Administrator of the TSA, acting through the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA, shall take into consideration data regarding the following:

''(1) International enplanements.

''(2) Local populations surrounding major airports.

''(3) Languages spoken by members of Indian Tribes within each service area population in which a major airport is located.

''(d) IMPLEMENTATION.—Not later than 180 days after the submission of the plan required under subsection (a), the Administrator of the TSA, in consultation with the owner or operator of each major airport, shall implement such plan.

''(e) GAO REVIEW.—Not later than one year after the implementation pursuant to subsection (d) of the plan required under subsection (a), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of such implementation.

''(f) DEFINITIONS.—In this section:

''(1) AIRPORT.—The term 'airport' has the meaning given such term in section 40102 of title 49, United States Code.

''(2) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act [Dec. 23, 2022] pursuant to section 104 of that Act (25 U.S.C. 5131).

''(3) MAJOR AIRPORTS.—The term 'major airports' means Category X and Category I airports.

''(4) NON-TRAVELING INDIVIDUAL.—The term 'non-traveling individual' has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations.

''(5) TSA MATERIAL.—The term 'TSA material' means signs, videos, audio messages, websites, press releases, social media postings, and other communications published and disseminated by the Administrator of the TSA in Category X and Category I airports for use by both traveling and non-traveling individuals.''

ONE-STOP PILOT PROGRAM

Pub. L. 117–263, div. G, title LXXI, § 7132, Dec. 23, 2022, 136 Stat. 3645, provided that:

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate.

''(3) TSA.—The term 'TSA' means the Transportation Security Administration of the Department of Homeland Security.

''(b) IMPLEMENTATION.—Notwithstanding [section] 44901(a) of title 49, United States Code, the Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection and the Secretary of State, may implement a pilot program at not more than six foreign last point of departure airports to permit passengers and their accessible property arriving on direct flights or flight segments originating at such participating foreign airports to continue on additional flights or flight segments originating in the United States without additional security re-screening if—

''(1) the initial screening was conducted in accordance with an aviation security screening agreement described in subsection (e);

''(2) passengers arriving from participating foreign airports are unable to access their checked baggage until the arrival at their final destination; and

''(3) upon arrival in the United States, passengers arriving from participating foreign airports do not come into contact with other arriving international passengers, those passengers' property, or other persons who have not been screened or subjected to other appropriate security controls required for entry into the airport's sterile area.

''(c) REQUIREMENTS FOR PILOT PROGRAM.—In carrying out this section, the Administrator shall ensure that there is no reduction in the level of security or specific TSA aviation security standards or requirements for screening passengers and their property prior to boarding an international flight bound for the United States, including specific aviation security standards and requirements regarding the following:

''(1) High risk passengers and their property.

''(2) Weapons, explosives, and incendiaries.

''(3) Screening passengers and property transferring at a foreign last point of departure airport from another airport and bound for the United States, and addressing any commingling of such passengers and property with passengers and property screened under the pilot program described in subsection (b).

''(4) Insider risk at foreign last point of departure airports.

''(d) RE-SCREENING OF CHECKED BAGGAGE.—Subject to subsection (f), the Administrator may determine whether checked baggage arriving from participating foreign airports referenced in subsection (b) that screen using an explosives detection system must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

''(e) AVIATION SECURITY SCREENING AGREEMENT.—

''(1) IN GENERAL.—An aviation security screening agreement described in this subsection is a treaty, executive agreement, or non-binding instrument entered into with a foreign country that delineates and implements security standards and protocols utilized at a foreign last point of departure airport that are determined by the Administrator—

''(A) to be comparable to those of the United States; and

''(B) sufficiently effective to enable passengers and their accessible property to deplane into sterile areas of airports in the United States without the need for re-screening.

''(2) NON-DELEGATION.—The authority to approve an aviation security screening agreement may not be delegated below the level of the Secretary of State, the Secretary of Homeland Security, or the Administrator.

''(f) RE-SCREENING REQUIREMENT.—

''(1) IN GENERAL.—If the Administrator determines that a foreign country participating in the aviation security screening agreement has not maintained and implemented security standards and protocols comparable to those of the United States at foreign last point of departure airports at which a pilot program has been established in accordance with this section, the Administrator shall ensure that passengers and their property arriving from such airports are re-screened in the United States, including by using explosives detection systems in accordance with section 44901(d)(1) of title 49, United States Code, and implementing regulations and directives, before such passengers and their property are permitted into sterile areas of airports in the United States.

''(2) CONSULTATION.—If the Administrator has reasonable grounds to believe the other party to an aviation security screening agreement has not complied with such agreement, the Administrator shall request immediate consultation with such party.

''(3) SUSPENSION OR TERMINATION OF AGREEMENT.—If a satisfactory resolution between TSA and a foreign country is not reached within 45 days after a consultation request under paragraph (2) or in the case of the foreign country's continued or egregious failure to maintain the security standards and protocols described in paragraph (1), the President, or with the concurrence of the Secretary of State, the Secretary of Homeland Security or the Administrator, as appropriate, shall suspend or terminate the aviation security screening agreement with such country, as determined appropriate by the President, the Secretary of Homeland Security, or the Administrator. The Administrator shall notify the appropriate congressional committees of such consultation and suspension or termination, as the case may be, not later than seven days after such consultation and suspension or termination.

''(g) BRIEFINGS TO CONGRESS.—Not later than 45 days before an aviation security screening agreement described in subsection (e) enters into force, the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

''(1) An aviation security threat assessment for the country in which such foreign last point of departure airport is located.

''(2) Information regarding any corresponding mitigation efforts to address any security issues identified in such threat assessment, including any plans for joint covert testing.

''(3) Information on potential security vulnerabilities associated with commencing a pilot program at such foreign last point of departure airport pursuant to subsection (b) and mitigation plans to address such potential security vulnerabilities.

''(4) An assessment of the impacts such pilot program will have on aviation security.

''(5) An assessment of the screening performed at such foreign last point of departure airport, including the feasibility of TSA personnel monitoring screening, security protocols, and standards.

''(6) Information regarding identifying the entity or entities responsible for screening passengers and property at such foreign last point of departure airport.

''(7) The name of the entity or local authority and any contractor or subcontractor.

''(8) Information regarding the screening requirements relating to such aviation security screening agreement.

''(9) Details regarding information sharing mechanisms between the TSA and such foreign last point of departure airport, screening authority, or entity responsible for screening provided for under such aviation security screening agreement.

''(10) A copy of the aviation security screening agreement, which shall identify the foreign last point of departure airport or airports at which a pilot program under this section is to be established.

''(h) CERTIFICATIONS RELATING TO THE PILOT PROGRAM FOR ONE-STOP SECURITY.—For each aviation security screening agreement described in subsection (e), the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

''(1)(A) A certification that such agreement satisfies all of the requirements specified in subsection (c); or

''(B) in the event that one or more of such requirements are not so satisfied, a description of the unsatisfied requirement and information on what actions the Administrator will take to ensure that such remaining requirements are satisfied before such agreement enters into force.

''(2) A certification that TSA and U.S. Customs and Border Protection have ensured that any necessary physical modifications or appropriate mitigations exist in the domestic one-stop security pilot program airport prior to receiving international passengers from a last point of departure airport under the aviation security screening agreement.

''(3) A certification that a foreign last point of departure airport covered by an aviation security screening agreement has an operation to screen all checked bags as required by law, regulation, or international agreement, including the full utilization of explosives detection systems to the extent applicable.

''(4) A certification that the Administrator consulted with stakeholders, including air carriers, aviation nonprofit labor organizations, airport operators, relevant interagency partners, and other stakeholders that the Administrator determines appropriate.

''(i) REPORT TO CONGRESS.—Not later than five years after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Homeland Security, in coordination with the Administrator, shall submit to the appropriate congressional committees a report regarding the implementation of the pilot program authorized under this section, including information relating to the following:

''(1) The impact of such program on homeland security and international aviation security, including any benefits and challenges of such program.

''(2) The impact of such program on passengers, airports, and air carriers, including any benefits and challenges of such program.

''(3) The impact and feasibility of continuing such program or expanding it into a more permanent program, including any benefits and challenges of such continuation or expansion.

''(j) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of U.S. Customs and Border Protection to inspect persons and baggage arriving in the United States in accordance with applicable law.

''(k) SUNSET.—The pilot program authorized under this section shall terminate on the date that is six years after the date of the enactment of this Act.''

PLAN TO REDUCE THE SPREAD OF CORONAVIRUS AT PASSENGER SCREENING CHECKPOINTS

Pub. L. 117–81, div. F, title LXIV, §6415, Dec. 27, 2021, 135 Stat. 2413, provided that:

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID–19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

''(b) CONTENTS.—The plan required under subsection (a) shall include the following:

''(1) An identification of best practices developed and screening technologies deployed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

''(2) Specific operational changes to aviation security screening operations informed by the identification of best practices and screening technologies under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

''(c) CONSIDERATIONS.—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

''(1) Aviation security screening procedures and practices in place at security screening locations, including procedures and practices implemented in response to the coronavirus.

''(2) Volume and average wait times at each such security screening location.

''(3) Public health measures already in place at each such security screening location.

''(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

''(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID–19 national emergency beyond the end of such emergency.

''(d) CONSULTATION.—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code.

''(e) SUBMISSION.—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(f) ISSUANCE AND IMPLEMENTATION.—The Administrator shall not be required to issue or implement, as

the case may be, the plan required under subsection (a) upon the termination of the COVID–19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

''(g) GAO REVIEW.—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review, if appropriate, of such plan and any efforts to implement such plan.

''(h) DEFINITIONS.—In this section:

''(1) The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(2) The term 'coronavirus' has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123) [134 Stat. 155].

''(3) The term 'COVID–19 national emergency' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

''(4) The term 'public and private stakeholders' has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

''(5) The term 'TSA' means the Transportation Security Administration.''

SCREENING OUTSIDE PRIMARY PASSENGER TERMINAL SCREENING AREA PILOT PROGRAM

Pub. L. 116–6, div. A, title II, § 225, Feb. 15, 2019, 133 Stat. 25, as amended by Pub. L. 116–260, div. F, title II, § 223, Dec. 27, 2020, 134 Stat. 1459; Pub. L. 117–328, div. F, title II, § 222, Dec. 29, 2022, 136 Stat. 4737, provided that:

''(a) Subject to the provisions of this section, the Administrator of the Transportation Security Administration (hereafter in this section referred to as 'the Administrator') may conduct a pilot program to provide screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or would be eligible to be provided under the Transportation Security Administration's annually appropriated passenger screening program as a primary passenger terminal screening area.

''(b) Any request for screening services under subsection (a) shall be initiated only at the request of a public or private entity regulated by the Transportation Security Administration; shall be made in writing to the Administrator; and may only be submitted to the Transportation Security Administration after consultation with the relevant local airport authority.

''(c) The Administrator may provide the requested screening services under subsection (a) if the Administrator provides a certification to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that implementation of subsection (a) does not reduce the security or efficiency of screening services already provided in primary passenger terminals at any impacted airports.

''(d) No screening services may be provided under subsection (a) unless the requesting entity agrees in writing to the scope of the screening services to be provided, and agrees to compensate the Transportation Security Administration for all reasonable personnel and non-personnel costs, including overtime, of providing the screening services.

''(e) The authority available under this section is effective for fiscal years 2019 through 2025 and may be utilized at not more than eight locations for transportation security purposes.

''(f) Notwithstanding any other provision of law, an airport authority, air carrier, or other requesting entity shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

''(1) an airport authority's or other entity's decision to request that the Transportation Security Administration provide passenger screening services outside of a primary passenger terminal screening area; or

''(2) any act of negligence, gross negligence, or intentional wrongdoing by employees of the Transportation Security Administration providing passenger and property security screening services at a pilot program screening location.

''(g) Notwithstanding any other provision of law, any compensation received by the Transportation Security Administration under subsection (d) shall be credited to the account used to finance the provision of reimbursable security screening services under subsection (a).

''(h) The Administrator shall submit to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate—

''(1) an implementation plan for the pilot programs under subsection (a), including the application process, that is due by 90 days after the date of enactment of this Act [Feb. 15, 2019];

''(2) an evaluation plan for the pilot programs; and

''(3) annual performance reports, by not later than 60 days after the end of each fiscal year in which the pilot programs are in operation, including—

''(A) the amount of reimbursement received by the Transportation Security Administration from each entity in the pilot program for the preceding fiscal year, delineated by personnel and non-personnel costs;

''(B) an analysis of the results of the pilot programs corresponding to the evaluation plan required under paragraph (2);

''(C) any Transportation Security Administration staffing changes created at the primary passenger screening checkpoints and baggage screening as a result of the pilot program; and

''(D) any other unintended consequences created by the pilot program.

''(i) Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of the Transportation Security Administration.

''(j) For the purposes of this section, the term 'airport' means a commercial service airport as defined by section 47107(7) of title 49[,] United States Code.

''(k) For the purposes of this section, the term 'screening services' means the screening of passengers, flight crews, and their carry-on baggage and personal articles, and may include checked baggage screening if that type of screening is performed at an offsite location that is not part of a passenger terminal of a commercial airport.

''(*l*) For the purpose of this section, the term 'primary passenger terminal screening area' means the security checkpoints relied upon by airports as the principal points of entry to a sterile area of an airport.''

RECIPROCAL RECOGNITION OF SECURITY STANDARDS

Pub. L. 115–254, div. K, title I, § 1914, Oct. 5, 2018, 132 Stat. 3555, provided that:

''(a) IN GENERAL.—The Administrator [of the Transportation Security Administration], in coordination with appropriate international aviation security authorities, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

''(b) REQUIREMENT.—The validation process shall ensure that the certification by each participating inter-

national security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA [Transportation Security Administration], the Department of Homeland Security, and the National Institute of Standards and Technology.''

REAL-TIME SECURITY CHECKPOINT WAIT TIMES

Pub. L. 115–254, div. K, title I, §1922, Oct. 5, 2018, 132 Stat. 3561, provided that:

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall make available to the public information on wait times at each airport security checkpoint at which security screening operations are conducted or overseen by the TSA [Transportation Security Administration].

''(b) REQUIREMENTS.—The information described in subsection (a) shall be provided in real time via technology and published—

''(1) online; and

''(2) in physical locations at applicable airport terminals.

''(c) CONSIDERATIONS.—The Administrator shall only make the information described in subsection (a) available to the public if it can do so in a manner that does not increase public area security risks.

''(d) DEFINITION OF WAIT TIME.—In this section, the term 'wait time' means the period beginning when a passenger enters a queue for a screening checkpoint and ending when that passenger exits the checkpoint.''

SCREENING TECHNOLOGY REVIEW AND PERFORMANCE OBJECTIVES

Pub. L. 115–254, div. K, title I, §1924, Oct. 5, 2018, 132 Stat. 3562, provided that:

''(a) REVIEW OF TECHNOLOGY ACQUISITIONS PROCESS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with relevant officials of the Department [of Homeland Security], shall conduct a review of existing advanced transportation security screening technology testing and evaluation, acquisitions, and procurement practices within TSA [Transportation Security Administration].

''(2) CONTENTS.—Such review shall include—

''(A) identifying process delays and obstructions within the Department and the Administration regarding how such technology is identified, tested and evaluated, acquired, and deployed;

''(B) assessing whether the TSA can better leverage existing resources or processes of the Department for the purposes of technology testing and evaluation;

''(C) assessing whether the TSA can further encourage innovation and competition among technology stakeholders, including through increased participation of and funding for small business concerns (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632));

''(D) identifying best practices of other Department components or United States Government entities; and

''(E) a plan to address any problems or challenges identified by such review.

''(b) BRIEFING.—The Administrator shall provide to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a briefing on the findings of the review required under this section and a plan to address any problems or challenges identified by such review.

''(c) ACQUISITIONS AND PROCUREMENT ENHANCEMENT.—Incorporating the results of the review in subsection (a), the Administrator shall—

''(1) engage in outreach, coordination, and collaboration with transportation stakeholders to identify and foster innovation of new advanced transportation security screening technologies;

''(2) streamline the overall technology development, testing, evaluation, acquisitions, procurement, and deployment processes of the Administration; and

''(3) ensure the effectiveness and efficiency of such processes.

''(d) ASSESSMENT.—The Secretary [of Homeland Security], in consultation with the Chief Privacy Officer of the Department, shall submit to the appropriate committees of Congress a compliance assessment of the TSA acquisition process relating to the health and safety risks associated with implementation of screening technologies.

''(e) PERFORMANCE OBJECTIVES.—The Administrator shall establish performance objectives for the testing and verification of security technology, including testing and verification conducted by appropriate third parties under section 1911 [49 U.S.C. 114 note], to ensure that progress is made, at a minimum, toward—

''(1) reducing time for each phase of testing while maintaining security (including testing for detection testing, operational testing, testing and verification framework, and field testing);

''(2) eliminating testing and verification delays; and

''(3) increasing accountability.

''(f) TRACKING.—

''(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish and continually track performance metrics for each type of security technology submitted for testing and verification, including testing and verification conducted by appropriate third parties under section 1911.

''(2) MEASURING PROGRESS TOWARD GOALS.—The Administrator shall use the metrics established and tracked under paragraph (1) to generate data on an ongoing basis and to measure progress toward the achievement of the performance objectives established under subsection (e).

''(3) REPORT REQUIRED.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (e), as measured by the performance metrics established and tracked under paragraph (1) of this subsection, have been met.

''(B) ELEMENTS.—The report required by subparagraph (A) shall include—

''(i) a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and

''(ii) a comparison of the progress achieved for testing and verification of security technology conducted by the TSA and the testing and verification of security technology conducted by third parties.

''(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

''(i) not include identifying information regarding an individual or entity or equipment; and

''(ii) protect proprietary information.

''(g) INFORMATION TECHNOLOGY SECURITY.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a plan to conduct recurring reviews of the operational, technical, and management security controls for Administration information technology systems at airports.''

COMPUTED TOMOGRAPHY PILOT PROGRAMS

Pub. L. 115–254, div. K, title I, §1925, Oct. 5, 2018, 132 Stat. 3563, provided that:

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall carry out a pilot program to test the use of

screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

''(b) FEASIBILITY STUDY.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator, in coordination with the Under Secretary for Science and Technology of the Department [of Homeland Security], shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a feasibility study regarding expanding the use of computed tomography technology for the screening of air cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation, interstate air transportation, or interstate air commerce.

''(2) CONSIDERATIONS.—In conducting the feasibility study under paragraph (1), the Administrator shall consider the following:

''(A) Opportunities to leverage computed tomography systems used for screening passengers and baggage.

''(B) Costs and benefits of using computed tomography technology for screening air cargo.

''(C) An analysis of emerging computed tomography systems that may have potential to enhance the screening of air cargo, including systems that may address aperture challenges associated with screening certain categories of air cargo.

''(D) An analysis of emerging screening technologies, in addition to computed tomography, that may be used to enhance the screening of air cargo.

''(c) PILOT PROGRAM.—Not later than 120 days after the date the feasibility study is submitted under subsection (b), the Administrator shall initiate a 2-year pilot program to achieve enhanced air cargo security screening outcomes through the use of new or emerging screening technologies, such as computed tomography technology, as identified through such study.

''(d) UPDATES.—Not later than 60 days after the date the pilot program under subsection (c) is initiated, and biannually thereafter for 2 years, the Administrator shall brief the appropriate committees of Congress on the progress of implementation of such pilot program.

''(e) DEFINITIONS.—In this section:

''(1) AIR CARRIER.—The term 'air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

''(2) AIR TRANSPORTATION.—The term 'air transportation' has the meaning given the term in section 40102 of title 49, United States Code.

''(3) FOREIGN AIR CARRIER.—The term 'foreign air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

''(4) INTERSTATE AIR COMMERCE.—The term 'interstate air commerce' has the meaning given the term in section 40102 of title 49, United States Code.

''(5) INTERSTATE AIR TRANSPORTATION.—The term 'interstate air transportation' has the meaning given the term in section 40102 of title 49, United States Code.''

SCREENING PERFORMANCE ASSESSMENTS

Pub. L. 115–254, div. K, title I, § 1947, Oct. 5, 2018, 132 Stat. 3587, provided that: ''Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator [of the Transportation Security Administration] shall quarterly make available to the airport director of an airport—

''(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

''(2) a briefing on the results of performance data reports, including—

''(A) a scorecard of objective metrics developed by the Office of Security Operations to measure screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

''(B) other performance data, including—

''(i) passenger throughput;

''(ii) wait times; and

''(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by the TSA [Transportation Security Administration].''

IMPROVEMENTS FOR SCREENING OF PASSENGERS WITH DISABILITIES

Pub. L. 115–254, div. K, title I, § 1950, Oct. 5, 2018, 132 Stat. 3589, provided that:

''(a) REVISED TRAINING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with nationally-recognized veterans and disability organizations, shall revise the training requirements for Transportation Security Officers related to the screening of passengers with disabilities, including passengers with disabilities who participate in the PreCheck program.

''(2) TRAINING SPECIFICATIONS.—In revising the training requirements under paragraph (1), the Administrator shall address the proper screening, and any particular sensitivities related to the screening, of a passenger with a disability—

''(A) traveling with a medical device, including an indwelling medical device;

''(B) traveling with a prosthetic;

''(C) traveling with a wheelchair, walker, scooter, or other mobility device;

''(D) traveling with a service animal; or

''(E) with sensitivities to touch, pressure, sound, or hypersensitivity to stimuli in the environment.

''(3) TRAINING FREQUENCY.—The Administrator shall implement the revised training under paragraph (1) during initial and recurrent training of all Transportation Security Officers.

''(b) BEST PRACTICES.—The individual at the TSA [Transportation Security Administration] responsible for civil rights, liberties, and traveler engagement shall—

''(1) record each complaint from a passenger with a disability regarding the screening practice of the TSA;

''(2) identify the most frequent concerns raised, or accommodations requested, in the complaints;

''(3) determine the best practices for addressing the concerns and requests identified in paragraph (2); and

''(4) recommend appropriate training based on such best practices.

''(c) SIGNAGE.—At each category X airport, the TSA shall place signage at each security checkpoint that—

''(1) specifies how to contact the appropriate TSA employee at the airport designated to address complaints of screening mistreatment based on disability; and

''(2) describes how to receive assistance from that individual or other qualified personnel at the security screening checkpoint.

''(d) REPORTS TO CONGRESS.—Not later than September 30 of the first full fiscal year after the date of enactment of this Act [Oct. 5, 2018], and each fiscal year thereafter, the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the checkpoint experiences of passengers with disabilities, including the following:

''(1) The number and most frequent types of disability-related complaints received.

''(2) The best practices recommended under subsection (b) to address the top areas of concern.

''(3) The estimated wait times for assist requests for passengers with disabilities, including disabled

passengers who participate in the PreCheck program.''

AIR CARGO ADVANCE SCREENING PROGRAM

Pub. L. 115–254, div. K, title I, §1951, Oct. 5, 2018, 132 Stat. 3590, provided that:

''(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection and the Administrator [of the Transportation Security Administration], consistent with the requirements of the Trade Act of 2002 (Public Law 107–210)[,] shall—

''(1) establish an air cargo advance screening program (referred to in this section as the 'ACAS Program') for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

''(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

''(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

''(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

''(5) identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

''(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall ensure that all cargo that has been identified as high-risk is inspected—

''(1) prior to the loading of such cargo onto aircraft at the last point of departure; or

''(2) at an earlier point in the supply chain, before departing for the United States.

''(c) CONSULTATION.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

''(1) the collection of advance information with respect to cargo on aircraft departing for the United States is applied; and

''(2) the inspection of high-risk cargo recognizes the significant differences among air cargo business models and modes of transportation.

''(d) ANALYSIS.—The Commissioner of U.S. Customs and Border Protection and the Administrator may analyze the information described in subsection (a) in the Department of Homeland Security's automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

''(e) NO DUPLICATION.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department [of Homeland Security] programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

''(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall—

''(1) consider the content and timeliness of the available data may vary among entities in the air cargo industry and among countries;

''(2) explore procedures to accommodate the variations described in paragraph (1) while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

''(3) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft departing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

''(4) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563 [5 U.S.C. 601 note] or any successor Executive order or regulation.

''(g) GUIDANCE.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

''(h) USE OF DATA.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.

''(i) FINAL RULE.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Commissioner of U.S. Customs and Border Protection, in coordination with the Administrator, shall issue a final regulation to implement the ACAS Program to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data.

''(j) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.''

RAISING INTERNATIONAL STANDARDS

Pub. L. 115–254, div. K, title I, §1955(c), Oct. 5, 2018, 132 Stat. 3596, provided that: ''Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall collaborate with other aviation authorities and the United States Ambassador or the Charge d'Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.''

INTERNATIONAL SECURITY STANDARDS

Pub. L. 115–254, div. K, title I, §1956, Oct. 5, 2018, 132 Stat. 3596, provided that:

''(a) GLOBAL AVIATION SECURITY REVIEW.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with the Commissioner of the U.S. Customs and Border Protection, the Director of the Office of International Engagement of the Department of Homeland Security, and the Secretary of State, shall conduct a global aviation security review to improve aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

''(2) BEST PRACTICES.—The global aviation security review shall establish best practices regarding the following:

''(A) Collaborating with foreign partners to improve global aviation security capabilities and standards.

''(B) Identifying foreign partners that—

''(i) have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security; and

''(ii) have not taken steps to implement such security protocols;[.]

''(C) Improving the development, outreach, and implementation process for security directives or emergency amendments issued to domestic and foreign air carriers.

''(D) Assessing the cybersecurity risk of security screening equipment.

''(b) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of the progress of the review under subsection (a) and any proposed international improvements to aviation security.

''(c) ICAO.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

''(d) BRIEFINGS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador with respect to subsection (c), shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsections (a) and (b).''

CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS

Pub. L. 115–254, div. K, title I, §1962, Oct. 5, 2018, 132 Stat. 3601, provided that:

''(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator [of the Transportation Security Administration] shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

''(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

''(1) research and evaluate—

''(A) the impact, if any, the amendment would have on security risks;

''(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

''(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

''(2) consult with appropriate aviation security stakeholders, including ASAC [Aviation Security Advisory Committee].

''(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

''(d) NOTIFICATION.—The Administrator shall—

''(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

''(2) notify the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] of the amendment not later than 3 days before publication under paragraph (1).''

CONSIDERATION OF PRIVACY AND CIVIL LIBERTIES

Pub. L. 115–141, div. F, title V, §521, Mar. 23, 2018, 132 Stat. 628, provided that: ''Hereafter, in developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.''

BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING

Pub. L. 114–293, Dec. 16, 2016, 130 Stat. 1503, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Bottles and Breastfeeding Equipment Screening Act'.

''SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

''Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2016], the Administrator of the Transportation Security Administration shall—

''(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration's guidelines known as the 3–1–1 Liquids Rule Exemption; and

''(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.''

AVIATION SECURITY

Pub. L. 114–190, title III, §§3001–3506, July 15, 2016, 130 Stat. 649–664, as amended by Pub. L. 115–254, div. K, title I, §§1937(b)(1), 1955(b), Oct. 5, 2018, 132 Stat. 3579, 3596, provided that:

''SEC. 3001. SHORT TITLE.

''This title [amending section 44946 of this title and sections 607, 609, and 1112 of Title 6, Domestic Security, and enacting this note] may be cited as the 'Aviation Security Act of 2016'.

''SEC. 3002. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) PRECHECK PROGRAM.—The term 'PreCheck Program' means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 114 note).

''(4) TSA.—The term 'TSA' means the Transportation Security Administration.

''[SUBTITLE A—TSA PRECHECK EXPANSION]

''[SECS. 3101, 3102. Repealed. Pub. L. 115–254, div. K, title I, § 1937(b)(1), Oct. 5, 2018, 132 Stat. 3579.]

''SUBTITLE B—SECURING AVIATION FROM FOREIGN ENTRY POINTS AND GUARDING AIRPORTS THROUGH ENHANCED SECURITY

''SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

''(b) CONTENTS.—The security risk assessment required under subsection (a) shall include consideration of the following:

''(1) The level of coordination and cooperation between the TSA and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

''(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

''(3) The number of known or suspected terrorists annually transiting through such airport.

''(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

''(5) The passenger security screening practices, capabilities, and capacity of such airport.

''(6) The security vetting undergone by aviation workers at such airport.

''(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

''SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.

''(a) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress and the Government Accountability Office a plan—

''(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

''(2) that includes an assessment of the ability of the TSA to enter into a mutual agreement with a foreign government entity that permits TSA representatives to conduct without prior notice inspections of foreign airports.

''(b) GAO REVIEW.—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the TSA to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

''SEC. 3203. WORKFORCE ASSESSMENT.

''Not later than 270 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies of the TSA or whose primary professional duties contribute to the TSA's global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

''[SEC. 3204. Repealed. Pub. L. 115–254, div. K, title I, § 1955(b), Oct. 5, 2018, 132 Stat. 3596.]

''SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.

''(a) IN GENERAL.—The Administrator may evaluate foreign countries' air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

''(b) APPROVAL AND RECOGNITION.—

''(1) IN GENERAL.—If the Administrator determines that a foreign country's air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country's air cargo security program.

''(2) EFFECT OF APPROVAL AND RECOGNITION.—If the Administrator approves and officially recognizes pursuant to paragraph (1) a foreign country's air cargo security program, an aircraft transporting cargo that is departing such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

''(c) REVOCATION AND SUSPENSION.—

''(1) IN GENERAL.—If the Administrator determines at any time that a foreign country's air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country's cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

''(2) NOTIFICATION.—If the Administrator revokes or suspends pursuant to paragraph (1) a foreign country's air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension.

''(d) APPLICATION.—This section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, a foreign air carrier, a cargo carrier, or a foreign cargo carrier.

''SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

''(a) IN GENERAL.—The Administrator shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

''(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from training and capacity development assistance pursuant to subsection (a), the Administrator may provide to the appropriate authorities of such foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

''(1) active shooter scenarios;

''(2) incident response;

''(3) use of canines;

''(4) mitigation of insider threats;

''(5) perimeter security;

''(6) operation and maintenance of security screening technology; and

''(7) recurrent related training and exercises.

''SUBTITLE C—CHECKPOINT OPTIMIZATION AND EFFICIENCY

''SEC. 3301. SENSE OF CONGRESS.

''It is the sense of Congress that airport checkpoint wait times should not take priority over the security of the aviation system of the United States.

''SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.

''(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall complete an assessment of the TSA's staffing allocation model to determine the necessary staffing positions at all airports in the United States at which the TSA operates passenger checkpoints.

''(b) APPROPRIATE STAFFING.—The staffing allocation model described in subsection (a) shall be based on necessary staffing levels to maintain minimal passenger wait times and maximum security effectiveness.

''(c) ADDITIONAL RESOURCES.—In assessing necessary staffing for minimal passenger wait times and maximum security effectiveness referred to in subsection (b), the Administrator shall include the use of canine explosives detection teams and technology to assist screeners conducting security checks.

''(d) TRANSPARENCY.—The Administrator shall share with aviation security stakeholders the staffing allocation model described in subsection (a), as appropriate.

''(e) EXCHANGE OF INFORMATION.—The Administrator shall require each Federal Security Director to engage on a regular basis with the appropriate aviation security stakeholders to exchange information regarding airport operations, including security operations.

''(f) GAO REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the staffing allocation model described in subsection (a) and report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of such review.

''SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RESOURCES.

''(a) IN GENERAL.—To the greatest extent practicable, the Administrator shall direct that Transportation Security Officers with appropriate certifications and training are assigned to passenger and baggage security screening functions and that other TSA personnel who may not have certification and training to screen passengers or baggage are utilized for tasks not directly related to security screening, including restocking bins and providing instructions and support to passengers in security lines.

''(b) ASSESSMENT AND REASSIGNMENT.—The Administrator shall conduct an assessment of headquarters personnel and reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis, as appropriate.

''SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.

''(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall take the following actions:

''(1) Utilize the TSA's Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck Program lanes to ensure that such lanes are operational for use and maximum efficiency.

''(2) Make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness.

''(3) Disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices.

''(4) Request the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United States Code) provide recommendations on best practices for checkpoint security operations optimization.

''(b) STAFFING ADVISORY COORDINATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall—

''(1) direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to provide recommendations to the Administrator on Transportation Security Officer staffing numbers, for each such airport; and

''(2) certify to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such staffing advisory working groups have been established.

''(c) REPORTING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall—

''(1) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding how the TSA's Passenger Screening Canine assets may be deployed and utilized for maximum efficiency to mitigate risk and optimize checkpoint operations; and

''(2) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the TSA's Credential Authentication Technology Assessment program and how deployment of such program might optimize checkpoint operations.

''SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.

''For purposes of this subtitle, the term 'aviation security stakeholders' shall mean, at a minimum, air carriers, airport operators, and labor organizations representing Transportation Security Officers or, where applicable, contract screeners.

''SEC. 3306. RULE OF CONSTRUCTION.

''Nothing in this subtitle may be construed as authorizing or directing the Administrator to prioritize reducing wait times over security effectiveness.

''SUBTITLE D—AVIATION SECURITY ENHANCEMENT AND OVERSIGHT

''SEC. 3401. DEFINITIONS.

''In this subtitle:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security of the House of Representatives;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Commerce, Science, and Transportation of the Senate.

''(2) ASAC.—The term 'ASAC' means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(4) SIDA.—The term 'SIDA' means the Secure Identification Display Area as such term is defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

''SEC. 3402. THREAT ASSESSMENT.

''(a) INSIDER THREATS.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as such term is defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

''(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

''(A) domestic intelligence;

''(B) international intelligence;

''(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their workers;

''(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their workers;

''(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their workers;

''(F) the recent security breaches at domestic and foreign airports; and

''(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees, including the ASAC.

''(b) REPORTS.—The Administrator shall submit to the appropriate congressional committees—

''(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

''(2) a report on the implementation status of any recommendations made by the ASAC; and

''(3) regular updates about the insider threat environment as new information becomes available or as needed.

''SEC. 3403. OVERSIGHT.

''(a) ENHANCED REQUIREMENTS.—

''(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

''(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

''(A) increased fines and advanced oversight for airport operators that report missing more than five percent of credentials for unescorted access to any SIDA of an airport;

''(B) best practices for Category X airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

''(C) additional audits and status checks for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

''(D) review and analysis of the prior five years of audits for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

''(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and

''(F) a method for termination by the employer of any airport worker who fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

''(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airports and aircraft operators of free, one-time, 24-hour temporary credentials for workers who have reported, in a timely manner, their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

''(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

''(1) notify the appropriate congressional committees each time an airport operator reports that more than three percent of credentials for unescorted access to any SIDA at a Category X airport are missing, or more than five percent of credentials to access any SIDA at any other airport are missing; and

''(2) submit to the appropriate congressional committees an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

''SEC. 3404. CREDENTIALS.

''(a) LAWFUL STATUS.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall issue to airport operators guidance regarding placement of an expiration date on each airport credential issued to a non-United States citizen that is not longer than the period of time during which such non-United States citizen is lawfully authorized to work in the United States.

''(b) REVIEW OF PROCEDURES.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

''(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

''(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

''(2) INCLUSIONS.—The guidance issued pursuant to paragraph (1) shall require a comprehensive review of background checks and employment authorization documents issued by United States Citizenship and Immigration Services during the course of a review of procedures under such paragraph.

''SEC. 3405. VETTING.

''(a) ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence under section 3502, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport.

''(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

''(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

''(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to any SIDA of an airport for an individual found to be otherwise ineligible for such credentials; and

''(B) consider, as appropriate and practicable—

''(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

''(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

''(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for such crime and released from incarceration within five years before the date of the individual's application.

''(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

''(A) a specific need exists for providing the individual with unescorted access authority; and

''(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

''(6) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

''(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the TSA.

''(b) RECURRENT VETTING.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible TSA-regulated populations of individuals with unescorted access to any SIDA of an airport.

''(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

''(A) any status notifications the TSA receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the TSA under section 44903 of title 49, United States Code, or other Federal law; and

''(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

''(3) REPORT TO CONGRESS.—Not later than 30 days after implementation of the Rap Back service described in paragraph (1), the Administrator shall submit to the appropriate congressional committees a report on the such implementation.

''(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of the enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism-related category codes to improve the effectiveness of the TSA's credential vetting program for individuals who are seeking or have unescorted access to any SIDA of an airport.

''(d) ACCESS TO E–VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E–Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to any SIDA of an airport.

''SEC. 3406. METRICS.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [July 15, 2016], the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

''(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

''(1) adherence to access point procedures;

''(2) proper use of credentials;

''(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;

''(4) differences in access point characteristics and requirements at airports; and

''(5) any additional factors the Administrator considers necessary to measure performance.

''SEC. 3407. INSPECTIONS AND ASSESSMENTS.

''(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

''(1) use intelligence, scientific algorithms, and risk-based factors;

''(2) ensure integrity, accountability, and control;

''(3) subject airport workers to random physical security inspections conducted by TSA representatives in accordance with this section;

''(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to SIDAs; and

''(5) include validation of identification materials, such as with biometrics.

''(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point to—

''(1) verify the credentials of such airport workers;

''(2) determine whether such airport workers possess prohibited items, except for those items that may be necessary for the performance of such airport workers' duties, as appropriate, in any SIDA of an airport; and

''(3) verify whether such airport workers are following appropriate procedures to access any SIDA of an airport.

''(c) SCREENING REVIEW.—

''(1) IN GENERAL.—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

''(A) comprehensive airport worker screening at access points to secure areas;

''(B) comprehensive perimeter screening, including vehicles;

''(C) enhanced fencing or perimeter sensors; and

''(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

''(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

''(A) identify best practices for additional access control and airport worker security at airports; and

''(B) disseminate to airport operators the best practices identified under subparagraph (A).

''(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at one or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

''SEC. 3408. COVERT TESTING.

''(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

''(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDAs of airports.

''(c) REPORTS TO CONGRESS.—

''(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate congressional committees a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

''(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate congressional committees a report on the effectiveness of airport

access controls to the SIDAs of airports based on red-team, covert testing under subsection (b).

''SEC. 3409. SECURITY DIRECTIVES.

''(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016] and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity to—

''(1) determine whether each such security directive continues to be relevant;

''(2) determine whether such security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and

''(3) update, consolidate, or revoke any security directive as necessary.

''(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate congressional committees notice of—

''(1) the extent to which each such security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and

''(2) when it is anticipated that each such security directive will expire.

''SEC. 3410. IMPLEMENTATION REPORT.

''Not later than one year after the date of the enactment of this Act [July 15, 2016], the Comptroller General of the United States shall—

''(1) assess the progress made by the TSA and the effect on aviation security of implementing the requirements under sections 3402 through 3409 of this subtitle; and

''(2) report to the appropriate congressional committees on the results of the assessment under paragraph (1), including any recommendations.

''SEC. 3411. MISCELLANEOUS AMENDMENTS.

''(a) ASAC TERMS OF OFFICE.—[Amended section 44946 of this title.]

''(b) FEEDBACK.—[Amended section 44946 of this title.]

''SUBTITLE E—CHECKPOINTS OF THE FUTURE

''SEC. 3501. CHECKPOINTS OF THE FUTURE.

''(a) IN GENERAL.—The Administrator, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee (established pursuant to section 44946 of such title) to develop recommendations for more efficient and effective passenger screening processes.

''(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

''(1) the configuration of a checkpoint;

''(2) technology innovation;

''(3) ways to address any vulnerabilities identified in audits of checkpoint operations;

''(4) ways to prevent security breaches at airports at which Federal security screening is provided;

''(5) best practices in aviation security;

''(6) recommendations from airports and aircraft operators, and any relevant advisory committees; and

''(7) 'curb to curb' processes and procedures.

''(c) REPORT.—Not later than one year after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the Aviation Security Advisory Committee review under this section, including any recommendations for improving passenger screening processes.

''SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY AND SECURITY AT CATEGORY X AIRPORTS.

''(a) IN GENERAL.—The Administrator shall establish a pilot program at at least three and not more than six airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly at airports that have large open areas at which screening is conducted.

''(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

''(1) select airports from among airports classified by the TSA as Category X airports and that are able to begin the reconfiguration and installation of security systems expeditiously; and

''(2) give priority to an airport that—

''(A) submits a proposal that seeks Federal funding for reconfiguration of such airport's security systems;

''(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

''(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

''SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND TESTING OF PROTOTYPES FOR AIRPORT SECURITY SYSTEMS.

''(a) IN GENERAL.—The Administrator shall establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations that are intended to expedite the movement of passengers by deploying a range of technologies, including passive and active systems, new types of security baggage and personal screening systems, and new systems to review and address passenger and baggage anomalies.

''(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

''(1) select airports from among airports classified by the TSA as Category X airports that are able to begin the reconfiguration and installation of security systems expeditiously;

''(2) consider detection capabilities; and

''(3) give priority to an airport that—

''(A) submits a proposal that seeks Federal funding to test prototypes for new airport security systems;

''(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

''(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

''SEC. 3504. REPORT REQUIRED.

''Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and a report on the pilot programs established under sections 3502 and 3503 of this subtitle.

''SEC. 3505. FUNDING.

''The Administrator shall carry out the pilot programs established under sections 3502 and 3503 of this subtitle using amounts—

''(1) appropriated to the TSA before the date of the enactment of this Act [July 15, 2016] and available for obligation as of such date of enactment; and

''(2) amounts obtained as reimbursements from airports under such pilot programs.

''SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY THE TRANSPORTATION SECURITY ADMINISTRATION.

''The Administrator, in carrying out the functions of the pilot programs established under sections 3502 and 3503 of this subtitle, may accept services, supplies,

equipment, personnel, or facilities, without reimbursement, from any other public or private entity.''

PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES

Pub. L. 110–53, title XVI, § 1610, Aug. 3, 2007, 121 Stat. 484, provided that:

''(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

''(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

''(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

''(A) to deploy technologies described in paragraph (1); and

''(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''

STANDARDS FOR INCREASING THE USE OF EXPLOSIVE DETECTION EQUIPMENT

Pub. L. 109–295, title V, § 518, Oct. 4, 2006, 120 Stat. 1380, provided that: ''The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 109–90, title V, § 524, Oct. 18, 2005, 119 Stat. 2086.

USE OF EXISTING EQUIPMENT TO SCREEN PASSENGER CARGO; REPORTS

Pub. L. 109–90, title V, § 525, Oct. 18, 2005, 119 Stat. 2086, as amended by Pub. L. 114–113, div. F, title V, § 510(c), Dec. 18, 2015, 129 Stat. 2514, provided that: ''The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That beginning with November 2005, TSA shall provide a monthly report to the Committees on Appropriations of the Senate and the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month.''

IN-LINE CHECKED BAGGAGE SCREENING

Pub. L. 108–458, title IV, § 4019(a), (b), Dec. 17, 2004, 118 Stat. 3721, provided that:

''(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

''(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act [Dec. 17, 2004], the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor placement will have on staffing needs and levels related to aviation security.''

CHECKED BAGGAGE SCREENING AREA MONITORING

Pub. L. 108–458, title IV, § 4020, Dec. 17, 2004, 118 Stat. 3722, provided that:

''(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''

PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS

Pub. L. 108–458, title IV, § 4051, Dec. 17, 2004, 118 Stat. 3728, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), beginning not later than 180 days after Dec. 17, 2004, to carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device, and directed the Assistant Secretary to provide incentives to air carriers to volunteer to participate in such program.

AIR CARGO SECURITY

Pub. L. 108–458, title IV, § 4052, Dec. 17, 2004, 118 Stat. 3728, provided that:

''(a) AIR CARGO SCREENING TECHNOLOGY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

''(b) IMPROVED AIR CARGO AND AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

''(1) $200,000,000 for fiscal year 2005;

''(2) $200,000,000 for fiscal year 2006; and

''(3) $200,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

''(c) RESEARCH, DEVELOPMENT, AND DEPLOYMENT.—To carry out subsection (a), there is authorized to be appropriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

''(1) $100,000,000 for fiscal year 2005;

''(2) $100,000,000 for fiscal year 2006; and

''(3) $100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

''(d) ADVANCED CARGO SECURITY GRANTS.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

''(2) ELIGIBILITY CRITERIA, ETC.—The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide

for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and rapidly as possible.''

IDENTIFICATION STANDARDS

Pub. L. 108–458, title VII, §7220, Dec. 17, 2004, 118 Stat. 3835, provided that:

''(a) PROPOSED STANDARDS.—

''(1) IN GENERAL.—The Secretary of Homeland Security—

''(A) shall propose minimum standards for identification documents required of domestic commercial airline passengers for boarding an aircraft; and

''(B) may, from time to time, propose minimum standards amending or replacing standards previously proposed and transmitted to Congress and approved under this section.

''(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act [Dec. 17, 2004], the Secretary shall submit the standards under paragraph (1)(A) to the Senate and the House of Representatives on the same day while each House is in session.

''(3) EFFECTIVE DATE.—Any proposed standards submitted to Congress under this subsection shall take effect when an approval resolution is passed by the House and the Senate under the procedures described in subsection (b) and becomes law.

''(b) CONGRESSIONAL APPROVAL PROCEDURES.—

''(1) RULEMAKING POWER.—This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of such approval resolutions; and it supersedes other rules only to the extent that they are inconsistent therewith; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''(2) APPROVAL RESOLUTION.—For the purpose of this subsection, the term 'approval resolution' means a joint resolution of Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the proposed standards issued under section 7220 of the 9/11 Commission Implementation Act of 2004, transmitted by the President to the Congress on _____', the blank space being filled in with the appropriate date.

''(3) INTRODUCTION.—Not later than the first day of session following the day on which proposed standards are transmitted to the House of Representatives and the Senate under subsection (a), an approval resolution—

''(A) shall be introduced (by request) in the House by the Majority Leader of the House of Representatives, for himself or herself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House; and

''(B) shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

''(4) PROHIBITIONS.—

''(A) AMENDMENTS.—No amendment to an approval resolution shall be in order in either the House of Representatives or the Senate.

''(B) MOTIONS TO SUSPEND.—No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

''(5) REFERRAL.—

''(A) IN GENERAL.—An approval resolution shall be referred to the committees of the House of Representatives and of the Senate with jurisdiction. Each committee shall make its recommendations to the House of Representatives or the Senate, as the case may be, within 45 days after its introduction. Except as provided in subparagraph (B), if a committee to which an approval resolution has been referred has not reported it at the close of the 45th day after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar.

''(B) FINAL PASSAGE.—A vote on final passage of the resolution shall be taken in each House on or before the close of the 15th day after the resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(C) COMPUTATION OF DAYS.—For purposes of this paragraph, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

''(6) COORDINATION WITH ACTION OF OTHER HOUSE.—If prior to the passage by one House of an approval resolution of that House, that House receives the same approval resolution from the other House, then the procedure in that House shall be the same as if no approval resolution has been received from the other House, but the vote on final passage shall be on the approval resolution of the other House.

''(7) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) DEBATE.—Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit an approval resolution or to move to reconsider the vote by which an approval resolution is agreed to or disagreed to.

''(C) MOTION TO POSTPONE.—Motions to postpone made in the House of Representatives with respect to the consideration of an approval resolution and motions to proceed to the consideration of other business shall be decided without debate.

''(D) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an approval resolution shall be decided without debate.

''(E) RULES OF THE HOUSE OF REPRESENTATIVES.—Except to the extent specifically provided in subparagraphs (A) through (D), consideration of an approval resolution shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

''(8) FLOOR CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) DEBATE ON RESOLUTION.—Debate in the Senate on an approval resolution, and appeals in connection therewith, shall be limited to not more

than 10 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

''(C) DEBATE ON MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an approval resolution shall be limited to not more than 1 hour, which shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or designee. Such leaders, or either of them, may, from time under their control on the passage of an approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) LIMIT ON DEBATE.—A motion in the Senate to further limit debate is not debatable. A motion to recommit an approval resolution is not in order.

''(c) DEFAULT STANDARDS.—

''(1) IN GENERAL.—If the standards proposed under subsection (a)(1)(A) are not approved pursuant to the procedures described in subsection (b), then not later than 1 year after rejection by a vote of either House of Congress, domestic commercial airline passengers seeking to board an aircraft shall present, for identification purposes—

''(A) a valid, unexpired passport;

''(B) domestically issued documents that the Secretary of Homeland Security designates as reliable for identification purposes;

''(C) any document issued by the Attorney General or the Secretary of Homeland Security under the authority of 1 of the immigration laws (as defined under section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))[]; or

''(D) a document issued by the country of nationality of any alien not required to possess a passport for admission to the United States that the Secretary designates as reliable for identifications purposes

''(2) EXCEPTION.—The documentary requirements described in paragraph (1)—

''(A) shall not apply to individuals below the age of 17, or such other age as determined by the Secretary of Homeland Security;

''(B) may be waived by the Secretary of Homeland Security in the case of an unforeseen medical emergency.

''(d) RECOMMENDATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Homeland Security shall recommend to Congress—

''(1) categories of Federal facilities that the Secretary determines to be at risk for terrorist attack and requiring minimum identification standards for access to such facilities; and

''(2) appropriate minimum identification standards to gain access to those facilities.''

DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS

Pub. L. 107–71, title I, §110(c), Nov. 19, 2001, 115 Stat. 616, provided that, not later than 1 year after Nov. 19, 2001, the Administrator of the Transportation Security Administration would deploy at all airports in the United States where screening is required under this section a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under this section and also not later than 1 year after Nov. 19, 2001, certify to Congress that this requirement was met.

REPORTS

Pub. L. 107–71, title I, §110(d), Nov. 19, 2001, 115 Stat. 616, provided that:

''(1) DEPLOYMENT.—Within 6 months after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the deployment of the systems required by section 44901(c) of title 49, United States Code. The Under Secretary shall include in the report—

''(A) an installation schedule;

''(B) the dates of installation of each system; and

''(C) the date on which each system installed is operational.

''(2) SCREENING OF SMALL AIRCRAFT.—Within 1 year after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.''

INSTALLATION OF ADVANCED SECURITY EQUIPMENT; AGREEMENTS

Pub. L. 104–264, title III, §305(b), Oct. 9, 1996, 110 Stat. 3252, provided that: ''The Administrator is authorized to use noncompetitive or cooperative agreements with air carriers and airport authorities that provide for the Administrator to purchase and assist in installing advanced security equipment for the use of such entities.''

PASSENGER PROFILING

Pub. L. 104–264, title III, §307, Oct. 9, 1996, 110 Stat. 3253, provided that: ''The Administrator of the Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.''

AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES

Pub. L. 104–264, title III, §308, Oct. 9, 1996, 110 Stat. 3253, which provided that funds from project grants made under subchapter I of chapter 471 of this title and passenger facility fees collected under section 40117 of this title could be used for the improvement of facilities and the purchase and deployment of equipment to enhance and ensure safe air travel, was repealed by Pub. L. 108–176, title I, §143, Dec. 12, 2003, 117 Stat. 2503.

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Pub. L. 101–45, title I, June 30, 1989, 103 Stat. 110, provided in part that: ''Not later than thirty days after the date of the enactment of this Act [June 30, 1989], the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act''.

RESEARCH AND DEVELOPMENT OF IMPROVED AIRPORT SECURITY SYSTEMS

Pub. L. 100–649, §2(d), Nov. 10, 1988, 102 Stat. 3817, required the Administrator of the Federal Aviation Ad-

ministration to conduct such research and development as necessary to improve airport security metal detectors and airport security x-ray systems in detecting firearms that were subject to the prohibitions of section 922(p) of Title 18, Crimes and Criminal Procedure.

DEFINITIONS OF TERMS IN TITLE IV OF PUB. L. 108–458

Pub. L. 108–458, title IV, §4081, Dec. 17, 2004, 118 Stat. 3731, provided that: ''In this title [enacting section 44925 of this title, amending sections 114, 44903, 44904, 44909, 44917, 44923, 46301 to 46303, and 48301 of this title and sections 70102 and 70103 of Title 46, Shipping, and enacting provisions set out as notes under this section, sections 114, 44703, 44913, 44917, 44923, 44925, and 44935 of this title, section 2751 of Title 22, Foreign Relations and Intercourse, and section 70101 of Title 46] (other than in sections 4001 and 4026 [amending sections 114 and 44904 of this title and enacting provisions set out as a note under section 2751 of Title 22]), the following definitions apply:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) AVIATION DEFINITIONS.—The terms 'air carrier', 'air transportation', 'aircraft', 'airport', 'cargo', 'foreign air carrier', and 'intrastate air transportation' have the meanings given such terms in section 40102 of title 49, United States Code.

''(3) SECURE AREA OF AN AIRPORT.—The term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).''

DEFINITIONS OF TERMS IN PUB. L. 107–71

For definitions of terms used in sections 101(g) and 110(c), (d), 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.

§ 44902. Refusal to transport passengers and property

(a) MANDATORY REFUSAL.—The Administrator of the Transportation Security Administration shall prescribe regulations requiring an air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

(1) a passenger who does not consent to a search under section 44901(a) of this title establishing whether the passenger is carrying unlawfully a dangerous weapon, explosive, or other destructive substance; or

(2) property of a passenger who does not consent to a search of the property establishing whether the property unlawfully contains a dangerous weapon, explosive, or other destructive substance.

(b) PERMISSIVE REFUSAL.—Subject to regulations of the Administrator of the Transportation Security Administration, an air carrier, intrastate air carrier, or foreign air carrier may refuse to transport a passenger or property the carrier decides is, or might be, inimical to safety.

(c) AGREEING TO CONSENT TO SEARCH.—An agreement to carry passengers or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier is deemed to include an agreement that the passenger or property will not be carried if consent to search the passenger or property for a purpose referred to in this section is not given.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(2), Oct. 5, 2018, 132 Stat. 3630.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44902(a)	49 App.:1511(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1111; added Sept. 5, 1961, Pub. L. 87–197, §4, 75 Stat. 467; restated Aug. 5, 1974, Pub. L. 93–366, §204, 88 Stat. 418.
44902(b)	49 App.:1511(a) (last sentence).	
44902(c)	49 App.:1511(b).	

In this section, the word ''passenger'' is substituted for ''person'' for consistency in the revised title.

In subsection (a)(1), the words ''of his person'' are omitted as surplus.

In subsection (a)(2), the words ''or inspection'' are omitted as surplus.

In subsection (b), the words ''reasonable'' and ''also'' are omitted as surplus. The word ''rules'' is omitted as being synonymous with ''regulations''. The words ''the carrier decides is'' are substituted for ''when, in the opinion of the carrier, such transportation would'' to eliminate unnecessary words. The words ''of flight'' are omitted as surplus.

In subsection (c), the words ''for compensation or hire'' are omitted because of the definitions of ''air transportation'' and ''intrastate air transportation'' in section 40102(a) of the revised title. The word ''inspect'' is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(2)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

Subsec. (b). Pub. L. 115–254, §1991(d)(2)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

2001—Subsec. (a). Pub. L. 107–71 substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration'' in introductory provisions.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

§ 44903. Air transportation security

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) LAW ENFORCEMENT PERSONNEL.—The term ''law enforcement personnel'' means individuals—

(A) authorized to carry and use firearms;

(B) vested with the degree of the police power of arrest the Administrator considers necessary to carry out this section; and

(C) identifiable by appropriate indicia of authority.

(b) PROTECTION AGAINST VIOLENCE AND PIRACY.—The Administrator shall prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. When prescribing

a regulation under this subsection, the Administrator shall—

(1) consult with the Secretary of Transportation, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities;

(2) consider whether a proposed regulation is consistent with—

(A) protecting passengers; and

(B) the public interest in promoting air transportation and intrastate air transportation;

(3) to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure—

(A) their safety; and

(B) courteous and efficient treatment by an air carrier, an agent or employee of an air carrier, and Government, State, and local law enforcement personnel carrying out this section; and

(4) consider the extent to which a proposed regulation will carry out this section.

(c) SECURITY PROGRAMS.—(1) The Administrator shall prescribe regulations under subsection (b) of this section that require each operator of an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at each of those airports that is adequate to ensure the safety of passengers. The regulations shall authorize the operator to use the services of qualified State, local, and private law enforcement personnel. When the Administrator decides, after being notified by an operator in the form the Administrator prescribes, that not enough qualified State, local, and private law enforcement personnel are available to carry out subsection (b), the Administrator may authorize the operator to use, on a reimbursable basis, personnel employed by the Administrator, or by another department, agency, or instrumentality of the Government with the consent of the head of the department, agency, or instrumentality, to supplement State, local, and private law enforcement personnel. When deciding whether additional personnel are needed, the Administrator shall consider the number of passengers boarded at the airport, the extent of anticipated risk of criminal violence or aircraft piracy at the airport or to the air carrier aircraft operations at the airport, and the availability of qualified State or local law enforcement personnel at the airport.

(2)(A) The Administrator may approve a security program of an airport operator, or an amendment in an existing program, that incorporates a security program of an airport tenant (except an air carrier separately complying with part 108 or 129 of title 14, Code of Federal Regulations) having access to a secured area of the airport, if the program or amendment incorporates—

(i) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, to carry out the security requirements imposed by the Administrator on the airport operator under the access control system requirements of section 107.14 of title 14, Code of Federal Regulations, or under other requirements of part 107 of title 14; and

(ii) the methods the airport operator will use to monitor and audit the tenant's compliance with the security requirements and provides that the tenant will be required to pay monetary penalties to the airport operator if the tenant fails to carry out a security requirement under a contractual provision or requirement imposed by the airport operator.

(B) If the Administrator approves a program or amendment described in subparagraph (A) of this paragraph, the airport operator may not be found to be in violation of a requirement of this subsection or subsection (b) of this section when the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for the violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.

(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation may require airports to maximize the use of technology and equipment that is designed to detect or neutralize potential chemical or biological weapons.

(3) PILOT PROGRAMS.—The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.

(d) AUTHORIZING INDIVIDUALS TO CARRY FIREARMS AND MAKE ARRESTS.—With the approval of the Attorney General and the Secretary of State, the Administrator may authorize an individual who carries out air transportation security duties—

(1) to carry firearms; and

(2) to make arrests without warrant for an offense against the United States committed in the presence of the individual or for a felony under the laws of the United States, if the individual reasonably believes the individual to be arrested has committed or is committing a felony.

(e) EXCLUSIVE RESPONSIBILITY OVER PASSENGER SAFETY.—The Administrator has the exclusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection.

(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator

may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of chapter 10 of title 5.

(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

(1) ENFORCEMENT.—

(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

(2) IMPROVEMENTS.—The Administrator shall—

(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses;

(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;

(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

(F) improve the execution of the Administrator's quality control program; and

(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.

(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

(1) IN GENERAL.—The Administrator, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Administrator shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation.

(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Homeland Security may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.

(4) AIRPORT PERIMETER SCREENING.—The Administrator—

(A) shall require screening or inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport in the United States described in section 44903(c);[1]

(B) shall prescribe specific requirements for such screening and inspection that will assure at least the same level of protection as will result from screening of passengers and their baggage;

(C) shall establish procedures to ensure the safety and integrity of—

(i) all persons providing services with respect to aircraft providing passenger air transportation or intrastate air transportation and facilities of such persons at an airport in the United States described in subsection (c);

(ii) all supplies, including catering and passenger amenities, placed aboard such aircraft, including the sealing of supplies to ensure easy visual detection of tampering; and

(iii) all persons providing such supplies and facilities of such persons;

(D) shall require vendors having direct access to the airfield and aircraft to develop security programs; and

(E) shall issue guidance for the use of biometric or other technology that positively

[1] So in original. Probably should be ''subsection (c)''.

verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Administrator in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

(C) procedures for implementing biometric identifier systems—

(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

(ii) to resolve failures to enroll, false matches, and false non-matches; and

(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(i) implement this paragraph by publication in the Federal Register; and

(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.

(B) PROGRAM REQUIREMENTS.—The program shall—

(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;

(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;

(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and

(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

(C) PROCEDURES.—In establishing the program, the Secretary of Homeland Security shall develop procedures—

(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;

(ii) to preserve the anonymity of the armed law enforcement officer;

(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;

(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;

(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;

(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and

(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.

(7) DEFINITIONS.—In this subsection, the following definitions apply:

(A) BIOMETRIC IDENTIFIER INFORMATION.—The term ''biometric identifier information'' means the distinct physical or behavioral characteristics of an individual that are used for unique identification, or verification of the identity, of an individual.

(B) BIOMETRIC IDENTIFIER.—The term ''biometric identifier'' means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

(C) FAILURE TO ENROLL.—The term ''failure to enroll'' means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

(D) FALSE MATCH.—The term ''false match'' means the incorrect matching of one individual's biometric identifier information to another individual's biometric identifier information by a biometric identifier system.

(E) FALSE NON-MATCH.—The term ''false non-match'' means the rejection of a valid identity by a biometric identifier system.

(F) SECURE AREA OF AN AIRPORT.—The term ''secure area of an airport'' means the sterile

area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(i) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

(1) IN GENERAL.—If the Administrator, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Administrator may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

(2) USAGE.—If the Administrator grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Administrator shall—

(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.

(3) REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.—If the Administrator receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Administrator shall respond to that request within 90 days.

(j) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

(1) IN GENERAL.—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

(2) SECURE FLIGHT PROGRAM.—

(A) IN GENERAL.—The Administrator shall ensure that the Secure Flight program, or any successor program—

(i) is used to evaluate all passengers before they board an aircraft; and

(ii) includes procedures to ensure that individuals selected by the program and their carry-on and checked baggage are adequately screened.

(B) MODIFICATIONS.—The Administrator may modify any requirement under the Secure Flight program for flights that originate and terminate within the same State, if the Administrator determines that—

(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

(C) ADVANCED AIRLINE PASSENGER PRESCREENING.—

(i) COMMENCEMENT OF TESTING.—The Administrator shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

(ii) ASSUMPTION OF FUNCTION.—The Administrator, or the designee of the Administrator, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

(iii) REQUIREMENTS.—In assuming performance of the function under clause (ii), the Administrator shall—

(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

(V) implement substantial security measures to protect the system from unauthorized access;

(VI) adopt policies establishing effective oversight of the use and operation of the system; and

(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

(iv) PASSENGER INFORMATION.—After the completion of the testing of the advanced passenger prescreening system, the Administrator, by order or interim final rule—

(I) shall require air carriers to supply to the Administrator the passenger information needed to begin implementing the advanced passenger prescreening system; and

(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Administrator, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term ''detainee'' means an individual in the custody or under the physical control of the United States as a result of armed conflict.

(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Administrator, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

(i) being certificated by the Federal Aviation Administration;

(ii) being granted unescorted access to the secure area of an airport; or

(iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

(i) IN GENERAL.—The Administrator Administrator[2] shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to or transport aboard such aircraft any persons identified on such watch list.

(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

(G) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Administrator shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Administrator will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Transportation Security Administration record shall contain information determined by the Administrator to authenticate the identity of such a passenger or individual.

(H) DEFINITION.—In this paragraph, the term ''secure area of an airport'' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(k) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual reasonably believed that such an act of criminal violence or piracy was occurring or was about to occur.

(*l*) AIR CHARTER PROGRAM.—

(1) IN GENERAL.—The Administrator shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation

[2] So in original.

of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

(C) ARMED FORCES DEFINED.—In this paragraph, the term ''armed forces'' has the meaning given that term by section 101(a)(4) of title 10.

(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Administrator, in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

(2) PROTOCOLS.—In developing the plan, the Administrator shall consider—

(A) leveraging existing security screening models used to reduce passenger wait times;

(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Administrator to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

(4) REPORT TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress a report on the implementation of the plan.

(n) PASSENGER EXIT POINTS FROM STERILE AREA.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the Transportation Security Administration is responsible for monitoring passenger exit points from the sterile area of airports at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

(2) STERILE AREA DEFINED.—In this section, the term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1205; Pub. L. 106–181, title VII, § 717, Apr. 5, 2000, 114 Stat. 163; Pub. L. 106–528, §§ 4, 6, Nov. 22, 2000, 114 Stat. 2520, 2521; Pub. L. 107–71, title I, §§ 101(f)(7)–(9), 106(a), (c), (d), 120, 126(b), 136, 144, Nov. 19, 2001, 115 Stat. 603, 608–610, 629, 632, 636, 644; Pub. L. 107–296, title XIV, §§ 1405, 1406, Nov. 25, 2002, 116 Stat. 2307; Pub. L. 108–176, title VI, § 606(a), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 108–458, title IV, §§ 4011(a), 4012(a)(1), Dec. 17, 2004, 118 Stat. 3712, 3714; Pub. L. 110–53, title XVI, § 1615(a), Aug. 3, 2007, 121 Stat. 486; Pub. L. 111–83, title V, § 553, Oct. 28, 2009, 123 Stat. 2179; Pub. L. 112–86, § 2(a), Jan. 3, 2012, 125 Stat. 1874; Pub. L. 113–67, div. A, title VI, § 603, Dec. 26, 2013, 127 Stat. 1188; Pub. L. 115–254, div. K, title I, § 1991(d)(3), Oct. 5, 2018, 132 Stat. 3630; Pub. L. 117–286, § 4(a)(316), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44903(a)	49 App.:1357(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(a), (b), (e)(2), (3), (f); added Aug. 5, 1974, Pub. L. 93–366, § 202, 88 Stat. 415, 417.
44903(b)	49 App.:1357(a).	
44903(c)(1) ..	49 App.:1357(b).	
44903(c)(2) ..	49 App.:1357(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(g); added Aug. 15, 1990, Pub. L. 101–370, § 2, 104 Stat. 451.
44903(d)	49 App.:1356b.	Aug. 8, 1985, Pub. L. 99–83, § 553(b), 99 Stat. 226.
44903(e)	49 App.:1357(e)(2), (3).	

In this section, the word ''passengers'' is substituted for ''persons'' for consistency in the revised title.

In subsection (a)(2), the words ''the degree of'' are substituted for ''such'' for clarity.

In subsection (b), before clause (1), the word ''rules'' is omitted as being synonymous with ''regulations''. The words ''such reasonable . . . requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary'' are omitted as surplus. The word ''air'' after ''intrastate'' is added for clarity and consistency. The words ''and amending'' are omitted as surplus. In clause (1), the words ''the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities'' are substituted for ''such other Federal, State, and local agencies'' for consistency in the revised title and with other titles of the United States Code. The words ''as he may deem appropriate'' are omitted as surplus. In clause (2)(A), the words ''in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy'' are omitted as surplus. In clause (3), before subclause (A), the words ''inspection'' and ''in air transportation and intrastate air transportation'' are omitted as surplus. In subclause (B), the words ''that they will receive'' and ''any air transportation security program established under'' are omitted as surplus. In clause (4), the words ''contribute to . . . the purposes of'' are omitted as surplus.

In subsection (c)(1), the words ''traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy'' and ''whose services are made available by their employers'' are omitted as surplus. The words ''department, agency, or instrumentality of the Government'' are substituted for ''Federal department or agency'' for consistency in the revised title and with other titles of the Code. The word ''When'' is substituted for ''In any case in which'' to eliminate unnecessary words. The words ''receipt of'', ''by order'', ''the services of'', ''directly'', and ''at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary'' are omitted as surplus. The words ''When deciding whether additional personnel are needed'' are substituted for ''In making the determination referred to in the preceding sentence'' for clarity.

In subsection (c)(2)(A), before clause (i), the words ''under this section'' are omitted as surplus. The words ''or an amendment in an existing program'' are sub-

stituted for ''and may approve an amendment to a security program of an airport operator approved by the Administrator under subsection (b)'' to eliminate unnecessary words. In clause (ii), the word ''monetary'' is substituted for ''financial'' for consistency.

In subsection (e), the words ''Notwithstanding any other provisions of law'', ''the commission of'', ''considered'', and ''the moment when'' before ''such door'' are omitted as surplus. The words ''to allow passengers to leave'' are substituted for ''disembarkation'', and the words ''the aircraft'' are added, for clarity. The words ''departments, agencies, and instrumentalities of the Government'' are substituted for ''Federal departments and agencies'' for consistency in the revised title and with other titles of the Code. The words ''as may be . . . the purposes of'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 607 of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (j)(2)(F), is section 607 of Pub. L. 108–176, which is set out as a note below.

AMENDMENTS

2022—Subsec. (f). Pub. L. 117–286 substituted ''chapter 10 of title 5.'' for ''the Federal Advisory Committee Act (5 U.S.C. App.).''

2018—Pub. L. 115–254, §1991(d)(3)(I), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(3)(A), substituted ''Definitions'' for ''Definition'' in heading and ''In this section:'' for ''In this section, 'law enforcement personnel' means individuals—'' in introductory provisions, added par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C) of par. (2), inserted before subpar. (A) ''(2) LAW ENFORCEMENT PERSONNEL.—The term 'law enforcement personnel' means individuals—'', and in subpar. (B) substituted ''Administrator'' for ''Under Secretary of Transportation for Security''.

Subsec. (d). Pub. L. 115–254, §1991(d)(3)(B), substituted ''Administrator'' for ''Secretary of Transportation'' in introductory provisions.

Subsec. (g)(2)(E), (F). Pub. L. 115–254, §1991(d)(3)(C), substituted ''Administrator's'' for ''Under Secretary's''.

Subsec. (h)(3). Pub. L. 115–254, §1991(d)(3)(D)(i), substituted ''Secretary of Homeland Security'' for ''Secretary''.

Subsec. (h)(4)(A). Pub. L. 115–254, §1991(d)(3)(D)(ii)(I), struck out '', as soon as practicable after the date of enactment of this subsection,'' after ''shall require''.

Subsec. (h)(4)(C)(i). Pub. L. 115–254, §1991(d)(3)(D)(ii)(II), substituted ''subsection (c)'' for ''section 44903(c)''.

Subsec. (h)(4)(E). Pub. L. 115–254, §1991(d)(3)(D)(ii)(III), struck out '', not later than March 31, 2005,'' after ''shall issue''.

Subsec. (h)(5). Pub. L. 115–254, §1991(d)(3)(D)(iii), substituted ''Administrator'' for ''Assistant Secretary of Homeland Security (Transportation Security Administration)'' in introductory provisions.

Subsec. (h)(6)(A). Pub. L. 115–254, §1991(d)(3)(D)(iv)(I), substituted ''The'' for ''Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the'' in introductory provisions.

Subsec. (h)(6)(A)(i). Pub. L. 115–254, §1991(d)(3)(D)(iv)(II), substituted ''paragraph'' for ''section''.

Subsec. (h)(6)(C). Pub. L. 115–254, §1991(d)(3)(D)(v), substituted ''Secretary of Homeland Security'' for ''Secretary'' in introductory provisions.

Subsec. (i)(3). Pub. L. 115–254, §1991(d)(3)(E), struck out '', after the date of enactment of this paragraph,'' after ''If''.

Subsec. (j)(1). Pub. L. 115–254, §1991(d)(3)(F)(i), amended par. (1) generally. Prior to amendment, par. (1) required the Under Secretary of Transportation for Security to recommend to airport operators, within 6 months after Nov. 19, 2001, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

Subsec. (j)(2). Pub. L. 115–254, §1991(d)(3)(F)(ii)(VII), substituted ''Administrator'' for ''Assistant Secretary'' wherever appearing.

Pub. L. 115–254, §1991(d)(3)(F)(ii)(I), substituted ''Secure flight program'' for ''Computer-assisted passenger prescreening system'' in heading.

Subsec. (j)(2)(A). Pub. L. 115–254, §1991(d)(3)(F)(ii)(II), substituted ''Administrator'' for ''Secretary of Transportation'', ''Secure Flight program'' for ''Computer-Assisted Passenger Prescreening System'', and, in two places, ''program'' for ''system''.

Subsec. (j)(2)(B). Pub. L. 115–254, §1991(d)(3)(F)(ii)(III), in introductory provisions, substituted ''Administrator'' for ''Secretary of Transportation'', ''Secure Flight program'' for ''Computer-Assisted Passenger Prescreening System'', and ''Administrator'' for ''Secretary''.

Subsec. (j)(2)(C)(i). Pub. L. 115–254, §1991(d)(3)(F)(ii)(IV)(aa), substituted ''The Administrator'' for ''Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary,''.

Subsec. (j)(2)(C)(ii). Pub. L. 115–254, §1991(d)(3)(F)(ii)(IV)(bb), substituted ''The'' for ''Not later than 180 days after completion of testing under clause (i), the''.

Subsec. (j)(2)(C)(iv). Pub. L. 115–254, §1991(d)(3)(F)(ii)(IV)(cc), substituted ''After'' for ''Not later than 180 days after'' in introductory provisions.

Subsec. (j)(2)(D). Pub. L. 115–254, §1991(d)(3)(F)(ii)(V), substituted ''Administrator'' for ''Assistant Secretary of Homeland Security (Transportation Security Administration)'' in introductory provisions.

Subsec. (j)(2)(E)(i). Pub. L. 115–254, §1991(d)(3)(F)(ii)(VI), substituted ''The Administrator'' for ''Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the'' in introductory provisions.

Subsec. (*l*)(1). Pub. L. 115–254, §1991(d)(3)(G), substituted ''Administrator'' for ''Under Secretary for Border and Transportation Security of the Department of Homeland Security''.

Subsec. (m). Pub. L. 115–254, §1991(d)(3)(H)(ii), substituted ''Administrator'' for ''Assistant Secretary'' wherever appearing.

Subsec. (m)(1). Pub. L. 115–254, §1991(d)(3)(H)(i), substituted ''Administrator'' for ''Assistant Secretary of Homeland Security (Transportation Security Administration)''.

2013—Subsec. (n). Pub. L. 113–67 added subsec. (n).

2012—Subsec. (m). Pub. L. 112–86 added subsec. (m).

2009—Subsec. (j)(2)(C)(v). Pub. L. 111–83 added cl. (v).

2007—Subsec. (h)(6). Pub. L. 110–53 amended par. (6) generally. Prior to amendment, par. (6) related to establishment of a uniform law enforcement officer travel credential incorporating biometric identifier technology not later than 120 days after Dec. 17, 2004.

2004—Subsec. (h)(4)(E). Pub. L. 108–458, §4011(a)(1), substituted ''shall issue, not later than March 31, 2005, guidance for'' for ''may provide for''.

Subsec. (h)(5) to (7). Pub. L. 108–458, §4011(a)(2), added pars. (5) to (7).

Subsec. (j)(2)(C) to (H). Pub. L. 108–458, §4012(a)(1), added subpars. (C) to (H).

2003—Subsec. (*l*). Pub. L. 108–176 added subsec. (*l*).

2002—Subsec. (h). Pub. L. 107–296, §1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

Pub. L. 107–296, §1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews with less-than-lethal weapons, as (i).

Subsec. (i). Pub. L. 107–296, §1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews

with less-than-lethal weapons, as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 107–296, §1405(b)(1), substituted ''If the Under Secretary'' for ''If the Secretary'' and ''the Under Secretary may'' for ''the Secretary may''.

Subsec. (i)(2). Pub. L. 107–296, §1405(b)(2), substituted ''Under Secretary'' for ''Secretary'' in two places in introductory provisions.

Subsec. (i)(3). Pub. L. 107–296, §1405(a), added par. (3).

Subsec. (j). Pub. L. 107–296, §1406(1), redesignated subsec. (i) as (j).

Subsec. (k). Pub. L. 107–296, §1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

2001—Subsec. (a)(2). Pub. L. 107–71, §101(f)(7), (9), substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration''.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places in introductory provisions.

Subsec. (c)(1), (2)(A), (B). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' wherever appearing.

Subsec. (c)(2)(C). Pub. L. 107–71, §120, amended heading and text of subpar. (C) generally, substituting provisions relating to maximum use of chemical and biological weapon detection equipment for provisions relating to a manual process at explosive detection locations for randomly selecting additional checked bags for screening.

Subsec. (c)(3). Pub. L. 107–71, §106(d), added par. (3).

Subsecs. (e), (f), (g)(1)(A), (B). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' wherever appearing.

Subsec. (g)(2). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (g)(2)(A). Pub. L. 107–71, §106(c)(1), substituted ''weaknesses;'' for ''weaknesses by January 31, 2001;''.

Subsec. (g)(2)(D). Pub. L. 107–71, §106(c)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: ''assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;''.

Subsec. (g)(2)(C). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (g)(2)(E). Pub. L. 107–71, §101(f)(8), substituted ''Under Secretary's'' for ''Administrator's''.

Subsec. (g)(2)(F). Pub. L. 107–71, §§101(f)(8), 106(c)(3), substituted ''Under Secretary's'' for ''Administrator's'' and ''program;'' for ''program by January 31, 2001;''.

Subsec. (g)(2)(G). Pub. L. 107–71, §106(c)(4), added subpar. (G) and struck out former subpar. (G) which read as follows: ''require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.''

Subsec. (h). Pub. L. 107–71, §144, which directed that subsec. (h) relating to limitation on liability for acts to thwart criminal violence or aircraft piracy be added at end of section 44903, without specifying the Code title to be amended, was executed by making the addition at the end of this section, to reflect the probable intent of Congress.

Pub. L. 107–71, §126(b), added subsec. (h) relating to authority to arm flight deck crews with less-than-lethal weapons.

Pub. L. 107–71, §106(a), added subsec. (h) relating to improved airport perimeter access security.

Subsec. (i). Pub. L. 107–71, §136, added subsec. (i).

2000—Subsec. (c)(2)(C). Pub. L. 106–528, §6, added subpar. (C).

Subsec. (f). Pub. L. 106–181 added subsec. (f).

Subsec. (g). Pub. L. 106–528, §4, added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–86, §2(b), Jan. 3, 2012, 125 Stat. 1875, provided that: ''Not later than 180 days after the date of enactment of this Act [Jan. 3, 2012], the Assistant Secretary shall implement the plan required by this Act [amending this section and enacting provisions set out as a note under section 40101 of this title].''

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENTS

Amendment by Pub. L. 106–528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106–528, set out as a note under section 106 of this title.

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.

SECONDARY COCKPIT BARRIERS

Pub. L. 115–254, div. B, title III, §336, Oct. 5, 2018, 132 Stat. 3281, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Saracini Aviation Safety Act of 2018'.

''(b) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.''

SEXUAL MISCONDUCT ONBOARD AIRCRAFT

Pub. L. 115–254, div. B, title III, §§339A, 339B, Oct. 5, 2018, 132 Stat. 3282, 3283, provided that:

''SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT TASK FORCE.

''(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of Transportation shall establish a task force, to be known as the 'National In-Flight Sexual Misconduct Task Force' (referred to in this section as 'Task Force') to—

''(1) review current practices, protocols and requirements of air carriers in responding to allegations of sexual misconduct by passengers onboard aircraft, including training, reporting and data collection; and

''(2) provide recommendations on training, reporting and data collection regarding allegations of sexual misconduct occurring on passenger airline flights that are informed by the review of information described in paragraph (1) and subsection (c)(5) on passengers who have experienced sexual misconduct onboard aircraft.

''(b) MEMBERSHIP.—The Task Force shall be composed of, at a minimum, representatives from—

''(1) [the] Department of Transportation;

''(2) [the] Department of Justice, including the Federal Bureau of Investigation, Office of Victims for Crimes [sic], and the Office on Violence Against Women;

''(3) National organizations that specialize in providing services to sexual assault victims;

''(4) labor organizations that represent flight attendants;

''(5) labor organizations that represent pilots;

''(6) airports;

''(7) air carriers;

''(8) State and local law enforcement agencies; and

''(9) such other Federal agencies and stakeholder organizations as the Secretary of Transportation considers appropriate.

''(c) PURPOSE OF TASK FORCE.—The purpose of the Task Force shall be to—

''(1) issue recommendations for addressing allegations of sexual misconduct by passengers onboard aircraft, including airline employee and contractor training;

''(2) issue recommendations on effective ways for passengers involved in incidents of alleged sexual misconduct to report such allegation of sexual misconduct;

''(3) issue recommendations on how to most effectively provide data on instances of alleged sexual misconduct onboard aircraft and to whom the data collected should be reported in a manner that protects the privacy and confidentiality of individuals involved in incidents of alleged sexual misconduct and precludes the release of data that publically identifies an individual air carrier to enable better understanding of the frequency and severity of such misconduct;

''(4) issue recommendations for flight attendants, pilots, and other appropriate airline personnel on law enforcement notification in incidents of alleged sexual misconduct;

''(5) review and utilize first-hand accounts from passengers who have experienced sexual misconduct onboard aircraft; and

''(6) other matters deemed necessary by the Task Force.

''(d) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Task Force shall submit a report with its recommendations and findings developed pursuant to subsection (c) to the Secretary of Transportation.

''(e) PLAN.—Not later than 180 days after receiving the report required under subsection (d)[,] the Secretary of Transportation, in coordination with relevant federal agencies, shall submit to [the] appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a plan to address the recommendations in the report required under subsection (d). The Secretary of Transportation shall make changes to guidance, policies and regulations, as necessary, within 1 year of submitting the plan required in this subsection.

''(f) REGULATIONS.—Not later than 1 year after submitting the plan required in this subsection [probably means ''subsection (e)''], the Secretary of Transportation may issue regulations as deemed necessary to require each air carrier and other covered entity to develop a policy concerning sexual misconduct in accordance with the recommendations and findings of the Task Force under subsection (c).

''(g) SUNSET.—The Task Force established pursuant to subsection (a) shall terminate upon the submission of the report pursuant to subsection (d).

''SEC. 339B. REPORTING PROCESS FOR SEXUAL MISCONDUCT ONBOARD AIRCRAFT.

''(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act [Oct. 5, 2018], the Attorney General, in coordination with relevant Federal agencies, shall establish a streamlined process, based on the plan required under section 339A(e) of this Act, for individuals involved in incidents of alleged sexual misconduct onboard aircraft to report such allegations of sexual misconduct to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations.

''(b) AVAILABILITY OF REPORTING PROCESS.—The process for reporting established under subsection (a) shall be made available to the public on the primary Internet websites of—

''(1) the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice;

''(2) the Federal Bureau of Investigation; and

''(3) the Department of Transportation.''

EMPLOYEE ASSAULT PREVENTION AND RESPONSE PLANS

Pub. L. 115–254, div. B, title V, §551, Oct. 5, 2018, 132 Stat. 3378, provided that:

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a 'part 121 air carrier'), shall submit to the Administrator [of the Federal Aviation Administration] for review and acceptance an Employee Assault Prevention and Response Plan related to the customer service agents of the air carrier and that is developed in consultation with the labor union representing such agents.

''(b) CONTENTS OF PLAN.—An Employee Assault Prevention and Response Plan submitted under subsection (a) shall include the following:

''(1) Reporting protocols for air carrier customer service agents who have been the victim of a verbal or physical assault.

''(2) Protocols for the immediate notification of law enforcement after an incident of verbal or physical assault committed against an air carrier customer service agent.

''(3) Protocols for informing Federal law enforcement with respect to violations of section 46503 of title 49, United States Code.

''(4) Protocols for ensuring that a passenger involved in a violent incident with a customer service agent of an air carrier is not allowed to move through airport security or board an aircraft until appropriate law enforcement has had an opportunity to assess the incident and take appropriate action.

''(5) Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security duties within an airport.

''(c) EMPLOYEE TRAINING.—A part 121 air carrier shall conduct initial and recurrent training for all employees, including management, of the air carrier with respect to the plan required under subsection (a), which shall include training on de-escalating hostile situations, written protocols on dealing with hostile situations, and the reporting of relevant incidents.

''(d) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

''(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

''(2) submit the findings of the study, including any recommendations, to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives].

''(e) GAP ANALYSIS.—The study required under subsection (d) shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.''

TRANSPORTATION SECURITY LABORATORY

Pub. L. 115–254, div. K, title I, §1915, Oct. 5, 2018, 132 Stat. 3555, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary [of Homeland Security], in consultation with the Administrator [of the Transporation Security Administration] and the Undersecretary for Science and Technology—

''(1) shall conduct a review to determine whether the TSA [Transportation Security Administration] is the most appropriate component within the Department [of Homeland Security] to administer the Transportation Security Laboratory; and

''(2) may direct the TSA to administer the Transportation Security Laboratory if the review under paragraph (1) identifies the TSA as the most appropriate component.

''(b) PERIODIC REVIEWS.—The Secretary shall periodically review the screening technology test and evalua-

tion process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.

''(c) REPORTS.—The Secretary shall report the findings of each review under this section to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives].''

PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY

Pub. L. 115–254, div. K, title I, §1920, Oct. 5, 2018, 132 Stat. 3560, provided that:

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

''(b) PARTNERSHIP.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

''(c) COST SHARE.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section $15,000,000 for each of fiscal years 2019 through 2021.

''(e) GAO REPORT.—Not later than 2 years after the date the pilot program is implemented, the Comptroller General of the United States shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the pilot program, including—

''(1) the extent of airport participation in the pilot program and how the program was implemented;

''(2) the results of the pilot program and any reported benefits, including the impact on security and any cost-related efficiencies realized by TSA [Transportation Security Administration] or at the participating airports; and

''(3) the feasibility of expanding the pilot program to additional airports, including to medium and large hub airports.''

SECURING AIRPORT WORKER ACCESS POINTS

Pub. L. 115–254, div. K, title I, §1934, Oct. 5, 2018, 132 Stat. 3572, provided that:

''(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT SECURITY AWARENESS.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall consult with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees to enhance security awareness of credentialed airport populations regarding insider threats to aviation security and best practices related to airport access controls.

''(b) CREDENTIALING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees, shall assess credentialing standards, policies, and practices, including implementation of relevant credentialing updates required under the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615) [see Tables for classification], to ensure that insider threats to aviation security are adequately addressed.

''(c) SIDA APPLICATIONS.—

''(1) SOCIAL SECURITY NUMBERS REQUIRED.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall revise the application submitted by an individual applying for a credential granting access to the Secure Identification Area of an airport to require the social security number of such individual in order to strengthen security vetting effectiveness.

''(B) FAILURE TO PROVIDE NUMBER.—An applicant who does not provide such applicant's social security number may be denied such a credential.

''(2) SCREENING NOTICE.—The Administrator shall issue requirements for an airport operator to include in each application for access to a Security Identification Display Area notification to the applicant that an employee holding a credential granting access to a Security Identification Display Area may be screened at any time while gaining access to, working in, or leaving a Security Identification Display Area.

''(d) SECURED AND STERILE AREAS OF AIRPORTS.—The Administrator shall consult with airport operators and airline operators to identify advanced technologies, including biometric identification technologies, that could be used for securing employee access to the secured areas and sterile areas of airports.

''(e) RAP BACK VETTING .—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify and submit to the appropriate committees of Congress the number of credentialed aviation worker populations at airports that are continuously vetted through the Federal Bureau of Investigation's Rap Back Service, consistent with section 3405(b)(2) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note).

''(f) INSIDER THREAT EDUCATION AND MITIGATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify means of enhancing the TSA's ability to leverage the resources of the Department and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to educate Administration personnel on insider threats to aviation security and how the TSA can better mitigate such insider threats.

''(g) EMPLOYEE INSPECTIONS.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall ensure that TSA-led, random employee physical inspection efforts of aviation workers are targeted, strategic, and focused on providing the greatest level of security effectiveness.

''(h) COVERT TESTING.—

''(1) IN GENERAL.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall continue to conduct covert testing of TSA-led employee inspection operations at airports and measure existing levels of security effectiveness.

''(2) REQUIREMENTS.—The Administrator shall provide—

''(A) the results of such testing to—

''(i) the airport operator for the airport that is the subject of any such testing; and

''(ii) as appropriate, to air carriers and foreign air carriers that operate at the airport that is the subject of such testing; and

''(B) recommendations and technical assistance for air carriers, foreign air carriers, and airport operators to conduct their own employee inspections, as needed.

''(3) ANNUAL REPORTING.—The Administrator shall for each of fiscal years 2019 through 2021, submit to the appropriate committees of Congress a report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

''(i) CENTRALIZED DATABASE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator, in consultation with ASAC, shall—

''(A) subject to paragraph (2), establish a national, centralized database of the names of each individual who—

''(i) has had an airport-issued badge revoked for failure to comply with aviation security requirements; or

''(ii) has had an aircraft operator-issued badge revoked for failure to comply with aviation security requirements;

''(B) determine the appropriate reporting mechanisms for air carriers, foreign air carriers, and airport operators—

''(i) to submit to the Administration data regarding an individual described in subparagraph (A); and

''(ii) to access the database; and

''(C) establish a process to allow an individual whose name is mistakenly entered into the database to correct the record and have the individual's name expunged from the database.

''(2) LIMITATION.—The database shall not include the name of any individual whose badge has been revoked as a result of a termination or cessation of employment unrelated to—

''(A) a violation of a security requirement; or

''(B) a determination that the individual poses a threat to aviation security.''

[For definitions of terms used in section 1934 of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115–254 note under section 101 of this title.]

LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM

Pub. L. 115–254, div. K, title I, §1935, Oct. 5, 2018, 132 Stat. 3574, provided that:

''(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator [of the Transportation Security Administration] shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

''(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

''(2) to increase the presence of law enforcement officers at screening checkpoints;

''(3) to reduce the response times of law enforcement officers during security incidents; and

''(4) to provide visible deterrents to potential terrorists.

''(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.

''(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, $55,000,000 for each of fiscal years 2019 through 2021.''

AIRPORT PERIMETER AND ACCESS CONTROL SECURITY

Pub. L. 115–254, div. K, title I, §1936, Oct. 5, 2018, 132 Stat. 3575, provided that:

''(a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

''(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall—

''(A) not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], update the Transportation Sector Security Risk Assessment (referred to in this section as the 'TSSRA'); and

''(B) not later than 90 days after the date the TSSRA is updated under subparagraph (A)—

''(i) update with the most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (referred to in this section as the 'Risk Assessment of Airport Security');

''(ii) establish a regular schedule for periodic updates to the Risk Assessment of Airport Security; and

''(iii) conduct a system-wide assessment of airport access control points and airport perimeter security.

''(2) CONTENTS.—The security risk assessments required under paragraph (1)(B) shall—

''(A) include updates reflected in the TSSRA and Joint Vulnerability Assessment findings;

''(B) reflect changes to the risk environment relating to airport access control points and airport perimeters;

''(C) use security event data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

''(D) consider the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

''(3) REPORT.—The Administrator shall report the results of the TSSRA and Risk Assessment of Airport Security under paragraph (1) to—

''(A) the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives];

''(B) relevant Federal departments and agencies; and

''(C) airport operators.

''(b) AIRPORT SECURITY STRATEGY DEVELOPMENT.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (referred to in this section as the 'National Strategy').

''(2) CONTENTS.—The update to the National Strategy shall include—

''(A) information from the Risk Assessment of Airport Security; and

''(B) information on—

''(i) airport security-related activities;

''(ii) the status of TSA [Transportation Security Administration] efforts to address the objectives of the National Strategy;

''(iii) finalized outcome-based performance measures and performance levels for—

''(I) each activity described in clause (i); and

''(II) each objective described in clause (ii); and

''(iv) input from airport operators.

''(3) UPDATES.—Not later than 90 days after the date the update to the National Strategy is complete, the Administrator shall establish a regular schedule for determining if and when additional updates to the strategy under paragraph (1) are necessary.''

TRAVELER REDRESS IMPROVEMENT

Pub. L. 115–254, div. K, title I, §1949, Oct. 5, 2018, 132 Stat. 3588, provided that:

''(a) REDRESS PROCESS.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], using existing resources, systems, and processes, shall ensure the availability of the Department of Homeland Security Traveler Redress Inquiry Program (referred to in this section as 'DHS TRIP') redress process to adjudicate an inquiry for an individual who—

''(A) is a citizen of the United States or alien lawfully admitted for permanent residence;

''(B) has filed the inquiry with DHS TRIP after receiving enhanced screening at an airport passenger security checkpoint more than 3 times in any 60-day period; and

''(C) believes the individual has been wrongly identified as being a threat to aviation security.

''(2) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the implementation of the redress process required under paragraph (1).

''(b) PRIVACY IMPACT REVIEW AND UPDATE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and update the Privacy Impact Assessment for the Secure Flight programs to ensure the assessment accurately reflects the operation of such programs.

''(2) PUBLIC DISSEMINATION; FORM.—The Administrator shall—

''(A) publish the Secure Flight Privacy Impact Assessment review and update required under paragraph (1) on a publicly-accessible internet webpage of the TSA [Transportation Security Administration]; and

''(B) submit the Secure Flight Privacy Impact Assessment review and update to the appropriate committees of Congress.

''(c) RULE REVIEW AND NOTIFICATION PROCESS.—

''(1) RULE REVIEW.—Not later than 60 days after the date of enactment of this Act, and every 120 days thereafter, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA, in coordination with the entities specified in paragraph (3), shall identify and review the screening rules established by the Office of Intelligence and Analysis of [the] TSA.

''(2) NOTIFICATION PROCESS.—Not later than 2 days after the date that any change to a rule identified under paragraph (1) is made, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA shall notify the entities specified in paragraph (3) of the change.

''(3) ENTITIES SPECIFIED.—The entities specified in this paragraph are as follows:

''(A) The Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA.

''(B) The Office of Civil Rights and Liberties of the Department [of Homeland Security].

''(C) The Office of Chief Counsel of the TSA.

''(D) The Office of General Counsel of the Department.

''(E) The Privacy Office of the Administration.

''(F) The Privacy Office of the Department.

''(G) The Federal Air Marshal Service.

''(H) The Traveler Redress Inquiry Program of the Department.

''(d) FEDERAL AIR MARSHAL SERVICE COORDINATION.—

''(1) IN GENERAL.—The Administrator shall ensure that the rules identified in subsection (c) are taken into account for Federal Air Marshal mission scheduling.

''(2) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on whether, and if so how, the rules identified in subsection (c) are incorporated in the risk analysis conducted during the Federal Air Marshal mission scheduling process.

''(e) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

''(1) study the rules identified under subsection (c)(1), including—

''(A) whether the rules are effective in mitigating potential threats to aviation security; and

''(B) whether, and if so how, the TSA coordinates with the Department regarding any proposed change to a rule; and

''(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including any recommendations.''

GENERAL AVIATION AIRPORTS

Pub. L. 115–254, div. K, title I, §1952, Oct. 5, 2018, 132 Stat. 3592, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Securing General Aviation and Charter Air Carrier Service Act'.

''(b) ADVANCED PASSENGER PRESCREENING SYSTEM.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on the status of the deployment of the advanced passenger prescreening system, and access thereto for certain aircraft charter operators, as required by section 44903(j)(2)(E) of title 49, United States Code, including—

''(1) the reasons for the delay in deploying the system; and

''(2) a detailed schedule of actions necessary for the deployment of the system.

''(c) SCREENING SERVICES OTHER THAN IN PRIMARY PASSENGER TERMINALS.—

''(1) IN GENERAL.—Subject to the provisions of this subsection, the Administrator may provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport.

''(2) REQUESTS.—A request for screening services under paragraph (1) shall be made at such time, in such form, and in such manner as the Administrator may require, except that the request shall be made to the Federal Security Director for the applicable airport at which the screening services are requested.

''(3) AVAILABILITY.—A Federal Security Director may provide requested screening services under this section if the Federal Security Director determines such screening services are available.

''(4) AGREEMENTS.—

''(A) LIMITATION.—No screening services may be provided under this section unless a charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services.

''(B) PAYMENTS.—Notwithstanding section 3302 of title 31, United States Code, payment received under subparagraph (A) shall be credited to the account that was used to cover the cost of providing the screening services. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

''(5) DEFINITIONS.—In this subsection:

''(A) APPLICABLE AIRPORT.—The term 'applicable airport' means an airport that—

''(i) is not a commercial service airport; and

''(ii) is receiving screening services for scheduled passenger aircraft.

''(B) CHARTER AIR CARRIER.—The term 'charter air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

''(C) SCREENING SERVICES.—The term 'screening services' means the screening of passengers and property similar to the screening of passengers and property described in section 44901 of title 49, United States Code.

''(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the appropriate Committees of Congress an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the ASAC and with which the Administrator has concurred before the date of the enactment of this Act:

''(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

''(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

''(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

''(e) DESIGNATED STAFFING.—The Administrator may designate 1 or more full-time employees of the TSA to liaise with, and respond to issues raised by, general aviation stakeholders.

''(f) SECURITY ENHANCEMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.''

[For definitions of terms used in section 1952 of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115–254 note under section 101 of this title.]

FLIGHT DECK SAFETY AND SECURITY

Pub. L. 115–254, div. K, title I, §1961, Oct. 5, 2018, 132 Stat. 3600, provided that:

''(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

''(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall disseminate RTCA Document (DO–329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.''

AVIATION CYBERSECURITY

Pub. L. 115–254, div. B, title V, §509, Oct. 5, 2018, 132 Stat. 3355, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a review of the comprehensive and strategic framework of principles and policies (referred to in this section as the 'framework') developed pursuant to section 2111 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 44903 note) [set out below].

''(b) CONTENTS.—In undertaking the review under subsection (a), the Administrator shall—

''(1) assess the degree to which the framework identifies and addresses known cybersecurity risks associated with the aviation system;

''(2) review existing short- and long-term objectives for addressing cybersecurity risks to the national airspace system; and

''(3) assess the [Federal Aviation] Administration's level of engagement and coordination with aviation stakeholders and other appropriate agencies, organizations, or groups with which the Administration consults to carry out the framework.

''(c) UPDATES.—Upon completion of the review under subsection (a), the Administrator shall modify the framework, as appropriate, to address any deficiencies identified by the review.

''(d) REPORT TO CONGRESS.—Not later than 180 days after initiating the review required by subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the review, including a description of any modifications made to the framework.''

Pub. L. 114–190, title II, §2111, July 15, 2016, 130 Stat. 625, provided that:

''(a) COMPREHENSIVE AND STRATEGIC AVIATION FRAMEWORK.—

''(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall facilitate and support the development of a comprehensive and strategic framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems using a total systems approach that takes into consideration the interactions and interdependence of different components of aircraft systems and the national airspace system.

''(2) SCOPE.—In carrying out paragraph (1), the Administrator shall—

''(A) identify and address the cybersecurity risks associated with—

''(i) the modernization of the national airspace system;

''(ii) the automation of aircraft, equipment, and technology; and

''(iii) aircraft systems, including by—

''(I) directing the Aircraft Systems Information Security Protection Working Group—

''(aa) to assess cybersecurity risks to aircraft systems;

''(bb) to review the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

''(cc) to provide appropriate recommendations to the Administrator if separate or additional rulemaking, policy, or guidance is needed to address cybersecurity risks to aircraft systems; and

''(II) identifying and addressing—

''(aa) cybersecurity risks associated with in-flight entertainment systems; and

''(bb) whether in-flight entertainment systems can and should be isolated and separate, such as through an air gap, under existing rulemaking, policy, and guidance;

''(B) clarify cybersecurity roles and responsibilities of offices and employees of the Federal Aviation Administration, as the roles and responsibilities relate to cybersecurity at the Federal Aviation Administration;

''(C) identify and implement objectives and actions to reduce cybersecurity risks to air traffic control information systems, including actions to improve implementation of information security standards, such as those of the National Institute of Standards and Technology;

''(D) support voluntary efforts by industry, RTCA, Inc., and other standards-setting organizations to develop and identify consensus standards and best practices relating to guidance on aviation systems information security protection, consistent, to the extent appropriate, with the cybersecurity risk management activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e));

''(E) establish guidelines for the voluntary exchange of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities;

''(F) identify short- and long-term objectives and actions that can be taken in response to cybersecurity risks to the national airspace system; and

''(G) identify research and development activities to inform actions in response to cybersecurity risks.

''(3) IMPLEMENTATION REQUIREMENTS.—In carrying out the activities under this subsection, the Administrator shall—

''(A) coordinate with aviation stakeholders, including, at a minimum, representatives of industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

''(B) consult with the heads of relevant agencies and with international regulatory authorities;

''(C) if determined appropriate, convene an expert panel or working group to identify and address cybersecurity risks; and

''(D) evaluate, on a periodic basis, the effectiveness of the principles established under this subsection.

''(b) UPDATE ON CYBERSECURITY IMPLEMENTATION PROGRESS.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator shall provide to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an update on progress made toward the implementation of this section.

''(c) CYBERSECURITY THREAT MODEL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Director of the National Institute of Standards and Technology, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess and research the potential cost and timetable of developing and maintaining an agencywide threat model, which shall be updated regularly, to strengthen the cybersecurity of agency systems across the Federal Aviation Administration. The Administrator shall brief the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status, results, and composition of the threat model.

''(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INFORMATION SECURITY STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after consultation with the Director of the National Institute of Standards and Technology, shall transmit to the Committee on Science, Space, and Technology and 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—

''(1) a cybersecurity standards plan to improve implementation of the National Institute of Standards and Technology's latest revisions to information security guidance for Federal Aviation Administration information and Federal Aviation Administration information systems within set timeframes; and

''(2) an explanation of why any such revisions are not incorporated in the plan or are not incorporated within set timeframes.

''(e) CYBERSECURITY RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other agencies as appropriate, shall establish a cybersecurity research and development plan for the national airspace system, including—

''(1) any proposal for research and development cooperation with international partners;

''(2) an evaluation and determination of research and development needs to determine any cybersecurity risks of cabin communications and cabin information technology systems on board in the passenger domain; and

''(3) objectives, proposed tasks, milestones, and a 5-year budgetary profile.''

AIRPORT SECURITY

Pub. L. 114–50, Sept. 24, 2015, 129 Stat. 490, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Gerardo Hernandez Airport Security Act of 2015'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

''(2) ADMINISTRATION.—The term 'Administration' means the Transportation Security Administration.

''SEC. 3. SECURITY INCIDENT RESPONSE AT AIRPORTS.

''(a) IN GENERAL.—The Assistant Secretary shall, in consultation with other Federal agencies as appropriate, conduct outreach to all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures, and provide technical assistance as necessary, to verify such airports have in place individualized working plans for responding to security incidents inside the perimeter of the airport, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

''(b) TYPES OF PLANS.—Such plans may include, but may not be limited to, the following:

''(1) A strategy for evacuating and providing care to persons inside the perimeter of the airport, with consideration given to the needs of persons with disabilities.

''(2) A plan for establishing a unified command, including identification of staging areas for non-airport-specific law enforcement and fire response.

''(3) A schedule for regular testing of communications equipment used to receive emergency calls.

''(4) An evaluation of how emergency calls placed by persons inside the perimeter of the airport will reach airport police in an expeditious manner.

''(5) A practiced method and plan to communicate with travelers and all other persons inside the perimeter of the airport.

''(6) To the extent practicable, a projected maximum timeframe for law enforcement response to active shooters, acts of terrorism, and incidents that target passenger security-screening checkpoints.

''(7) A schedule of joint exercises and training to be conducted by the airport, the Administration, other stakeholders such as airport and airline tenants, and any relevant law enforcement, airport police, fire, and medical personnel.

''(8) A schedule for producing after-action joint exercise reports to identify and determine how to improve security incident response capabilities.

''(9) A strategy, where feasible, for providing airport law enforcement with access to airport security video surveillance systems at category X airports where those systems were purchased and installed using Administration funds.

''(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to airports under subsection (a), including an analysis of the level of preparedness such airports have to respond to security incidents, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

''SEC. 4. DISSEMINATING INFORMATION ON BEST PRACTICES.

''The Assistant Secretary shall—

''(1) identify best practices that exist across airports for security incident planning, management, and training; and

''(2) establish a mechanism through which to share such best practices with other airport operators nationwide.

''SEC. 5. CERTIFICATION.

''Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], and annually thereafter, the Assistant Secretary shall certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that all screening personnel have participated in practical training exercises for active shooter scenarios.

''SEC. 6. REIMBURSABLE AGREEMENTS.

''Not later than 90 days after the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of how the Administration can use cost savings achieved through efficiencies to increase over the next 5 fiscal years the funding available for checkpoint screening law enforcement support reimbursable agreements.

''SEC. 7. SECURITY INCIDENT RESPONSE FOR SURFACE TRANSPORTATION SYSTEMS.

''(a) IN GENERAL.—The Assistant Secretary shall, in consultation with the Secretary of Transportation, and other relevant agencies, conduct outreach to all passenger transportation agencies and providers with high-risk facilities, as identified by the Assistant Secretary, to verify such agencies and providers have in place plans to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers.

''(b) TYPES OF PLANS.—As applicable, such plans may include, but may not be limited to, the following:

''(1) A strategy for evacuating and providing care to individuals, with consideration given to the needs of persons with disabilities.

''(2) A plan for establishing a unified command.

''(3) A plan for frontline employees to receive active shooter training.

''(4) A schedule for regular testing of communications equipment used to receive emergency calls.

''(5) An evaluation of how emergency calls placed by individuals using the transportation system will reach police in an expeditious manner.

''(6) A practiced method and plan to communicate with individuals using the transportation system.

''(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to the agencies and providers under subsection (a), including an analysis of the level of preparedness such transportation systems have to respond to security incidents.

''(d) DISSEMINATION OF BEST PRACTICES.—The Assistant Secretary shall identify best practices for security incident planning, management, and training and establish a mechanism through which to share such practices with passenger transportation agencies nationwide.

''SEC. 8. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

''No additional funds are authorized to be appropriated to carry out this Act, and this Act shall be carried out using amounts otherwise available for such purpose.

''SEC. 9. INTEROPERABILITY REVIEW.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall, in consultation with the Assistant Secretary of the Office of Cybersecurity and Communications, conduct a review of the interoperable communications capabilities of the law enforcement, fire, and medical personnel responsible for responding to a security incident, including active shooter events, acts of terrorism, and incidents that target passenger-screening checkpoints, at all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures.

''(b) REPORT.—Not later than 30 days after the completion of the review, the Assistant Secretary shall report the findings of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''

CABIN FLIGHT CREW PARTICIPATION IN KNOWN CREWMEMBER PILOT PROGRAM

Pub. L. 113–6, div. D, title II, Mar. 26, 2013, 127 Stat. 349, provided in part: ''That the Administrator of the Transportation Security Administration shall, within 270 days of the date of enactment of this Act [Mar. 26, 2013], establish procedures allowing members of cabin flight crews of air carriers to participate in the Known Crewmember pilot program, unless the Administrator determines that meeting the requirement within this timeline is not practicable and informs the Committees on Appropriations of the Senate and House of Representatives of the basis for that determination and the new timeline for implementing the requirement''.

STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM

Pub. L. 110–53, title XVI, § 1605, Aug. 3, 2007, 121 Stat. 481, provided that:

''(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—

''(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

''(2) provides a projected timeline for each phase of testing and implementation of the system;

''(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

''(4) describes how the system complies with section 552a of title 5, United States Code.

''(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

''(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

''(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

''(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

''(4) provides a realistic determination of when the system will be completed; and

''(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.''

PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES

Pub. L. 110–53, title XVI, §1613, Aug. 3, 2007, 121 Stat. 485, provided that:

''(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.

''(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

''(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;

''(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not co-located with a screening checkpoint; and

''(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.

''(c) REPORTS.—

''(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

''(A) the airport or airports selected to participate in the pilot program;

''(B) the technologies to be tested;

''(C) the potential savings from implementing the technologies at selected airport exits;

''(D) the types of configurations expected to be deployed at such airports; and

''(E) the expected financial contribution from each airport.

''(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—

''(A) the changes in security procedures and technologies deployed;

''(B) the estimated cost savings at the airport or airports that participated in the pilot program; and

''(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.

''(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate;

''(B) the Committee on Appropriations of the Senate;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives; and

''(E) the Committee on Appropriations of the House of Representatives.

''(d) USE OF EXISTING FUNDS.—This section shall be executed using existing funds.''

SECURITY CREDENTIALS FOR AIRLINE CREWS

Pub. L. 110–53, title XVI, §1614, Aug. 3, 2007, 121 Stat. 486, provided that:

''(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted.

''(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than 1 year after the date on which the Administrator submits the report under subsection (a).''

CAPPS2

Pub. L. 108–176, title VI, §607, Dec. 12, 2003, 117 Stat. 2568, provided that:

''(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as 'CAPPS2') until the Under Secretary provides to Congress a certification that—

''(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

''(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

''(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

''(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

''(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

''(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

''(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

''(8) there are no specific privacy concerns with the technological architecture of the system.

''(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.''

REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

Pub. L. 108–176, title VIII, §821, Dec. 12, 2003, 117 Stat. 2594, provided that: ''The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

''(1) the screening of catering supplies; and

''(2) checking documents at security checkpoints.''

IMPROVED FLIGHT DECK INTEGRITY MEASURES

Pub. L. 107–71, title I, §104, Nov. 19, 2001, 115 Stat. 605, provided that:

''(a) IN GENERAL.—As soon as possible after the date of enactment of this Act [Nov. 19, 2001], the Administrator of the Federal Aviation Administration shall—

''(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

''(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14, Code of Federal Regulations, except to authorized persons;

''(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

''(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

''(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

''(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.

''(b) IMPLEMENTATION OF OTHER METHODS.—As soon as possible after such date of enactment [Nov. 19, 2001], the Administrator of the Federal Aviation Administration may develop and implement methods—

''(1) to use video monitors or other devices to alert pilots in the flight deck to activity in the cabin, except that the use of such monitors or devices shall be subject to nondisclosure requirements applicable to cockpit video recordings under section 1114(c) [of title 49];

''(2) to ensure continuous operation of an aircraft transponder in the event of an emergency; and

''(3) to revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies, including providing for the installation of switches or other devices or methods in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

''(c) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing the flight deck of scheduled passenger aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so operating, taking into consideration such aircraft operating in regions where there is minimal threat to aviation security or national security.''

SMALL AND MEDIUM AIRPORTS

Pub. L. 107–71, title I, §106(b), Nov. 19, 2001, 115 Stat. 609, provided that:

''(1) TECHNICAL SUPPORT AND FINANCIAL ASSISTANCE.—The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall develop a plan to—

''(A) provide technical support to airports, each of which had less than 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available, to enhance security operations; and

''(B) provide financial assistance to those airports to defray the costs of enhancing security.

''(2) REMOVAL OF CERTAIN RESTRICTIONS.—

''(A) CERTIFICATION BY OPERATOR.—If the operator of an airport described in paragraph (1), after consultation with the appropriate State and local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety, and so certifies in writing to the Under Secretary, then any security rule, order, or other directive restricting the parking of passenger vehicles shall not apply at that airport after the applicable time period specified in subparagraph (B), unless the Under Secretary, taking into account individual airport circumstances, notifies the airport operator that the safeguards in place do not adequately respond to specific security risks and that the restriction must be continued in order to ensure public safety.

''(B) COUNTERMAND PERIOD.—The time period within which the Secretary may notify an airport operator, after receiving a certification under subparagraph (A), that a restriction must be continued in order to ensure public safety at the airport is—

''(i) 15 days for a nonhub airport (as defined in section 41714(h) of title 49, United States Code);

''(ii) 30 days for a small hub airport (as defined in such section);

''(iii) 60 days for a medium hub airport (as defined in such section); and

''(iv) 120 days for an airport that had at least 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available.''

AIRPORT SECURITY AWARENESS PROGRAMS

Pub. L. 107–71, title I, §106(e), Nov. 19, 2001, 115 Stat. 610, provided that: ''The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall require scheduled passenger air carriers, and airports in the United States described in section 44903(c) [of title 49] to develop security awareness programs for airport employees, ground crews, gate, ticket, and curbside agents of the air carriers, and other individuals employed at such airports.''

AIRLINE COMPUTER RESERVATION SYSTEMS

Pub. L. 107–71, title I, §117, Nov. 19, 2001, 115 Stat. 624, provided that: ''In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other nonpublic information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.''

AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES

Pub. L. 107–71, title I, §121, Nov. 19, 2001, 115 Stat. 630, provided that:

''(a) AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Transportation for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

''(b) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers under this section for any cost for which the airport operator, on-airport parking lot, or vendor of on-airfield direct services does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

''(1) the cost is eligible for reimbursement under subsection (a); and

''(2) the cost was incurred by the airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information necessary to conduct such an audit.

''(c) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act [Nov. 19, 2001], the Secretary, after consultation with airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.''

FLIGHT DECK SECURITY

Pub. L. 107–71, title I, §128, Nov. 19, 2001, 115 Stat. 633, which authorized the pilot of a passenger aircraft to carry a firearm into the cockpit if approved by the Under Secretary of Transportation for Security and the air carrier, if the firearm is approved by the Under Secretary, and if the pilot has received proper training, was repealed by Pub. L. 107–296, title XIV, §1402(b)(2), Nov. 25, 2002, 116 Stat. 2305.

CHARTER AIR CARRIERS

Pub. L. 107–71, title I, §132(a), Nov. 19, 2001, 115 Stat. 635, which provided that within 90 days after Nov. 19, 2001, the Under Secretary of Transportation for Security was to implement an aviation security program for charter air carriers with a maximum certificated takeoff weight of 12,500 pounds or more, was repealed by Pub. L. 108–176, title VI, §606(b), Dec. 12, 2003, 117 Stat. 2568.

PHYSICAL SECURITY FOR ATC FACILITIES

Pub. L. 106–528, §5, Nov. 22, 2000, 114 Stat. 2521, provided that:

''(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

''(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

''(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

''(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.''

DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS

Pub. L. 106–181, title V, §512, Apr. 5, 2000, 114 Stat. 142, provided that:

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIRCRAFT.—The term 'aircraft' has the meaning given that term in section 40102 of title 49, United States Code.

''(2) AIR TRANSPORTATION.—The term 'air transportation' has the meaning given that term in such section.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1)(A).

''(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—The Attorney General may—

''(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

''(B) encourage the participation of law enforcement officers of State and local governments in the program.

''(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

''(A) the United States Government (including the Administrator [of the Federal Aviation Administration] or a designated representative of the Administrator); and

''(B) State and local governments in any geographic area in which the program may operate.

''(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

''(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

''(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

''(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

''(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

''(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

''(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

''(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

''(A) be considered to be an employee of the United States Government; or

''(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

''(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

''(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

''(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable State or Federal law.

''(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

''(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of the enactment of this Act [Apr. 5, 2000], the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.''

DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT

Pub. L. 104–264, title III, § 309, Oct. 9, 1996, 110 Stat. 3253, provided that: ''The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies' field offices in or near cities served by a designated high-risk airport.''

DEFINITIONS OF TERMS IN PUB. L. 107–71

For definitions of terms used in sections 104, 106(b), (e), 117, 121, 128, and 132(a) 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.

§ 44904. Domestic air transportation system security

(a) ASSESSING THREATS.—The Administrator of the Transportation Security Administration and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Administrator of the Transportation Security Administration and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(b) ASSESSING SECURITY.—In coordination with the Director, the Administrator of the Transportation Security Administration shall carry out periodic threat and vulnerability assessments on security at each airport that is part of the domestic air transportation system. Each assessment shall include consideration of—

(1) the adequacy of security procedures related to the handling and transportation of checked baggage and cargo;

(2) space requirements for security personnel and equipment;

(3) separation of screened and unscreened passengers, baggage, and cargo;

(4) separation of the controlled and uncontrolled areas of airport facilities; and

(5) coordination of the activities of security personnel of the Transportation Security Administration, the United States Customs Service, the Immigration and Naturalization Service, and air carriers, and of other law enforcement personnel.

(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(s)(3), the modal security plan for aviation prepared under section 114(s) shall—

(1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

(2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

(d) OPERATIONAL CRITERIA.—The Administrator of the Transportation Security Administration shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(s)(1) and shall approve best practices guidelines for airport assets.

(e) IMPROVING SECURITY.—The Administrator of the Transportation Security Administration shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107–71, title I, § 101(f)(1), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 108–458, title IV, § 4001(b), Dec. 17, 2004, 118 Stat. 3712; Pub. L. 115–254, div. K, title I, § 1991(d)(4), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44904(a)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, § 106(a), (b), 104 Stat. 3075.
44904(b)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, § 106(c), 104 Stat. 3075.
44904(c)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, § 106(e), 104 Stat. 3075.

In subsection (a), the words ''domestic air transportation system'' are substituted for ''domestic aviation system'' for consistency in this section.

In subsection (b), before clause (1), the word ''Director'' is substituted for ''Federal Bureau of Investigation'' because of 28:532. In clauses (1) and (3), the word ''mail'' is omitted as being included in ''cargo''.

In subsection (c), the word ''correcting'' is substituted for ''remedying'' for clarity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(4)(D), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(d)(4)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' in first sentence.

Subsec. (c). Pub. L. 115–254, § 1991(d)(4)(B), substituted ''section 114(s)(3)'' for ''section 114(t)(3)'' and ''section 114(s)'' for ''section 114(t)'' in introductory provisions.

Subsec. (d). Pub. L. 115–254, § 1991(d)(4)(C), substituted ''The Administrator of the Transportation Security Administration'' for ''Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)'' and ''section 114(s)(1)'' for ''section 114(t)(1)''.

2004—Subsecs. (c) to (e). Pub. L. 108–458 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

2001—Subsec. (a). Pub. L. 107–71, § 101(f)(7), (9), substituted ''Under Secretary'' for ''Administrator'' in two places and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (b)(5). Pub. L. 107–71, §101(f)(1), substituted ''the Transportation Security Administration'' for ''the Administration''.

Subsec. (c). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

REGULAR JOINT THREAT ASSESSMENTS

Pub. L. 104–264, title III, §310, Oct. 9, 1996, 110 Stat. 3253, provided that: ''The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk.''

§ 44905. Information about threats to civil aviation

(a) PROVIDING INFORMATION.—Under guidelines the Administrator of the Transportation Security Administration prescribes, an air carrier, airport operator, ticket agent, or individual employed by an air carrier, airport operator, or ticket agent, receiving information (except a communication directed by the United States Government) about a threat to civil aviation shall provide the information promptly to the Administrator.

(b) FLIGHT CANCELLATION.—If a decision is made that a particular threat cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers and crew of a particular flight or series of flights, the Administrator of the Transportation Security Administration shall cancel the flight or series of flights.

(c) GUIDELINES ON PUBLIC NOTICE.—(1) The President shall develop guidelines for ensuring that public notice is provided in appropriate cases about threats to civil aviation. The guidelines shall identify officials responsible for—

(A) deciding, on a case-by-case basis, if public notice of a threat is in the best interest of the United States and the traveling public;

(B) ensuring that public notice is provided in a timely and effective way, including the use of a toll-free telephone number; and

(C) canceling the departure of a flight or series of flights under subsection (b) of this section.

(2) The guidelines shall provide for consideration of—

(A) the specificity of the threat;

(B) the credibility of intelligence information related to the threat;

(C) the ability to counter the threat effectively;

(D) the protection of intelligence information sources and methods;

(E) cancellation, by an air carrier or the Administrator of the Transportation Security Administration, of a flight or series of flights instead of public notice;

(F) the ability of passengers and crew to take steps to reduce the risk to their safety after receiving public notice of a threat; and

(G) other factors the Administrator of the Transportation Security Administration considers appropriate.

(d) GUIDELINES ON NOTICE TO CREWS.—The Administrator of the Transportation Security Administration shall develop guidelines for ensuring that notice in appropriate cases of threats to the security of an air carrier flight is provided to the flight crew and cabin crew of that flight.

(e) LIMITATION ON NOTICE TO SELECTIVE TRAVELERS.—Notice of a threat to civil aviation may be provided to selective potential travelers only if the threat applies only to those travelers.

(f) RESTRICTING ACCESS TO INFORMATION.—In cooperation with the departments, agencies, and instrumentalities of the Government that collect, receive, and analyze intelligence information related to aviation security, the Administrator of the Transportation Security Administration shall develop procedures to minimize the number of individuals who have access to information about threats. However, a restriction on access to that information may be imposed only if the restriction does not diminish the ability of the Government to carry out its duties and powers related to aviation security effectively, including providing notice to the public and flight and cabin crews under this section.

(g) DISTRIBUTION OF GUIDELINES.—The guidelines developed under this section shall be distributed for use by appropriate officials of the Department of Transportation, the Department of State, the Department of Justice, and air carriers.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(5), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44905(a)	49 App.:1358d(a).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §321; added Nov. 16, 1990, Pub. L. 101–604, §109(a), 104 Stat. 3078.
44905(b)	49 App.:1358d(b).	
44905(c)(1) ..	49 App.:1358d(c)(1), (d).	
44905(c)(2) ..	49 App.:1358d(e).	
44905(d)	49 App.:1358d(c)(2).	
44905(e)	49 App.:1358d(f).	
44905(f)	49 App.:1358d(h).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44905(g)	49 App.:1358d(g).	

In subsection (a), the words ''employed by an air carrier, airport operator, or ticket agent'' are substituted for ''employed by such an entity'' for clarity. The words ''or a designee of the Secretary'' are omitted as unnecessary.

In subsections (c)(1), before clause (A), and (d), the words ''Not later than 180 days after November 16, 1990'' are omitted as obsolete.

In subsection (c)(1)(B), the words ''when considered appropriate'' are omitted as unnecessary because of the restatement.

In subsection (e), the words ''selective potential travelers'' are substituted for ''only selective potential travelers'' to eliminate an unnecessary word.

In subsection (f), the words ''departments, agencies, and instrumentalities of the Government'' are substituted for ''agencies'' for clarity and consistency in the revised title and with other titles of the United States Code. The words ''However, a restriction on access to that information may be imposed only if the restriction does not diminish'' are substituted for ''Any restriction adopted pursuant to this subsection shall not diminish'' for clarity.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(5)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Secretary of Transportation'' and ''Administrator.'' for ''Secretary.''

Subsec. (b). Pub. L. 115–254, §1991(d)(5)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 115–254, §1991(d)(5)(C), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

2001—Subsec. (b). Pub. L. 107–71, §101(f)(7), (9), substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration''.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

§ 44906. Foreign air carrier security programs

The Administrator of the Transportation Security Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall not approve a security program of a foreign air carrier under section 129.25, or any successor regulation, unless the security program requires the foreign air carrier in its operations to and from airports in the United States to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. The foregoing requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures. The Administrator shall prescribe regulations to carry out this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1208; Pub. L. 104–132, title III, §322, Apr. 24, 1996, 110 Stat. 1254; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(6), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44906(a)(1) ..	49 App.:1357(k)(1)–(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(k)(1)–(3); added Nov. 16, 1990, Pub. L. 101–604, §105(a), 104 Stat. 3074.
	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, §105(c), 104 Stat. 3075.

The text of 49 App.:1357(k)(3) and the words ''Not later than 180 days after the date of enactment of this Act'' in section 105(c) of the Aviation Security Improvement Act of 1990 (Public Law 101–604, 104 Stat. 3075) are omitted as obsolete.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' and, wherever appearing, ''Administrator'' for ''Under Secretary''.

2001—Pub. L. 107–71 substituted ''Under Secretary'' for ''Administrator'' wherever appearing and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

1996—Pub. L. 104–132 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator may approve a security program of a foreign air carrier under section 129.25 only if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection similar to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall require a foreign air carrier to use procedures equivalent to those required of air carriers serving the same airport if the Administrator decides that the procedures are necessary to provide a level of protection similar to that provided passengers of the air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.''

§ 44907. Security standards at foreign airports

(a) ASSESSMENT.—(1) At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

(A) a foreign airport—

(i) served by an air carrier;

(ii) from which a foreign air carrier serves the United States; or

(iii) that poses a high risk of introducing danger to international air travel; and

(B) other foreign airports the Secretary considers appropriate.

(2) The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate aeronautic authorities of the government of a foreign country concerned and each air carrier serving the foreign airport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign airport effectively maintains and carries out security measures, including the screening and vetting of airport workers; and

(C) by using a standard that will result in an analysis of the security measures at the airport based at least on the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation in effect on the date of the assessment.

(3) Each report to Congress required under section 44938(b) of this title shall contain a summary of the assessments conducted under this subsection.

(b) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign airports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international air travel.

(c) NOTIFYING FOREIGN AUTHORITIES.—When the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, decides that an airport does not maintain and carry out effective security measures, the Secretary of Transportation, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the airport up to the standard used by the Secretary of Transportation in making the assessment.

(d) ACTIONS WHEN AIRPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—(1) When the Secretary of Transportation decides under this section that an airport does not maintain and carry out effective security measures—

(A) the Secretary of Transportation shall—

(i) publish the identity of the airport in the Federal Register;

(ii) have the identity of the airport posted and displayed prominently at all United States airports at which scheduled air carrier operations are provided regularly; and

(iii) notify the news media of the identity of the airport;

(B) each air carrier and foreign air carrier providing transportation between the United States and the airport shall provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the airport;

(C) notwithstanding section 40105(b) of this title, the Secretary of Transportation, after consulting with the appropriate aeronautic authorities of the foreign country concerned and each air carrier serving the airport and with the approval of the Secretary of State, may withhold, revoke, or prescribe conditions on the operating authority of an air carrier or foreign air carrier that uses that airport to provide foreign air transportation; and

(D) the President may prohibit an air carrier or foreign air carrier from providing transportation between the United States and any other foreign airport that is served by aircraft flying to or from the airport with respect to which a decision is made under this section.

(2)(A) Paragraph (1) of this subsection becomes effective—

(i) 90 days after the government of a foreign country is notified under subsection (c) of this section if the Secretary of Transportation finds that the government has not brought the security measures at the airport up to the standard the Secretary used in making an assessment under subsection (a) of this section; or

(ii) immediately on the decision of the Secretary of Transportation under subsection (c) of this section if the Secretary of Transportation decides, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from the airport.

(B) The Secretary of Transportation immediately shall notify the Secretary of State of a decision under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 44908(a) of this title.

(3) The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the airport under subsection (a) of this section.

(4) An action required under paragraph (1)(A) and (B) of this subsection is no longer required only if the Secretary of Transportation, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the airport. The Secretary of Transportation shall notify Congress when the action is no longer required to be taken.

(e) SUSPENSIONS.—Notwithstanding sections 40105(b) and 40106(b) of this title, the Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of an air carrier or foreign air carrier to provide foreign air transportation, and the right of a person to operate aircraft in foreign air commerce, to or from a foreign airport when the Secretary of Transportation decides that—

(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from that airport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that airport.

(f) CONDITION OF CARRIER AUTHORITY.—This section is a condition to authority the Secretary of Transportation grants under this part to an air carrier or foreign air carrier.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1209; Pub. L. 115–254, div. K, title I, § 1954, Oct. 5, 2018, 132 Stat. 3595.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44907(a)(1) ..	49 App.:1515(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1115(a), (b), (d)–(h); added Aug. 5, 1974, Pub. L. 93–366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99–83, §551(a), 99 Stat. 222.
44907(a)(2) ..	49 App.:1515(a)(2), (3).	
44907(a)(3) ..	49 App.:1515(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1115(c); added Aug. 5, 1974, Pub. L. 93–366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99–83, §551(a), 99 Stat. 222; Nov. 16, 1990, Pub. L. 101–604, §102(c)(2), 104 Stat. 3069.
44907(b)	49 App.:1515(b).	
44907(c)	49 App.:1515(d).	
44907(d)(1) ..	49 App.:1515(e)(2).	
44907(d)(2) ..	49 App.:1515(e)(1).	
44907(d)(3) ..	49 App.:1515(e)(3).	
44907(d)(4) ..	49 App.:1515(f).	
44907(e)	49 App.:1515(g).	
44907(f)	49 App.:1515(h).	

In subsections (a)(2)(A) and (d)(2)(A)(i) and (3), the words ''government of a foreign country'' are substituted for ''foreign government'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2)(B), the word ''foreign'' is added for clarity and consistency in this section.

In subsection (b)(2), the word ''foreign'' is added for consistency in the revised title and with other titles of the Code.

In subsection (c), the words ''government of a foreign country'' are substituted for ''foreign government'' for consistency in the revised title and with other titles of the Code.

In subsection (d)(1), before clause (A), the words ''Subject to paragraph (1)'' are omitted as surplus. In clause (C), the words ''foreign country'' are substituted for ''foreign government'' for clarity and consistency in the revised title and with other titles of the Code. The word ''prescribe'' is substituted for ''impose'' for consistency in the revised title and with other titles of the Code. The word ''provide'' is substituted for ''engage in'' for consistency in the revised title. In clause (D), the words ''directly or indirectly'' are omitted as surplus.

In subsection (d)(2)(A)(i), the words ''identified'' and ''of such airport'' are omitted as surplus.

In subsection (d)(2)(B), the words ''issue a travel advisory required under section 44908(a) of this title'' are substituted for ''comply with the requirement of section 1515(a) [sic] of this Appendix that a travel advisory be issued'' to eliminate unnecessary words.

In subsection (d)(4), the words ''An action required . . . is no longer required'' are substituted for ''The sanctions required to be imposed with respect to an airport . . . may be lifted'' to eliminate unnecessary words.

In subsection (e), before clause (1), the word ''provide'' is substituted for ''engage in'' for consistency in the revised title.

In subsection (f), the words ''issued under authority vested in'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2)(B). Pub. L. 115–254 inserted '', including the screening and vetting of airport workers'' after ''security measures''.

Statutory Notes and Related Subsidiaries

LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES

Pub. L. 115–254, div. K, title I, §1953, Oct. 5, 2018, 132 Stat. 3594, provided that:

''(a) NOTICE AND CONSULTATION.—

''(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

''(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

''(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

''(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

''(b) GAO REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Comptroller General of the United States shall review the effectiveness of the TSA [Transportation Security Administration] process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

''(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

''(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

''(B) review the extent of intra-agency and inter-agency coordination, stakeholder outreach, coordination, and feedback; and

''(C) review TSA's process and criteria for, and implementation of, updating or revoking the policies described in subparagraph (A).

''(c) RESCREENING.—Subject to section 44901(d)(4)(c) [sic] of title 49, United States Code, upon discovery of specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

''(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.

''(e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any decision of the Administrator under subsection (a)(1) relating to consultation or notification shall not be subject to judicial review.''

§ 44908. Travel advisory and suspension of foreign assistance

(a) TRAVEL ADVISORIES.—On being notified by the Administrator of the Transportation Security Administration that the Administrator of the Transportation Security Administration has decided under section 44907(d)(2)(A)(ii) of this title that a condition exists that threatens the security of passengers, aircraft, or crew traveling to or from a foreign airport that the Administrator of the Transportation Security Ad-

ministration has decided under section 44907 of this title does not maintain and carry out effective security measures, the Secretary of State—

(1) immediately shall issue a travel advisory for that airport; and

(2) shall publicize the advisory widely.

(b) SUSPENDING ASSISTANCE.—The President shall suspend assistance provided under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country in which is located an airport with respect to which section 44907(d)(1) of this title becomes effective if the Secretary of State decides the country is a high terrorist threat country. The President may waive this subsection if the President decides, and reports to Congress, that the waiver is required because of national security interests or a humanitarian emergency.

(c) ACTIONS NO LONGER REQUIRED.—An action required under this section is no longer required only if the Administrator of the Transportation Security Administration has made a decision as provided under section 44907(d)(4) of this title. The Administrator shall notify Congress when the action is no longer required to be taken.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 105–277, div. G, subdiv. B, title XXII, § 2224(a), Oct. 21, 1998, 112 Stat. 2681–819; Pub. L. 115–254, div. K, title I, § 1991(d)(7), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44908(a)	49 App.:1515a(a).	Aug. 8, 1985, Pub. L. 99–83, § 552, 99 Stat. 226.
44908(b)	49 App.:1515a(b).	
44908(c)	49 App.:1515a(c), (d).	

In subsection (a)(3), the words ''take the necessary steps to'' are omitted as surplus.

In subsection (b), the words ''all'' and ''the requirements of'' are omitted as surplus.

Subsection (c) is substituted for 49 App.:1515a(c) and (d) to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§ 2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 1991(d)(7)(A), (B), in introductory provisions, substituted ''Administrator of the Transportation Security Administration'' for ''Secretary of Transportation'' wherever appearing and struck out ''safety or'' before ''security of passengers''.

Subsec. (c). Pub. L. 115–254, § 1991(d)(7)(A), (C), substituted ''Administrator of the Transportation Security Administration'' for ''Secretary of Transportation'' and ''The Administrator'' for ''The Secretary''.

1998—Subsec. (a). Pub. L. 105–277 inserted ''and'' at end of par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: ''shall publish the advisory in the Federal Register; and''.

§ 44909. Passenger manifests

(a) AIR CARRIER REQUIREMENTS.—(1) The Secretary of Transportation shall require each air carrier to provide a passenger manifest for a flight to an appropriate representative of the Secretary of State—

(A) not later than one hour after that carrier is notified of an aviation disaster outside the United States involving that flight; or

(B) if it is not technologically feasible or reasonable to comply with clause (A) of this paragraph, then as expeditiously as possible, but not later than 3 hours after the carrier is so notified.

(2) The passenger manifest should include the following information:

(A) the full name of each passenger.

(B) the passport number of each passenger, if required for travel.

(C) the name and telephone number of a contact for each passenger.

(3) In carrying out this subsection, the Secretary of Transportation shall consider the necessity and feasibility of requiring air carriers to collect passenger manifest information as a condition for passengers boarding a flight of the carrier.

(b) FOREIGN AIR CARRIER REQUIREMENTS.—The Secretary of Transportation shall consider imposing a requirement on foreign air carriers comparable to that imposed on air carriers under subsection (a)(1) and (2) of this section.

(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

(1) IN GENERAL.—Each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of U.S. Customs and Border Protection by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

(A) The full name of each passenger and crew member.

(B) The date of birth and citizenship of each passenger and crew member.

(C) The sex of each passenger and crew member.

(D) The passport number and country of issuance of each passenger and crew member if required for travel.

(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

(F) Such other information as the Administrator of the Transportation Security Administration, in consultation with the Commissioner of U.S. Customs and Border Pro-

tection, determines is reasonably necessary to ensure aviation safety.

(3) PASSENGER NAME RECORDS.—The carriers shall make passenger name record information available to the Customs Service upon request.

(4) TRANSMISSION OF MANIFEST.—Subject to paragraphs (5) and (6), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

(5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Administrator of the Transportation Security Administration or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.

(6) PRESCREENING INTERNATIONAL PASSENGERS.—

(A) IN GENERAL.—The Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rulemaking that will allow the Department of Homeland Security to compare passenger information for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

(B) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Secretary of Homeland Security will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary of Homeland Security to authenticate the identity of such a passenger or individual.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 106–181, title VII, § 718, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107–71, title I, § 115, Nov. 19, 2001, 115 Stat. 623; Pub. L. 108–458, title IV, § 4012(a)(2), Dec. 17, 2004, 118 Stat. 3717; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210; Pub. L. 115–254, div. K, title I, § 1991(d)(8), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44909(a)(1) ..	49 App.:1380(a).	Aug. 23, 1958, Pub. L. 85–726, § 410, 72 Stat. 769; Oct. 15, 1962, Pub. L. 87–820, § 8, 76 Stat. 936; restated Nov. 16, 1990, Pub. L. 101–604, § 203(a), 104 Stat. 3082.
44909(a)(2) ..	49 App.:1380(b).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44909(a)(3) ..	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101–604, § 203(b), 104 Stat. 3082.
44909(b)	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101–604, § 203(c), 104 Stat. 3083.

In subsection (a)(1), before clause (A), the words ''each air carrier'' are substituted ''all United States air carriers'' because of the definition of ''air carrier'' in section 40102(a) of the revised title. The words ''an appropriate representative of the Secretary of State'' are substituted for ''appropriate representatives of the United States Department of State'' because of 22:2651 and for consistency in the revised title and with other titles of the United States Code. In clause (B), the words ''to comply with clause (A) of this paragraph'' are substituted for ''to fulfill the requirement of this subsection'' for consistency in the revised title and with other titles of the Code.

In subsection (a)(2), before clause (B), the words ''For purposes of this section'' are omitted as unnecessary.

In subsection (a)(3), the words ''In carrying out this subsection'' are substituted for ''In implementing the requirement pursuant to the amendment made by subsection (a) of this section'' for clarity and to eliminate unnecessary words.

In subsection (b), the word ''imposing'' is added for clarity. The words ''imposed on air carriers under subsection (a)(1) and (2) of this section'' are substituted for ''imposed pursuant to the amendment made by subsection (a)'' for clarity and because of the restatement.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, § 1991(d)(8)(A), substituted ''The'' for ''Not later than March 16, 1991, the'' in introductory provisions.

Subsec. (c)(1). Pub. L. 115–254, § 1991(d)(8)(B)(i), substituted ''Each'' for ''Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each''.

Subsec. (c)(2)(F), (5). Pub. L. 115–254, § 1991(d)(8)(B)(ii), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (c)(6)(A). Pub. L. 115–254, § 1991(d)(8)(B)(iii)(I), substituted ''The'' for ''Not later than 60 days after date of enactment of this paragraph, the''.

Subsec. (c)(6)(B)(ii). Pub. L. 115–254, § 1991(d)(8)(B)(iii)(II), substituted ''the Secretary of Homeland Security will'' for ''the Secretary will'' and ''the Secretary of Homeland Security to'' for ''the Secretary to''.

2004—Subsec. (c)(4). Pub. L. 108–458, § 4012(a)(2)(A), substituted ''paragraphs (5) and (6),'' for ''paragraph (5),''.

Subsec. (c)(6). Pub. L. 108–458, § 4012(a)(2)(B), added par. (6).

2001—Subsec. (c). Pub. L. 107–71 which directed the addition of subsec. (c) to section 44909, without specifying the Code title to be amended, was executed by making the addition to this section, to reflect the probable intent of Congress.

2000—Subsec. (a)(2). Pub. L. 106–181 substituted ''should'' for ''shall'' in introductory provisions.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

''Commissioner of U.S. Customs and Border Protection'' substituted for ''Commissioner of Customs'' in subsec. (c)(1) and (2)(F) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

Pub. L. 106–181, set out as a note under section 106 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

§ 44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance related to aircraft sabotage, aircraft hijacking, and airport security.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44910	49 App.:1515 (note).	Aug. 8, 1985, Pub. L. 99–83, §556, 99 Stat. 227.

§ 44911. Intelligence

(a) DEFINITION.—In this section, ''intelligence community'' means the intelligence and intelligence-related activities of the following units of the United States Government:

(1) the Department of State.
(2) the Department of Defense.
(3) the Department of the Treasury.
(4) the Department of Energy.
(5) the Departments of the Army, Navy, and Air Force.
(6) the Central Intelligence Agency.
(7) the National Security Agency.
(8) the Defense Intelligence Agency.
(9) the Federal Bureau of Investigation.
(10) the Drug Enforcement Administration.

(b) POLICIES AND PROCEDURES ON REPORT AVAILABILITY.—The head of each unit in the intelligence community shall prescribe policies and procedures to ensure that intelligence reports about terrorism are made available, as appropriate, to the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Transportation Security Administration.

(c) UNIT FOR STRATEGIC PLANNING ON TERRORISM.—The heads of the units in the intelligence community shall place greater emphasis on strategic intelligence efforts by establishing a unit for strategic planning on terrorism.

(d) DESIGNATION OF INTELLIGENCE OFFICER.—At the request of the Secretary of Homeland Security, the Director of Central Intelligence shall designate at least one intelligence officer of the Central Intelligence Agency to serve in a senior position in the Office of the Secretary.

(e) WRITTEN WORKING AGREEMENTS.—The heads of units in the intelligence community, the Secretary of Homeland Security, and the Administrator of the Transportation Security Administration shall review and, as appropriate, revise written working agreements between the intelligence community and the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107–71, title I, §§101(f)(7), (9), 102(b), (c), Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115–254, div. K, title I, §1991(d)(9), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44911(a)	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(e), 104 Stat. 3080.
44911(b)	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(a), 104 Stat. 3080.
44911(c)	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(b), 104 Stat. 3080.
44911(d)	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(c), 104 Stat. 3080.
44911(e)	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(d), 104 Stat. 3080.

In this section, the word ''units'' is substituted for ''agencies'' for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (e), the words ''Not later than 180 days after the date of enactment of this Act'' in section 111(a) and (d) of the Aviation Security Improvement Act of 1990 (Public Law 101–640, 104 Stat. 3080) are omitted as obsolete.

In subsection (b), the words ''the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration'' are substituted for ''other members of the intelligence community, the Department of Transportation, and the Federal Aviation Administration'' for clarity and consistency in the revised title and with other titles of the Code.

In subsections (c) and (e), the words ''heads of units in the intelligence community'' are substituted for ''intelligence community'' for clarity and consistency in the revised title and with other titles of the Code.

In subsection (e), the words ''memorandums of understanding'' are omitted as being included in ''written working agreements''.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, §1991(d)(9)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

Subsec. (d). Pub. L. 115–254, §1991(d)(9)(B), substituted ''request of the Secretary of Homeland Security'' for ''request of the Secretary''.

Subsec. (e). Pub. L. 115–254, §1991(d)(9)(C), substituted ''Secretary of Homeland Security, and the Administrator of the Transportation Security Administration'' for ''Secretary, and the Under Secretary'' and ''intelligence community and the Administrator of the Transportation Security Administration'' for ''intelligence community and the Under Secretary''.

2001—Subsec. (b). Pub. L. 107–71, §102(b), struck out ''international'' before ''terrorism''.

Pub. L. 107–71, §101(f)(7), (9), substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration''.

Subsec. (c). Pub. L. 107–71, §102(c), substituted ''place'' for ''consider placing''.

Subsec. (e). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 3001 of Title 50, War and National Defense.

§ 44912. Research and development

(a) PROGRAM REQUIREMENT.—(1) The Administrator shall establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. The program shall provide for developing and having in place new equipment and procedures necessary to meet the technological challenges presented by terrorism. The program shall include research on, and development of, technological improvements and ways to enhance human performance.

(2) In designing and carrying out the program established under this subsection, the Administrator shall—

(A) consult and coordinate activities with other departments, agencies, and instrumentalities of the United States Government doing similar research;

(B) identify departments, agencies, and instrumentalities that would benefit from that research; and

(C) seek cost-sharing agreements with those departments, agencies, and instrumentalities.

(3) In carrying out the program established under this subsection, the Administrator shall review and consider the annual reports the Secretary of Transportation submits to Congress on transportation security and intelligence.

(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Administrator a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

(i) progress made in engineering, research, and development with respect to security technology;

(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.

(5) The Administrator may—

(A) make grants to institutions of higher learning and other appropriate research facilities with demonstrated ability to carry out research described in paragraph (1) of this subsection, and fix the amounts and terms of the grants; and

(B) make cooperative agreements with governmental authorities the Administrator decides are appropriate.

(b) REVIEW OF THREATS.—(1) The Administrator shall periodically review threats to civil aviation, with particular focus on—

(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

(ii) the disruption of civil aviation service, including by cyber attack;

(B) explosive material that presents the most significant threat to civil aircraft;

(C) the minimum amounts, configurations, and types of explosive material that can cause, or would reasonably be expected to cause, catastrophic damage to aircraft in air transportation;

(D) the amounts, configurations, and types of explosive material that can be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(E) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;

(F) the feasibility of using various ways to minimize damage caused by explosive material that cannot be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(G) the ability to screen passengers, carry-on baggage, checked baggage, and cargo; and

(H) the technologies that might be used in the future to attempt to destroy or otherwise threaten commercial aircraft and the way in which those technologies can be countered effectively.

(2) The Administrator shall use the results of the review under this subsection to develop the focus and priorities of the program established under subsection (a) of this section.

(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

(i) the development and testing of effective explosive detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

(iv) other scientific and technical areas the Administrator considers appropriate.

(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

(4) Biennially, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—The Administrator shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

(2) DISCLOSURE.—

(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

(i) be an unwarranted invasion of personal privacy;

(ii) reveal a trade secret or privileged or confidential commercial or financial information; or

(iii) be detrimental to transportation safety.

(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

(i) to conceal a violation of law, inefficiency, or administrative error;

(ii) to prevent embarrassment to a person, organization, or agency;

(iii) to restrain competition; or

(iv) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

(e) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107–71, title I, §§ 101(f)(7), (9), 112, Nov. 19, 2001, 115 Stat. 603, 620; Pub. L. 115–254, div. K, title I, § 1991(d)(10), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44912(a)	49 App.:1357(d)(3)(A), (D), (4)–(7).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(d)(3)–(8); added Nov. 16, 1990, Pub. L. 101–604, § 107, 104 Stat. 3076.
44912(b)	49 App.:1357(d)(3)(B), (C).	
44912(c)	49 App.:1357(d)(8).	

In subsection (a)(1), the words ''It shall be the purpose of the program established under paragraph (3)'' and ''established under paragraph (3)'' are omitted as unnecessary.

In subsection (a)(2)(A), the word ''activities'' is added for clarity. The words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''Federal agencies'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4), the words ''The Administrator may . . . make grants'' are substituted for ''Amounts appropriated for each fiscal year under paragraph (9) shall be made available by the Administrator, by way of grants'' to eliminate unnecessary words. In clause (A), the words ''institutions of higher learning'' are substituted for ''colleges, universities'', and the word ''institutions'' is substituted for ''institutions and facilities'', for clarity and consistency in the revised title and with other titles of the Code. In clause (B), the words ''governmental authorities'' are substituted for ''governmental entities'' for consistency in the revised title and with other titles of the Code.

In subsection (b)(1), before clause (A), the words ''Not later than 180 days after November 16, 1990'' are omitted as obsolete. Clause (B) is substituted for 49 App.:1357(d)(3)(B)(ii) and (iii) for clarity and to eliminate unnecessary words.

In subsection (b)(1)(E), the word ''mail'' is omitted as being included in ''cargo''.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(10)(C), substituted ''Administrator'' for ''Under Secretary'' wherever appearing in subsecs. (a) to (c).

Subsec. (a)(1). Pub. L. 115–254, § 1991(d)(10)(A)(i), substituted ''Administrator'' for ''Under Secretary of Transportation for Security'' and struck out '', not later than November 16, 1993,'' after ''in place''.

Subsec. (a)(4)(C). Pub. L. 115–254, §1991(d)(10)(A)(ii), substituted ''Administrator'' for ''Research, Engineering and Development Advisory Committee'' in introductory provisions.

Subsec. (c)(1). Pub. L. 115–254, §1991(d)(10)(B)(i), struck out '', as a subcommittee of the Research, Engineering, and Development Advisory Committee,'' after ''panel''.

Subsec. (c)(4). Pub. L. 115–254, §1991(d)(10)(B)(ii), substituted ''Biennially,'' for ''Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter,''.

Subsecs. (d), (e). Pub. L. 115–254, §1991(d)(10)(D), added subsecs. (d) and (e).

2001—Subsec. (a)(1). Pub. L. 107–71, §101(f)(7), (9), substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration''.

Subsec. (a)(2), (3). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (a)(4). Pub. L. 107–71, §112(b)(1)(B), added par. (4). Former par. (4) redesignated (5).

Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Subsec. (a)(5). Pub. L. 107–71, §112(b)(1)(A), redesignated par. (4) as (5).

Subsec. (b)(1). Pub. L. 107–71, §§101(f)(7), 112(a)(1), in introductory provisions, substituted ''Under Secretary'' for ''Administrator'' and ''periodically review'' for ''complete an intensive review of''.

Subsec. (b)(1)(A). Pub. L. 107–71, §112(b)(2)(B), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (b)(1)(B). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (A) as (B). Former subpar. (B) redesignated (C).

Pub. L. 107–71, §112(a)(2), substituted ''aircraft in air transportation;'' for ''commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;''.

Subsec. (b)(1)(C). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (b)(1)(D). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (C) as (D). Former subpar. (D) redesignated (E).

Pub. L. 107–71, §112(a)(3), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (b)(1)(E) to (G). Pub. L. 107–71, §112(b)(2)(A), redesignated subpars. (D) to (F) as (E) to (G), respectively. Former subpar. (G) redesignated (H).

Pub. L. 107–71, §112(a)(3), redesignated subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (b)(1)(H). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (G) as (H).

Subsec. (b)(2). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (c). Pub. L. 107–71, §112(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: ''The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering and Development Advisory Committee, to review, comment on, advise on the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft by the next generation of terrorist weapons. The panel shall consist of individuals with scientific and technical expertise in—

''(1) the development and testing of effective explosive detection systems;

''(2) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective technology must be capable of detecting;

''(3) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(4) other scientific and technical areas the Administrator considers appropriate.''

Statutory Notes and Related Subsidiaries

INNOVATION TASK FORCE

Pub. L. 115–254, div. K, title I, §1916, Oct. 5, 2018, 132 Stat. 3556, provided that:

''(a) IN GENERAL.—The Administrator shall establish an innovation task force—

''(1) to cultivate innovations in transportation security;

''(2) to develop and recommend how to prioritize and streamline requirements for new approaches to transportation security;

''(3) to accelerate the development and introduction of new innovative transportation security technologies and improvements to transportation security operations; and

''(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

''(b) ACTIVITIES.—The task force shall—

''(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance transportation security, including—

''(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;

''(B) by gathering performance data from such a demonstration to inform the acquisition process; and

''(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

''(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other transportation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

''(3) submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force-sponsored projects and checkpoint enhancements.

''(c) COMPOSITION.—

''(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

''(2) CHAIRPERSON.—The task force shall be chaired by the Administrator's designee.

''(3) REPRESENTATION.—The task force shall be comprised of representatives of—

''(A) the relevant offices of the TSA;

''(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

''(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

''(D) such industry representatives as the Administrator considers appropriate.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

''(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the task force established under this section.''

[For definitions of terms used in section 1916 of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115–254 note under section 101 of this title.]

RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY

Pub. L. 107–71, title I, §137, Nov. 19, 2001, 115 Stat. 637, as amended by Pub. L. 110–53, title XVI, §1608, Aug. 3, 2007, 121 Stat. 484, provided that:

''(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2006 through 2011 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance transportation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2006 through 2011 for—

''(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

''(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

''(B) faster, to facilitate screening of all checked baggage at larger airports; or

''(C) more accurate, to reduce the number of false positives requiring additional security measures;

''(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

''(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

''(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

''(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

''(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

''(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

''(b) GRANTS.—Grants awarded under this subtitle [probably should be ''this section''] shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Transportation Security Administration that shall include sufficient information to permit the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Under Secretary shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act [Nov. 19, 2001].

''(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

''(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Transportation Security Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

''(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

''(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

''(3) advances in biometrics for identification and threat assessment; or

''(4) other technologies for preventing acts of terrorism in aviation.''

[For definitions of terms used in section 137 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.]

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than expiration of 2-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to expiration of such 2-year period, or in the case of a panel established by Congress, its duration is otherwise provided for by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

§ 44913. Explosive detection

(a) DEPLOYMENT AND PURCHASE OF EQUIPMENT.—(1) A deployment or purchase of explosive detection equipment under section 108.7(b)(8) or 108.20 of title 14, Code of Federal Regulations, or similar regulation is required only if the Administrator of the Transportation Security Administration (referred to in this section as ''the Administrator'') certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall base the certification on the results of tests conducted under protocols developed in consultation with expert scientists outside of the Transportation Security Administration. Those tests shall be completed not later than April 16, 1992.

(2) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security. The Administrator may permit the requirements of this paragraph to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.

(3) This subsection does not prohibit the Administrator from purchasing or deploying explosive detection equipment described in paragraph (1) of this subsection.

(b) GRANTS.—The Administrator may provide grants to continue the Explosive Detection K-9 Team Training Program to detect explosives at airports and on aircraft.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 104–264, title III, § 305(a), Oct. 9, 1996, 110 Stat. 3252; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 107–71, title I, § 101(f)(2), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(11), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44913(a)(1) ..	49 App.:1358c(a), (b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 320; added Nov. 16, 1990, Pub. L. 101–604, § 108, 104 Stat. 3077.
44913(a)(2) ..	49 App.:1358c(c).	
44913(a)(3) ..	49 App.:1358c(d).	
44913(b)	49 App.:2225.	Sept. 3, 1982, Pub. L. 97–248, § 529, 96 Stat. 699; Dec. 30, 1987, Pub. L. 100–223, § 114, 101 Stat. 1505.

In subsection (a), the words ''after November 16, 1990'' are omitted as executed. The words ''The Administrator shall base the certification on'' are substituted for ''based on'' because of the restatement.

In subsection (b), the words ''but not be limited to'' are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 1991(d)(11)(A)(iv), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (a)(1). Pub. L. 115–254, § 1991(d)(11)(A)(i), substituted ''Administrator of the Transportation Security Administration (referred to in this section as 'the Administrator')'' for ''Under Secretary of Transportation for Security''.

Subsec. (a)(2) to (4). Pub. L. 115–254, § 1991(d)(11)(A)(ii), (iii), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: ''Before completion of the tests described in paragraph (1) of this subsection, but not later than April 16, 1992, the Under Secretary may require deployment of explosive detection equipment described in paragraph (1) if the Under Secretary decides that deployment will enhance aviation security significantly. In making that decision, the Under Secretary shall consider factors such as the ability of the equipment alone, or as part of an integrated system, to detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Under Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of a deployment decision made under this paragraph.''

Subsec. (b). Pub. L. 115–254, § 1991(d)(11)(B), substituted ''Administrator'' for ''Secretary of Transportation''.

2001—Subsec. (a)(1). Pub. L. 107–71, § 101(f)(9), substituted ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Pub. L. 107–71, § 101(f)(2), substituted ''of the Transportation Security Administration'' for ''of the Administration'' in second sentence.

Subsec. (a)(2) to (4). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' wherever appearing.

1996—Subsec. (a)(2). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Subsec. (a)(3), (4). Pub. L. 104–264 added par. (3) and redesignated former par. (3) as (4).

Statutory Notes and Related Subsidiaries

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.

IMPROVED EXPLOSIVE DETECTION SYSTEMS

Pub. L. 108–458, title IV, § 4024, Dec. 17, 2004, 118 Stat. 3724, provided that:

''(a) PLAN AND GUIDELINES.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.''

WEAPONS AND EXPLOSIVE DETECTION STUDY

Pub. L. 104–264, title III, § 303, Oct. 9, 1996, 110 Stat. 3250, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

''(b) PANEL OF EXPERTS.—

''(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section referred to as the 'panel').

''(2) EXPERTISE.—Each member of the panel shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

''(c) STUDY.—The panel, in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

''(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

''(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas;

''(3) assess the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment; and

''(4) on the basis of the assessments and determinations made under paragraphs (1), (2), and (3), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

''(d) COOPERATION.—The National Science and Technology Council shall take such actions as may be nec-

essary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

''(1) expertise; and

''(2) to the extent allowable by law, resources and facilities.

''(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of Congress.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1997 through 2001 such sums as may be necessary to carry out this section.''

§ 44914. Airport construction guidelines

In consultation with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration considers appropriate, the Administrator shall develop guidelines for airport design and construction to allow for maximum security enhancement. In developing the guidelines, the Administrator shall consider the results of the assessment carried out under section 44904(a) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 107–71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(12), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44914	49 App.:1357 (note). 49 App.:1432(d).	Nov. 16, 1990, Pub. L. 101–604, § 106(f), 104 Stat. 3075. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 612(d); added Nov. 16, 1990, Pub. L. 101–604, § 110(a), 104 Stat. 3080.

The words ''In developing the guidelines'' are substituted for ''In developing airport construction guidelines under subsection (d) of section 612 of the Federal Aviation Act of 1958, as added by section 110 of this Act'' in section 106(f) of the Aviation Security Improvement Act of 1990 (Public Law 101–604, 104 Stat. 3075) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration'' for ''with air carriers, airport authorities, and others the Under Secretary of Transportation for Security'' and, in two places, ''Administrator'' for ''Under Secretary''.

2001—Pub. L. 107–71 substituted ''Under Secretary'' for ''Administrator'' wherever appearing and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

§ 44915. Exemptions

The Administrator of the Transportation Security Administration may exempt from sections 44901, 44903(a)–(c) and (e), 44906, 44935, and 44936 of this title airports in Alaska served only by air carriers that—

(1) hold certificates issued under section 41102 of this title;

(2) operate aircraft with certificates for a maximum gross takeoff weight of less than 12,500 pounds; and

(3) board passengers, or load property intended to be carried in an aircraft cabin, that will be screened under section 44901 of this title at another airport in Alaska before the passengers board, or the property is loaded on, an aircraft for a place outside Alaska.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107–71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(13), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44915	49 App.:1358.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 317; added July 12, 1976, Pub. L. 94–353, § 17(a), 90 Stat. 882.

In clause (1), the word ''issued'' is substituted for ''granted'' for consistency in this part. The words ''by the Civil Aeronautics Board'' are omitted as surplus.

Clause (3) is substituted for 49 App.:1358 (words after 3d comma) for consistency in the revised title.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

2001—Pub. L. 107–71 substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration'' in introductory provisions.

§ 44916. Assessments and evaluations

(a) PERIODIC ASSESSMENTS.—The Administrator of the Transportation Security Administration shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Transportation Security Administration shall perform periodic audits of such assessments.

(b) INVESTIGATIONS.—The Administrator of the Transportation Security Administration shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.

(Added Pub. L. 104–264, title III, § 312(a), Oct. 9, 1996, 110 Stat. 3253; amended Pub. L. 107–71, title I, § 101(f)(3), (7), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(14), Oct. 5, 2018, 132 Stat. 3635.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(14)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

Subsec. (b). Pub. L. 115–254, §1991(d)(14)(B), substituted ''Administrator of the Transportation Security Administration shall'' for ''Under Secretary shall'' and ''Administrator may'' for ''Under Secretary may''.

2001—Subsec. (a). Pub. L. 107–71, §101(f)(3), substituted ''Under Secretary of Transportation for Security'' for ''Administrator'' in first sentence and ''Transportation Security Administration'' for ''Administration'' in second sentence.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

§ 44917. Deployment of Federal air marshals

(a) IN GENERAL.—The Administrator of the Transportation Security Administration under the authority provided by section 44903(d)—

(1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;

(2) shall provide for deployment of Federal air marshals on every such flight determined by the Administrator to present high security risks;

(3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;

(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft;

(8) may appoint—

(A) an individual who is a retired law enforcement officer;

(B) an individual who is a retired member of the Armed Forces; and

(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001, as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals;

(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.

(b) INTERIM MEASURES.—Until the Under Secretary[1] completes implementation of subsection (a), the Under Secretary[1] may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.

(c) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

(3) FEES.—The Administrator of the Transportation Security Administration shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Administrator of the Transportation Security Administration for purposes for which amounts in such account are available.

(Added Pub. L. 107–71, title I, §105(a), Nov. 19, 2001, 115 Stat. 606; amended Pub. L. 108–458, title IV, §4018, Dec. 17, 2004, 118 Stat. 3721; Pub. L. 115–254, div. K, title I, §§1959(c)(5), (d)(1), 1991(d)(15), Oct. 5, 2018, 132 Stat. 3599, 3635.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(15)(A)(i), substituted ''Administrator of the Transportation Se-

[1] So in original. Probably should be ''Administrator''.

curity Administration'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §1991(d)(15)(A)(ii), substituted ''by the Administrator'' for ''by the Secretary''.

Subsec. (a)(9) to (12). Pub. L. 115–254, §1959(d)(1), added pars. (9) to (12).

Subsec. (b). Pub. L. 115–254, §1959(c)(5), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: ''In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority.''

Subsec. (c). Pub. L. 115–254, §1959(c)(5)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 115–254, §1991(d)(15)(B)(i), which directed amendment of subsec. (d)(1) by substituting ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security'', was executed to subsec. (c)(1) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115–254, §1959(c)(5)(B). See above.

Subsec. (c)(3). Pub. L. 115–254, §1991(d)(15)(B)(ii), which directed amendment of subsec. (d)(3) by substituting ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary'' in two places, was executed to subsec. (c)(3) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115–254, §1959(c)(5)(B). See above.

Subsec. (d). Pub. L. 115–254, §1959(c)(5)(B), redesignated subsec. (d) as (c).

2004—Subsec. (d). Pub. L. 108–458 added subsec. (d).

Statutory Notes and Related Subsidiaries

FEDERAL AIR MARSHAL SERVICE UPDATES

Pub. L. 115–254, div. K, title I, §1959(a)–(c)(4), Oct. 5, 2018, 132 Stat. 3598, 3599, provided that:

''(a) STANDARDIZATION.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall develop a standard written agreement that shall be the basis of all negotiations and agreements that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

''(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

''(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

''(A) such mission is necessary for aviation security; and

''(B) the requirements of paragraph (4)(B) are met.

''(4) NOTIFICATION TO CONGRESS.—

''(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a copy of the agreement.

''(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

''(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

''(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

''(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

''(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.—

''(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

''(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d) [amending this section (see subsec. (a)(9) to (12) of this section) and enacting provisions set out as a note below].

''(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

''(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risks to aviation transportation based on current intelligence.''

IMPLEMENTATION DEADLINE

Pub. L. 115–254, div. K, title I, §1959(d)(3), Oct. 5, 2018, 132 Stat. 3600, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.''

FEDERAL AIR MARSHALS

Pub. L. 108–458, title IV, §4016, Dec. 17, 2004, 118 Stat. 3720, as amended by Pub. L. 115–254, div. K, title I, §1993, Oct. 5, 2018, 132 Stat. 3646, provided that:

''(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

''(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, $83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

''(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.—

''(1) AVAILABILITY OF INFORMATION.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

''(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.''

§ 44918. Crew training

(a) BASIC SECURITY TRAINING.—

(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) The proper commands to give passengers and attackers.

(D) Appropriate responses to defend oneself.

(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration).

(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(G) Situational training exercises regarding various threat conditions.

(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

(I) The proper conduct of a cabin search, including explosive device recognition.

(J) Any other subject matter considered appropriate by the Administrator of the Transportation Security Administration.

(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Administrator of the Transportation Security Administration.

(4) MINIMUM STANDARDS.—The Administrator of the Transportation Security Administration may establish minimum standards for the training provided under this subsection and for recurrent training.

(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Administrator of the Transportation Security Administration before December 12, 2003, may continue in effect until disapproved or ordered modified by the Administrator of the Transportation Security Administration.

(6) MONITORING.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Administrator of the Transportation Security Administration shall consider complaints from crew members. The Administrator of the Transportation Security Administration shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

(7) UPDATES.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

(b) ADVANCED SELF-DEFENSE TRAINING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

(A) Deterring a passenger who might present a threat.

(B) Advanced control, striking, and restraint techniques.

(C) Training to defend oneself against edged or contact weapons.

(D) Methods to subdue and restrain an attacker.

(E) Use of available items aboard the aircraft for self-defense.

(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

(G) Any other element of training that the Administrator of the Transportation Security Administration considers appropriate.

(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

(6) CONSULTATION.—In developing the training program under this subsection, the Administrator of the Transportation Security Administration shall consult with law enforce-

ment personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshal Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

(7) DESIGNATION OF TSA OFFICIAL.—The Administrator of the Transportation Security Administration shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).

(Added Pub. L. 107–71, title I, §107(a), Nov. 19, 2001, 115 Stat. 610; amended Pub. L. 107–296, title XIV, §1403(a), Nov. 25, 2002, 116 Stat. 2305; Pub. L. 108–176, title VI, §603, Dec. 12, 2003, 117 Stat. 2563; Pub. L. 115–254, div. K, title I, §1991(d)(16), Oct. 5, 2018, 132 Stat. 3635.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(16)(C), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a)(2)(E). Pub. L. 115–254, §1991(d)(16)(A)(i), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary for Border and Transportation Security of the Department of Homeland Security''.

Subsec. (a)(4). Pub. L. 115–254, §1991(d)(16)(A)(ii), substituted ''The'' for ''Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the''.

Subsec. (a)(5). Pub. L. 115–254, §1991(d)(16)(A)(iii), substituted ''December 12, 2003,'' for ''the date of enactment of the Vision 100—Century of Aviation Reauthorization Act''.

Subsec. (b)(1). Pub. L. 115–254, §1991(d)(16)(B)(i), substituted ''The'' for ''Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the''.

Subsec. (b)(6). Pub. L. 115–254, §1991(d)(16)(B)(ii), substituted ''Federal Air Marshal Service'' for ''Federal Air Marshals Service''.

2003—Pub. L. 108–176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (e) relating to development of detailed guidance for a scheduled passenger air carrier flight and cabin crew training program to prepare crew members for potential threat conditions.

2002—Subsec. (e). Pub. L. 107–296 designated existing provisions as par. (1), inserted heading, substituted ''The Under Secretary'' for ''The Administrator'', added pars. (2) and (3), and realigned margins.

Statutory Notes and Related Subsidiaries

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

CREW MEMBER SELF-DEFENSE TRAINING

Pub. L. 115–254, div. K, title I, §1960, Oct. 5, 2018, 132 Stat. 3600, provided that: ''The Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.''

§ 44919. PreCheck Program

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

(b) EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

(c) MINIMUM CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

(A) such means—

(i) are evaluated and certified by the Secretary of Homeland Security;

(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and

(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means of biometrics if the collection—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as ''Privacy Act of 1974''), and with agency regulations;

(C) is evaluated and certified by the Secretary of Homeland Security; and

(D) is determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history.

(e) TARGET ENROLLMENT.—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

(1) 7,000,000 passengers before October 1, 2019.

(2) 10,000,000 passengers before October 1, 2020.

(3) 15,000,000 passengers before October 1, 2021.

(f) MARKETING OF PRECHECK PROGRAM.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

(1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and

(2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

(g) IDENTITY VERIFICATION ENHANCEMENT.—The Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

(h) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(i) ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR EXPEDITED SECURITY SCREENING.—

(1) IN GENERAL.—Subject to paragraph (3), an individual specified in paragraph (2) is eligible for expedited security screening under the PreCheck Program.

(2) INDIVIDUALS SPECIFIED.—An individual specified in this subsection is any of the following:

(A) A member of the Armed Forces, including a member of a reserve component or the National Guard.

(B) A cadet or midshipman of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(C) A family member of an individual specified in subparagraph (A) or (B) who is younger than 12 years old and accompanying the individual.

(3) IMPLEMENTATION.—The eligibility of an individual specified in paragraph (2) for expedited security screening under the PreCheck Program is subject to such policies and procedures as the Administrator may prescribe to carry out this subsection, in consultation with the Secretary of Defense and, with respect to the United States Coast Guard, the Commandant of the United States Coast Guard.

(j) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

(k) ASSURANCE OF SEPARATE PROGRAM.—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b), (c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

(*l*) Expenditure of Funds.—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that includes the requirements of this section.

(Added Pub. L. 107–71, title I, §108(a), Nov. 19, 2001, 115 Stat. 611; amended Pub. L. 115–254, div. K, title I, §1937(a), Oct. 5, 2018, 132 Stat. 3576.)

Editorial Notes

REFERENCES IN TEXT

Section 109 of the Aviation and Transportation Security Act, referred to in subsec. (a), is section 109 of Pub. L. 107–71, which is set out as a note under section 114 of this title.

The date of enactment of the TSA Modernization Act, referred to in subsecs. (b) and (f), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254 amended section generally. Prior to amendment, section related to establishment of

pilot program under which the screening of passengers and property was to be conducted by a qualified private screening company.

Statutory Notes and Related Subsidiaries

ENROLLMENT REDRESS WITH RESPECT TO DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS

Pub. L. 117–81, div. F, title LXIV, §6417, Dec. 27, 2021, 135 Stat. 2415, provided that: ''Notwithstanding any other provision of law, the Secretary of Homeland Security shall, with respect to an individual whose enrollment in a trusted traveler program was revoked in error extend by an amount of time equal to the period of revocation the period of active enrollment in such a program upon reenrollment in such a program by such an individual.''

PRECHECK EXPEDITED SCREENING

Pub. L. 115–254, div. K, title I, §1938, Oct. 5, 2018, 132 Stat. 3579, provided that:

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall ensure that only a traveler who is a member of a trusted traveler program specified in subsection (b) is permitted to use a TSA PreCheck security screening lane at a passenger screening checkpoint.

''(b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A trusted traveler program specified in this subsection is any of the following:

''(1) The PreCheck Program under section 44919 of title 49, United States Code.

''(2) Any other program implemented by the TSA under section 109(a)(3) of the Aviation and Transportation Security Act [Pub. L. 107–71] (49 U.S.C. 114 note).

''(3) Any other United States Government program that issues a unique identifier, such as a known traveler number, that the TSA accepts as validating that the individual holding such identifier is a member of a known low-risk population.

''(c) EXEMPTIONS.—Nothing in this section shall affect—

''(1) the authority of the Administrator, under section 44927 of title 49, United States Code, to carry out expedited screening for members of the Armed Forces with disabilities or severe injuries or veterans with disabilities or severe injuries; or

''(2) the Honor Flight program under section 44928 of that title.

''(d) LOW-RISK TRAVELERS.—Any traveler who is determined by the Administrator to be low risk based on the traveler's age and who is not a member of a trusted traveler program specified in subsection (b) shall be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same reservation as a member of such a program.

''(e) RISK MODIFIED SCREENING.—

''(1) PILOT PROGRAM.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018] and subject to paragraph (2), the Administrator shall commence a pilot program regarding a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at passenger screening checkpoints, in airports of varying categories, to further segment passengers based on risk.

''(2) ELIGIBILITY.—Only a low-risk passenger shall be eligible to participate in the risk modified screening pilot program under paragraph (1).

''(3) DEFINITION OF LOW-RISK PASSENGER.—In this subsection, the term 'low-risk passenger' means a passenger who—

''(A) meets a risk-based, intelligence-driven criteria prescribed by the Administrator; or

''(B) undergoes a canine enhanced screening upon arrival at the passenger screening checkpoint.

''(4) TERMINATION.—The pilot program shall terminate on the date that is 120 days after the date it commences under paragraph (1).

''(5) BRIEFING.—Not later than 30 days after the termination date under paragraph (4), the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the findings of the pilot program, including—

''(A) information relating to the security effectiveness and passenger facilitation effectiveness of the risk modified screening protocol;

''(B) a determination regarding whether the risk modified screening protocol was effective; and

''(C) if the Administrator determined that the protocol was effective, a plan for the deployment of the protocol at as many TSA passenger screening checkpoints as practicable.

''(6) IMPLEMENTATION.—In determining whether deployment of the protocol at a TSA passenger screening checkpoint at an airport is practicable, the Administrator shall consider—

''(A) the level of risk at the airport;

''(B) the available space at the airport;

''(C) passenger throughput levels at the airport;

''(D) the checkpoint configuration at the airport; and

''(E) adequate resources to appropriately serve passengers in TSA PreCheck security screening lanes at the passenger screening checkpoint.

''(f) WORKING GROUP.—

''(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish a working group to advise the Administrator on the development of plans for the deployment of the protocol at TSA passenger screening checkpoints, other than designated TSA PreCheck security screening lanes, in the most effective and efficient manner practicable.

''(2) MEMBERS.—The working group shall be comprised of representatives of Category X, I, II, III, and IV airports and air carriers (as the term is defined in section 40102 of title 49, United States Code).

''(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the working group established under this subsection.

''(g) BRIEFINGS.—

''(1) IN GENERAL.—The Administrator shall brief, on a biannual basis, the appropriate committees of Congress on the implementation of subsections [sic] (a) until the Administrator certifies that only travelers who are members of trusted traveler programs specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at passenger screening checkpoints.

''(2) CERTIFICATION.—Upon a determination by the Administrator that only travelers who are members of a trusted traveler program specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at checkpoints in accordance with subsection (a), the Administrator shall submit to the appropriate committees of Congress a written certification relating to such determination.

''(h) INSPECTOR GENERAL ASSESSMENTS.—The Inspector General of the Department [of Homeland Security] shall assess and transmit to the appropriate committees of Congress the Administrator's implementation under subsection (a).

''(i) EXPANSION OF TSA PRECHECK PROGRAM ENROLLMENT.—

''(1) LONG-TERM STRATEGY.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall develop and begin the implementation [of] a long-term strategy to increase enrollment in the TSA PreCheck Program.

''(2) CONSIDERATIONS.—In developing the strategy under paragraph (1), the Administrator shall consider the following:

''(A) Partnering with air carriers (as the term is defined in section 40102 of title 49, United States Code) to incorporate PreCheck Program promotion

opportunities in the reservation process described in section 1560.101 of title 49, Code of Federal Regulations;[.]

''(B) Including in the PreCheck Program of [sic] an individual who—

''(i) holds a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance, unless the individual has had the individual's clearance revoked or did not pass a periodic reinvestigation; or

''(ii) is a current, full-time Federal law enforcement officer.

''(C) Providing PreCheck Program enrollment flexibility by offering secure mobile enrollment platforms that facilitate in-person identity verification and application data collection, such as through biometrics.

''(D) Reducing travel time to PreCheck Program enrollment centers for applicants, including—

''(i) by adjusting the locations and schedules of existing PreCheck Program enrollment centers to accommodate demand;

''(ii) by seeking to colocate such enrollment centers with existing facilities that support the issuance of—

''(I) United States passports; and

''(II) Security Identification Display Area credentials (as the term is defined in section 1540.5 of title 49, Code of Federal Regulations) located in public, non-secure areas of airports if no systems of an airport operator are used in support of enrollment activities for such credentials; and

''(iii) by increasing the availability of PreCheck Program enrollment platforms, such as kiosks, tablets, or staffed laptop stations.

''(E) The feasibility of providing financial assistance or other incentives for PreCheck Program enrollment for—

''(i) children who are at least 12 years or older, but less than 18 years old;

''(ii) families consisting of 5 or more immediate family members;

''(iii) private sector entities, including small businesses, to establish PreCheck Program enrollment centers in their respective facilities; and

''(iv) private sector entities, including small business concerns (as the term is described in section 3 of the Small Business Act (15 U.S.C. 632)), to reimburse an employee for the cost of the PreCheck Program application.''

§ 44920. Screening partnership program

(a) IN GENERAL.—An airport operator may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract entered into with the Transportation Security Administration.

(b) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Administrator shall approve or deny the application.

(2) STANDARDS.—The Administrator shall approve an application submitted by an airport operator under subsection (a) if the Administrator determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.

(3) REPORTS ON DENIALS OF APPLICATIONS.—

(A) IN GENERAL.—If the Administrator denies an application submitted by an airport operator under subsection (a), the Administrator shall provide to the airport operator, not later than 60 days following the date of the denial, a written report that sets forth—

(i) the findings that served as the basis for the denial;

(ii) the results of any cost or security analysis conducted in considering the application; and

(iii) recommendations on how the airport operator can address the reasons for the denial.

(B) SUBMISSION TO CONGRESS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).

(c) QUALIFIED PRIVATE SCREENING COMPANY.—A private screening company is qualified to provide screening services at an airport under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

(d) SELECTION OF CONTRACTS AND STANDARDS FOR PRIVATE SCREENING COMPANIES.—

(1) IN GENERAL.—The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.

(2) CONTRACTS.—The Administrator shall, to the extent practicable, enter into a contract with a private screening company from the list provided under paragraph (1) for the provision of screening at the airport not later than 120 days after the date of approval of an application submitted by the airport operator under subsection (a) if—

(A) the level of screening services and protection provided at the airport under the contract will be equal to or greater than the level that would be provided at the airport by Federal Government personnel under this chapter;

(B) the private screening company is owned and controlled by a citizen of the United States, to the extent that the Administrator determines that there are private screening companies owned and controlled by such citizens; and

(C) the selected qualified private screening company offered contract price is equal to or less than the cost to the Federal Government to provide screening services at the airport.

(3) WAIVERS.—The Administrator may waive the requirement of paragraph (2)(B) for any company that is a United States subsidiary with a parent company that has implemented a foreign ownership, control, or influence

mitigation plan that has been approved by the Defense Security Service of the Department of Defense prior to the submission of the application. The Administrator has complete discretion to reject any application from a private screening company to provide screening services at an airport that requires a waiver under this paragraph.

(e) SUPERVISION OF SCREENING PERSONNEL.—The Administrator shall—

(1) provide Federal Government supervisors to oversee all screening at each airport at which screening services are provided under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter; and

(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.

(f) TERMINATION OR SUSPENSION OF CONTRACTS.—The Administrator may suspend or terminate, as appropriate, any contract entered into with a private screening company to provide screening services at an airport under this section if the Administrator finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

(g) OPERATOR OF AIRPORT.—Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

(1) such airport operator's decision to submit an application to the Secretary of Homeland Security under subsection (a) or such airport operator's decision not to submit an application; and

(2) any act of negligence, gross negligence, or intentional wrongdoing by—

(A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary's designee; or

(B) employees of the Federal Government providing passenger and property security screening services at the airport.

(3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.

(h) EVALUATION OF SCREENING COMPANY PROPOSALS FOR AWARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, including title 48 of the Code of Federal Regulations and the Federal Advisory Committee Act (5 U.S.C. App.),[1] an airport operator that has applied and been approved to have security screening services carried out by a qualified private screening company under contract with the Administrator may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract.

(2) PARTICIPATION ON A PROPOSAL EVALUATION COMMITTEE.—Any participation on a proposal evaluation committee under paragraph (1) shall be conducted in accordance with chapter 21 of title 41.

(i)[2] INNOVATIVE SCREENING APPROACHES AND TECHNOLOGIES.—The Administrator shall encourage an airport operator to whom screening services are provided under this section to recommend to the Administrator innovative screening approaches and technologies. Upon receipt of any such recommendations, the Administrator shall review and, if appropriate, test, conduct a pilot project, and, if appropriate, deploy such approaches and technologies.

(i)[2] DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of the Transportation Security Administration.

(Added Pub. L. 107–71, title I, §108(a), Nov. 19, 2001, 115 Stat. 612; amended Pub. L. 109–90, title V, §547, Oct. 18, 2005, 119 Stat. 2089; Pub. L. 112–95, title VIII, §830(a)–(c), Feb. 14, 2012, 126 Stat. 135; Pub. L. 115–254, div. K, title I, §§1946(a), 1991(d)(17), Oct. 5, 2018, 132 Stat. 3585, 3636.)

Editorial Notes

REFERENCES IN TEXT

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, referred to in subsec. (g)(3), is subtitle G (§§861–865) of title VIII of Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2238, also known as the SAFETY Act, which is classified generally to part G (§441 et seq.) of subchapter VIII of chapter 1 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (h)(1), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

AMENDMENTS

2018—Pub. L. 115–254, §1946(a)(1), substituted ''Screening partnership program'' for ''Security screening opt-out program'' in section catchline.

Subsec. (a). Pub. L. 115–254, §1946(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: ''On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an operator of an airport may submit to the Under Secretary an application to have the screening of passengers and property at the airport under section 44901 to be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.''

[1] See References in Text note below.

[2] So in original. Two subsecs. (i) have been enacted.

Subsec. (b)(1). Pub. L. 115–254, §1946(a)(3)(A), amended par. (1) generally. Prior to amendment, text read as follows: ''Not later than 120 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Under Secretary shall approve or deny the application.''

Subsec. (b)(2), (3). Pub. L. 115–254, §1946(a)(3)(B), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (d). Pub. L. 115–254, §1946(a)(4)(A), substituted ''Selection of Contracts and Standards'' for ''Standards'' in heading.

Subsec. (d)(1). Pub. L. 115–254, §1946(a)(4)(C)(i), substituted ''The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.'' for ''The Under Secretary may enter into a contract with a private screening company to provide screening at an airport under this section only if the Under Secretary determines and certifies to Congress that—''. Former subpars. (A) and (B) of par. (1) redesignated subpars. (A) and (B), respectively, of par. (2).

Subsec. (d)(2). Pub. L. 115–254, §1946(a)(4)(C)(ii), inserted par. (2) designation, heading, and introductory provisions before former subpars. (A) and (B) of par. (1), thereby making them part of par. (2). Former par. (2) redesignated (3).

Subsec. (d)(2)(B). Pub. L. 115–254, §1946(a)(4)(D)(ii)(I), substituted ''Administrator'' for ''Under Secretary''.

Subsec. (d)(2)(C). Pub. L. 115–254, §1946(a)(4)(D)(i), (ii)(II), (iii), added subpar. (C).

Subsec. (d)(3). Pub. L. 115–254, §1946(a)(4)(E), substituted ''Administrator'' for ''Under Secretary'' in two places and ''paragraph (2)(B)'' for ''paragraph (1)(B)''.

Pub. L. 115–254, §1946(a)(4)(B), redesignated par. (2) as (3).

Subsec. (e). Pub. L. 115–254, §1946(a)(5)(B)–(E), substituted ''The Administrator shall—'' for ''The Under Secretary shall'', inserted par. (1) designation before ''provide Federal Government'', realigned margins, and added par. (2).

Pub. L. 115–254, §1946(a)(5)(A), substituted ''Screening'' for ''Screened'' in heading.

Subsec. (f). Pub. L. 115–254, §1946(a)(6), inserted ''or Suspension'' after ''Termination'' in heading, and, in text, substituted ''Administrator'' for ''Under Secretary'' in two places and ''suspend or terminate, as appropriate,'' for ''terminate''.

Subsec. (g)(1). Pub. L. 115–254, §1991(d)(17)(A), substituted ''subsection (a)'' for ''subsection (a) or section 44919''.

Subsec. (h). Pub. L. 115–254, §1946(a)(7), added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: ''As part of any submission of an application for a private screening company to provide screening services at an airport, the airport operator shall provide to the Under Secretary a recommendation as to which company would best serve the security screening and passenger needs of the airport, along with a statement explaining the basis of the operator's recommendation.''

Subsec. (i). Pub. L. 115–254, §1991(d)(17)(B), added subsec. (i) defining ''Administrator''.

Pub. L. 115–254, §1946(a)(7), added subsec. (i) relating to innovative screening approaches and technologies.

2012—Subsec. (b). Pub. L. 112–95, §830(a), amended subsec. (b) generally. Prior to amendment, text read as follows: ''The Under Secretary may approve any application submitted under subsection (a).''

Subsec. (d). Pub. L. 112–95, §830(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (h). Pub. L. 112–95, §830(c), added subsec. (h).

2005—Subsec. (g). Pub. L. 109–90 added subsec. (g).

Statutory Notes and Related Subsidiaries

APPLICATIONS SUBMITTED BEFORE THE DATE OF ENACTMENT OF PUB. L. 115–254

Pub. L. 115–254, div. K, title I, §1946(c), Oct. 5, 2018, 132 Stat. 3587, provided that: ''Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination.''

Executive Documents

CHANGE OF NAME

Defense Security Service of the Department of Defense changed to Defense Counterintelligence and Security Agency effective June 20, 2019, pursuant to Ex. Ord. No. 13467, set out as a note under section 3161 of Title 50, War and National Defense.

§ 44921. Federal flight deck officer program

(a) ESTABLISHMENT.—The Administrator shall establish a program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as ''Federal flight deck officers''.

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The Administrator shall establish procedural requirements to carry out the program under this section.

(2) COMMENCEMENT OF PROGRAM.—The Administrator shall train and deputize pilots who are qualified to be Federal flight deck officers as Federal flight deck officers under the program.

(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

(A) The type of firearm to be used by a Federal flight deck officer.

(B) The type of ammunition to be used by a Federal flight deck officer.

(C) The standards and training needed to qualify and requalify as a Federal flight deck officer.

(D) The placement of the firearm of a Federal flight deck officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

(E) An analysis of the risk of catastrophic failure of an aircraft as a result of the discharge (including an accidental discharge) of a firearm to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

(F) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only 1 pilot is a Federal flight deck officer and if both pilots are Federal flight deck officers.

(G) Procedures for ensuring that the firearm of a Federal flight deck officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

(H) Interaction between a Federal flight deck officer and a Federal air marshal on board the aircraft.

(I) The process for selection of pilots to participate in the program based on their fitness to participate in the program, including whether an additional background check should be required beyond that required by section 44936(a)(1).

(J) Storage and transportation of firearms between flights, including international flights, to ensure the security of the firearms, focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot's base airport.

(K) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a firearm under the program.

(L) Methods for ensuring that pilots (including Federal flight deck officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

(M) Any other issues that the Administrator considers necessary.

(N) The Administrator's decisions regarding the methods for implementing each of the foregoing procedural requirements shall be subject to review only for abuse of discretion.

(4) PREFERENCE.—In selecting pilots to participate in the program, the Administrator shall give preference to pilots who are former military or law enforcement personnel.

(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119[1] of this title, information developed under paragraph (3)(E) shall not be disclosed.

(6) NOTICE TO CONGRESS.—The Administrator shall provide notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

(7) MINIMIZATION OF RISK.—If the Administrator determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Administrator shall take such actions as may be necessary to minimize that risk.

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

(1) IN GENERAL.—The Administrator shall only be obligated to provide the training, supervision, and equipment necessary for a pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

(2) TRAINING.—

(A) IN GENERAL.—The Administrator shall base the requirements for the training of Federal flight deck officers under subsection (b) on the training standards applicable to Federal air marshals; except that the Administrator shall take into account the differing roles and responsibilities of Federal flight deck officers and Federal air marshals.

(B) ELEMENTS.—The training of a Federal flight deck officer shall include, at a minimum, the following elements:

(i) Training to ensure that the officer achieves the level of proficiency with a firearm required under subparagraph (C)(i).

(ii) Training to ensure that the officer maintains exclusive control over the officer's firearm at all times, including training in defensive maneuvers.

(iii) Training to assist the officer in determining when it is appropriate to use the officer's firearm and when it is appropriate to use less than lethal force.

(C) TRAINING IN USE OF FIREARMS.—

(i) STANDARD.—In order to be deputized as a Federal flight deck officer, a pilot must achieve a level of proficiency with a firearm that is required by the Administrator. Such level shall be comparable to the level of proficiency required of Federal air marshals.

(ii) CONDUCT OF TRAINING.—

(I) IN GENERAL.—The training of a Federal flight deck officer in the use of a firearm may be conducted by the Administrator or by a firearms training facility.

(II) ACCESS TO TRAINING FACILITIES.—The Administrator shall designate additional firearms training facilities located in various regions of the United States for Federal flight deck officers for recurrent and requalifying training relative to the number of such facilities available on the day before such[2] date of enactment.

(iii) REQUALIFICATION.—

(I) IN GENERAL.—The Administrator shall require a Federal flight deck officer to requalify to carry a firearm under the program. Such requalification shall occur at an interval required by the Administrator.

(II) USE OF FACILITIES FOR REQUALIFICATION.—The Administrator shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a Transportation Security Administration-approved firearms training facility utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(iv) PERIODIC REVIEW.—The Administrator shall periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the program under this section while still maintaining effectiveness of the training, and update the training requirements as appropriate.

[1] See References in Text note below.

[2] So in original.

(D) TRAINING REVIEW.—Not later than 2 years after the date of enactment of the TSA Modernization Act, and biennially thereafter, the Administrator shall review training facilities and training requirements for initial and recurrent training for Federal flight deck officers and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training, and update the training requirements as appropriate.

(d) DEPUTIZATION.—

(1) IN GENERAL.—The Administrator may deputize, as a Federal flight deck officer under this section, a pilot who submits to the Administrator a request to be such an officer and whom the Administrator determines is qualified to be such an officer.

(2) QUALIFICATION.—

(A) IN GENERAL.—A pilot is qualified to be a Federal flight deck officer under this section if—

(i) the pilot is employed by an air carrier;

(ii) the Administrator determines (in the Administrator's discretion) that the pilot meets the standards established by the Administrator for being such an officer; and

(iii) the Administrator determines that the pilot has completed the training required by the Administrator.

(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Administrator may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of the required airman medical certificate under part 67 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Administrator may request another Federal agency to deputize, as Federal flight deck officers under this section, those pilots that the Administrator determines are qualified to be such officers.

(4) REVOCATION.—The Administrator may (in the Administrator's discretion) revoke the deputization of a pilot as a Federal flight deck officer if the Administrator finds that the pilot is no longer qualified to be such an officer.

(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—In accordance with any applicable Transportation Security Administration appeals processes, a pilot deputized as a Federal flight deck officer who moves to inactive status may return to active status upon successful completion of a recurrent training program administered within program guidelines.

(e) COMPENSATION.—

(1) IN GENERAL.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry firearms under the program.

(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.

(f) AUTHORITY TO CARRY FIREARMS.—

(1) IN GENERAL.—The Administrator shall authorize a Federal flight deck officer to carry a firearm while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm aboard an aircraft of which the officer is the pilot in accordance with this section if the firearm is of a type that may be used under the program.

(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal flight deck officer, whenever necessary to participate in the program, may carry a firearm in any State and from 1 State to another State.

(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Administrator may take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm in a foreign country whenever necessary to participate in the program.

(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable and in a manner that does not jeopardize existing Federal air marshal agreements, the policies relating to the carriage of firearms on international flights by Federal flight deck officers with the policies of the Federal air marshal program for carrying firearms on such flights and carrying out the duties of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.

(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Administrator shall prescribe the standards and circumstances under which a Federal flight deck officer may use, while the program under this section is in effect, force (including lethal force) against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

(h) LIMITATION ON LIABILITY.—

(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal flight deck officer's use of or failure to use a firearm.

(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts

or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

(3) LIABILITY OF FEDERAL GOVERNMENT.—For purposes of an action against the United States with respect to an act or omission of a Federal flight deck officer in defending the flight deck of an aircraft, the officer shall be treated as an employee of the Federal Government under chapter 171 of title 28, relating to tort claims procedure.

(i) PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Administrator—

(1) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Administrator determines that the discharge was attributable to the negligence of the officer; and

(2) if the Administrator determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, may temporarily suspend the program until the shortcoming is corrected.

(j) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or threaten any retaliatory action against a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier; or

(2) terminate the employment of a Federal flight deck officer, solely on the basis of his or her volunteering for or participating in the program under this section.

(k) APPLICABILITY.—This section shall not apply to air carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

(*l*) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) AIR TRANSPORTATION.—The term ''air transportation'' includes all-cargo air transportation.

(3) FIREARMS TRAINING FACILITY.—The term ''firearms training facility'' means a private or government-owned gun range approved by the Administrator to provide recurrent or requalification training, as applicable, for the program, utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(4) PILOT.—The term ''pilot'' means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member.

(Added Pub. L. 107–296, title XIV, §1402(a), Nov. 25, 2002, 116 Stat. 2300; amended Pub. L. 108–176, title VI, §609(b), Dec. 12, 2003, 117 Stat. 2570; Pub. L. 115–254, div. K, title I, §1963(a)–(h), Oct. 5, 2018, 132 Stat. 3601–3603.)

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (b)(5), was repealed by Pub. L. 115–254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The date of enactment of the TSA Modernization Act, referred to in subsec. (c)(2)(D), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254, §1963(h)(7), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1963(h)(1), substituted ''Administrator'' for ''Under Secretary of Transportation for Security''.

Subsec. (b)(1). Pub. L. 115–254, §1963(h)(2)(A), substituted ''The Administrator'' for ''Not later than 3 months after the date of enactment of this section, the Under Secretary''.

Subsec. (b)(2). Pub. L. 115–254, §1963(h)(2)(B), substituted ''The Administrator shall train and deputize'' for ''Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing''.

Subsec. (b)(3)(N). Pub. L. 115–254, §1963(h)(2)(C), substituted ''Administrator's'' for ''Under Secretary's''.

Subsec. (c)(2)(C)(ii). Pub. L. 115–254, §1963(a), designated existing provisions as subcl. (I), inserted heading, struck out ''approved by the Under Secretary'' after ''facility'', and added subcl. (II).

Subsec. (c)(2)(C)(iii). Pub. L. 115–254, §1963(b)(1), designated existing provisions as subcl. (I), inserted heading, substituted ''The Administrator shall'' for ''The Under Secretary shall'' and ''the Administrator'' for ''the Under Secretary'', and added subcl. (II).

Subsec. (c)(2)(C)(iv). Pub. L. 115–254, §1963(b)(2), added cl. (iv).

Subsec. (c)(2)(D). Pub. L. 115–254, §1963(c), added subpar. (D).

Subsec. (d)(2). Pub. L. 115–254, §1963(f), designated existing provisions as subpar. (A), inserted heading, redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), substituted ''Administrator's'' for ''Under Secretary's'' in subpar. (A)(ii), and added subpar. (B).

Subsec. (d)(4). Pub. L. 115–254, §1963(h)(3), substituted ''may'' for ''may,'' and ''Administrator's'' for ''Under Secretary's''.

Subsec. (d)(5). Pub. L. 115–254, §1963(g), added par. (5).

Subsec. (e). Pub. L. 115–254, §1963(d), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (f)(1), (3). Pub. L. 115–254, §1963(e)(1), substituted ''Administrator'' for ''Under Secretary''.

Subsec. (f)(4). Pub. L. 115–254, §1963(e)(2), added par. (4).

Subsec. (i)(2). Pub. L. 115–254, §1963(h)(4), substituted ''may'' for ''the Under Secretary may''.

Subsec. (k). Pub. L. 115–254, §1963(h)(5), struck out par. (1) designation and heading before ''This section'' and struck out pars. (2) and (3) which defined ''pilot'' and defined ''air transportation'' to include all-cargo air transportation.

Subsec. (*l*). Pub. L. 115–254, §1963(h)(6), added subsec. (*l*).

2003—Subsec. (a). Pub. L. 108–176, §609(b)(1), struck out ''passenger'' before ''air transportation'' in two places.

Subsec. (k)(2). Pub. L. 108–176, §609(b)(2), substituted ''or any other flight deck crew member'' for ''or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command''.

Subsec. (k)(3). Pub. L. 108–176, § 609(b)(3), added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE

Section effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as a note under section 101 of Title 6, Domestic Security.

REGULATIONS

Pub. L. 115–254, div. K, title I, § 1963(i), Oct. 5, 2018, 132 Stat. 3604, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018]—

''(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

''(2) the Administrator [of the Transportation Security Administration] shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.''

Pub. L. 115–254, div. K, title I, § 1963(j), Oct. 5, 2018, 132 Stat. 3604, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall prescribe such regulations as may be necessary to carry out this section [amending this section and enacting provisions set out as a note under this section] and the amendments made by this section.''

EQUITABLE IMPLEMENTATION OF 2003 AMENDMENTS

Pub. L. 108–176, title VI, § 609(c), Dec. 12, 2003, 117 Stat. 2570, provided that: ''In carrying out the amendments made by subsection (d) [probably means subsec. (b), which amended this section], the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.''

TIME FOR IMPLEMENTATION

Pub. L. 108–176, title VI, § 609(d), Dec. 12, 2003, 117 Stat. 2570, provided that: ''The requirements of subsection (e) [section 609 of Pub. L. 108–176 has no subsec. (e)] shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 12, 2003].''

§ 44922. Deputization of State and local law enforcement officers

(a) DEPUTIZATION AUTHORITY.—The Administrator of the Transportation Security Administration may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Administrator of the Transportation Security Administration shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an ''employee of the Government'' for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer's employment, subject to Federal supervision and control, and in accordance with the terms of such deputization.

(f) STATIONING OF OFFICERS.—The Administrator of the Transportation Security Administration may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.

(Added Pub. L. 108–7, div. I, title III, § 351(a), Feb. 20, 2003, 117 Stat. 419; amended Pub. L. 115–254, div. K, title I, § 1991(d)(18), Oct. 5, 2018, 132 Stat. 3636.)

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(18)(D), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Pub. L. 115–254, § 1991(d)(18)(A), substituted ''Deputization'' for ''Deputation'' in section catchline.

Subsec. (a). Pub. L. 115–254, § 1991(d)(18)(B), in heading, substituted ''Deputization'' for ''Deputation'' and, in text, substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

Subsec. (e). Pub. L. 115–254, § 1991(d)(18)(C), substituted ''deputization'' for ''deputation''.

§ 44923. Airport security improvement projects

(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Administrator of the Transportation Security Administration shall make grants to airport sponsors—

(1) for projects to replace baggage conveyer systems related to aviation security;

(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

(3) for projects to enable the Administrator of the Transportation Security Administra-

tion to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or in line with the baggage handling system; and

(4) for other airport security capital improvement projects.

(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Administrator of the Transportation Security Administration an application in such form and containing such information as the Administrator of the Transportation Security Administration prescribes.

(c) APPROVAL.—The Administrator of the Transportation Security Administration, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Administrator of the Transportation Security Administration determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

(d) LETTERS OF INTENT.—

(1) ISSUANCE.—The Administrator of the Transportation Security Administration shall issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Administrator of the Transportation Security Administration will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Administrator of the Transportation Security Administration issues the letter, carries out the project without receiving amounts under this section.

(3) NOTICE TO ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION.—A sponsor that has been issued a letter of intent under this subsection shall notify the Administrator of the Transportation Security Administration of the sponsor's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Administrator of the Transportation Security Administration shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science[1] and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(e) FEDERAL SHARE.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

(f) SPONSOR DEFINED.—In this section, the term ''sponsor'' has the meaning given that term in section 47102.

(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

(h) AVIATION SECURITY CAPITAL FUND.—

(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first $250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2028 shall be available to be deposited in the Fund. The Administrator of the Transportation Security Administration shall impose the fee authorized by section 44940(a)(1) so as to collect at least $250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Administrator of the Transportation Security Administration to make grants under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.

(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.

(Added Pub. L. 108–176, title VI, § 605(a), Dec. 12, 2003, 117 Stat. 2566; amended Pub. L. 108–458, title IV, § 4019(e)(1), Dec. 17, 2004, 118 Stat. 3722; Pub. L. 110–53, title XVI, §§ 1603(a), 1604(a), Aug. 3, 2007, 121 Stat. 480; Pub. L. 115–254, div. K, title I, § 1991(d)(19), Oct. 5, 2018, 132 Stat. 3636.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(19)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(d)(19)(A), in introductory provisions, substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary for Border and Transportation Security of the Department of Homeland Security''.

Subsec. (e). Pub. L. 115–254, § 1991(d)(19)(C), struck out par. (1) designation and heading before ''The Govern-

[1] So in original. Probably should be ''Science,''.

ment's share'' and struck out par. (2). Prior to amendment, text of par. (2) read as follows: ''The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.''

Subsec. (j). Pub. L. 115–254, § 1991(d)(19)(D), struck out subsec. (j) which authorized appropriations for fiscal years 2005 to 2011.

2007—Subsec. (a). Pub. L. 110–53, § 1604(a)(1), substituted ''shall make'' for ''may make'' in introductory provisions.

Subsec. (d)(1). Pub. L. 110–53, § 1604(a)(2), substituted ''shall issue'' for ''may issue''.

Subsec. (h)(1). Pub. L. 110–53, § 1604(a)(3), substituted ''2028'' for ''2007''.

Subsec. (h)(2), (3). Pub. L. 110–53, § 1604(a)(4), added pars. (2) and (3) and struck out former pars. (2) and (3) which related to allocation of $125,000,000 of amount available per fiscal year for large, medium, and small hub airports, nonhub airports, and on the basis of aviation security risks, and allocation of $125,000,000 of amount available per fiscal year for discretionary grants, with priority given to fulfilling letters of intent issued under subsec. (d).

Subsec. (i). Pub. L. 110–53, § 1604(a)(6), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 110–53, § 1603(a), substituted ''2007, and $450,000,000 for each of fiscal years 2008 through 2011'' for ''2007.''

Subsec. (j). Pub. L. 110–53, § 1604(a)(5), redesignated subsec. (i) as (j).

2004—Subsec. (i)(1). Pub. L. 108–458 substituted ''$400,000,000 for each of fiscal years 2005, 2006, and 2007'' for ''$250,000,000 for each of fiscal years 2004 through 2007''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

PRIORITIZATION OF PROJECTS

Pub. L. 110–53, title XVI, § 1604(b), Aug. 3, 2007, 121 Stat. 480, required the Administrator of the Transportation Security Administration to establish a prioritization schedule for airport security improvement projects described in this section based on risk and other relevant factors, to be funded under this section, and to provide to Congress, not later than 180 days after Aug. 3, 2007, a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under this section.

PERIOD OF REIMBURSEMENT

Pub. L. 108–458, title IV, § 4019(e)(2), Dec. 17, 2004, 118 Stat. 3722, provided that: ''Notwithstanding any other provision of law, the Secretary [of Homeland Security] may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 [Pub. L. 108–7, div. I] (49 U.S.C. 47110 note).''

§ 44924. Repair station security

(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator of the Federal Aviation Administration under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f).

(b) ADDRESSING SECURITY CONCERNS.—The Administrator of the Transportation Security Administration shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator of the Federal Aviation Administration that a deficiency was identified in the security audit.

(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Administrator of the Transportation Security Administration determines that the foreign repair station does not maintain and carry out effective security measures, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall suspend the certification of the repair station until such time as the Administrator of the Transportation Security Administration determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator of the Federal Aviation Administration.

(2) IMMEDIATE SECURITY RISK.—If the Administrator of the Transportation Security Administration determines that a foreign repair station poses an immediate security risk, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall revoke the certification of the repair station.

(3) PROCEDURES FOR APPEALS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall establish procedures for appealing a revocation of a certificate under this subsection.

(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f), the Administrator of the Federal Aviation Ad-

ministration shall be barred from certifying any foreign repair station (other than a station that was previously certified, or is in the process of certification, by the Administration under this part) until such audits are completed for existing stations.

(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

(f) REGULATIONS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

(g) REPORT TO CONGRESS.—If the Administrator of the Transportation Security Administration does not issue final regulations before the deadline specified in subsection (f), the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.

(Added Pub. L. 108–176, title VI, §611(b)(1), Dec. 12, 2003, 117 Stat. 2571; amended Pub. L. 110–53, title XVI, §1616(b), Aug. 3, 2007, 121 Stat. 488; Pub. L. 115–254, div. K, title I, §1991(d)(20), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(20)(D), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(20)(A), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary for Border and Transportation Security of the Department of Homeland Security,'' and ''Administrator of the Federal Aviation Administration under'' for ''Administrator under''.

Subsec. (b). Pub. L. 115–254, §1991(d)(20)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

Subsec. (c). Pub. L. 115–254, §1991(d)(20)(B), which directed substitution of ''Administrator of the Federal Aviation Administration'' for ''Administrator'', was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 115–254, §1991(d)(20)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

Subsec. (f). Pub. L. 115–254, §1991(d)(20)(C), substituted ''The'' for ''Not later than 240 days after the date of enactment of this section, the''.

Pub. L. 115–254, §1991(d)(20)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

2007—Subsec. (a). Pub. L. 110–53, §1616(b)(1), substituted ''6 months'' for ''18 months''.

Subsec. (d). Pub. L. 110–53, §1616(b)(2), inserted ''(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)'' after ''foreign repair station''.

Pub. L. 110–53, §1616(b)(1), which directed amendment of subsec. (b) by substituting ''6 months'' for ''18 months'', was executed by making the substitution in subsec. (d), to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

SUSPENSION OF CERTIFICATION OF FOREIGN REPAIR STATIONS

Pub. L. 110–53, title XVI, §1616(a), Aug. 3, 2007, 121 Stat. 488, provided that: ''If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 1 year after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.''

§ 44925. Deployment and use of detection equipment at airport screening checkpoints

(a) WEAPONS AND EXPLOSIVES.—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

(2) CONTENT.—The strategic plan shall include, at minimum—

(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

(F) a description of any recommended legislative actions.

(c) PORTAL DETECTION SYSTEMS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

(d) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Administrator of the Transportation Security Administration shall provide, by such means as the Administrator of the Transportation Security Administration considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(Added Pub. L. 108–458, title IV, § 4013(a), Dec. 17, 2004, 118 Stat. 3719; amended Pub. L. 110–53, title XVI, § 1607(b), Aug. 3, 2007, 121 Stat. 483; Pub. L. 115–254, div. K, title I, § 1991(d)(21), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–254, § 1991(d)(21)(A), substituted ''The Administrator of the Transportation Security Administration'' for ''Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)''.

Subsec. (b)(3). Pub. L. 115–254, § 1991(d)(21)(B), struck out par. (3). Text read as follows: ''The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.''

Subsec. (d). Pub. L. 115–254, § 1991(d)(21)(C), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary'' in two places.

2007—Subsec. (b)(3). Pub. L. 110–53 added par. (3).

Statutory Notes and Related Subsidiaries

MOVEMENT AND REDEPLOYMENT OF MOBILE EXPLOSIVES DETECTION SYSTEMS

Pub. L. 114–113, div. F, title II, Dec. 18, 2015, 129 Stat. 2499, provided in part: ''That notwithstanding any other provision of law, for the current fiscal year and each fiscal year hereafter, mobile explosives detection systems purchased and deployed using funds made available under this heading [Transportation Security Administration, Aviation Security] may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports''.

ISSUANCE OF STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS

Pub. L. 110–53, title XVI, § 1607(a), Aug. 3, 2007, 121 Stat. 483, provided that, not later than 30 days after Aug. 3, 2007, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, was to issue the strategic plan the Secretary was required by subsec. (b) of this section to have issued within 90 days after Dec. 17, 2004.

ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES

Pub. L. 108–458, title IV, § 4014, Dec. 17, 2004, 118 Stat. 3720, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), not later than Mar. 31, 2005, to develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

§ 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

(b) OFFICE OF APPEALS AND REDRESS.—

(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

(3) INFORMATION.—To prevent repeated delays of a misidentified passenger or other individual, the Office shall—

(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—

(A) require that Federal employees of the Department handling personally identifiable

information of passengers (in this paragraph referred to as ''PII'') complete mandatory privacy and security training prior to being authorized to handle PII;

(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security technical protections as the Secretary determines necessary;

(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107–296);

(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).

(Added Pub. L. 110–53, title XVI, §1606(a), Aug. 3, 2007, 121 Stat. 482; amended Pub. L. 115–254, div. K, title I, §1991(d)(22), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

REFERENCES IN TEXT

The Federal Information Security Management Act of 2002, referred to in subsec. (b)(4)(E), is title X of Pub. L. 107–296, Nov. 25, 116 Stat. 2259. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6, Domestic Security, and Tables.

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115–254 substituted ''a misidentified passenger'' for ''an misidentified passenger'' in introductory provisions.

§ 44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans

(a) PASSENGER SCREENING.—The Administrator of the Transportation Security Administration, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and organizations identified by the Secretaries of Defense and Veterans Affairs that advocate on behalf of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, shall develop and implement a process to support and facilitate the ease of travel and to the extent possible provide expedited passenger screening services for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening. The process shall be designed to offer the individual private screening to the maximum extent practicable.

(b) OPERATIONS CENTER.—As part of the process under subsection (a), the Administrator of the Transportation Security Administration shall maintain an operations center to provide support and facilitate the movement of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening prior to boarding a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(c) PROTOCOLS.—The Administrator of the Transportation Security Administration shall—

(1) establish and publish protocols, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the organizations identified under subsection (a), under which a severely injured or disabled member of the Armed Forces or severely injured or disabled veteran, or the family member or other representative of such member or veteran, may contact the operations center maintained under subsection (b) and request the expedited passenger screening services described in subsection (a) for that member or veteran; and

(2) upon receipt of a request under paragraph (1), require the operations center to notify the appropriate Federal Security Director of the request for expedited passenger screening services, as described in subsection (a), for that member or veteran.

(d) TRAINING.—The Administrator of the Transportation Security Administration shall integrate training on the protocols established under subsection (c) into the training provided to all employees who will regularly provide the passenger screening services described in subsection (a).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authority of the Administrator of the Transportation Security Administration to require additional screening of a severely injured or disabled member of the Armed Forces, a severely injured or disabled veteran, or their accompanying family members or nonmedical attendants, if intelligence, law enforcement, or other information indicates that additional screening is necessary.

(f) REPORTS.—Each year, the Administrator of the Transportation Security Administration shall submit to Congress a report on the implementation of this section. Each report shall include each of the following:

(1) Information on the training provided under subsection (d).

(2) Information on the consultations between the Administrator of the Transportation Security Administration and the organizations identified under subsection (a).

(3) The number of people who accessed the operations center during the period covered by the report.

(4) Such other information as the Administrator of the Transportation Security Administration determines is appropriate.

(Added Pub. L. 113–27, §2(a), Aug. 9, 2013, 127 Stat. 503; amended Pub. L. 115–254, div. K, title I, §1991(d)(23), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(23)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(23)(B), substituted ''Veterans Affairs that'' for ''Veteran Affairs that''.

Subsec. (f). Pub. L. 115–254, §1991(d)(23)(C), substituted ''Reports'' for ''Report'' in heading and ''Each year,'' for ''Not later than 1 year after the date of enactment of this section, and annually thereafter,'' in introductory provisions.

§ 44928. Honor Flight program

The Administrator of the Transportation Security Administration shall establish, in collaboration with the Honor Flight Network or other not-for-profit organization that honors veterans, a process for providing expedited and dignified passenger screening services for veterans traveling on an Honor Flight Network private charter, or such other not-for-profit organization that honors veterans, to visit war memorials built and dedicated to honor the service of such veterans.

(Added Pub. L. 113–221, §2(a), Dec. 16, 2014, 128 Stat. 2094.)

§ 44929. Donation of screening equipment to protect the United States

(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) CONDITIONS.—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

(1) ensure that the screening equipment has been restored to commercially available settings;

(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

(3) verify that the appropriate officials have an adequate system—

(A) to properly maintain and operate the screening equipment; and

(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(c) REPORTS.—Not later than 30 days before any donation of security screening equipment under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(Added Pub. L. 115–254, div. K, title I, §1955(a)(1), Oct. 5, 2018, 132 Stat. 3595.)

SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

§ 44931. Authority to exempt

The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

(Added Pub. L. 115–254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

Editorial Notes

PRIOR PROVISIONS

A prior section 44931, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1215, related to the Director of Intelligence and Security, prior to repeal by Pub. L. 107–71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

§ 44932. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Homeland Security or the Administrator of the Transportation Security Administration may take action the Secretary or the Administrator considers necessary to carry out this chapter and chapters 461, 463, and 465 of this title, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) INDEMNIFICATION.—The Administrator of the Transportation Security Administration may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

(Added Pub. L. 115–254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

Editorial Notes

PRIOR PROVISIONS

A prior section 44932, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107–71, title I, §110(a), Nov. 19, 2001, 115 Stat. 614, related to the Assistant Administrator for Civil Aviation Security, prior to repeal by Pub. L. 107–71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

§ 44933. Federal Security Managers [1]

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Transportation Security Administration shall establish the position of Federal Security Director at each airport in the United States described in section 44903(c). The Administrator of the Transportation Security Administration shall designate individuals as Federal Security Directors for, and station those Federal Security Directors at, those airports.

(b) DUTIES AND POWERS.—The Federal Security Director at each airport shall—

(1) oversee the screening of passengers and property at the airport; and

(2) carry out other duties prescribed by the Administrator of the Transportation Security Administration.

(c) INFORMATION SHARING.—Not later than 1 year after the date of the enactment of the TSA Modernization Act, the Administrator shall—

(1) require each Federal Security Director of an airport to meet at least quarterly with the airport director, airport security coordinator, and law enforcement agencies serving each such airport to discuss incident management protocols, including the resolution of screening anomalies at passenger screening checkpoints; and

(2) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the respective airport security coordinator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with such airport operators to ensure coordinated responses to security matters.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1216; Pub. L. 107–71, title I, §§101(f)(4), 103, Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115–254, div. K, title I, §§1989(a), 1991(d)(24), Oct. 5, 2018, 132 Stat. 3624, 3637.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44933(a)	49 App.:1358b(a)(1), (2), (4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §319(a); added Nov. 16, 1990, Pub. L. 101–604, §104, 104 Stat. 3070.
44933(b)	49 App.:1358b(a)(3).	
44933(c)	49 App.:1358b(a)(5).	

In subsection (a), the words ''Not later than 90 days after November 16, 1990'' are omitted as obsolete. The words ''The Administrator shall designate individuals as Managers for, and station those Managers at, those airports'' are substituted for ''and shall begin designating persons as such Managers and stationing such Managers at such airports'' for clarity and because of the restatement. The words ''and designate a current field employee of the Administration as a Manager'' are substituted for ''assign the functions and responsibilities described in this section to existing Federal Aviation Administration field personnel and designate such personnel accordingly'' to eliminate unnecessary words. The words ''to the office of'' are omitted as unnecessary. The words ''Not later than 1 year after November 16, 1990'' are omitted as obsolete. The words ''Secretary of Transportation'' are substituted for ''Department of Transportation'' because of 49:102.

In subsection (b), before clause (1), the words ''The Manager at each airport shall'' are substituted for ''The responsibilities of a Federal Security Manager shall include the following'' to eliminate unnecessary words. In clause (2)(A), the words ''air carrier'' are substituted for ''such air carrier'' because this is the first time the term is used in the source provisions. In clause (3), the words ''United States Government'' are substituted for ''Federal'' for clarity and consistency in the revised title and with other titles of the United States Code. In clause (7), the words ''other Managers'' are substituted for ''Federal Security Managers at other airports, as appropriate'' to eliminate unnecessary words.

In subsection (c), the words ''duties and powers'' are substituted for ''responsibilities'' for clarity and consistency in the revised title and with other titles of the Code.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the TSA Modernization Act, referred to in subsec. (c), is the date of the enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(24)(C), substituted ''Administrator of the Transportation Security Administration shall designate'' for ''Under Secretary shall designate''.

Pub. L. 115–254, §1991(d)(24)(A), substituted ''Administrator of the Transportation Security Administration shall establish'' for ''Under Secretary of Transportation for Security shall establish'', ''Federal Security Director'' for ''Federal Security Manager'', and, in two places, ''Federal Security Directors'' for ''Managers''.

Subsec. (b). Pub. L. 115–254, §1991(d)(24)(B), substituted ''Federal Security Director'' for ''Manager'' in introductory provisions.

Subsec. (b)(2). Pub. L. 115–254, §1991(d)(24)(C), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (c). Pub. L. 115–254, §1989(a), added subsec. (c).

2001—Pub. L. 107–71, §103, amended section generally, substituting provisions relating to designation, establishment, and stationing procedures and duties and powers for provisions which contained a more detailed listing of responsibilities and a prohibition against a Civil Aviation Security Field Officer being assigned security duties and powers at an airport having a Manager.

Subsec. (a). Pub. L. 107–71, §101(f)(4), substituted ''Under Secretary'' for ''Assistant Administrator for Civil Aviation Security''.

§ 44934. Foreign Security Liaison Officers

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Transportation Security Administration shall establish the position of Foreign Security Liaison Officer for each airport outside the United States at which the Administrator decides an Officer is

[1] So in original. Probably should be ''Directors''.

necessary for air transportation security. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports where extraordinary security measures are in place. The Secretary of State shall give high priority to stationing those Officers.

(b) DUTIES AND POWERS.—An Officer reports directly to the Administrator of the Transportation Security Administration. The Officer at each airport shall—

(1) serve as the liaison of the Administrator to foreign security authorities (including governments of foreign countries and foreign airport authorities) in carrying out United States Government security requirements at that airport; and

(2) to the extent practicable, carry out duties and powers referred to in section 44933(b) of this title.

(c) COORDINATION OF ACTIVITIES.—The activities of each Officer shall be coordinated with the chief of the diplomatic mission of the United States to which the Officer is assigned. Activities of an Officer under this section shall be consistent with the duties and powers of the Secretary of State and the chief of mission to a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 107–71, title I, § 101(f)(4), (5), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(25), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44934(a)	49 App.:1358b(b)(1), (2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 319(b); added Nov. 16, 1990, Pub. L. 101–604, § 104, 104 Stat. 3071.
44934(b)	49 App.:1358b(b)(3), (4).	
44934(c)	49 App.:1358b(b)(5).	

In subsection (a), the words ''Not later than 90 days after November 16, 1990'' are omitted as obsolete. The words ''shall designate'' are substituted for ''shall begin assigning'' for consistency with the source provisions restated in section 44933 of the revised title and because of the restatement. The words ''Not later than 2 years after November 16, 1990'' are omitted as obsolete. The word ''designate'' is substituted for ''assign'' for consistency with the source provisions restated in section 44933 of the revised title. The words ''outside the United States'' are omitted as unnecessary.

In subsection (b), before clause (1), the words ''to the office of'' are omitted as unnecessary. In clause (1), the words ''governments of foreign countries and foreign airport authorities'' are substituted for ''foreign governments and airport authorities'' for clarity and consistency in the revised title and with other titles of the United States Code. In clause (2), the words ''duties and powers'' are substituted for ''responsibilities'' for consistency in the revised title and with other titles of the Code.

In subsection (c), the words ''duties and powers'' are substituted for ''authorities'' for clarity and consistency in the revised title and with other titles of the Code.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 1991(d)(25)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'', ''airports. In coordination with the Secretary of State'' for ''airports. In coordination with the Secretary'', ''The Secretary of State shall give high priority'' for ''The Secretary shall give high priority'', and, wherever appearing, ''Administrator'' for ''Under Secretary''.

Subsec. (b). Pub. L. 115–254, § 1991(d)(25)(B)(i), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' in introductory provisions.

Subsec. (b)(1). Pub. L. 115–254, § 1991(d)(25)(B)(ii), substituted ''Administrator'' for ''Under Secretary''.

Subsec. (c). Pub. L. 115–254, § 1991(d)(25)(C), substituted ''the Secretary of State and the chief'' for ''the Secretary and the chief''.

2001—Subsec. (a). Pub. L. 107–71, § 101(f)(7), (9), substituted ''Under Secretary'' for ''Administrator'' wherever appearing and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

Subsec. (b). Pub. L. 107–71, § 101(f)(4), substituted ''Under Secretary'' for ''Assistant Administrator for Civil Aviation Security'' in introductory provisions.

Subsec. (b)(1). Pub. L. 107–71, § 101(f)(5), substituted ''Under Secretary'' for ''Assistant Administrator''.

§ 44935. Employment standards and training

(a) EMPLOYMENT STANDARDS.—The Administrator shall prescribe standards for the employment and continued employment of, and contracting for, air carrier personnel and, as appropriate, airport security personnel. The standards shall include—

(1) minimum training requirements for new employees;

(2) retraining requirements;

(3) minimum staffing levels;

(4) minimum language skills; and

(5) minimum education levels for employees, when appropriate.

(b) REVIEW AND RECOMMENDATIONS.—In coordination with air carriers, airport operators, and other interested persons, the Administrator shall review issues related to human performance in the aviation security system to maximize that performance. When the review is completed, the Administrator shall recommend guidelines and prescribe appropriate changes in existing procedures to improve that performance.

(c) SECURITY PROGRAM TRAINING, STANDARDS, AND QUALIFICATIONS.—(1) The Administrator—

(A) may train individuals employed to carry out a security program under section 44903(c) of this title; and

(B) shall prescribe uniform training standards and uniform minimum qualifications for individuals eligible for that training.

(2) The Administrator may authorize reimbursement for travel, transportation, and subsistence expenses for security training of non-United States Government domestic and foreign individuals whose services will contribute significantly to carrying out civil aviation security programs. To the extent practicable, air travel reimbursed under this paragraph shall be on air carriers.

(d) EDUCATION AND TRAINING STANDARDS FOR SECURITY COORDINATORS, SUPERVISORY PER-

SONNEL, AND PILOTS.—(1) The Administrator shall prescribe standards for educating and training—

(A) ground security coordinators;

(B) security supervisory personnel; and

(C) airline pilots as in-flight security coordinators.

(2) The standards shall include initial training, retraining, and continuing education requirements and methods. Those requirements and methods shall be used annually to measure the performance of ground security coordinators and security supervisory personnel.

(e) SECURITY SCREENERS.—

(1) TRAINING PROGRAM.—The Administrator shall establish a program for the hiring and training of security screening personnel.

(2) HIRING.—

(A) QUALIFICATIONS.—The Administrator shall establish qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any other provision of law, those standards shall require, at a minimum, an individual—

(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

(ii) to be a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(iii) to meet, at a minimum, the requirements set forth in subsection (f);

(iv) to meet such other qualifications as the Administrator may establish; and

(v) to have the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

(B) BACKGROUND CHECKS.—The Administrator shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Administrator shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Administrator shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

(1) SCREENER REQUIREMENTS.—Notwithstanding any other provision of law, an individual may not be deployed as a security screener unless that individual meets the following requirements:

(A) The individual shall possess a high school diploma, a general equivalency diploma, or experience that the Administrator has determined to be sufficient for the individual to perform the duties of the position.

(B) The individual shall possess basic aptitudes and physical abilities, including color perception, visual and aural acuity, physical coordination, and motor skills, to the following standards:

(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Administrator.

(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over an individual's entire body.

(C) The individual shall be able to read, speak, and write English well enough to—

(i) carry out written and oral instructions regarding the proper performance of screening duties;

(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

(iv) write incident reports and statements and log entries into security records in the English language.

(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (3).

(2) VETERANS PREFERENCE.—The Administrator shall provide a preference for the hiring of an individual as a security screener if the individual is a member or former member of the armed forces and if the individual is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.

(3) EXCEPTIONS.—An individual who has not completed the training required by this section may be deployed during the on-the-job

portion of training to perform functions if that individual—

(A) is closely supervised; and

(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

(4) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

(5) ANNUAL PROFICIENCY REVIEW.—The Administrator shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

(A) continues to meet all qualifications and standards required to perform a screening function;

(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(6) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (5), the Administrator shall provide for the operational testing of such personnel.

(g) TRAINING.—

(1) USE OF OTHER AGENCIES.—The Administrator may enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

(2) TRAINING PLAN.—The Administrator shall develop a plan for the training of security screening personnel. The plan shall require, at a minimum, that a security screener—

(A) has completed 40 hours of classroom instruction or successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

(B) has completed 60 hours of on-the-job instructions; and

(C) has successfully completed an on-the-job training examination prescribed by the Administrator.

(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

(h) TECHNOLOGICAL TRAINING.—

(1) IN GENERAL.—The Administrator shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons.

(2) PERIODIC ASSESSMENTS.—The Administrator shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items.

(3) CURRENT LISTS OF DUAL USE ITEMS.—Current lists of dual use items shall be part of the ongoing training for screeners.

(4) DUAL USE DEFINED.—For purposes of this subsection, the term ''dual use'' item means an item that may seem harmless but that may be used as a weapon.

(i) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

(j) UNIFORMS.—The Administrator shall require any individual who screens passengers and property pursuant to section 44901 to be attired while on duty in a uniform approved by the Administrator.

(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.

(*l*)[1] INITIAL AND RECURRING TRAINING.—

(1) IN GENERAL.—The Administrator shall establish a training program for new security screening personnel located at the Transportation Security Administration Academy.

(2) RECURRING TRAINING.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish recurring training for security screening personnel regarding updates to screening procedures and technologies, including, in response to weaknesses identified in covert tests at airports—

(i) methods to identify the verification of false or fraudulent travel documents; and

(ii) training on emerging threats.

(B) CONTENTS.—The training under subparagraph (A) shall include—

(i) internal controls for monitoring and documenting compliance of transportation security officers with such training requirements; and

(ii) such other matters as identified by the Administrator with regard to such training.

(*l*)[1] DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the

[1] So in original. Two subsecs. (*l*) have been enacted.

Administrator of the Transportation Security Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 106–528, § 3, Nov. 22, 2000, 114 Stat. 2519; Pub. L. 107–71, title I, §§ 101(f)(7), (9), 111(a), Nov. 19, 2001, 115 Stat. 603, 616; Pub. L. 107–296, title XVI, § 1603, Nov. 25, 2002, 116 Stat. 2313; Pub. L. 115–254, div. K, title I, §§ 1948(a), 1991(d)(26), Oct. 5, 2018, 132 Stat. 3587, 3638.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44935(a)	49 App.:1357(h).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(h)–(j); added Nov. 16, 1990, Pub. L. 101–604, § 105(a), 104 Stat. 3073.
44935(b)	49 App.:1357(i).	
44935(c)	49 App.:1357(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(c); added Aug. 5, 1974, Pub. L. 93–366, § 202, 88 Stat. 416; Oct. 31, 1992, Pub. L. 102–581, § 202, 106 Stat. 4890.
44935(d)	49 App.:1357(j).	

In subsection (a), before clause (1), the words ''Not later than 270 days after November 16, 1990'' are omitted as obsolete. The words ''contracting for'' are substituted for ''contracting of'' for clarity and consistency in the revised title.

In subsection (c)(1)(A), the words ''individuals employed'' are substituted for ''personnel employed by him . . . and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (c)(1)(B), the words ''individuals eligible'' are substituted for ''personnel whose services are utilized to enforce any such transportation security program, including State, local, and private law enforcement personnel . . . for personnel eligible'' for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c)(2), the words ''under this section'' are omitted as unnecessary. The words ''United States'' before ''air carriers'' are omitted because of the definition of ''air carrier'' in section 40102(a) of the revised title.

In subsection (d)(1), before clause (A), the words ''Not later than 180 days after November 16, 1990'' are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (*l*)(2)(A), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(26)(E), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(d)(26)(A), substituted ''Administrator'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

Subsec. (e)(1). Pub. L. 115–254, § 1991(d)(26)(B)(i), substituted ''Administrator'' for ''Under Secretary of Transportation for Security''.

Subsec. (e)(2)(A). Pub. L. 115–254, § 1991(d)(26)(B)(ii)(I), in introductory provisions, substituted ''The'' for ''Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the'' and inserted ''other'' before ''provision of law''.

Subsec. (e)(2)(A)(ii). Pub. L. 115–254, § 1991(d)(26)(B)(ii)(II), which directed substitution of ''section 101(a)(22)'' for ''section 1102(a)(22)'', was executed by making the substitution for ''section 1101(a)(22)'', to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 115–254, § 1991(d)(26)(C), inserted ''other'' before ''provision of law'' in introductory provisions.

Subsec. (g)(2). Pub. L. 115–254, § 1991(d)(26)(D), substituted ''The'' for ''Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the'' in introductory provisions.

Subsec. (k). Pub. L. 115–254, § 1948(a)(1), which directed the redesignation of subsec. (i) relating to accessibility of computer-based training facilities as (k) by substituting ''(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—'' for ''(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—'', was executed by making the substitution for ''(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—'' to reflect the probable intent of Congress.

Subsec. (*l*). Pub. L. 115–254, § 1991(d)(26)(F), added subsec. (*l*) defining ''Administrator''.

Pub. L. 115–254, § 1948(a)(2), added subsec. (*l*) relating to initial and recurring training.

2002—Subsec. (e)(2)(A)(ii). Pub. L. 107–296 substituted ''citizen of the United States or a national of the United States, as defined in section 1101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))'' for ''citizen of the United States''.

2001—Subsec. (a). Pub. L. 107–71, § 101(f)(7), (9), substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration'' in introductory provisions.

Subsec. (b). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Subsec. (c). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions of par. (1) and in par. (2).

Subsec. (d)(1). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (e). Pub. L. 107–71, § 111(a)(2), added subsec. (e) and struck out former subsec. (e) which established training standards for screeners.

Subsec. (f). Pub. L. 107–71, § 111(a)(2), added subsec. (f). Former subsec. (f) redesignated (i).

Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsecs. (g), (h). Pub. L. 107–71, § 111(a)(2), added subsecs. (g) and (h).

Subsec. (i). Pub. L. 107–71, § 111(a)(2), added subsec. (i) relating to limitation on right to strike.

Pub. L. 107–71, § 111(a)(1), redesignated subsec. (f) as (i) relating to accessibility of computer-based training facilities.

Subsec. (j). Pub. L. 107–71, § 111(a)(2), added subsec. (j).

2000—Subsecs. (e), (f). Pub. L. 106–528 added subsecs. (e) and (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106–528, set out as a note under section 106 of this title.

TRANSITION

Pub. L. 107–71, title I, § 111(c), Nov. 19, 2001, 115 Stat. 620, provided that: ''The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall complete the full implementation of section 44935 (e), (f), (g), and (h)

of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Under Secretary may make or continue such arrangements for the training of security screeners under that section as the Under Secretary determines necessary pending full implementation of that section as so amended.''

IMPROVEMENT OF SCREENER JOB PERFORMANCE

Pub. L. 108–458, title IV, § 4015, Dec. 17, 2004, 118 Stat. 3720, provided that:

''(a) REQUIRED ACTION.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

''(b) HUMAN FACTORS STUDY.—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act [Dec. 17, 2004], to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.''

[For definitions of ''airport'' and ''appropriate congressional committees'' used in section 4015 of Pub. L. 108–458, set out above, see section 4081 of Pub. L. 108–458, set out as a note under section 44901 of this title.]

SCREENER PERSONNEL

Pub. L. 107–71, title I, § 111(d), Nov. 19, 2001, 115 Stat. 620, as amended by Pub. L. 112–171, § 1(a), Aug. 16, 2012, 126 Stat. 1306; Pub. L. 116–92, div. F, title LXXVI, § 7606, Dec. 20, 2019, 133 Stat. 2309, provided that:

''(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding any other provision of law, the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

''(2) EXCEPTIONS.—

''(A) REEMPLOYMENT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.

''(B) LEAVE.—The provisions of subchapter V of chapter 63 of title 5, United States Code, shall apply to any individual appointed under paragraph (1) as if such individual were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).''

[Pub. L. 112–171, § 1(b), Aug. 16, 2012, 126 Stat. 1306, provided that: ''The amendments made by subsection (a) [amending section 111(d) of Pub. L. 107–71, set out above] shall take effect on the date that is 270 days after the date of the enactment of this Act [Aug. 16, 2012].''']

CERTIFICATION OF SCREENING COMPANIES

Pub. L. 104–264, title III, § 302, Oct. 9, 1996, 110 Stat. 3250, provided that: ''The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.''

STUDIES OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS AND OF PAY FOR TRAINING

Pub. L. 104–264, title V, § 503, Oct. 9, 1996, 110 Stat. 3263, provided that the Administrator of the Federal Aviation Administration would appoint a task force consisting of appropriate representatives of the aviation industry to study the development of standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of applicants for employment as a pilot by an air carrier, the standards and criteria for pilot training facilities to be licensed by the Administrator, and to determine if the practice of some air carriers to require employees or prospective employees to pay for necessary training or experience was in the public interest; and provided that, not later than 1 year after Oct. 9, 1996, the Administrator would send Congress a report on the results of the studies.

STUDY OF MINIMUM FLIGHT TIME

Pub. L. 104–264, title V, § 504, Oct. 9, 1996, 110 Stat. 3263, required the Administrator of the Federal Aviation Administration to conduct a study to determine the sufficiency of existing minimum flight time requirements for individuals seeking employment as pilots with air carriers and to report to Congress on the study results not later than 1 year after Oct. 9, 1996.

§ 44936. Employment investigations and restrictions

(a) EMPLOYMENT INVESTIGATION REQUIREMENT.—(1)(A) The Administrator shall require by regulation that an employment investigation, including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator, shall be conducted of each individual employed in, or applying for, a position as a security screener under section 44935(e) or a position in which the individual has unescorted access, or may permit other individuals to have unescorted access, to—

(i) aircraft of an air carrier or foreign air carrier; or

(ii) a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier.

(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator) be conducted for—

(i) individuals who are responsible for screening passengers or property under section 44901 of this title;

(ii) supervisors of the individuals described in clause (i);

(iii) individuals who regularly have escorted access to aircraft of an air carrier or foreign air carrier or a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier; and

(iv) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

(C) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m)(1) or (2) of title 14, Code of Federal Regulations, as in effect on November 22, 2000.

The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security.

(2) An air carrier, foreign air carrier, airport operator, or government that employs, or authorizes or makes a contract for the services of, an individual in a position described in paragraph (1) of this subsection shall ensure that the investigation the Administrator requires is conducted.

(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.

(b) PROHIBITED EMPLOYMENT.—(1) Except as provided in paragraph (3) of this subsection, an air carrier, foreign air carrier, airport operator, or government may not employ, or authorize or make a contract for the services of, an individual in a position described in subsection (a)(1) of this section if—

(A) the investigation of the individual required under this section has not been conducted; or

(B) the results of that investigation establish that, in the 10-year period ending on the date of the investigation, the individual was convicted (or found not guilty by reason of insanity) of—

(i) a crime referred to in section 46306, 46308, 46312, 46314, or 46315 or chapter 465 of this title or section 32 of title 18;

(ii) murder;

(iii) assault with intent to murder;

(iv) espionage;

(v) sedition;

(vi) treason;

(vii) rape;

(viii) kidnapping;

(ix) unlawful possession, sale, distribution, or manufacture of an explosive or weapon;

(x) extortion;

(xi) armed or felony unarmed robbery;

(xii) distribution of, or intent to distribute, a controlled substance;

(xiii) a felony involving a threat;

(xiv) a felony involving—

(I) willful destruction of property;

(II) importation or manufacture of a controlled substance;

(III) burglary;

(IV) theft;

(V) dishonesty, fraud, or misrepresentation;

(VI) possession or distribution of stolen property;

(VII) aggravated assault;

(VIII) bribery; and

(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or

(xv) conspiracy to commit any of the acts referred to in clauses (i) through (xiv).

(2) The Administrator may specify other factors that are sufficient to prohibit the employment of an individual in a position described in subsection (a)(1) of this section.

(3) An air carrier, foreign air carrier, airport operator, or government may employ, or authorize or contract for the services of, an individual in a position described in subsection (a)(1) of this section without carrying out the investigation required under this section, if the Administrator approves a plan to employ the individual that provides alternate security arrangements.

(c) FINGERPRINTING AND RECORD CHECK INFORMATION.—(1) If the Administrator requires an identification and criminal history record check, to be conducted by the Attorney General, as part of an investigation under this section, the Administrator shall designate an individual to obtain fingerprints and submit those fingerprints to the Attorney General. The Attorney General may make the results of a check available to an individual the Administrator designates. Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General. All Federal agencies shall cooperate with the Administrator and the Administrator's designee in the process of collecting and submitting fingerprints.

(2) The Administrator shall prescribe regulations on—

(A) procedures for taking fingerprints; and

(B) requirements for using information received from the Attorney General under paragraph (1) of this subsection—

(i) to limit the dissemination of the information; and

(ii) to ensure that the information is used only to carry out this section.

(3) If an identification and criminal history record check is conducted as part of an investigation of an individual under this section, the individual—

(A) shall receive a copy of any record received from the Attorney General; and

(B) may complete and correct the information contained in the check before a final employment decision is made based on the check.

(d) FEES AND CHARGES.—The Administrator and the Attorney General shall establish reasonable fees and charges to pay expenses incurred in carrying out this section. The employer of the individual being investigated shall pay the costs of a record check of the individual. Money collected under this section shall be credited to the account in the Treasury from which the expenses were incurred and are available to the Administrator and the Attorney General for those expenses.

(e) WHEN INVESTIGATION OR RECORD CHECK NOT REQUIRED.—This section does not require an investigation or record check when the investigation or record check is prohibited by a law of a foreign country.

(f) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1218; Pub. L. 104–264, title III, §§ 304(a), 306, title V, § 502(a), Oct. 9, 1996, 110 Stat. 3251, 3252, 3259; Pub. L. 105–102, § 2(25), Nov. 20, 1997, 111 Stat. 2205;

Pub. L. 105–142, §1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106–181, title V, §508, Apr. 5, 2000, 114 Stat. 140; Pub. L. 106–528, §2(c), (d), Nov. 22, 2000, 114 Stat. 2517, 2518; Pub. L. 107–71, title I, §§101(f)(7), (9), 111(b), 138(a), (b)(1), 140(a)(1), Nov. 19, 2001, 115 Stat. 603, 620, 639–641; Pub. L. 115–254, div. K, title I, §1991(d)(27), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44936(a)	49 App.:1357(g)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(g); added Nov. 16, 1990, Pub. L. 101–604, §105(a), 104 Stat. 3071.
	49 App.:1357 (note).	Oct. 28, 1991, Pub. L. 102–143, §346, 105 Stat. 949.
44936(b)	49 App.:1357(g)(3).	
44936(c)	49 App.:1357(g)(2) (less (A) (2d sentence)).	
44936(d)	49 App.:1357(g)(2)(A) (2d sentence), (5).	
44936(e)	49 App.:1357(g)(4).	

In subsection (a), the text of section 346 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143, 105 Stat. 949) is omitted as executed.

In subsection (a)(2), the words ''shall ensure'' are substituted for ''shall take such actions as may be necessary to ensure'' to eliminate unnecessary words. The word ''conducted'' is substituted for ''performed'' for consistency in the revised title.

In subsection (b)(2), the words ''The Administrator may specify'' are substituted for ''The Administrator may specify . . . the Administrator determines'' to eliminate unnecessary words. The words ''prohibit the employment of an individual'' are substituted for ''make an individual ineligible for employment'' for clarity.

In subsection (b)(3), the words ''may employ'' are substituted for ''It shall not be a violation of subparagraph (A) for . . . to employ'' to eliminate unnecessary words.

In subsection (c)(1), the words ''Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General'' are substituted for ''after consultation with the Attorney General'' for clarity.

In subsection (c)(2), before clause (A), the words ''For purposes of administering this subsection'' are omitted as unnecessary. In clause (A), the word ''implement'' is omitted as unnecessary because of the restatement. In clause (B), before subclause (ii), the word ''establish'' is omitted as unnecessary because of the restatement. In subclause (ii), the words ''to carry out this section'' are substituted for ''for the purposes of this section'' for clarity.

In subsection (e), the words ''a law of a foreign country'' are substituted for ''applicable laws of a foreign government'' for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 105–102

This amends 49:44936(f)(1)(C) to reflect the redesignation of 49:30305(b)(7) as 49:30305(b)(8) by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(27)(C), substituted ''Administrator'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(27)(A)(i), which directed substitution of ''Administrator'' for ''Under Secretary of Transportation for Security'' wherever appearing, was executed by making the substitution for ''Under Secretary of Transportation for Security'' before ''shall require'' and for ''Under Secretary of Transportation for Transportation Security'' after ''determined practicable by the'' in two places, to reflect the probable intent of Congress.

Subsec. (a)(1)(A). Pub. L. 115–254, §1991(d)(27)(A)(ii)(I), substituted '', shall be conducted'' for '',, shall be conducted'' in introductory provisions.

Subsec. (a)(1)(C), (D). Pub. L. 115–254, §1991(d)(27)(A)(ii)(II), (iii), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to background checks of current employees.

Subsec. (c)(1). Pub. L. 115–254, §1991(d)(27)(B), substituted ''Administrator's'' for ''Under Secretary's''.

Subsec. (f). Pub. L. 115–254, §1991(d)(27)(D), added subsec. (f).

2001—Subsec. (a)(1)(A). Pub. L. 107–71, §138(a)(1), inserted ''and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security,'' after ''record check'' in introductory provisions.

Pub. L. 107–71, §111(b)(1), inserted ''as a security screener under section 44935(e) or a position'' after ''a position'' in introductory provisions.

Pub. L. 107–71, §101(f)(7), (9), in introductory provisions, substituted ''Under Secretary'' for ''Administrator'' and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

Subsec. (a)(1)(A)(ii). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (a)(1)(B). Pub. L. 107–71, §138(a)(2), in introductory provisions, substituted ''and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security'' for ''in any case described in subparagraph (C)''.

Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (a)(1)(B)(i). Pub. L. 107–71, §138(a)(3), substituted ''are'' for ''will be''.

Subsec. (a)(1)(B)(ii). Pub. L. 107–71, §138(a)(4), struck out ''and'' after semicolon.

Subsec. (a)(1)(B)(iii). Pub. L. 107–71, §138(a)(6), added cl. (iii). Former cl. (iii) redesignated (iv).

Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (a)(1)(B)(iv). Pub. L. 107–71, §138(a)(5), redesignated cl. (iii) as (iv).

Subsec. (a)(1)(C). Pub. L. 107–71, §138(a)(7), (8), added subpar. (C) and struck out former subpar (C) which related to criminal history record checks.

Subsec. (a)(1)(D). Pub. L. 107–71, §138(a)(7), (9), (10), redesignated subpar. (F) as (D), substituted ''107.31(m)(1) or (2)'' for ''107.31(m)'' and ''November 22, 2000. The Under Secretary shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security'' for ''the date of enactment of this subparagraph'' and struck out former subpar. (D) which allowed a supervised employee to remain in position until completion of record check.

Subsec. (a)(1)(E). Pub. L. 107–71, §138(a)(7), struck out subpar. (E) which related to criminal history record checks for screeners and others.

Subsec. (a)(1)(E)(iv). Pub. L. 107–71, §111(b)(2), struck out cl. (iv) which related to effective dates for subpar. (E).

Subsec. (a)(1)(F). Pub. L. 107–71, §138(a)(7), redesignated subpar. (F) as (D).

Subsec. (a)(2). Pub. L. 107–71, §§107(f)(7), 138(a)(11), substituted ''carrier, airport operator, or government'' for ''carrier, or airport operator'' and ''Under Secretary'' for ''Administrator''.

Subsec. (a)(3). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (b)(1). Pub. L. 107–71, §138(a)(12), substituted ''carrier, airport operator, or government'' for ''carrier, or airport operator'' in introductory provisions.

Subsec. (b)(1)(B)(xiv)(IX). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (b)(2). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (b)(3). Pub. L. 107–71, §§101(f)(7), 138(a)(13), substituted ''carrier, airport operator, or government'' for ''carrier, or airport operator'' and ''Under Secretary'' for ''Administrator''.

Subsec. (c)(1). Pub. L. 107–71, §138(a)(14), inserted at end ''All Federal agencies shall cooperate with the Under Secretary and the Under Secretary's designee in the process of collecting and submitting fingerprints.''

Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' wherever appearing.

Subsec. (c)(2). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (d). Pub. L. 107–71, §101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in two places.

Subsecs. (f) to (h). Pub. L. 107–71, §§138(b)(1), 140(a)(1), amended section identically, redesignating subsecs. (f) to (h) as (h) to (j), respectively, of section 44703 of this title.

2000—Subsec. (a)(1)(A). Pub. L. 106–528, §2(c)(1), in introductory provisions, struck out '', as the Administrator decides is necessary to ensure air transportation security,'' after ''shall be conducted''.

Subsec. (a)(1)(C)(v). Pub. L. 106–181, §508(a), added cl. (v).

Subsec. (a)(1)(D). Pub. L. 106–528, §2(c)(2), substituted ''in the position for which the individual applied'' for ''as a screener''.

Subsec. (a)(1)(E), (F). Pub. L. 106–528, §2(c)(3), added subpars. (E) and (F).

Subsec. (b)(1)(B). Pub. L. 106–528, §2(d)(1), inserted ''(or found not guilty by reason of insanity)'' after ''convicted'' in introductory provisions.

Subsec. (b)(1)(B)(xi). Pub. L. 106–528, §2(d)(2), inserted ''or felony unarmed'' after ''armed''.

Subsec. (b)(1)(B)(xiii) to (xv). Pub. L. 106–528, §2(d)(3)–(5), added cls. (xiii) and (xiv), redesignated former cl. (xiii) as (xv), and in cl. (xv) substituted ''clauses (i) through (xiv)'' for ''clauses (i)–(xii) of this paragraph''.

Subsec. (f)(1)(B). Pub. L. 106–181, §508(b)(1), inserted ''(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)'' after ''other person'' in introductory provisions.

Subsec. (f)(1)(B)(ii). Pub. L. 106–181, §508(b)(2), substituted ''individual's performance as a pilot'' for ''individual'' in introductory provisions.

Subsec. (f)(5). Pub. L. 106–181, §508(b)(3), inserted before period at end of first sentence ''; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A)''.

Subsec. (f)(13). Pub. L. 106–181, §508(b)(4)(A), substituted ''shall'' for ''may'' in introductory provisions.

Subsec. (f)(13)(A)(i). Pub. L. 106–181, §508(b)(4)(B), inserted ''and disseminated under paragraph (15)'' after ''requested under paragraph (1)''.

Subsec. (f)(14)(B). Pub. L. 106–181, §508(b)(5), inserted ''or from a foreign government or entity that employed the individual'' after ''exists''.

Subsec. (f)(15). Pub. L. 106–181, §508(b)(6), added par. (15).

1997—Subsec. (f)(1). Pub. L. 105–142, §1(1), substituted ''Subject to paragraph (14), before allowing an individual to begin service'' for ''Before hiring an individual'' in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 105–142, §1(2), inserted ''as a pilot of a civil or public aircraft'' before ''at any time'' in introductory provisions.

Subsec. (f)(1)(C). Pub. L. 105–102 substituted ''section 30305(b)(8) of this title'' for ''section 30305(b)(7)''.

Subsec. (f)(4). Pub. L. 105–142, §1(3), inserted ''and air carriers'' after ''Administrator'' and substituted ''paragraphs (1)(A) and (1)(B)'' for ''paragraph (1)(A)''.

Subsec. (f)(5). Pub. L. 105–142, §1(4), substituted ''this subsection'' for ''this paragraph''.

Subsec. (f)(10). Pub. L. 105–142, §1(5), inserted ''who is or has been'' before ''employed'' and '', but not later than 30 days after the date'' after ''reasonable time''.

Subsec. (f)(14). Pub. L. 105–142, §1(6), added par. (14).

1996—Subsec. (a)(1). Pub. L. 104–264, §304(a), designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) of par. (1) as cls. (i) and (ii) of subpar. (A), respectively, and added subpars. (B) to (D).

Subsec. (a)(3). Pub. L. 104–264, §306, added par. (3).

Subsecs. (f) to (h). Pub. L. 104–264, §502(a), added subsecs. (f) to (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENTS

Amendment by Pub. L. 106–528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106–528, set out as a note under section 106 of this title.

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

Pub. L. 104–264, title III, §304(b), Oct. 9, 1996, 110 Stat. 3252, provided that: ''The amendment made by subsection (a)(3) [amending this section] shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act [Oct. 9, 1996]; except that the Administrator of the Federal Aviation Administration may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of the enactment of this Act.''

Amendment by section 502(a) of Pub. L. 104–264 applicable to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following Oct. 9, 1996, see section 502(d) of Pub. L. 104–264, set out as a note under section 30305 of this title.

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.

CRIMINAL HISTORY RECORD CHECKS

Pub. L. 106–528, §2(a), (b), Nov. 22, 2000, 114 Stat. 2517, provided that:

''(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

''(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

''(b) APPLICATION OF EXPANDED PROGRAM.—

''(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 22, 2000], the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator's efforts to utilize the program described in subsection (a).

''(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.''

§ 44937. Prohibition on transferring duties and powers

Except as specifically provided by law, the Administrator of the Transportation Security Administration may not transfer a duty or power under section 44903(a), (b), (c), or (e), 44906, 44912, 44935, 44936, or 44938(b)(3) of this title to another department, agency, or instrumentality of the United States Government.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1219; Pub. L. 103–429, § 6(57), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 107–71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(28), Oct. 5, 2018, 132 Stat. 3639.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44937	49 App.:1357(e)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(e)(1); added Aug. 5, 1974, Pub. L. 93–366, § 202, 88 Stat. 417.

The word ''otherwise'' is omitted as surplus. The word ''assigned'' is omitted as being included in ''transfer''. The word ''function'' is omitted as being included in ''duty or power''. The words ''department, agency, or instrumentality of the United States Government'' are substituted for ''Federal department or agency'' for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 103–429

This amends 49:44937 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1219).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

2001—Pub. L. 107–71 substituted ''Under Secretary of Transportation for Security'' for ''Administrator of the Federal Aviation Administration''.

1994—Pub. L. 103–429 substituted ''44906'' for ''44906(a)(1) or (b)''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 44938. Reports

(a) TRANSPORTATION SECURITY.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit to Congress a report on transportation security with recommendations the Secretary considers appropriate. The report shall be prepared in conjunction with the biennial report the Administrator of the Transportation Security Administration submits under subsection (b) of this section in each year the Administrator of the Transportation Security Administration submits the biennial report, but may not duplicate the information submitted under subsection (b) or section 44907(a)(3) of this title. The Secretary may submit the report in classified and unclassified parts. The report shall include—

(1) an assessment of trends and developments in terrorist activities, methods, and other threats to transportation;

(2) an evaluation of deployment of explosive detection devices;

(3) recommendations for research, engineering, and development activities related to transportation security, except research engineering and development activities related to aviation security to the extent those activities are covered by the national aviation research plan required under section 44501(c) of this title;

(4) identification and evaluation of cooperative efforts with other departments, agencies, and instrumentalities of the United States Government;

(5) an evaluation of cooperation with foreign transportation and security authorities;

(6) the status of the extent to which the recommendations of the President's Commission on Aviation Security and Terrorism have been carried out and the reasons for any delay in carrying out those recommendations;

(7) a summary of the activities of the Director of Intelligence and Security in the 12-month period ending on the date of the report;

(8) financial and staffing requirements of the Director;

(9) an assessment of financial and staffing requirements, and attainment of existing staffing goals, for carrying out duties and powers of the Administrator of the Transportation Security Administration related to security; and

(10) appropriate legislative and regulatory recommendations.

(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator of the Transportation Security Administration shall submit biennially to Congress a report—

(1) on the effectiveness of procedures under section 44901 of this title;

(2) that includes a summary of the assessments conducted under section 44907(a)(1) and (2) of this title; and

(3) that includes an assessment of the steps being taken, and the progress being made, in ensuring compliance with section 44906 of this title for each foreign air carrier security program at airports outside the United States—

(A) at which the Administrator of the Transportation Security Administration decides that Foreign Security Liaison Officers are necessary for air transportation security; and

(B) for which extraordinary security measures are in place.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1220; Pub. L. 103–305, title V, § 502, Aug. 23, 1994, 108 Stat. 1595; Pub. L. 105–362, title XV, § 1502(b), Nov. 10, 1998, 112 Stat. 3295; Pub. L. 107–71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, § 1991(d)(29), Oct. 5, 2018, 132 Stat. 3639.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44938(a)	49 App.:1356(b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 315(b); added Nov. 16, 1990, Pub. L. 101–604, § 102(a), 104 Stat. 3068.
44938(b)(1), (2).	49 App.:1356(a) (3d sentence 1st–18th words, last sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 315(a) (3d sentence 1st–18th words, last sentence); added Aug. 5, 1974, Pub. L. 93–366, § 202, 88 Stat. 415; Aug. 8, 1985, Pub. L. 99–83, § 551(b)(1), 99 Stat. 225; Nov. 16, 1990, Pub. L. 101–604, § 102(b), 104 Stat. 3069.
44938(b)(3) ..	49 App.:1357(k)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(k)(4); added Nov. 16, 1990, Pub. L. 101–604, § 105(a), 104 Stat. 3074.
44938(c)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, § 106(d), 104 Stat. 3075.

In subsection (a), before clause (1), the words ''each year'' are substituted for ''of calendar year 1991 and of each calendar year thereafter'' to eliminate unnecessary words. In clauses (8) and (9), the word ''financial'' is substituted for ''funding'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the word ''screening'' is omitted as surplus.

In subsection (b)(2), the words ''a summary of the assessments conducted under section 44907(a)(1) and (2) of this title'' are substituted for ''the information described in section 1515(c) of this Appendix'' for clarity.

In subsection (b)(3), before clause (A), the words ''that includes'' are substituted for ''The Administrator shall submit to Congress as part of the annual report required by section 315(a)'' because of the restatement.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(d)(29)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(d)(29)(A), substituted ''Secretary of Homeland Security'' for ''Secretary of Transportation'' and ''Administrator of the Transportation Security Administration submits under subsection (b)'' for ''Under Secretary of Transportation for Security submits under subsection (b)'' in introductory provisions.

2001—Subsec. (a). Pub. L. 107–71, § 101(f)(7), (9), in introductory provisions, substituted ''Under Secretary'' for ''Administrator'' in two places and ''of Transportation for Security'' for ''of the Federal Aviation Administration''.

Subsec. (a)(9). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator''.

Subsec. (b). Pub. L. 107–71, § 101(f)(7), substituted ''Under Secretary'' for ''Administrator'' in introductory provisions and par. (3)(A).

1998—Subsec. (a). Pub. L. 105–362, § 1502(b)(1), in second sentence of introductory provisions, substituted ''biennial report'' for ''annual report'' and inserted ''in each year the Administrator submits the biennial report'' after ''subsection (b) of this section''.

Subsec. (b). Pub. L. 105–362, § 1502(b)(2), substituted ''biennially'' for ''annually'' in introductory provisions.

Subsec. (c). Pub. L. 105–362, § 1502(b)(3), struck out heading and text of subsec. (c). Text read as follows: ''The Administrator shall submit to Congress an annual report for each of the calendar years 1991 and 1992 on the progress being made, and the problems occurring, in carrying out section 44904 of this title. The report shall include recommendations for improving domestic air transportation security.''

1994—Subsec. (a). Pub. L. 103–305 substituted ''March 31'' for ''December 31''.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 8th item on page 132 and the 11th item on page 138 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b)(1), (2) of this section), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 44939. Training to operate certain aircraft

(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

(A) full name, including any aliases used by the applicant or variations in spelling of the applicant's name;

(B) passport and visa information;

(C) country of citizenship;

(D) date of birth;

(E) dates of training; and

(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual's identification in such form as the Secretary may require.

(d) EXPEDITED PROCESSING.—The Secretary of Homeland Security shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

(1) holds an airman's certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

(e) TRAINING.—In subsection (a), the term ''training'' means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

(g) FEE.—

(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

(B) shall remain available until expended.

(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.

(Added Pub. L. 107–71, title I, § 113(a), Nov. 19, 2001, 115 Stat. 622; amended Pub. L. 108–176, title VI, § 612(a), Dec. 12, 2003, 117 Stat. 2572; Pub. L. 115–254, div. K, title I, § 1991(d)(30), Oct. 5, 2018, 132 Stat. 3639.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d). Pub. L. 115–254 substituted ''The Secretary of Homeland Security'' for ''Not later than 60 days after the date of enactment of this section, the Secretary'' in introductory provisions.

2003—Pub. L. 108–176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to waiting period for training, interruption of training, covered training, and security awareness training for employees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title VI, § 612(c), Dec. 12, 2003, 117 Stat. 2574, provided that: ''The amendment made by subsection (a) [amending this section] takes effect on the effective date of the interim final rule required by subsection (b)(1) [set out below] [rule effective Sept. 20, 2004, see 69 F.R. 56323].''

EFFECTIVE DATE

Pub. L. 107–71, title I, § 113(d), Nov. 19, 2001, 115 Stat. 622, provided that: ''The amendment made by subsection (a) [enacting this section] applies to applications for training received after the date of enactment of this Act [Nov. 19, 2001].''

IMPLEMENTATION

Pub. L. 108–176, title VI, § 612(b), Dec. 12, 2003, 117 Stat. 2574, provided that:

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Dec. 12, 2003], the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

''(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

''(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.''

REPORT

Pub. L. 108–176, title VI, § 612(d), Dec. 12, 2003, 117 Stat. 2574, provided that, not later than 1 year after Dec. 12,

2003, the Secretary of Homeland Security would submit to Congress a report on the effectiveness of the activities carried out under this section in reducing risks to aviation and national security.

INTERNATIONAL COOPERATION

Pub. L. 107–71, title I, §113(c), Nov. 19, 2001, 115 Stat. 622, provided that: ''The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.''

§ 44940. Security service fee

(a) GENERAL AUTHORITY.—

(1) PASSENGER FEES.—The Administrator of the Transportation Security Administration shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the following costs of providing civil aviation security services:

(A) Salary, benefits, overtime, retirement and other costs of screening personnel, their supervisors and managers, and Federal law enforcement personnel deployed at airport security screening locations under section 44901.

(B) The costs of training personnel described in subparagraph (A), and the acquisition, operation, and maintenance of equipment used by such personnel.

(C) The costs of performing background investigations of personnel described in subparagraphs (A), (D), (F), and (G).

(D) The costs of the Federal air marshals program.

(E) The costs of performing civil aviation security research and development under this title.

(F) The costs of Federal Security Managers under section 44903.

(G) The costs of deploying Federal law enforcement personnel pursuant to section 44903(h).

(H) The costs of security-related capital improvements at airports.

(I) The costs of training pilots and flight attendants under sections 44918 and 44921.

(2) DETERMINATION OF COSTS.—

(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term ''Federal law enforcement personnel'' includes State and local law enforcement officers who are deputized under section 44922.

(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Administrator of the Transportation Security Administration shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

(c) LIMITATION ON FEE.—

(1) AMOUNT.—Fees imposed under subsection (a)(1) shall be $5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States, except that the fee imposed per round trip shall not exceed $11.20.

(2) DEFINITION OF ROUND TRIP.—In this subsection, the term ''round trip'' means a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

(3) OFFSETTING COLLECTIONS.—Beginning on October 1, 2027, fees collected under subsection (a)(1) for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.

(d) IMPOSITION OF FEE.—

(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Administrator of the Transportation Security Administration shall impose the fee under subsection (a)(1) through the publication of notice of such fee in the Federal Register and begin collection of the fee as soon as possible.

(2) SPECIAL RULES PASSENGER FEES.—A fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection shall apply only to tickets sold after the date on which such fee is imposed. If a fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection on transportation of a passenger of a carrier described in subsection (a)(1) is not collected from the passenger, the amount of the fee shall be paid by the carrier.

(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Administrator of the Transportation Security Administration may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

(4) LIMITATION ON COLLECTION.—No fee may be collected under this section, other than subsection (i), except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act or in section 44923.

(e) ADMINISTRATION OF FEES.—

(1) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this section are payable to the Administrator of the Transportation Security Administration.

(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier that sells a ticket for transportation described in subsection (a)(1).

(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

(4) INFORMATION.—The Administrator of the Transportation Security Administration may require the provision of such information as the Administrator of the Transportation Secu-

rity Administration decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

(5) FEE NOT SUBJECT TO TAX.—For purposes of section 4261 of the Internal Revenue Code of 1986 (26 U.S.C. 4261), a fee imposed under this section shall not be considered to be part of the amount paid for taxable transportation.

(6) COST OF COLLECTING FEE.—No portion of the fee collected under this section may be retained by the air carrier or foreign air carrier for the costs of collecting, handling, or remitting the fee except for interest accruing to the carrier after collection and before remittance.

(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

(3) shall remain available until expended.

(g) REFUNDS.—The Administrator of the Transportation Security Administration may refund any fee paid by mistake or any amount paid in excess of that required.

(h) EXEMPTIONS.—The Administrator of the Transportation Security Administration may exempt from the passenger fee imposed under subsection (a)(1) any passenger enplaning at an airport in the United States that does not receive screening services under section 44901 for that segment of the trip for which the passenger does not receive screening.

(i) DEPOSIT OF RECEIPTS IN GENERAL FUND.—

(1) IN GENERAL.—Beginning in fiscal year 2014, out of fees received in a fiscal year under subsection (a)(1), after amounts are made available in the fiscal year under section 44923(h), the next funds derived from such fees in the fiscal year, in the amount specified for the fiscal year in paragraph (4), shall be credited as offsetting receipts and deposited in the general fund of the Treasury.

(2) FEE LEVELS.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect in a fiscal year at least the amount specified in paragraph (4) for the fiscal year for making deposits under paragraph (1).

(3) RELATIONSHIP TO OTHER PROVISIONS.—Subsections (b) and (f) shall not apply to amounts to be used for making deposits under this subsection.

(4) FISCAL YEAR AMOUNTS.—For purposes of paragraphs (1) and (2), the fiscal year amounts are as follows:

(A) $1,320,000,000 for fiscal year 2018.
(B) $1,360,000,000 for fiscal year 2019.
(C) $1,400,000,000 for fiscal year 2020.
(D) $1,440,000,000 for fiscal year 2021.
(E) $1,480,000,000 for fiscal year 2022.
(F) $1,520,000,000 for fiscal year 2023.
(G) $1,560,000,000 for fiscal year 2024.
(H) $1,600,000,000 for fiscal year 2025.
(M)[1] $1,640,000,000 for fiscal year 2026.
(N)[1] $1,680,000,000 for fiscal year 2027.

[1] So in original.

(Added Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625; amended Pub. L. 108–7, div. I, title III, §351(b), Feb. 20, 2003, 117 Stat. 420; Pub. L. 108–176, title VI, §605(b)(1), (2), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 110–53, title XVI, §1601, Aug. 3, 2007, 121 Stat. 477; Pub. L. 110–161, div. E, title V, §540, Dec. 26, 2007, 121 Stat. 2079; Pub. L. 113–67, div. A, title VI, §601(a)(1), (2), (b), (c), Dec. 26, 2013, 127 Stat. 1187; Pub. L. 113–294, §1(a), Dec. 19, 2014, 128 Stat. 4009; Pub. L. 114–41, title III, §3001, July 31, 2015, 129 Stat. 460; Pub. L. 115–123, div. C, title II, §30202, Feb. 9, 2018, 132 Stat. 126; Pub. L. 115–254, div. K, title I, §§1940, 1991(d)(31), Oct. 5, 2018, 132 Stat. 3582, 3639.)

Editorial Notes

CODIFICATION

Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625, which directed the addition of section 44940 at end of subchapter II of chapter 449 without specifying the Code title to be amended, was executed by adding this section at the end of this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, §1991(d)(31)(A)(i)(II), struck out concluding provisions which read as follows: ''The amount of such costs shall be determined by the Under Secretary and shall not be subject to judicial review. For purposes of subparagraph (A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.''

Pub. L. 115–254, §1991(d)(31)(A)(i)(I), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security'' in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §1991(d)(31)(A)(ii), added par. (2).

Subsec. (b). Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (c)(3). Pub. L. 115–254, §1940, added par. (3).

Subsec. (d)(1). Pub. L. 115–254, §1991(d)(31)(C)(i), struck out ''within 60 days of the date of enactment of this Act, or'' after ''of the fee'' and ''thereafter'' before period at end.

Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (d)(2). Pub. L. 115–254, §1991(d)(31)(C)(ii), substituted ''paragraph (1) of this subsection'' for ''subsection (d)'' in two places.

Subsec. (d)(3). Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (e)(1). Pub. L. 115–254, §1991(d)(31)(D), substituted ''Fees payable to Administrator'' for ''Fees payable to Under Secretary'' in heading.

Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (e)(4). Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' in two places.

Subsecs. (g), (h). Pub. L. 115–254, §1991(d)(31)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary''.

Subsec. (i)(4)(A) to (L). Pub. L. 115–254, §1991(d)(31)(E), redesignated subpars. (E) to (L) as (A) to (H), respectively, and struck out former subpars. (A) to (D) which read as follows:

''(A) $390,000,000 for fiscal year 2014.

''(B) $1,190,000,000 for fiscal year 2015.

''(C) $1,250,000,000 for fiscal year 2016.

''(D) $1,280,000,000 for fiscal year 2017.''

Subsec. (i)(4)(M), (N). Pub. L. 115–123 added subpars. (M) and (N).

2015—Subsec. (i)(4)(K), (L). Pub. L. 114–41 added subpars. (K) and (L).

2014—Subsec. (c). Pub. L. 113–294 amended subsec. (c) generally. Prior to amendment, text read as follows: ''Fees imposed under subsection (a)(1) shall be $5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.''

2013—Subsec. (a)(2). Pub. L. 113–67, §601(a)(1), struck out par. (2) which related to fees on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation.

Subsec. (c). Pub. L. 113–67, §601(b), amended subsec. (c) generally. Prior to amendment, text read as follows: ''Fees imposed under subsection (a)(1) may not exceed $2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed $5.00 per one-way trip.''

Subsec. (d)(1). Pub. L. 113–67, §601(a)(2), struck out '', and may impose a fee under subsection (a)(2),'' after ''under subsection (a)(1)''.

Subsec. (i). Pub. L. 113–67, §601(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) related to the Checkpoint Screening Security Fund.

2007—Subsec. (a)(2)(A), (B)(iv). Pub. L. 110–161, which directed amendment of subsec. (a)(2) ''by striking the period in the last sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, 'except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108–334: *Provided,* That such judicial review shall be pursuant to section 46110 of title 49, United States Code: *Provided further,* That such judicial review shall be limited only to additional amounts collected by the Secretary before October 1, 2007.' '', was executed by substituting the quoted language directed to be added for the period at the end of last sentence of subpar. (A) and for the period at the end of cl. (iv) of subpar. (B), to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 110–53, §1601(1), inserted '', other than subsection (i),'' before ''except to''.

Subsec. (i). Pub. L. 110–53, §1601(2), added subsec. (i).

2003—Subsec. (a)(1). Pub. L. 108–7 inserted at end of concluding provisions ''For purposes of subparagraph (A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.''

Subsec. (a)(1)(H), (I). Pub. L. 108–176, §605(b)(1), added subpars. (H) and (I).

Subsec. (d)(4). Pub. L. 108–176, §605(b)(2), substituted ''appropriations Act or in section 44923'' for ''appropriations Act''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–294, §1(b), Dec. 19, 2014, 128 Stat. 4009, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of this Act [Dec. 19, 2014].''

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–67, div. A, title VI, §601(a)(3), Dec. 26, 2013, 127 Stat. 1187, provided that: ''The repeal made by paragraph (1) [amending this section] and the amendment made by paragraph (2) [amending this section] shall each take effect on October 1, 2014.''

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.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

IMPOSITION OF FEE INCREASE

Pub. L. 113–67, div. A, title VI, §601(d), Dec. 26, 2013, 127 Stat. 1188, provided that: ''The Secretary of Homeland Security shall implement the fee increase authorized by the amendment made by subsection (b) [amending this section]—

''(1) beginning on July 1, 2014; and

''(2) through the publication of notice of such fee in the Federal Register, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.''

CONTINUED AVAILABILITY OF EXISTING BALANCES

Pub. L. 113–67, div. A, title VI, §601(e), Dec. 26, 2013, 127 Stat. 1188, provided that: ''The amendments made by this section [amending this section] shall not affect the availability of funds made available under section 44940(i) of title 49, United States Code, before the date of enactment of this Act [Dec. 26, 2013].''

§ 44941. Immunity for reporting suspicious activities

(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Homeland Security, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) APPLICATION.—Subsection (a) shall not apply to—

(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

(Added Pub. L. 107–71, title I, §125(a), Nov. 19, 2001, 115 Stat. 631; amended Pub. L. 115–254, div. K, title I, §1991(d)(32), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 inserted ''the Department of Homeland Security,'' after ''Department of Transportation,''.

§ 44942. Performance goals and objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN.—

(A) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(B) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary of Homeland Security, the Administrator of the Transportation Security Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(2) PERFORMANCE REPORT.—Each year, consistent with the requirements of GPRA, the Administrator of the Transportation Security Administration shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(Added Pub. L. 107–71, title I, § 130, Nov. 19, 2001, 115 Stat. 633; amended Pub. L. 115–254, div. K, title I, § 1991(d)(33), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b), is Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, § 1991(d)(33)(A)(i)(I), in introductory provisions, substituted ''The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and'' for ''Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with''.

Subsec. (a)(1)(A). Pub. L. 115–254, § 1991(d)(33)(A)(i)(II), substituted ''; and'' for '', and''.

Subsec. (a)(2). Pub. L. 115–254, § 1991(d)(33)(A)(ii), inserted comma after ''Federal Aviation Administration''.

Subsec. (b). Pub. L. 115–254, § 1991(d)(33)(B)(i), (ii), struck out par. (1) designation and heading ''Performance plan and report'' and redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively.

Subsec. (b)(1). Pub. L. 115–254, § 1991(d)(33)(B)(iii)(I), redesignated cls. (i) and (ii) of former par. (1)(A) as subpars. (A) and (B), respectively, of par. (1).

Subsec. (b)(1)(A). Pub. L. 115–254, § 1991(d)(33)(B)(iii)(II), substituted ''the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree'' for ''the Secretary and the Under Secretary for Transportation Security shall agree''.

Subsec. (b)(1)(B). Pub. L. 115–254, § 1991(d)(33)(B)(iii)(III), substituted ''the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,'' for ''the Secretary, the Under Secretary for Transportation Security''.

Subsec. (b)(2). Pub. L. 115–254, § 1991(d)(33)(B)(iv), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary for Transportation Security''.

§ 44943. Performance management system

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Administrator of the Transportation Security Administration shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(1) IN GENERAL.—Each year, the Secretary of Homeland Security and Administrator of the Transportation Security Administration shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Administrator of the Transportation Security Administration.

(2) GOALS.—Each year, the Administrator of the Transportation Security Administration and each senior manager who reports to the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), the Administrator of the Transportation Security Administration shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

(Added Pub. L. 107–71, title I, § 130, Nov. 19, 2001, 115 Stat. 634; amended Pub. L. 115–254, div. K, title I, § 1991(d)(34), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

REFERENCES IN TEXT

The Aviation and Transportation Security Act, referred to in subsec. (c), is Pub. L. 107–71, Nov. 19, 2001, 115 Stat. 597. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of this title and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(34)(A), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary for Transportation Security''.

Subsec. (b)(1). Pub. L. 115–254, §1991(d)(34)(B)(i), substituted ''Secretary of Homeland Security and Administrator of the Transportation Security Administration'' for ''Secretary and Under Secretary of Transportation for Security'' and ''for the Administrator of the Transportation Security Administration'' for ''for the Under Secretary''.

Subsec. (b)(2). Pub. L. 115–254, §1991(d)(34)(B)(ii), substituted ''Administrator of the Transportation Security Administration and'' for ''Under Secretary and'' and, in two places, substituted ''Administrator shall'' for ''Under Secretary shall''.

Subsec. (c). Pub. L. 115–254, §1991(d)(34)(C), substituted ''Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), the Administrator of the Transportation Security Administration'' for ''Aviation Security Act, the Under Secretary for Transportation Security''.

§ 44944. Voluntary provision of emergency services

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Administrator of the Transportation Security Administration shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Administrator of the Transportation Security Administration shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Administrator of the Transportation Security Administration considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Administrator of the Transportation Security Administration requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Administrator of the Transportation Security Administration shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Administrator of the Transportation Security Administration shall consult with the Administrator of the Federal Aviation Administration, appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) EXEMPTION FROM LIABILITY.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Administrator of the Transportation Security Administration shall prescribe for purposes of this section.

(c) EXCEPTION.—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.

(Added Pub. L. 107–71, title I, §131(a), Nov. 19, 2001, 115 Stat. 635; amended Pub. L. 115–254, div. K, title I, §1991(d)(35), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(35)(B), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a)(1). Pub. L. 115–254, §1991(d)(35)(A)(i), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Transportation Security''.

Subsec. (a)(4). Pub. L. 115–254, §1991(d)(35)(A)(ii), inserted ''the Administrator of the Federal Aviation Administration,'' after ''consult with''.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 107–71, title I, §131(c), Nov. 19, 2001, 115 Stat. 635, provided that: ''Nothing in this section [enacting this section] may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.''

[For definitions of ''aircraft'' and ''air transportation'' used in section 131(c) 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.]

§ 44945. Disposition of unclaimed money and clothing

(a) DISPOSITION OF UNCLAIMED MONEY.—Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.

(b) DISPOSITION OF UNCLAIMED CLOTHING.—

(1) IN GENERAL.—In disposing of unclaimed clothing recovered at any airport security checkpoint, the Administrator of the Transportation Security Administration shall make every reasonable effort, in consultation with the Secretary of Veterans Affairs, to transfer the clothing to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.

(2) AGREEMENTS.—In implementing paragraph (1), the Administrator of the Transportation Security Administration may enter into agreements with airport authorities.

(3) OTHER CHARITABLE ARRANGEMENTS.—Nothing in this subsection shall prevent an airport or the Transportation Security Administration from donating unclaimed clothing to a charitable organization of their choosing.

(4) LIMITATION.—Nothing in this subsection shall create a cost to the Government.

(Added Pub. L. 108–334, title V, § 515(a), Oct. 18, 2004, 118 Stat. 1317; amended Pub. L. 112–271, § 2(a), Jan. 14, 2013, 126 Stat. 2446; Pub. L. 115–254, div. K, title I, § 1991(d)(36), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1), (2). Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration'' for ''Assistant Secretary''.

2013—Pub. L. 112–271 inserted ''and clothing'' after ''money'' in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

ANNUAL REPORT

Pub. L. 108–334, title V, § 515(b), Oct. 18, 2004, 118 Stat. 1318, provided that: ''Not later than 180 days after the date of enactment of this Act [Oct. 18, 2004] and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.''

§ 44946. Aviation Security Advisory Committee

(a) ESTABLISHMENT.—The Administrator shall establish within the Transportation Security Administration an aviation security advisory committee.

(b) DUTIES.—

(1) IN GENERAL.—The Administrator shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Administrator, recommendations for improvements to aviation security.

(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Administrator.

(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator—

(A) reports on matters identified by the Administrator; and

(B) reports on other matters identified by a majority of the members of the Advisory Committee.

(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Administrator an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Administrator receives the annual report, the Administrator shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (2) or (4), the Administrator shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Administrator concurs, and a justification for why any of the recommendations have been rejected.

(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Administrator shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Administrator shall appoint the members of the Advisory Committee.

(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees

of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

(2) TERM OF OFFICE.—

(A) TERMS.—The term of each member of the Advisory Committee shall be two years, but a member may continue to serve until a successor is appointed. A member of the Advisory Committee may be reappointed.

(B) REMOVAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

(4) MEETINGS.—

(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Administrator shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

(d) SUBCOMMITTEES.—

(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Administrator, may establish within the Advisory Committee any subcommittee that the Administrator and Advisory Committee determine to be necessary. The Administrator and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Administrator shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

(f) NONAPPLICABILITY OF CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 shall not apply to the Advisory Committee and its subcommittees.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the aviation security advisory committee established under subsection (a).

(3) PERIMETER SECURITY.—

(A) IN GENERAL.—The term ''perimeter security'' means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

(B) INCLUSIONS.—The term ''perimeter security'' includes the fence area surrounding an airport, access gates, and access controls.

(Added Pub. L. 113–238, §2(a), Dec. 18, 2014, 128 Stat. 2842; amended Pub. L. 114–190, title III, §3411, July 15, 2016, 130 Stat. 662; Pub. L. 115–254, div. K, title I, §1991(d)(37), Oct. 5, 2018, 132 Stat. 3641; Pub. L. 117–286, §4(a)(317), Dec. 27, 2022, 136 Stat. 4340.)

Editorial Notes

AMENDMENTS

2022—Subsec. (f). Pub. L. 117–286 substituted ''Chapter 10 of Title 5'' for ''FACA'' in heading and ''Chapter 10 of title 5'' for ''The Federal Advisory Committee Act (5 U.S.C. App.)'' in text.

2018—Pub. L. 115–254, § 1991(d)(37)(B), substituted ''Administrator'' for ''Assistant Secretary'' wherever appearing.

Subsec. (b)(4). Pub. L. 115–254, § 1991(d)(37)(C), substituted ''the Administrator receives'' for ''the Secretary receives'' and ''the Administrator shall'' for ''the Secretary shall''.

Subsec. (c)(1)(A). Pub. L. 115–254, § 1991(d)(37)(D), substituted ''The'' for ''Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the''.

Subsec. (g). Pub. L. 115–254, § 1991(d)(37)(A), added par. (1), redesignated former par. (1) as (2), and struck out former par. (2) which defined ''Assistant Secretary''.

2016—Subsec. (b)(5). Pub. L. 114–190, § 3411(b), substituted ''paragraph (2) or (4)'' for ''paragraph (4)''.

Subsec. (c)(2)(A). Pub. L. 114–190, § 3411(a), amended subpar. (A) generally. Prior to amendment, text read as follows: ''The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.''

§ 44947. Air cargo security division

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish an air cargo security division to carry out and engage with stakeholders regarding the implementation of air cargo security programs established by the Administration.

(b) LEADERSHIP; STAFFING.—The air cargo security division established pursuant to subsection (a) shall be headed by an individual in the executive service within the TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo security division with existing TSA personnel.

(Added Pub. L. 115–254, div. K, title I, § 1943(a), Oct. 5, 2018, 132 Stat. 3584.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (a), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

§ 44948. National Deployment Office

(a) ESTABLISHMENT.—There is established within the Transportation Security Administration a National Deployment Office, to be headed by an individual with supervisory experience. Such individual shall be designated by the Administrator of the Transportation Security Administration.

(b) DUTIES.—The individual designated as the head of the National Deployment Office shall be responsible for the following:

(1) Maintaining a National Deployment Force within the Transportation Security Administration, including transportation security officers, supervisory transportation security officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security's homeland security operations to mitigate and reduce risk, including for the following:

(A) Airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons.

(B) Special events requiring enhanced security including National Special Security Events, as determined by the Secretary of Homeland Security.

(C) Response in the aftermath of any man-made disaster, including any terrorist attack.

(D) Other such situations, as determined by the Administrator.

(2) Educating transportation security officers regarding how to participate in the Administration's National Deployment Force.

(3) Recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator.

(4) Approving 1-year appointments for officers to serve on the National Deployment Force, with an option to extend upon officer request and with the approval of the appropriate Federal Security Director.

(5) Training officers to serve on the National Deployment Force.

(Added Pub. L. 115–254, div. K, title I, § 1988(a), Oct. 5, 2018, 132 Stat. 3622.)

Statutory Notes and Related Subsidiaries

CAREER DEVELOPMENT

Pub. L. 115–254, div. K, title I, § 1988(d), Oct. 5, 2018, 132 Stat. 3623, provided that: ''The Administrator [of the Transportation Security Administration] may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within the TSA [Transportation Security Administration].''

CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Sec.
45101. Definition.
45102. Alcohol and controlled substances testing programs.
45103. Prohibited service.
45104. Testing and laboratory requirements.
45105. Rehabilitation.
45106. Relationship to other laws, regulations, standards, and orders.
45107. Transportation Security Administration.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107–71, title I, § 139(5), Nov. 19, 2001, 115 Stat. 641, added item 45107.

§ 45101. Definition

In this chapter, ''controlled substance'' means any substance under section 102 of the Com-

prehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1221.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45101	49 App.:1434(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(f); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 956.

§ 45102. Alcohol and controlled substances testing programs

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of airmen, crewmembers, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random, and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of employees of the Administration responsible for safety-sensitive functions for use of alcohol or a controlled substance in violation of law or a Government regulation.

(c) SANCTIONS.—In prescribing regulations under the programs required by this section, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to an individual referred to in this section, or the disqualification or dismissal of the individual, under this chapter when a test conducted and confirmed under this chapter indicates the individual has used alcohol or a controlled substance in violation of law or a Government regulation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1221; Pub. L. 104–59, title III, §342(d), Nov. 28, 1995, 109 Stat. 609; Pub. L. 107–71, title I, §139(1), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45102(a)	49 App.:1434(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(a); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 953.
45102(b)	49 App.:1434(a)(2).	
45102(c)	49 App.:1434(a)(3).	

In subsections (a)(2) and (b)(2), the word ''also'' is omitted as surplus.

Editorial Notes

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–71 substituted ''personnel'' for ''contract personnel'' wherever appearing.

1995—Subsec. (a)(1). Pub. L. 104–59, §342(d)(1), added par. (1) and struck out former par. (1) which read as follows: ''In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations not later than October 28, 1992, that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.''

Subsec. (b)(1). Pub. L. 104–59, §342(d)(2), added par. (1) and struck out former par. (1) which read as follows: ''The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of alcohol or a controlled substance in violation of law or a Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions.''

Statutory Notes and Related Subsidiaries

RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS

Pub. L. 103–305, title V, §501, Aug. 23, 1994, 108 Stat. 1594, provided that, not later than 180 days after Aug. 23, 1994, the Secretary would complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate required of random drug testing for personnel engaged in aviation activities.

§ 45103. Prohibited service

(a) USE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An individual may not use alcohol or a controlled substance after October 28, 1991, in violation of law or a United States Government regulation and serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator of the Federal Aviation Administration), or employee of the Administration with responsibility for safety-sensitive functions.

(b) REHABILITATION REQUIRED TO RESUME SERVICE.—Notwithstanding subsection (a) of this section, an individual found to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions only if the individual completes a rehabilitation program described in section 45105 of this title.

(c) PERFORMANCE OF PRIOR DUTIES PROHIBITED.—An individual who served as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions and who was found by the Administrator to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may not carry out the duties related to air transportation that the individual carried out before the finding of the Administrator if the individual—

(1) used the alcohol or controlled substance when on duty;

(2) began or completed a rehabilitation program described in section 45105 of this title before using the alcohol or controlled substance; or

(3) refuses to begin or complete a rehabilitation program described in section 45105 of this title after a finding by the Administrator under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1222; Pub. L. 107–71, title I, § 139(2), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45103(a)	49 App.:1434(b)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 614(b); added Oct. 28, 1991, Pub. L. 102–143, § 3(a), 105 Stat. 954.
45103(b)	49 App.:1434(b)(2).	
45103(c)	49 App.:1434(b)(3).	

In subsection (b), the words ''Notwithstanding subsection (a) of this section'' are added for clarity.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107–71 substituted ''screening employee'' for ''screening contract employee'' wherever appearing.

§ 45104. Testing and laboratory requirements

In carrying out section 45102 of this title, the Administrator of the Federal Aviation Administration shall develop requirements that—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this chapter, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this chapter;

(3) require that a laboratory involved in controlled substances testing under this chapter have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that all tests indicating the use of alcohol or a controlled substance in violation of law or a United States Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this chapter; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1222.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45104	49 App.:1434(d).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(d); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 955.

In this section, the word ''samples'' is omitted as surplus.

In clause (2), before subclause (A), the word ''subsequent'' is omitted as surplus.

In clause (3), the words ''of any individual'' are omitted as surplus.

In clause (4), the words ''by any individual'' are omitted as surplus.

In clause (5), the word ''tested'' is substituted for ''assayed'' for consistency. The words ''2d confirmation test'' are substituted for ''independent test'' for clarity and consistency.

In clause (6), the word ''Secretary'' is substituted for ''Department'' for consistency in the revised title and with other titles of the United States Code.

§ 45105. Rehabilitation

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—The Administrator of the Federal Aviation Administration shall prescribe regulations establishing requirements for rehabilitation programs that at least provide for the identification and opportunity for treatment of employees of air carriers and foreign air carriers referred to in section 45102(a)(1) of this title who need assistance in resolving problems with the use of alcohol or a controlled substance in violation of law or a United States Government regulation. Each air carrier and foreign air carrier is encouraged to make such a program available to all its employees in addition to the employees referred to in section 45102(a)(1). The Administrator shall decide on the circumstances under which employees shall be required to participate in a program. This subsection does not prevent an air carrier or foreign air carrier from establishing a program under this subsection in cooperation with another air carrier or foreign air carrier.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—The Administrator shall establish and maintain a rehabilitation program that at least provides for the identification and opportunity for treatment of employees of the Administration whose duties include responsibility for safety-sensitive functions who need assistance in resolving problems with the use of alcohol or a controlled substance.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1223; Pub. L. 103–429, §6(58), Oct. 31, 1994, 108 Stat. 4385.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45105(a)	49 App.:1434(c)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(c); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 954.
45105(b)	49 App.:1434(c)(2).	

In subsection (a), the words ''of air carriers and foreign air carriers'' are added for clarity.

PUB. L. 103–429

This amends 49:45105(a) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1224).

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–429 substituted ''section 45102(a)(1)'' for ''section 45102(a)(1)(A)'' in second sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

PRIORITIZING AND SUPPORTING THE HUMAN INTERVENTION MOTIVATION STUDY (HIMS) PROGRAM AND THE FLIGHT ATTENDANT DRUG AND ALCOHOL PROGRAM (FADAP)

Pub. L. 115–254, div. B, title V, §554(a), Oct. 5, 2018, 132 Stat. 3380, provided that: ''The [Federal Aviation] Administration shall continue to prioritize and support the Human Intervention Motivation Study (HIMS) program for flight crewmembers and the Flight Attendant Drug and Alcohol Program (FADAP) for flight attendants.''

HUMAN INTERVENTION MOTIVATION STUDY

Pub. L. 112–95, title VIII, §819, Feb. 14, 2012, 126 Stat. 127, provided that: ''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 Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.''

§ 45106. Relationship to other laws, regulations, standards, and orders

(a) EFFECT ON STATE AND LOCAL GOVERNMENT LAWS, REGULATIONS, STANDARDS, OR ORDERS.—A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this chapter. However, a regulation prescribed under this chapter does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(b) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—(1) In prescribing regulations under this chapter, the Administrator of the Federal Aviation Administration—

(A) shall establish only requirements applicable to foreign air carriers that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(2) The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit crewmembers in international civil aviation from using alcohol or a controlled substance in violation of law or a United States Government regulation.

(c) OTHER REGULATIONS ALLOWED.—This section does not prevent the Administrator from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by airmen, crewmembers, airport security screening employees, air carrier employees responsible for safety-sensitive functions (as decided by the Administrator), or employees of the Administration with responsibility for safety-sensitive functions.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1224; Pub. L. 107–71, title I, § 139(3), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45106(a)	49 App.:1434(e)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 614(e); added Oct. 28, 1991, Pub. L. 102–143, § 3(a), 105 Stat. 956.
45106(b)	49 App.:1434(e)(3).	
45106(c)	49 App.:1434(e)(2).	

In subsection (a), the word ''prescribe'' is substituted for ''adopt'' for consistency in the revised title and with other titles of the United States Code. The word ''rule'' is omitted as being synonymous with ''regulation''. The word ''ordinance'' is omitted as being included in ''law'' and ''regulation''. The words ''actual'' and ''whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public'' are omitted as surplus.

In subsection (c) the word ''prevent'' is substituted for ''restrict the discretion of'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2001—Subsec. (c). Pub. L. 107–71 substituted ''screening employees'' for ''screening contract employees''.

§ 45107. Transportation Security Administration

(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Administrator of the Transportation Security Administration. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions.

(Added Pub. L. 107–71, title I, § 139(4), Nov. 19, 2001, 115 Stat. 640; amended Pub. L. 115–254, div. K, title I, § 1991(e), Oct. 5, 2018, 132 Stat. 3642.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 1991(e)(1), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

Subsec. (b). Pub. L. 115–254, § 1991(e)(2), struck out at end ''The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.''

CHAPTER 453—FEES

Sec.
45301. General provisions.
45302. Fees involving aircraft not providing air transportation.
45303. Administrative provisions.
45304. Maximum fees for private person services.
45305. Registration, certification, and related fees.
45306. Manual surcharge.[1]

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95, title I, § 122(b), Feb. 14, 2012, 126 Stat. 20, added item 45305.

1996—Pub. L. 104–264, title II, §§ 273(b), 276(b), Oct. 9, 1996, 110 Stat. 3240, 3248, substituted ''General provisions'' for ''Authority to impose fees'' in item 45301, added items 45303 and 45304, and struck out former item 45303 ''Maximum fees for private person services''.

§ 45301. General provisions

(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.

(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator

[1] Editorially supplied. Section added by Pub. L. 115–254 without corresponding amendment of chapter analysis.

shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

(A) The establishment or adjustment of a fee by the Administrator under this section.

(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

(5) COSTS DEFINED.—In this subsection, the term ''costs'' includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.

(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term ''production-certification related service'' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.

(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.

(Added Pub. L. 104–264, title II, §273(a), Oct. 9, 1996, 110 Stat. 3239; amended Pub. L. 106–181, title VII, §719, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107–71, title I, §119(d), Nov. 19, 2001, 115 Stat. 629; Pub. L. 112–95, title I, §121, Feb. 14, 2012, 126 Stat. 19; Pub. L. 115–254, div. B, title V, §539(k), Oct. 5, 2018, 132 Stat. 3371.)

Editorial Notes

PRIOR PROVISIONS

A prior section 45301, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1225; Pub. L. 103–305, title II, §209, Aug. 23, 1994, 108 Stat. 1589; Pub. L. 104–287, §5(76), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 105–102, §3(d)(1)(C), Nov. 20, 1997, 111 Stat. 2215, related to authority to impose fees, prior to repeal by Pub. L. 104–264, title II, §§203, 273(a), Oct. 9, 1996, 110 Stat. 3227, 3239, effective 30 days after Oct. 9, 1996.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254 substituted ''United States Government'' for ''United States government''.

2012—Subsec. (b). Pub. L. 112–95, §121(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to limitations on fees.

Subsec. (e). Pub. L. 112–95, §121(b), added subsec. (e).

2001—Subsec. (b)(1)(B). Pub. L. 107–71 substituted ''reasonably'' for ''directly'' and ''Administration's costs, as determined by the Administrator,'' for ''Administration's costs'' and inserted ''The Determination of such costs by the Administrator is not subject to judicial review.'' at end.

2000—Subsec. (a)(2). Pub. L. 106–181, §719(1), added par. (2) and struck out former par. (2) which read as follows: ''Services (other than air traffic control services) provided to a foreign government.''

Subsec. (d). Pub. L. 106–181, §719(2), added subsec. (d).

Statutory Notes and Related Subsidiaries

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

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

OVERFLIGHT FEES

Pub. L. 108–176, title II, §229, Dec. 12, 2003, 117 Stat. 2532, provided that:

''(a) ADOPTION AND LEGALIZATION OF CERTAIN RULES.—

''(1) APPLICABILITY AND EFFECT OF CERTAIN LAW.—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act [Pub. L. 107–71] (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

''(2) ADOPTION AND LEGALIZATION.—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of

Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

''(3) FEES TO WHICH APPLICABLE.—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

''(b) DEFERRED COLLECTION OF FEES.—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress responding to the issues raised by the court in Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

''(c) ENFORCEMENT.—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.''

§ 45302. Fees involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL AUTHORITY AND MAXIMUM FEES.—The Administrator of the Federal Aviation Administration may impose fees to pay for the costs of issuing airman certificates to pilots and certificates of registration of aircraft and processing forms for major repairs and alterations of fuel tanks and fuel systems of aircraft. The following fees may not be more than the amounts specified:

(1) $12 for issuing an airman's certificate to a pilot.

(2) $25 for registering an aircraft after the transfer of ownership.

(3) $15 for renewing an aircraft registration.

(4) $7.50 for processing a form for a major repair or alteration of a fuel tank or fuel system of an aircraft.

(c) ADJUSTMENTS.—The Administrator shall adjust the maximum fees established by subsection (b) of this section for changes in the Consumer Price Index of All Urban Consumers published by the Secretary of Labor.

(d) CREDIT TO ACCOUNT AND AVAILABILITY.—Money collected from fees imposed under this section shall be credited to the account in the Treasury from which the Administrator incurs expenses in carrying out chapter 441 and sections 44701–44716 of this title (except sections 44701(c), 44703(g)(2), and 44713(d)(2)). The money is available to the Administrator to pay expenses for which the fees are collected.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—A fee may not be imposed under this section before the date on which the regulations prescribed under sections 44111(d), 44703(g)(2), and 44713(d)(2) of this title take effect.

(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1225; Pub. L. 103–429, § 6(59), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 112–95, title I, § 122(c), Feb. 14, 2012, 126 Stat. 20; Pub. L. 115–254, div. B, title V, § 539(j), Oct. 5, 2018, 132 Stat. 3371.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45302(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
45302(b), (c)	49 App.:1354(f)(1)–(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 313(f); added Nov. 18, 1988, Pub. L. 100–690, § 7207(c)(1), 102 Stat. 4427.
45302(d)	49 App.:1354(f)(4).	

In subsection (b), before clause (1), the text of 49 App.:1354(f)(3) is omitted as obsolete because the final regulations are effective. The word ''impose'' is substituted for ''establish and collect'' for consistency.

In subsection (d), the words ''Money collected from fees imposed'' are substituted for ''The amount of fees collected'' for clarity and consistency.

PUB. L. 103–429

This amends 49:45302 because the final regulations are not yet effective.

Editorial Notes

AMENDMENTS

2018—Subsecs. (d), (e)(1). Pub. L. 115–254 substituted ''44703(g)(2)'' for ''44703(f)(2)''.

2012—Subsec. (e). Pub. L. 112–95 designated existing provisions as par. (1), inserted heading, and added par. (2).

1994—Subsec. (e). Pub. L. 103–429 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

INSPECTOR GENERAL AUDIT

Pub. L. 100–690, title VII, § 7207(c)(4), Nov. 18, 1988, 102 Stat. 4428, as amended by Pub. L. 104–66, title II, § 2041, Dec. 21, 1995, 109 Stat. 728, provided that: ''During the 5-year period beginning after the date on which fees are first collected under section 313(f) of the Federal Aviation Act of 1958 [see subsec. (b) of this section], the Department of Transportation Inspector General shall conduct an annual audit of the collection and use of such fees for the purpose of ensuring that such fees do not exceed the costs for which they are collected and submit to Congress a report on the results of such audit.''

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 30th item on page 4 identifies a reporting provision which, as subsequently amended, is contained in section 7207(c)(4) of Pub. L. 100–690, set out as a note above), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

§ 45303. Administrative provisions

(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

(3) shall remain available until expended.

(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a list of fee collections by the Administration during the preceding fiscal year;

(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

(4) any proposed disposition of surplus fees by the Administration; and

(5) such other information as those committees consider necessary.

(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

(g) DATA TRANSPARENCY.—

(1) AIR TRAFFIC SERVICES INITIAL DATA REPORT.—

(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator and the Chief Operating Officer of the Air Traffic Organization shall, based upon the most recently available full fiscal year data, complete the following calculations for each segment of air traffic services users:

(i) The total costs allocable to the use of air traffic services for that segment during such fiscal year.

(ii) The total revenues received from that segment during such fiscal year.

(B) VALIDATION OF MODEL.—

(i) REVIEW AND DETERMINATION.—Not later than 3 months after completion of the initial report required under subparagraph (A), the inspector general of the Department of Transportation shall review and determine the validity of the model used by the Administrator and the Chief Operating Officer to complete the calculations required under subparagraph (A).

(ii) VALIDATION PROCESS.—In the event that the inspector general determines that the model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A) is not valid—

(I) the inspector general shall provide the Administrator and Chief Operating Officer recommendations on how to revise the model;

(II) the Administrator and the Chief Operating Officer shall complete the calculations required by subparagraph (A) utilizing the revised model and resubmit the revised initial report required under subparagraph (A) to the inspector general; and

(III) not later than 3 months after completion of the revised initial report required under subparagraph (A), the inspector general shall review and determine the validity of the revised model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A).

(iii) ACCESS TO DATA.—The Administrator and the Chief Operating Officer shall provide the inspector general of the Department of Transportation with unfettered access to all data produced by the cost accounting system operated and maintained pursuant to subsection (e).

(C) REPORT TO CONGRESS.—Not later than 60 days after completion of the review and receiving a determination that the model used is valid under subparagraph (B), the Administrator and the Chief Operating Officer shall submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report describing the results of the calculations completed under subparagraph (A).

(D) PUBLICATION.—Not later than 60 days after submission of the report required under subparagraph (C), the Administrator and Chief Operating Officer shall publish the initial report, including any revision thereto if required as a result of the validation process for the model.

(2) AIR TRAFFIC SERVICES BIENNIAL DATA REPORTING.—

(A) BIENNIAL DATA REPORTING.—Not later than March 31, 2019, and biennially thereafter for 8 years, the Administrator and the Chief Operating Officer shall, using the validated model, complete the following calculations for each segment of air traffic services users for the most recent full fiscal year:

(i) The total costs allocable to the use of the air traffic services for that segment.

(ii) The total revenues received from that segment.

(B) REPORT TO CONGRESS.—Not later than 15 days after completing the calculations under subparagraph (A), the Administrator and the Chief Operating Officer shall complete and submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report containing the results of such calculations.

(C) PUBLICATION.—Not later than 60 days after completing the calculations pursuant to subparagraph (A), the Administrator and the Chief Operating Officer shall publish the results of such calculations.

(3) SEGMENTS OF AIR TRAFFIC SERVICES USERS.—

(A) IN GENERAL.—For purposes of this subsection, each of the following shall constitute a separate segment of air traffic services users:

(i) Passenger air carriers conducting operations under part 121 of title 14, Code of Federal Regulations.

(ii) All-cargo air carriers conducting operations under part 121 of such title.

(iii) Operators covered by part 125 of such title.

(iv) Air carriers and operators of piston-engine aircraft operating under part 135 of such title.

(v) Air carriers and operators of turbine-engine aircraft operating under part 135 of such title.

(vi) Foreign air carriers providing passenger air transportation.

(vii) Foreign air carriers providing all-cargo air transportation.

(viii) Operators of turbine-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(ix) Operators of piston-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(x) Operators covered by subpart (K) of part 91 of such title.

(xi) Operators covered by part 133 of such title.

(xii) Operators covered by part 136 of such title.

(xiii) Operators covered by part 137 of such title.

(xiv) Operators of public aircraft that qualify under section 40125.

(xv) Operators of aircraft that neither take off from, nor land in, the United States.

(B) ADDITIONAL SEGMENTS.—The Secretary may identify and include additional segments of air traffic users under subparagraph (A) as revenue and air traffic services cost data become available for that additional segment of air traffic services users.

(4) DEFINITIONS.—For purposes of this subsection:

(A) AIR TRAFFIC SERVICES.—The term ''air traffic services'' means services—

(i) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

(ii) provided directly, or contracted for, by the Federal Aviation Administration.

(B) AIR TRAFFIC SERVICES USER.—The term ''air traffic services user'' means any individual or entity using air traffic services provided directly, or contracted for, by the Federal Aviation Administration within United States airspace or international airspace delegated to the United States.

(Added Pub. L. 104–264, title II, § 276(a)(2), Oct. 9, 1996, 110 Stat. 3247; amended Pub. L. 115–254, div. B, title V, § 519, Oct. 5, 2018, 132 Stat. 3359.)

Editorial Notes

REFERENCES IN TEXT

The Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f), is title II of Pub. L. 104–264, Oct. 9, 1996, 110 Stat. 3227. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 40101 of this title and Tables.

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (g)(1)(A), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

A prior section 45303 was renumbered section 45304 of this title.

AMENDMENTS

2018—Subsec. (g). Pub. L. 115–254 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

§ 45304. Maximum fees for private person services

The Administrator of the Federal Aviation Administration may establish maximum fees

that private persons may charge for services performed under a delegation to the person under section 44702(d) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1225, § 45303; renumbered § 45304, Pub. L. 104–264, title II, § 276(a)(1), Oct. 9, 1996, 110 Stat. 3247.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
45303	49 App.:1355(a) (last sentence related to fees). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, § 314(a) (last sentence related to fees), 72 Stat. 754. Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In this section, the word ''Administrator'' in section 314(a) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 754) is retained on authority of 49:106(g). The words ''services performed under a delegation to the person under section 44702(d) of this title'' are substituted for ''their services'' because of the restatement.

§ 45305. Registration, certification, and related fees

(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (c), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

(1) Registering an aircraft.

(2) Reregistering, replacing, or renewing an aircraft registration certificate.

(3) Issuing an original dealer's aircraft registration certificate.

(4) Issuing an additional dealer's aircraft registration certificate (other than the original).

(5) Issuing a special registration number.

(6) Issuing a renewal of a special registration number reservation.

(7) Recording a security interest in an aircraft or aircraft part.

(8) Issuing an airman certificate.

(9) Issuing a replacement airman certificate.

(10) Issuing an airman medical certificate.

(11) Providing a legal opinion pertaining to aircraft registration or recordation.

(b) CERTIFICATION SERVICES.—Subject to subsection (c), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

(1) is established and collected in a manner consistent with aviation safety agreements; and

(2) does not exceed the estimated costs of the services.

(c) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

(d) FEES CREDITED AS OFFSETTING COLLECTIONS.—

(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

(C) remain available until expended.

(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.

(Added Pub. L. 112–95, title I, § 122(a), Feb. 14, 2012, 126 Stat. 19; amended Pub. L. 115–254, div. B, title II, § 244, Oct. 5, 2018, 132 Stat. 3260.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 244(1), substituted ''Subject to subsection (c)'' for ''Subject to subsection (b)'' in introductory provisions.

Subsecs. (b) to (d). Pub. L. 115–254, § 244(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

§ 45306. Manual surcharge

(a) IN GENERAL.—Not later 3 years after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall impose and collect a surcharge on a Civil Aviation Registry transaction that—

(1) is conducted in person at the Civil Aviation Registry;

(2) could be conducted, as determined by the Administrator, with the same or greater level of efficiency by electronic or other remote means; and

(3) is not related to research or other noncommercial activities.

(b) MAXIMUM SURCHARGE.—A surcharge imposed and collected under subsection (a) shall not exceed twice the maximum fee the Administrator is authorized to charge for the registration of an aircraft, not used to provide air transportation, after the transfer of ownership under section 45302(b)(2).

(c) CREDIT TO ACCOUNT AND AVAILABILITY.—Monies collected from a surcharge imposed under subsection (a) shall be treated as monies collected under section 45302 and subject to the terms and conditions set forth in section 45302(d).

(Added Pub. L. 115–254, div. B, title V, § 546(d), Oct. 5, 2018, 132 Stat. 3376.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of en-

actment of Pub. L. 115–254, which was approved Oct. 5, 2018.

SUBPART IV—ENFORCEMENT AND PENALTIES

CHAPTER 461—INVESTIGATIONS AND PROCEEDINGS

Sec.
46101. Complaints and investigations.
46102. Proceedings.
46103. Service of notice, process, and actions.
46104. Evidence.
46105. Regulations and orders.
46106. Enforcement by the Department of Transportation.
46107. Enforcement by the Attorney General.
46108. Enforcement of certificate requirements by interested persons.
46109. Joinder and intervention.
46110. Judicial review.
46111. Certificate actions in response to a security threat.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108–176, title VI, § 601(b), Dec. 12, 2003, 117 Stat. 2563, added item 46111.

2001—Pub. L. 107–71, title I, § 140(b)(8), Nov. 19, 2001, 115 Stat. 641, substituted ''Department of Transportation'' for ''Secretary of Transportation and Administrator of the Federal Aviation Administration'' in item 46106.

§ 46101. Complaints and investigations

(a) GENERAL.—(1) A person may file a complaint in writing with the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) about a person violating this part or a requirement prescribed under this part. Except as provided in subsection (b) of this section, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall investigate the complaint if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation.

(2) On the initiative of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may conduct an investigation, if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation, about—

(A) a person violating this part or a requirement prescribed under this part; or

(B) any question that may arise under this part.

(3) The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may dismiss a complaint without a hearing when the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration is of the opinion that the complaint does not state facts that warrant an investigation or action.

(4) After notice and an opportunity for a hearing and subject to section 40105(b) of this title, the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall issue an order to compel compliance with this part if the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration finds in an investigation under this subsection that a person is violating this part.

(b) COMPLAINTS AGAINST MEMBERS OF ARMED FORCES.—The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall refer a complaint against a member of the armed forces of the United States performing official duties to the Secretary of the department concerned for action. Not later than 90 days after receiving the complaint, the Secretary of that department shall inform the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration of the action taken on the complaint, including any corrective or disciplinary action taken.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107–71, title I, § 140(b)(1)–(3), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, § 1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46101(a)(1) ..	49 App.:1482(a) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, § 1002(a), (b), 72 Stat. 788.
	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.
	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.
46101(a)(2) ..	49 App.:1482(b).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
46101(a)(3) ..	49 App.:1482(a) (3d sentence).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
46101(a)(4) ..	49 App.:1482(c).	Aug. 23, 1958, Pub. L. 85–726, § 1002(c), 72 Stat. 789; Feb. 15, 1980, Pub. L. 96–192, § 25, 94 Stat. 47.
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
46101(b)	49 App.:1482(a) (4th, last sentences).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	

In subsection (a)(1), the words ''the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) about a person violating this part or a requirement prescribed under this part'' are sub-

stituted for ''the Secretary of Transportation or the Board, as to matters within their respective jurisdictions . . . with respect to anything done or omitted to be done by any person in contravention of any provisions of this chapter, or of any requirement established pursuant thereto'' for clarity and because of the restatement. The words ''Except as provided in subsection (b) of this section'' are added because of the restatement of the source provisions in subsection (b) of this section. The words ''If the person complained against shall not satisfy the complaint and'' are omitted as surplus.

In subsection (a)(2), before clause (A), the words ''the Secretary of Transportation or the Administrator, as appropriate'' are substituted for ''The Secretary of Transportation or Board, with respect to matters within their respective jurisdictions'' to eliminate unnecessary words. The words ''if a reasonable ground appears to the Secretary or Administrator for the investigation'' are substituted for 49 App.:1482(b) (last sentence) for clarity and to eliminate unnecessary words. Clause (A) is substituted for ''in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Secretary of Transportation or Board by any provision of this chapter . . . or relating to the enforcement of any of the provisions of this chapter'' for clarity and to eliminate unnecessary words.

In subsection (a)(4), the words ''an opportunity for a'' are added for consistency in the revised title and with other titles of the United States Code. The words ''compel compliance with this part'' are substituted for ''compel such person to comply therewith'' for clarity. The words ''in an investigation under this subsection'' are substituted for ''in any investigation instituted upon complaint or upon their own initiative'' to eliminate unnecessary words. The words ''is violating this part'' are substituted for ''has failed to comply with any provision of this chapter or any requirement established pursuant thereto'' for clarity and to eliminate unnecessary words. The words ''with respect to matters within their jurisdiction'' are omitted as unnecessary because of the restatement.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' wherever appearing.

Pub. L. 115–254, §1991(f)(2), substituted ''or Administrator of the Federal Aviation Administration'' for ''or Administrator'' wherever appearing.

Subsec. (a)(1). Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, §1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

2001—Subsec. (a)(1). Pub. L. 107–71, §140(b)(1), (2), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator'' in two places.

Subsec. (a)(2). Pub. L. 107–71, §140(b)(2), (3), in introductory provisions, substituted '', Under Secretary, or Administrator, as'' for ''of Transportation or the Administrator, as'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator'' in two places.

Subsec. (a)(3), (4). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' wherever appearing.

Subsec. (b). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' in two places.

Statutory Notes and Related Subsidiaries

AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES

Pub. L. 115–254, div. B, title III, §396, Oct. 5, 2018, 132 Stat. 3327, provided that: ''Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall designate the appropriate legal counsel of the [Federal Aviation] Administration as an appropriate official for purposes of section 13.11 of title 14, Code of Federal Regulations.''

§ 46102. Proceedings

(a) CONDUCTING PROCEEDINGS.—Subject to subchapter II of chapter 5 of title 5, the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may conduct proceedings in a way conducive to justice and the proper dispatch of business.

(b) APPEARANCE.—A person may appear and be heard before the Secretary, the Administrator of the Transportation Security Administration, and the Administrator of the Federal Aviation Administration in person or by an attorney. The Secretary may appear and participate as an interested party in a proceeding the Administrator of the Federal Aviation Administration conducts under section 40113(a) of this title.

(c) RECORDING AND PUBLIC ACCESS.—Official action taken by the Secretary, Administrator of the Transportation Security Administration, and Administrator of the Federal Aviation Administration under this part shall be recorded. Proceedings before the Secretary, Administrator of the Transportation Security Administration, and Administrator of the Federal Aviation Administration shall be open to the public on the request of an interested party unless the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration decides that secrecy is required because of national defense.

(d) CONFLICTS OF INTEREST.—The Secretary, the Administrator of the Transportation Security Administration, the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration may not participate in a proceeding referred to in subsection (a) of this section in which the individual has a pecuniary interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107–71, title I, §140(b)(1), (2), (4)–(6), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(5), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46102(a)	49 App.:1481 (1st sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, §1001, 72 Stat. 788. 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.
46102(b)	49 App.:1481 (3d, 4th sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(c)	49 App.:1481 (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(d)	49 App.:1481 (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a), the cross-reference to chapter 7 of title 5 is omitted as unnecessary.

In subsection (b), the text of 49 App.:1481 (4th sentence words after last comma) is omitted as obsolete. The words ''National Transportation Safety Board'' were substituted for ''Board'' in 49 App.:1481 (4th sentence) because 49 App.:1655(d) transferred all functions, duties, and powers of the Civil Aeronautics Board under titles VI and VII of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775) to the Secretary of Transportation to be carried out through the former National Transportation Safety Board in the Department of Transportation. Title VI includes sections 602 and 609 [49 App.:1422, 1429], that provide for appeals to the Civil Aeronautics Board (subsequently transferred to the National Transportation Safety Board), and section 611(e) [49 App.:1431(e)], that provides for appeals to the National Transportation Safety Board. Under 49 App.:1902(a), the National Transportation Safety Board in the Department of Transportation was replaced by an independent National Transportation Safety Board outside the Department, and 49 App.:1903(a)(9)(A) gave the independent Board the authority to review appeals from actions of the Secretary under 49 App.:1422, 1429, and 1431(e).

In subsection (c), the words ''vote and'' are omitted as surplus.

In subsection (d), the words ''officer or employee of the Administration'' are substituted for ''member'' for clarity and consistency in the revised title and with other titles of the United States Code. The words ''hearing or'' are omitted as surplus. The words ''referred to in subsection (a) of this section'' are added for clarity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(f)(4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, § 1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

Subsec. (b). Pub. L. 115–254, § 1991(f)(5)(A), substituted ''the Administrator of the Federal Aviation Administration'' for ''the Administrator'' in two places.

Subsec. (c). Pub. L. 115–254, § 1991(f)(5)(B), substituted ''and Administrator of the Federal Aviation Administration'' for ''and Administrator'' in two places.

Pub. L. 115–254, § 1991(f)(2), substituted ''or Administrator of the Federal Aviation Administration'' for ''or Administrator''.

Subsec. (d). Pub. L. 115–254, § 1991(f)(5)(C), substituted ''the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration'' for ''the Administrator, or an officer or employee of the Administration''.

2001—Subsec. (a). Pub. L. 107–71, § 140(b)(1), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

Subsec. (b). Pub. L. 107–71, § 140(b)(4), substituted '', the Under Secretary, and the Administrator'' for ''and the Administrator''.

Subsec. (c). Pub. L. 107–71, § 140(b)(2), (5), substituted '', Under Secretary, and Administrator'' for ''and Administrator'' in two places and '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsec. (d). Pub. L. 107–71, § 140(b)(6), inserted ''the Under Secretary,'' after ''Secretary,''.

§ 46103. Service of notice, process, and actions

(a) DESIGNATING AGENTS.—(1) Each air carrier and foreign air carrier shall designate an agent on whom service of notice and process in a proceeding before, and an action of, the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may be made.

(2) The designation—

(A) shall be in writing and filed with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration; and

(B) may be changed in the same way as originally made.

(b) SERVICE.—(1) Service may be made—

(A) by personal service;

(B) on a designated agent; or

(C) by certified or registered mail to the person to be served or the designated agent of the person.

(2) The date of service made by certified or registered mail is the date of mailing.

(c) SERVING AGENTS.—Service on an agent designated under this section shall be made at the office or usual place of residence of the agent. If an air carrier or foreign air carrier does not have a designated agent, service may be made by posting the notice, process, or action in the office of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1227; Pub. L. 107–71, title I, § 140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, § 1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46103(a)	49 App.:1485(b) (1st sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, § 1005(b), 72 Stat. 794.. 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.
46103(b)	49 App.:1485(c).	Aug. 23, 1958, Pub. L. 85–726, §1005(c), 72 Stat. 794; restated Aug. 25, 1959, Pub. L. 86–199, 73 Stat. 427.
46103(c)	49 App.:1485(b) (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a)(1), the words ''in a proceeding before'' are added for clarity. The word ''action'' is substituted for ''orders, decisions, and requirements'' to eliminate unnecessary words. The words ''for and on behalf of said carrier'' are omitted as surplus.

In subsection (a)(2)(B), the words ''from time to time'' are omitted as surplus.

In subsection (b)(1)(B), the words ''in writing for the purpose'' are omitted as surplus.

In subsection (b)(1)(C), the word ''addressed'' is omitted as surplus.

In subsection (b)(2), the word ''date'' is substituted for ''time'' for clarity and consistency.

In subsection (c), the words ''with like effect as if made personally upon such carrier'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, §1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

Subsec. (a)(2)(A). Pub. L. 115–254, §1991(f)(2), (4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' and ''or Administrator of the Federal Aviation Administration'' for ''or Administrator''.

Subsec. (c). Pub. L. 115–254, §1991(f)(2), (4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' and ''or Administrator of the Federal Aviation Administration'' for ''or Administrator''.

2001—Subsec. (a)(1). Pub. L. 107–71, §140(b)(1), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

Subsec. (a)(2)(A). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsec. (c). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

§ 46104. Evidence

(a) GENERAL.—In conducting a hearing or investigation under this part, the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may—

(1) subpoena witnesses and records related to a matter involved in the hearing or investigation from any place in the United States to the designated place of the hearing or investigation;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence at a place in the United States the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration designates.

(b) COMPLIANCE WITH SUBPOENAS.—If a person disobeys a subpoena, the Secretary, the Administrator of the Transportation Security Administration, the Administrator of the Federal Aviation Administration, or a party to a proceeding before the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may petition a court of the United States to enforce the subpoena. A judicial proceeding to enforce a subpoena under this section may be brought in the jurisdiction in which the proceeding or investigation is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

(c) DEPOSITIONS.—(1) In a proceeding or investigation, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may order a person to give testimony by deposition and to produce records. If a person fails to be deposed or to produce records, the order may be enforced in the same way a subpoena may be enforced under subsection (b) of this section.

(2) A deposition may be taken before an individual designated by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration and having the power to administer oaths.

(3) Before taking a deposition, the party or the attorney of the party proposing to take the deposition must give reasonable notice in writing to the opposing party or the attorney of record of that party. The notice shall state the name of the witness and the time and place of taking the deposition.

(4) The testimony of a person deposed under this subsection shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(5) If the laws of a foreign country allow, the testimony of a witness in that country may be taken by deposition—

(A) by a consular officer or an individual commissioned by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal

Aviation Administration or agreed on by the parties by written stipulation filed with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration; or

(B) under letters rogatory issued by a court of competent jurisdiction at the request of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(d) WITNESS FEES AND MILEAGE AND CERTAIN FOREIGN COUNTRY EXPENSES.—A witness summoned before the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or whose deposition is taken under this section and the individual taking the deposition are each entitled to the same fee and mileage that the witness and individual would have been paid for those services in a court of the United States. Under regulations of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall pay the necessary expenses incident to executing, in another country, a commission or letter rogatory issued at the initiative of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(e) DESIGNATING EMPLOYEES TO CONDUCT HEARINGS.—When designated by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, an employee appointed under section 3105 of title 5 may conduct a hearing, subpoena witnesses, administer oaths, examine witnesses, and receive evidence at a place in the United States the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration designates. On request of a party, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall hear or receive argument.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1227; Pub. L. 107–71, title I, § 140(b)(1), (2), (6), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, § 1991(f)(1)–(4), (6), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46104(a)	49 App.:1354(c) (related to this chapter).	Aug. 23, 1958, Pub. L. 85–726, §§ 313(c) (related to this Act), 1004(a)–(h), 72 Stat. 753, 792.
	49 App.:1484(a) (related to member of the Board), (b) (1st sentence), (c) (1st sentence).	
	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.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46104(b)	49 App.:1354(c) (related to this chapter). 49 App.:1484(c) (last sentence), (d). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(1) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (1st, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(2) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(3) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (3d sentence). 49 App.:1655(c)(1).	
46104(c)(4) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(5) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(g). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(d)	49 App.:1354(c) (related to this chapter). 49 App.:1484(b) (last sentence), (h). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(e)	49 App.:1354(c) (related to this chapter). 49 App.:1484(a) (related to examiner). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 313(c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 753) is retained on authority of 49:106(g).

Subsection (a)(1) is substituted for ''sign and issue subpenas'', ''shall have the power to require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation'', and ''The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing'' in 49 App.:1484 for clarity and consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b), the words ''petition a court of the United States to enforce the subpena'' are substituted for ''invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section'' in 49 App.:1484(c) to eliminate unnecessary words. The words ''to enforce a subpena under this section'' are substituted for ''in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Board (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question'' in 49 App.:1484(d) to eliminate unnecessary words.

In subsection (c)(1), the words ''pending before it, at any stage of such proceeding or investigation'' in 49 App.:1484(e) are omitted as surplus. The words ''a person to give'' are substituted for ''to be taken'', and the words ''to produce records'' are added, for clarity and consistency. The last sentence is substituted for 49

App.:1484(e) (last sentence) for clarity and consistency and to eliminate unnecessary words.

In subsection (c)(4), the words ''shall be cautioned . . . to testify the whole truth, and shall be carefully examined'' in 49 App.:1484(f) are omitted as surplus. The words ''shall be under oath'' are substituted for ''shall be required to swear (or affirm, if he so requests)'' for consistency and because of 1:1.

In subsection (d), the words ''that the witness and individual would have been'' are added for clarity and consistency in the revised title and with other titles of the Code. The words ''fees, charges, or'' and ''on the subject'' are omitted as surplus.

In subsection (e), the words ''duly . . . for such purpose'' are omitted as surplus. The words ''employee appointed under section 3105 of title 5'' are substituted for ''examiner'', and the words ''subpena witnesses'' are substituted for ''sign and issue subpenas'', for consistency in the revised title and with other titles of the Code. The words ''In all cases heard by an examiner or a single member'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(6)(A), substituted ''subpoena'' for ''subpena'' wherever appearing.

Pub. L. 115–254, §1991(f)(4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' wherever appearing.

Pub. L. 115–254, §1991(f)(2), substituted ''or Administrator of the Federal Aviation Administration'' for ''or Administrator'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)'' in introductory provisions.

Pub. L. 115–254, §1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' in introductory provisions.

Subsec. (b). Pub. L. 115–254, §1991(f)(6)(B), substituted ''Subpoenas'' for ''Subpenas'' in heading and ''the Administrator of the Federal Aviation Administration, or'' for ''the Administrator, or'' in text.

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), in introductory provisions inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

Subsec. (a)(4). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsec. (b). Pub. L. 107–71, §140(b)(2), (6), inserted ''the Under Secretary,'' after 'Secretary,'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsecs. (c) to (e). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' wherever appearing.

§ 46105. Regulations and orders

(a) EFFECTIVENESS OF ORDERS.—Except as provided in this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) takes effect within a reasonable time prescribed by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration. The regulation or order remains in effect under its own terms or until superseded. Except as provided in this part, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may amend, modify, or suspend an order in the way, and by giving the notice, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration decides.

(b) CONTENTS AND SERVICE OF ORDERS.—An order of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall include the findings of fact on which the order is based and shall be served on the parties to the proceeding and the persons affected by the order.

(c) EMERGENCIES.—When the Administrator of the Federal Aviation Administration is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to this part and subchapter II of chapter 5 of title 5. The Administrator shall begin a proceeding immediately about an emergency under this subsection and give preference, when practicable, to the proceeding.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1228; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), (7), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46105(a)	49 App.:1485(a) (words before 1st proviso), (d), (e).	Aug. 23, 1958, Pub. L. 85–726, §1005(a), (d)–(f), 72 Stat. 794.
	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.
	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.
46105(b)	49 App.:1485(f).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
46105(c)	49 App.:1485(a) (provisos).	
	49 App.:1655(c)(1).	

In subsection (a), the words ''under its own terms or until superseded'' are substituted for ''until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation'' for clarity and to eliminate unnecessary words. The word ''amend'' is added for consistency in the revised title. The text of 49 App.:1485(e) is omitted as surplus.

In subsection (c), the words ''without complaint'' and ''if he so orders'' are omitted as surplus. The words ''prescribe . . . issue'' are substituted for ''make'' for consistency in the revised title and with other titles of the United States Code. The words ''just and reasonable'' and ''as may be essential in the interest of safety in air commerce'' are omitted as surplus. The words ''without regard to this part and subchapter II of chap-

ter 5 of title 5'' are substituted for ''without answer or other form of pleading by the interested person or persons, and . . . hearing, or the making or filing of a report'' to eliminate unnecessary words. The words ''over all others under this chapter'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' wherever appearing.

Pub. L. 115–254, §1991(f)(2), substituted ''or Administrator of the Federal Aviation Administration'' for ''or Administrator'' wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, §1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

Subsec. (c). Pub. L. 115–254, §1991(f)(7), substituted ''When the Administrator of the Federal Aviation Administration'' for ''When the Administrator''.

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), (2), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator'' wherever appearing.

Subsec. (b). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

§ 46106. Enforcement by the Department of Transportation

The Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may bring a civil action against a person in a district court of the United States to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part. The action may be brought in the judicial district in which the person does business or the violation occurred.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107–71, title I, §140(b)(1), (7), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1), (3), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46106	49 App.:1487(a) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1007(a) (related to Administrator and CAB), 72 Stat. 796.
	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.
	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.

The words ''their duly authorized agents'' are omitted as surplus. The words ''may bring a civil action'' are substituted for ''may apply'' for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word ''prescribed'' is added for consistency in the revised title and with other titles of the Code. The words ''condition, or limitation'' are omitted as being included in ''term''. The text of 49 App.:1487(a) (words after semicolon related to Secretary and CAB) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure (28 App. U.S.C.).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, §1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

2001—Pub. L. 107–71, §140(b)(7), substituted ''Department of Transportation'' for ''Secretary of Transportation and Administrator of the Federal Aviation Administration'' in section catchline.

Pub. L. 107–71, §140(b)(1), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

§ 46107. Enforcement by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE SECTION 40106(b).—The Attorney General may bring a civil action in a district court of the United States against a person to enforce section 40106(b) of this title. The action may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS TO ENFORCE THIS PART.—(1) On request of the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration), the Attorney General may bring a civil action in an appropriate court—

(A) to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part; and

(B) to prosecute a person violating this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part.

(2) The costs and expenses of a civil action shall be paid out of the appropriations for the expenses of the courts of the United States.

(c) PARTICIPATION OF SECRETARY, ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, OR ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.—On request of the Attorney General, the Secretary, Adminis-

trator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, may participate in a civil action under this part.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46107(a)	49 App.:1487(a) (related to Attorney General).	Aug. 23, 1958, Pub. L. 85–726, §1007(a) (related to Attorney General), 72 Stat. 796; Aug. 5, 1974, Pub. L. 93–366, §108, 88 Stat. 414.
46107(b)	49 App.:1487(b) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §§1007(b) (related to Administrator and CAB), 1008 (related to Administrator and CAB), 72 Stat. 796.
	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.
	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.
46107(c)	49 App.:1488 (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a), the words ''may bring a civil action'' are substituted for ''may apply'' for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to Attorney General) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

In subsection (b)(1), before clause (A), the words ''Attorney General'' are substituted for ''any district attorney of the United States to whom the Board or Secretary of Transportation may apply'', and the words ''under the direction of the Attorney General'' are omitted, because of 28:503 and 509. The words ''bring a civil action'' are substituted for ''institute . . . and to prosecute . . . all necessary proceedings'' for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure. In clauses (A) and (B), the words ''prescribed'' and ''issued'' are added for consistency in the revised title and with other titles of the Code. The words ''condition, or limitation'' are omitted as being included in ''term''.

In subsection (b)(2), the words ''civil action'' are substituted for ''prosecutions'' for consistency in the revised title and with other titles of the Code.

In subsection (c), the words ''civil action'' are substituted for ''proceeding in court'' for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure.

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–254, §1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)'' in introductory provisions.

Pub. L. 115–254, §1991(f)(1), in introductory provisions, substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

Subsec. (c). Pub. L. 115–254, §1991(f)(4), which directed substitution of ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'', was executed by making the substitution in heading and text to reflect the probable intent of Congress.

Pub. L. 115–254, §1991(f)(2), which directed substitution of ''or Administrator of the Federal Aviation Administration'' for ''or Administrator'', was executed by making the substitution in heading and text to reflect the probable intent of Congress.

2001—Subsec. (b)(1). Pub. L. 107–71, §140(b)(1), in introductory provisions, inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

Subsec. (c). Pub. L. 107–71, §140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' in heading and text.

§ 46108. Enforcement of certificate requirements by interested persons

An interested person may bring a civil action in a district court of the United States against a person to enforce section 41101(a)(1) of this title. The action may be brought in the judicial district in which the defendant does business or the violation occurred.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1229.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46108	49 App.:1487(a) (related to party in interest).	Aug. 23, 1958, Pub. L. 85–726, §1007(a) (related to party in interest), 72 Stat. 796.

The words ''interested person'' are substituted for ''party in interest'' for consistency. The words ''may bring a civil action'' are substituted for ''may apply'' for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to party in interest) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

§ 46109. Joinder and intervention

A person interested in or affected by a matter under consideration in a proceeding before the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) or civil action to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part may be joined as a party or permitted to intervene in the proceeding or civil action.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1230; Pub. L. 115–254, div. K, title I, §1991(f)(8), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46109	49 App.:1489.	Aug. 23, 1958, Pub. L. 85–726, §1009, 72 Stat. 796.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.

The words ''proceeding . . . or civil action'' are substituted for ''proceeding . . . whether such proceedings be instituted . . . or be begun originally in any court of the United States'' for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''prescribed . . . issued'' are added for consistency in the revised title and with other titles of the Code. The words ''condition, or limitation'' are omitted as being included in ''term''. The words ''may be joined as a party or permitted to intervene'' are substituted for ''it shall be lawful to include as parties, or to permit the intervention of'' for clarity. The text of 49 App.:1489 (words after semicolon) is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 inserted ''(or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator)'' after ''Secretary of Transportation''.

§ 46110. Judicial review

(a) FILING AND VENUE.—Except for an order related to a foreign air carrier subject to disapproval by the President under section 41307 or 41509(f) of this title, a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) in whole or in part under this part, part B, or subsection (*l*) or (s)[1] of section 114 may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate. The Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to conduct further proceedings. After reasonable notice to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, if supported by substantial evidence, are conclusive.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order under this section, the court may consider an objection to an order of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration only if the objection was made in the proceeding conducted by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or if there was a reasonable ground for not making the objection in the proceeding.

(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1230; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 108–176, title II, §228, Dec. 12, 2003, 117 Stat. 2532; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46110(a)	49 App.:1486(a), (b) (as 1486(a), (b) relates to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1006(a), (b), (e), (f) (as §1006(a), (b), (e), (f) relates to Administrator and CAB), 72 Stat. 795.
	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.
	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.
46110(b)	49 App.:1486(c) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1006(c) (related to Administrator and CAB), 72 Stat. 795; restated June 29, 1960, Pub. L. 86–546, §1, 74 Stat. 255.
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	
46110(c)	49 App.:1486(d) (related to Secretary and CAB).	Aug. 23, 1958, Pub. L. 85–726, §1006(d) (related to Administrator and CAB), 72 Stat. 795; restated Sept. 13, 1961, Pub. L. 87–225, §2, 75 Stat. 497.

[1] See References in Text note below.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	49 App.:1486(e) (1st sentence related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46110(d)	49 App.:1486(e) (last sentence) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46110(e)	49 App.:1486(f) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsections (a)–(d), the word ''Administrator'' in section 1006 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 795) is retained on authority of 49:106(g).

In subsection (a), the words ''affirmative or negative'' are omitted as surplus. The words ''is issued'' are substituted for ''the entry of'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words ''if any'' are omitted as surplus. The words ''of any proceeding'' are added for clarity. The words ''complained of'' are omitted as surplus.

In subsection (c), the word ''amend'' is added for consistency in the revised title. The word ''interim'' is substituted for ''interlocutory'' for clarity. The words ''taking other appropriate action'' are substituted for ''by such mandatory or other relief as may be appropriate'' for clarity and to eliminate unnecessary words.

In subsection (d), the words ''made in the proceeding conducted by'' are substituted for ''urged before'' for clarity.

Editorial Notes

REFERENCES IN TEXT

Subsection (s) of section 114, referred to in subsec. (a), was redesignated subsec. (r) by Pub. L. 110–161, div. E, title V, § 568(a), Dec. 26, 2007, 121 Stat. 2092.

AMENDMENTS

2018—Pub. L. 115–254, § 1991(f)(4), substituted ''Administrator of the Transportation Security Administration,'' for ''Under Secretary,'' wherever appearing.

Pub. L. 115–254, § 1991(f)(2), substituted ''or Administrator of the Federal Aviation Administration'' for ''or Administrator'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(f)(3), substituted ''by the Administrator of the Federal Aviation Administration)'' for ''by the Administrator)''.

Pub. L. 115–254, § 1991(f)(1), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary''.

2003—Subsec. (a). Pub. L. 108–176, in first sentence, struck out ''safety'' before ''duties and powers designated to be carried out by the Administrator)'' and substituted ''in whole or in part under this part, part B, or subsection (*l*) or (s) of section 114'' for ''under this part''.

2001—Subsec. (a). Pub. L. 107–71, § 140(b)(1), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

Subsecs. (b) to (d). Pub. L. 107–71, § 140(b)(2), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' wherever appearing.

Statutory Notes and Related Subsidiaries

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.

§ 46111. Certificate actions in response to a security threat

(a) ORDERS.—The Administrator of the Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator of the Federal Aviation Administration is notified by the Administrator of the Transportation Security Administration that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Administrator of the Transportation Security Administration, the order shall be effective immediately.

(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator of the Federal Aviation Administration under subsection (a) is entitled to a hearing on the record.

(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration.

(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Administrator of the Transportation Security Administration when the Administrator of the Transportation Security Administration decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

(g) CLASSIFIED EVIDENCE.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Administrator of the Transportation Security Administration, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the order of the Administrator of the Federal Aviation Administration was based to the individual adversely affected by the order.

(2) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

(A) REVIEW.—As part of a hearing conducted under this section, if the order of the Administrator of the Federal Aviation Administration issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Administrator of the Transportation Security Administration to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

(B) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Administrator of the Transportation Security Administration shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator of the Federal Aviation Administration under this section possess security clearances appropriate for their work under this section.

(3) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator of the Federal Aviation Administration under subsection (a), the Administrator of the Transportation Security Administration shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator of the Federal Aviation Administration is based.

(Added Pub. L. 108–176, title VI, § 601(a), Dec. 12, 2003, 117 Stat. 2561; amended Pub. L. 115–254, div. B, title V, § 539(*l*), div. K, title I, § 1991(f)(9), Oct. 5, 2018, 132 Stat. 3371, 3643.)

Editorial Notes

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (g)(2)(A), is section 1(a) of Pub. L. 96–456, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2018—Pub. L. 115–254, § 1991(f)(9)(D), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(f)(9)(A), inserted ''the'' before ''Federal Aviation Administration shall issue'' and substituted ''Administrator of the Federal Aviation Administration is notified by the Administrator of the Transportation Security Administration'' for ''Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security''.

Subsecs. (b), (c), (e). Pub. L. 115–254, § 1991(f)(9)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

Subsec. (g). Pub. L. 115–254, § 1991(f)(9)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator'' wherever appearing.

Subsec. (g)(2)(A). Pub. L. 115–254, §§ 539(*l*), 1991(f)(9)(C), made identical amendments, substituting ''(18 U.S.C. App.))'' for ''(18 U.S.C. App.)''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

CHAPTER 463—PENALTIES

Sec.
46301. Civil penalties.
46302. False information.
46303. Carrying a weapon.
46304. Liens on aircraft.
46305. Actions to recover civil penalties.
46306. Registration violations involving aircraft not providing air transportation.
46307. Violation of national defense airspace.
46308. Interference with air navigation.
46309. Concession and price violations.
46310. Reporting and recordkeeping violations.
46311. Unlawful disclosure of information.
46312. Transporting hazardous material.
46313. Refusing to appear or produce records.
46314. Entering aircraft or airport area in violation of security requirements.
46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation.
46316. General criminal penalty when specific penalty not provided.
46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.
46318. Interference with cabin or flight crew.
46319. Permanent closure of an airport without providing sufficient notice.
46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–190, title II, § 2205(c), July 15, 2016, 130 Stat. 631, added item 46320.

2003—Pub. L. 108–176, title I, § 185(b), Dec. 12, 2003, 117 Stat. 2518, added item 46319.

2000—Pub. L. 106–181, title V, §§ 509(b), 511(b), Apr. 5, 2000, 114 Stat. 141, 142, added items 46317 and 46318.

§ 46301. Civil penalties

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil pen-

alty of not more than $25,000 (or $1,100 if the person is an individual or small business concern) for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II or III of chapter 421, chapter 423, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), chapter 451, section 47107(b) (including any assurance made under such section), or section 47133 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A separate violation occurs under this subsection for each day the violation (other than a violation of section 41719) continues or, if applicable, for each flight involving the violation (other than a violation of section 41719).

(3) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.

(4) AVIATION SECURITY VIOLATIONS.—Notwithstanding paragraph (1) of this subsection, the maximum civil penalty for violating chapter 449 shall be $10,000; except that the maximum civil penalty shall be $25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).

(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than $10,000 for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909), chapter 451, or section 46314(a) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

(B) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

(i) the transportation of hazardous material;

(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

(v) a violation of section 40127 or section 41705, relating to discrimination.

(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be $5,000 instead of $1,000.

(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary of Transportation by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be $2,500 for each violation.

(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES[1].—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed $10,000.

(7) PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES[1].—

(A) PENALTY FOR BODILY HARM OR DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID.—The amount of a civil penalty assessed under this section for a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount under this section for a violation of section 41705 to an amount not to exceed 3 times the maximum penalty otherwise allowed.

(B) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Notwithstanding paragraph (2), a separate violation of section 41705 occurs for each act of discrimination prohibited by that section.

(b) SMOKE ALARM DEVICE PENALTY.—(1) A passenger may not tamper with, disable, or destroy a smoke alarm device located in a lavatory on an aircraft providing air transportation or intrastate air transportation.

(2) An individual violating this subsection is liable to the Government for a civil penalty of not more than $2,000.

[1] So in original. Words following initial word in par. heading probably should not be capitalized.

(c) PROCEDURAL REQUIREMENTS.—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II of chapter 421, chapter 423, or section 44909 of this title.

(B) a violation of a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(C) a violation of any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title.

(D) a violation under subsection (a)(1) of this section related to the transportation of hazardous material.

(2) The Secretary shall give written notice of the finding of a violation and the civil penalty under paragraph (1) of this subsection.

(d) ADMINISTRATIVE IMPOSITION OF PENALTIES.—(1) In this subsection—

(A) ''flight engineer'' means an individual who holds a flight engineer certificate issued under part 63 of title 14, Code of Federal Regulations.

(B) ''mechanic'' means an individual who holds a mechanic certificate issued under part 65 of title 14, Code of Federal Regulations.

(C) ''pilot'' means an individual who holds a pilot certificate issued under part 61 of title 14, Code of Federal Regulations.

(D) ''repairman'' means an individual who holds a repairman certificate issued under part 65 of title 14, Code of Federal Regulations.

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 451, section 46301(b), section 46302 (for a violation relating to section 46504), section 46318, section 46319, section 46320, or section 47107(b) (as further defined by the Secretary of Transportation under section 47107(k) and including any assurance made under section 47107(b)) of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), section 46302 (except for a violation relating to section 46504), or section 46303 of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security or Administrator of the Federal Aviation Administration shall give written notice of the finding of a violation and the penalty.

(3) In a civil action to collect a civil penalty imposed by the Secretary of Homeland Security or Administrator of the Federal Aviation Administration under this subsection, the issues of liability and the amount of the penalty may not be reexamined.

(4) Notwithstanding paragraph (2) of this subsection, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty the Secretary of Homeland Security or Administrator of the Federal Aviation Administration initiates if—

(A) the amount in controversy is more than—

(i) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

(ii) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

(iii) $50,000 if the violation was committed by an individual or small business concern on or after that date;

(B) the action is in rem or another action in rem based on the same violation has been brought;

(C) the action involves an aircraft subject to a lien that has been seized by the Government; or

(D) another action has been brought for an injunction based on the same violation.

(5)(A) The Administrator of the Federal Aviation Administration may issue an order imposing a penalty under this subsection against an individual acting as a pilot, flight engineer, mechanic, or repairman only after advising the individual of the charges or any reason the Administrator of the Federal Aviation Administration relied on for the proposed penalty and providing the individual an opportunity to answer the charges and be heard about why the order shall not be issued.

(B) An individual acting as a pilot, flight engineer, mechanic, or repairman may appeal an order imposing a penalty under this subsection to the National Transportation Safety Board. After notice and an opportunity for a hearing on the record, the Board shall affirm, modify, or reverse the order. The Board may modify a civil penalty imposed to a suspension or revocation of a certificate.

(C) When conducting a hearing under this paragraph, the Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration but is bound by all validly adopted interpretations of laws and regulations the Administrator of the Federal Aviation Administration carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(D) When an individual files an appeal with the Board under this paragraph, the order of the Administrator of the Federal Aviation Administration is stayed.

(6) An individual substantially affected by an order of the Board under paragraph (5) of this subsection, or the Administrator of the Federal Aviation Administration when the Administrator of the Federal Aviation Administration decides that an order of the Board under paragraph (5) will have a significant adverse impact

on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator of the Federal Aviation Administration shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(7)(A) The Administrator of the Federal Aviation Administration may impose a penalty on a person (except an individual acting as a pilot, flight engineer, mechanic, or repairman) only after notice and an opportunity for a hearing on the record.

(B) In an appeal from a decision of an administrative law judge as the result of a hearing under subparagraph (A) of this paragraph, the Administrator of the Federal Aviation Administration shall consider only whether—

(i) each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence;

(ii) each conclusion of law is made according to applicable law, precedent, and public policy; and

(iii) the judge committed a prejudicial error that supports the appeal.

(C) Except for good cause, a civil action involving a penalty under this paragraph may not be initiated later than 2 years after the violation occurs.

(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

(i) a civil penalty shall not be assessed against an individual;

(ii) a civil penalty may be compromised as provided under subsection (f); and

(iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.

(8) The maximum civil penalty the Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, or Board may impose under this subsection is—

(A) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

(B) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

(C) $50,000 if the violation was committed by an individual or small business concern on or after that date.

(9) This subsection applies only to a violation occurring after August 25, 1992.

(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subsection (a)(3) of this section related to transportation of hazardous material, the Secretary of Transportation shall consider—

(1) the nature, circumstances, extent, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(3) other matters that justice requires.

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909), or chapter 451 of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) of this subparagraph applies.

(B) The Postal Service may compromise the amount of a civil penalty imposed under subsection (a)(1)(D) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(g) JUDICIAL REVIEW.—An order of the Secretary or the Administrator of the Federal Aviation Administration imposing a civil penalty may be reviewed judicially only under section 46110 of this title.

(h) NONAPPLICATION.—(1) This section does not apply to the following when performing official duties:

(A) a member of the armed forces of the United States.

(B) a civilian employee of the Department of Defense subject to the Uniform Code of Military Justice.

(2) The appropriate military authority is responsible for taking necessary disciplinary action and submitting to the Secretary (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) a timely report on action taken.

(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1231; Pub. L. 103–305, title I, §112(c), title II, §207(c), Aug. 23, 1994, 108 Stat. 1575, 1588; Pub. L. 103–429, §6(60), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title V, §502(c), title VIII, §804(b), title XII, §1220(b), Oct. 9, 1996, 110 Stat. 3263, 3271, 3286; Pub. L. 104–287, §5(77), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 105–102, §3(c)(4), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106–181, title II, §222, title V, §§503(c), 504(b), 519(c), title VII, §§707(b), 720, Apr. 5, 2000, 114 Stat. 102, 133, 134, 149, 158, 163; Pub. L. 106–424, §15, Nov. 1, 2000, 114 Stat. 1888; Pub. L. 107–71, title I, §140(d)(1)–(4), Nov. 19, 2001, 115 Stat. 642; Pub. L. 107–296, title XVI, §1602, Nov. 25, 2002, 116 Stat. 2312; Pub. L. 108–176, title V, §503(a)–(c), Dec. 12, 2003, 117 Stat. 2557, 2558; Pub. L. 108–458, title IV, §4027(a), Dec. 17, 2004, 118 Stat. 3727; Pub. L. 110–53, title XIII, §1302(b), Aug. 3, 2007, 121 Stat. 392; Pub. L. 110–161, div. E,

title V, § 542, Dec. 26, 2007, 121 Stat. 2079; Pub. L. 112–74, div. D, title V, § 564(a), Dec. 23, 2011, 125 Stat. 981; Pub. L. 112–95, title IV, § 415(b), title VIII, § 803, Feb. 14, 2012, 126 Stat. 96, 119; Pub. L. 113–188, title XV, § 1501(b)(2)(B), Nov. 26, 2014, 128 Stat. 2024; Pub. L. 114–190, title II, § 2205(b), July 15, 2016, 130 Stat. 631; Pub. L. 115–254, div. B, title III, § 372(e), title IV, § 436, div. K, title I, § 1991(g)(1), Oct. 5, 2018, 132 Stat. 3312, 3344, 3643.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46301(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
	49 App.:1405 (last sentence).	Aug. 23, 1958, Pub. L. 85–726, § 505 (last sentence), 72 Stat. 774.
	49 App.:1471(a)(1) (1st, 2d sentences less subchapter VII).	Aug. 23, 1958, Pub. L. 85–726, § 901(a)(1) (less title VII), 72 Stat. 783; restated July 10, 1962, Pub. L. 87–528, § 12, 76 Stat. 149; Aug. 5, 1974, Pub. L. 93–366, § 107, 88 Stat. 414; Jan. 3, 1975, Pub. L. 93–633, § 113(b), 88 Stat. 2162; Oct. 24, 1978, Pub. L. 95–504, § 35(a), 92 Stat. 1740; Aug. 8, 1985, Pub. L. 99–83, § 551(b)(2), 99 Stat. 225; Dec. 30, 1987, Pub. L. 100–223, § 204(a)–(c), 101 Stat. 1519; Nov. 18, 1988, Pub. L. 100–690, § 7208(a), 102 Stat. 4429.
	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.
46301(b)	49 App.:1374(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 404(d)(2); added Dec. 22, 1987, Pub. L. 100–202, § 328(a), 101 Stat. 1329–383.
46301(c)	49 App.:1471(a)(1) (3d, 5th sentences less subchapter VII).	
	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.
46301(d)(1) ..	49 App.:1471(a)(3)(H).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 901(a)(3) (less (D)(v) (related to Administrator under title VII)); added Nov. 18, 1988, Pub. L. 100–690, § 7208(b), 102 Stat. 4429; restated Aug. 26, 1992, Pub. L. 102–345, § 2(a), 106 Stat. 923; Oct. 31, 1992, Pub. L. 102–581, § 208, 106 Stat. 4895.
46301(d)(2) ..	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
	49 App.:1471(a)(3)(A).	
46301(d)(3) ..	49 App.:1471(a)(3)(B).	
46301(d)(4) ..	49 App.:1471(a)(3)(C).	
46301(d)(5) ..	49 App.:1471(a)(3)(D)(i)–(iv).	
46301(d)(6) ..	49 App.:1471(a)(3)(D)(v) (less Administrator under subch. VII).	
46301(d)(7) ..	49 App.:1471(a)(3)(E).	
46301(d)(8) ..	49 App.:1471(a)(3)(G).	
46301(d)(9) ..	49 App.:1471(a)(3)(F).	
46301(e)	49 App.:1471(a)(1) (4th sentence less subchapter VII).	
46301(f)	49 App.:1471(a)(2) (related to subchapter III, V, VI, or XII, § 1501, 1514, or 1515(e)(2)(B), and Postal Service).	Aug. 23, 1958, Pub. L. 85–726, § 901(a)(2) (related to title III, V, VI, or XII, § 1101, 1114, or 1115(e)(2)(B), and Postmaster General), 72 Stat. 784; July 10, 1962, Pub. L. 87–528, § 12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95–504, § 35(b), 92 Stat. 1740; Dec. 30, 1987, Pub. L. 100–223, § 204(d), 101 Stat. 1519.
	49 App.:1551(b)(1)(E).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46301(g)	49 App.:1471(a)(1) (6th sentence less subchapter VII).	
	49 App.:1551(b)(1)(E).	
46301(h)	49 App.:1471(a)(1) (last sentence less subchapter VII).	
	49 App.:1551(b)(1)(E).	

In this section, the word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code. The words ''United States Postal Service'' and ''Postal Service'' are substituted for ''Postmaster General'' because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

In subsections (a)(1)(C) and (c), the words ''condition, or limitation'' are omitted as surplus.

In subsection (a)(2), before clause (A), the words ''occurring after December 30, 1987'' are omitted as obsolete.

In subsection (b)(1), the word ''providing'' is substituted for ''engaged in'' for consistency in the revised title.

In subsection (b)(2), the words ''in accordance with section 1471 of this Appendix'' are omitted as surplus.

In subsection (c)(1), before clause (A), the words ''or his delegate'' are omitted because of 49:322(b). The word ''impose'' is substituted for ''assessed'' for consistency. The words ''amount of any such'' are omitted as surplus.

In subsection (d), the word ''impose'' is substituted for ''assess'' for consistency.

In subsection (d)(1), before clause (A), the words ''the following definitions apply'' are omitted as surplus.

In subsection (d)(2), the text of section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat 4434) is omitted as obsolete. The words ''or the delegate of the Administrator'' are omitted because of 49:322(b).

In subsection (d)(4)(C), the word ''or'' is substituted for ''and'' for clarity.

In subsection (d)(5)(B) and (7)(A), the words ''in accordance with section 554 of title 5'' are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated.

In subsection (d)(5)(B), the words ''consistent with this subsection'' are omitted as surplus.

In subsection (d)(5)(C), the word ''Administrator'' is substituted for ''Federal Aviation Administration'' because of 49:106(b) and (g).

In subsection (d)(7)(B), before clause (i), the words ''as the result of a hearing under subparagraph (A) of this paragraph'' are added for clarity.

In subsection (e), before clause (1), the words ''civil penalty under subsection (a)(3) of this section related to transportation of hazardous material'' are substituted for ''such penalty'' for clarity. In clause (1), the word ''committed'' is omitted as surplus.

In subsection (f)(2), the word ''imposed'' is substituted for ''when finally determined or fixed by order of the Board'' for consistency. The words ''agreed upon'' are omitted as surplus.

In subsection (g), the word ''imposing'' is substituted for ''assessing'' for consistency.

In subsection (h)(2), the words ''with respect thereto'' are omitted as surplus. The word ''Administrator'' in section 901(a)(1) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 783) is retained on authority of 49:106(g).

PUB. L. 103–429

This amends 49:46301(a)(1)(A) and (2)(A), (c)(1)(A), (d)(2), and (f)(1)(A)(i) to correct erroneous cross-references.

PUB. L. 104–287, §5(77)(A) AND (B)

These amend 49:46301(a)(1)(A) and (2)(A) to correct errors in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

PUB. L. 104–287, §5(77)(C)

This makes a conforming amendment to 49:46301(a)(3).

PUB. L. 104–287, §5(77)(D)–(F)

These amend 49:46301(c)(1)(A), (d)(2), and (f)(1)(A)(i) to correct errors in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(6), is the date of enactment of Pub. L. 110–161, which was approved Dec. 26, 2007.

The date of enactment of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (d)(4)(A), (8), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2018—Subsec. (a)(1)(A). Pub. L. 115–254, §372(e)(1), inserted ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),''.

Subsec. (a)(5)(A)(i). Pub. L. 115–254, §1991(g)(1)(A)(i), substituted ''chapter 451'' for ''or chapter 451''.

Pub. L. 115–254, §372(e)(2), inserted ''chapter 448,'' after ''chapter 447 (except sections 44717–44723),''.

Subsec. (a)(5)(D). Pub. L. 115–254, §1991(g)(1)(A)(ii), inserted ''of Transportation'' after ''Secretary''.

Subsec. (a)(7). Pub. L. 115–254, §436, added par. (7).

Subsec. (d)(2). Pub. L. 115–254, §1991(g)(1)(B)(i), substituted ''defined by the Secretary of Transportation'' for ''defined by the Secretary'' and ''Administrator of the Federal Aviation Administration shall'' for ''Administrator shall''.

Pub. L. 115–254, §372(e)(3), inserted ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),''.

Subsec. (d)(3) to (7). Pub. L. 115–254, §1991(g)(1)(B)(ii), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator'' wherever appearing.

Subsec. (d)(8). Pub. L. 115–254, §1991(g)(1)(B)(ii), (iii), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' and ''Administrator of the Federal Aviation Administration'' for ''Administrator'' in introductory provisions.

Subsec. (e). Pub. L. 115–254, §1991(g)(1)(C), inserted ''of Transportation'' after ''Secretary'' in introductory provisions.

Subsec. (f)(1)(A)(i). Pub. L. 115–254, §372(e)(4), inserted ''chapter 448,'' after ''chapter 447 (except sections 44717 and 44719–44723),''.

Subsec. (g). Pub. L. 115–254, §1991(g)(1)(D), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

Subsec. (h)(2). Pub. L. 115–254, §1991(g)(1)(E), substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator''.

2016—Subsec. (d)(2). Pub. L. 114–190 inserted ''section 46320,'' after ''section 46319,''.

2014—Subsec. (d)(2). Pub. L. 113–188 substituted ''section 47107(k)'' for ''section 47107(*l*)''.

2012—Subsec. (a)(1)(A). Pub. L. 112–95, §803(1), inserted ''chapter 451,'' before ''section 47107(b)''.

Pub. L. 112–95, §415(b), inserted ''chapter 423,'' after ''chapter 421,''.

Subsec. (a)(5)(A)(i). Pub. L. 112–95, §803(2)(B), inserted '', or chapter 451'' after ''44907–44909)''.

Pub. L. 112–95, §803(2)(A), which directed the substitution of ''chapter 449'' for ''or chapter 449'', could not be executed because of the prior amendment by Pub. L. 112–74, §564(a). See 2011 Amendment note below.

Subsec. (c)(1)(A). Pub. L. 112–95, §415(b), inserted ''chapter 423,'' after ''chapter 421,''.

Subsec. (d)(2). Pub. L. 112–95, §803(3), substituted ''44723), chapter 451,'' for ''44723) or'', ''section 46302'' for ''46302'', ''section 46318, section 46319, or section 47107(b)'' for ''46318, or 47107(b)'' in first sentence , and ''section 46302'' for ''46302'', ''or section 46303 of this title'' for ''46303,'', and ''any of those provisions'' for ''such chapter 449'' in second sentence.

Subsec. (f)(1)(A)(i). Pub. L. 112–95, §803(4), substituted ''chapter 449'' for ''or chapter 449'' and inserted '', or chapter 451'' after ''44909)''.

2011—Subsec. (a)(5)(A)(i). Pub. L. 112–74 substituted ''chapter 449'' for ''or chapter 449'' and inserted '', or section 46314(a)'' after ''44909)''.

2007—Subsec. (a)(4). Pub. L. 110–53 struck out ''or another requirement under this title administered by the Under Secretary of Transportation for Security'' after ''chapter 449''.

Subsec. (a)(6). Pub. L. 110–161 added par. (6).

2004—Subsec. (d)(2). Pub. L. 108–458, §4027(a)(1)–(3), substituted ''46302 (for a violation relating to section 46504),'' for ''46302, 46303,'', ''The Secretary of Homeland Security may'' for ''The Under Secretary of Transportation for Security may'', ''44909), 46302 (except for a violation relating to section 46504), 46303,'' for ''44909)'', and ''The Secretary of Homeland Security or'' for ''The Under Secretary or''.

Subsec. (d)(3). Pub. L. 108–458, §4027(a)(3), substituted ''Secretary of Homeland Security or'' for ''Under Secretary or''.

Subsec. (d)(4). Pub. L. 108–458, §4027(a)(3), substituted ''Secretary of Homeland Security or'' for ''Under Secretary or'' in introductory provisions.

Subsec. (d)(4)(A). Pub. L. 108–458, §4027(a)(4), realigned margins.

2003—Subsec. (a)(1). Pub. L. 108–176, §503(a)(1), substituted ''$25,000 (or $1,100 if the person is an individual or small business concern)'' for ''$1,000'' in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 108–176, §503(a)(2), (3), struck out ''or'' before ''section 47107(b)'' and substituted ''section), or section 47133'' for ''section)''.

Subsec. (a)(2). Pub. L. 108–176, §503(a)(5), substituted ''section 41719'' for ''section 41715'' in two places.

Pub. L. 108–176, §503(a)(4), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: ''A person operating an aircraft for the transportation of passengers or property for compensation (except an airman serving as an airman) is liable to the Government for a civil penalty of not more than $10,000 for violating—

''(A) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

''(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.''

Subsec. (a)(3). Pub. L. 108–176, § 503(a)(4), redesignated par. (5) as (3) and struck out former par. (3) which read as follows: ''A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) of this subsection related to

''(A) the transportation of hazardous material;

''(B) the registration or recordation under chapter 441 of this title of an aircraft not used to provide air transportation;

''(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

''(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

''(E) a violation of section 41705, relating to discrimination against handicapped individuals.''

Subsec. (a)(4). Pub. L. 108–176, § 503(a)(6), substituted ''paragraph (1)'' for ''paragraphs (1) and (2)''.

Pub. L. 108–176, § 503(a)(4), redesignated par. (8) as (4). Former par. (4) redesignated (2).

Subsec. (a)(5). Pub. L. 108–176, § 503(a)(7), added par. (5). Former par. (5) redesignated (3).

Subsec. (a)(6). Pub. L. 108–176, § 503(a)(4), struck out heading and text of par. (6). Text read as follows: ''Notwithstanding paragraph (1), the maximum civil penalty for violating section 41715 shall be $5,000 instead of $1,000.''

Subsec. (a)(7). Pub. L. 108–176, § 503(a)(4), struck out heading and text of par. (7). Text read as follows: ''Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be $2,500 for each violation.''

Subsec. (a)(8). Pub. L. 108–176, § 503(a)(4), redesignated par. (8) as (4).

Subsec. (d)(4)(A). Pub. L. 108–176, § 503(b)(1), substituted ''more than—'' for ''more than $50,000;'' and added cls. (i) to (iii).

Subsec. (d)(8). Pub. L. 108–176, § 503(b)(2), substituted ''is—'' for ''is $50,000.'' and added subpars. (A) to (C).

Subsec. (i). Pub. L. 108–176, § 503(c), added subsec. (i).

2002—Subsec. (a)(8). Pub. L. 107–296 added par. (8).

2001—Subsec. (d)(2). Pub. L. 107–71, § 140(d)(1)(C), inserted ''Under Secretary or'' before ''Administrator shall''.

Pub. L. 107–71, § 140(d)(1)(B), inserted after first sentence ''The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.''

Pub. L. 107–71, § 140(d)(1)(A), which directed amendment of subsec. (d)(2) by striking out '', chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),'', was executed by striking out '', chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),'' before ''or section 46301(b)'', to reflect the probable intent of Congress.

Subsec. (d)(3), (4). Pub. L. 107–71, § 140(d)(2), substituted ''Under Secretary or Administrator'' for ''Administrator''.

Subsec. (d)(8). Pub. L. 107–71, § 140(d)(3), substituted ''Under Secretary, Administrator,'' for ''Administrator''.

Subsec. (h)(2). Pub. L. 107–71, § 140(d)(4), inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

2000—Subsec. (a)(1)(A). Pub. L. 106–181, §§ 519(c), 720(1), substituted ''subchapter II or III of chapter 421'' for ''subchapter II of chapter 421'' and struck out ''46302, 46303, or'' before ''47107(b) (including''.

Subsec. (a)(3)(C). Pub. L. 106–181, § 503(c), added subpar. (C).

Subsec. (a)(3)(D), (E). Pub. L. 106–181, §§ 504(b), 707(b), added subpars. (D) and (E).

Subsec. (a)(6). Pub. L. 106–181, § 222(b), inserted heading and realigned margins.

Subsec. (a)(7). Pub. L. 106–181, § 222(a), added par. (7).

Subsec. (d)(2). Pub. L. 106–424 substituted ''46301(b), 46302, 46303, 46318,'' for ''46302, 46303,''.

Subsec. (d)(7)(A). Pub. L. 106–181, § 720(2), substituted ''a penalty on a person'' for ''a penalty on an individual''.

Subsec. (g). Pub. L. 106–181, § 720(3), inserted ''or the Administrator'' after ''Secretary''.

1997—Subsecs. (a)(1)(A), (2)(A), (d)(2), (f)(1)(A)(i). Pub. L. 105–102 repealed Pub. L. 104–264, §§ 502(c), 1220(b). See 1996 Amendment notes below.

1996—Subsec. (a)(1)(A). Pub. L. 104–287, § 5(77)(A)(iii), (iv), inserted ''or'' after ''46303,'' and struck out '', or 41715'' after ''under such section)''.

Pub. L. 104–287, § 5(77)(A)(ii), substituted ''section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), or section'' for ''or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938,''.

Pub. L. 104–287, § 5(77)(A)(i), substituted ''chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),'' for ''any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,''.

Pub. L. 104–264, § 1220(b), which directed amendment of subpar. (A) by inserting ''44718(d),'' after ''44716,'', was repealed by Pub. L. 105–102.

Pub. L. 104–264, § 502(c)(1), which directed amendment of subpar. (A) by inserting ''44724,'' after ''44718(d),'', was repealed by Pub. L. 105–102.

Subsec. (a)(2)(A). Pub. L. 104–287, § 5(77)(B), substituted '', section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)'' for ''or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938''.

Pub. L. 104–264, § 502(c)(2), which directed amendment of subpar. (A) by inserting ''44724,'' after ''44716,'', was repealed by Pub. L. 105–102.

Subsec. (a)(3). Pub. L. 104–287, § 5(77)(C), realigned margins of subpars. (A) and (B).

Subsec. (a)(5). Pub. L. 104–264, § 804(b), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''In the case of a violation of section 47107(b) of this title, the maximum civil penalty for a continuing violation shall not exceed $50,000.''

Subsec. (c)(1)(A). Pub. L. 104–287, § 5(77)(D)(ii), (iii), struck out ''or'' before ''subchapter II'' and inserted '', or section 44909'' before ''of this title''.

Pub. L. 104–287, § 5(77)(D)(i), substituted ''chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),'' for ''any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,''.

Subsec. (d)(2). Pub. L. 104–287, § 5(77)(E), substituted ''section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909), or section'' for ''or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, 44932–44938,''.

Pub. L. 104–264, § 1220(b), which directed amendment of par. (2) by inserting ''44718(d),'' after ''44716,'', was repealed by Pub. L. 105–102.

Pub. L. 104–264, § 502(c)(1), which directed amendment of par. (2) by inserting ''44724,'' after ''44718(d),'', was repealed by Pub. L. 105–102.

Subsec. (f)(1)(A)(i). Pub. L. 104–287, § 5(77)(F), substituted ''section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909)'' for ''or any of sections

44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, or 44932–44938''.

Pub. L. 104–264, §1220(b), which directed amendment of cl. (i) by inserting ''44718(d),'' after ''44716,'', was repealed by Pub. L. 105–102.

Pub. L. 104–264, §502(c)(1), which directed amendment of cl. (i) by inserting ''44724,'' after ''44718(d),'', was repealed by Pub. L. 105–102.

1994—Subsec. (a)(1)(A). Pub. L. 103–429, §6(60)(A), substituted ''any of sections 41301–41306'' for ''section 41301–41306'' and ''any of sections 44701(a)'' for ''section 44701(a)''.

Pub. L. 103–305, §207(c)(1), inserted '', or 41715'' before ''of this title''.

Pub. L. 103–305, §112(c)(1)(A), substituted ''46303, 47107(b) (including any assurance made under such section)'' for ''or 46303''.

Subsec. (a)(2)(A). Pub. L. 103–429, §6(60)(B), substituted ''any of sections 44701(a)'' for ''section 44701(a)''.

Subsec. (a)(4). Pub. L. 103–305, §207(c)(2), inserted ''(other than a violation of section 41715)'' after ''the violation'' in two places.

Subsec. (a)(5). Pub. L. 103–305, §112(c)(1)(B), added par. (5).

Subsec. (a)(6). Pub. L. 103–305, §207(c)(3), added par. (6).

Subsec. (c)(1)(A). Pub. L. 103–429, §6(60)(C), substituted ''any of sections 41301–41306'' for ''section 41301–41306''.

Subsec. (d)(2). Pub. L. 103–429, §6(60)(B), substituted ''any of sections 44701(a)'' for ''section 44701(a)''.

Pub. L. 103–305, §112(c)(2), substituted ''46303, or 47107(b) (as further defined by the Secretary under section 47107(*l*) and including any assurance made under section 47107(b))'' for ''or 46303''.

Subsec. (d)(7)(D). Pub. L. 103–305, §112(c)(3), added subpar. (D).

Subsec. (f)(1)(A)(i). Pub. L. 103–429, §6(60)(B), substituted ''any of sections 44701(a)'' for ''section 44701(a)''.

Statutory Notes and Related Subsidiaries

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

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 1997 AMENDMENT

Pub. L. 105–102, §3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(4) is effective Oct. 9, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

Amendment by section 502(c) of Pub. L. 104–264 applicable to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following Oct. 9, 1996, see section 502(d) of Pub. L. 104–264, set out as a note under section 30305 of this title.

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.

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 section 207(c) of Pub. L. 103–305 effective Feb. 1, 1995, see section 207(d) of Pub. L. 103–305, set out as an Effective Date note under section 41719 of this title.

SAVINGS PROVISION

Pub. L. 102–345, §2(c), Aug. 26, 1992, 106 Stat. 925, provided that: ''Notwithstanding subsections (a) and (b) of this section, sections 901(a)(3) and 905 of the Federal Aviation Act of 1958 [Pub. L. 85–726] as in effect on July 31, 1992, shall continue in effect on and after such date of enactment with respect to violations of the Federal Aviation Act of 1958 occurring before such date of enactment.''

LASER POINTER INCIDENTS

Pub. L. 114–190, title II, §2104, July 15, 2016, 130 Stat. 620, provided that:

''(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration, in coordination with appropriate Federal law enforcement agencies, shall provide quarterly updates to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] regarding—

''(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in the flight path of, an aircraft in the airspace jurisdiction of the United States;

''(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, the Department of Transportation, or another Federal agency with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

''(3) the resolution of any incidents described in paragraph (1) that did not result in a civil or criminal enforcement action; and

''(4) any actions the Department of Transportation or another Federal agency has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

''(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be $25,000.''

§ 46302. False information

(a) CIVIL PENALTY.—A person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation, may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1234; Pub. L. 108–458, title IV, § 4027(b), Dec. 17, 2004, 118 Stat. 3727.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46302(a)	49 App.:1471(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 901(c); added Oct. 12, 1984, Pub. L. 98–473, § 2014(a)(1), 98 Stat. 2189.
46302(b)	49 App.:1471(a)(2) (related to 1471(c)).	Aug. 23, 1958, Pub. L. 85–726, § 901(a)(2) (related to § 901(c)), 72 Stat. 784; July 10, 1962, Pub. L. 87–528, § 12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95–504, § 35(b), 92 Stat. 1740; Oct. 12, 1984, Pub. L. 98–473, § 2014(b), 98 Stat. 2189.
	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.

In subsection (a), the words ''gives, or causes to be given'' are substituted for ''imparts or conveys or causes to be imparted or conveyed'' to eliminate unnecessary words. The words ''attempt or'', ''a crime'', and ''which shall be recoverable in a civil action brought in the name of the United States'' are omitted as surplus.

In subsection (b)(1), the words ''imposed under'' are substituted for ''provided for in'' for consistency.

In subsection (b)(2), the words ''imposed or compromised'' are substituted for ''The amount of such penalty when finally determined or fixed by order of the Board, or the amount agreed upon in compromise'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–458 substituted ''Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation,'' for ''Secretary of Transportation''.

§ 46303. Carrying a weapon

(a) CIVIL PENALTY.—An individual who, when on, or attempting to board, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Homeland Security may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.

(c) NONAPPLICATION.—This section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the Government, authorized to carry arms in an official capacity; or

(2) another individual the Administrator of the Federal Aviation Administration or the Secretary of Homeland Security by regulation authorizes to carry arms in an official capacity.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1234; Pub. L. 107–71, title I, § 140(d)(5), Nov. 19, 2001, 115 Stat. 642; Pub. L. 108–458, title IV, § 4027(c), Dec. 17, 2004, 118 Stat. 3727.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46303(a)	49 App.:1471(d) (words after 3d comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 901(d); added Oct. 12, 1984, Pub. L. 98–473, § 2014(a)(1), 98 Stat. 2189.
46303(b)	49 App.:1471(a)(2) (related to 1471(d)).	Aug. 23, 1958, Pub. L. 85–726, § 901(a)(2) (related to § 901(d)), 72 Stat. 784; July 10, 1962, Pub. L. 87–528, § 12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95–504, § 35(b), 92 Stat. 1740; Oct. 12, 1984, Pub. L. 98–473, § 2014(b), 98 Stat. 2189.
	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.
46303(c)	49 App.:1471(d) (words before 3d comma).	

In subsection (a), the words ''deadly or'' and ''which shall be recoverable in a civil action brought in the name of the United States'' are omitted as surplus.

In subsection (b)(1), the words ''imposed under'' are substituted for ''provided for in'' for consistency.

In subsection (b)(2), the words ''imposed or compromised'' are substituted for ''The amount of such penalty when finally determined or fixed by order of the Board, or the amount agreed upon in compromise'' to eliminate unnecessary words.

In subsection (c)(1), the words ''State or political subdivision of a State'' are substituted for ''municipal or State government'' for consistency in the revised title and with other titles of the United States Code. The words ''or required'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–458, § 4027(c)(1), substituted ''Secretary of Homeland Security'' for ''Secretary of Transportation''.

Subsec. (c)(2). Pub. L. 108–458, § 4027(c)(2), substituted ''Secretary of Homeland Security'' for ''Under Secretary of Transportation for Security''.

2001—Subsec. (c)(2). Pub. L. 107–71 inserted ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration''.

§ 46304. Liens on aircraft

(a) AIRCRAFT SUBJECT TO LIENS.—When an aircraft is involved in a violation referred to in section 46301(a)(1)(A)–(C) of this title and the violation is by the owner of, or individual commanding, the aircraft, the aircraft is subject to a lien for the civil penalty.

(b) SEIZURE.—An aircraft subject to a lien under this section may be seized summarily and placed in the custody of a person authorized to take custody of it under regulations of the Sec-

retary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration). A report on the seizure shall be submitted to the Attorney General. The Attorney General promptly shall bring a civil action in rem to enforce the lien or notify the Secretary or Administrator that the action will not be brought.

(c) RELEASE.—An aircraft seized under subsection (b) of this section shall be released from custody when—

(1) the civil penalty is paid;

(2) a compromise amount agreed on is paid;

(3) the aircraft is seized under a civil action in rem to enforce the lien;

(4) the Attorney General gives notice that a civil action will not be brought under subsection (b) of this section; or

(5) a bond (in an amount and with a surety the Secretary or Administrator prescribes), conditioned on payment of the penalty or compromise, is deposited with the Secretary or Administrator.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 108–176, title V, §503(d)(2), Dec. 12, 2003, 117 Stat. 2559; Pub. L. 115–254, div. K, title I, §1991(g)(2), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46304(a)	49 App.:1471(b).	Aug. 23, 1958, Pub. L. 85–726, §§901(b), 903(b)(2), (3), 72 Stat. 784, 786.
46304(b)	49 App.:1473(b)(2).	
	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.
	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.
46304(c)	49 App.:1473(b)(3).	
	49 App.:1551(b)(1)(E).	
	49 App.:1655(c)(1).	

In this section, the word ''civil'' is added before ''penalty'' for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (c), the word ''Administrator'' in section 902(b)(2) and (3) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 786) is retained on authority of 49:106(g). The words ''Attorney General'' are substituted for ''United States attorney for the judicial district in which the seizure is made'' and ''United States attorney'' because of 28:503 and 509.

In subsection (b), the words ''report on the seizure'' are substituted for ''report of the cause'' for clarity. The words ''bring a civil action in rem'' are substituted for ''institute proceedings'' for clarity and consistency in the revised title and with other titles of the Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''that the action will not be brought'' are substituted for ''of his failure to so act'' for clarity.

In subsection (c)(3), the words ''under a civil action in rem'' are substituted for ''in pursuance of process of any court in proceedings in rem'' to eliminate unnecessary words and for consistency.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254 substituted ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'' for ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator''.

2003—Subsec. (a). Pub. L. 108–176 struck out '', (2), or (3)'' after ''section 46301(a)(1)(A)–(C)''.

Statutory Notes and Related Subsidiaries

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.

§ 46305. Actions to recover civil penalties

A civil penalty under this chapter may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a jury trial of an issue of fact in an action involving a civil penalty under this chapter (except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board) if the value of the matter in controversy is more than $20. Issues of fact tried by a jury may be reexamined only under common law rules.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1235.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46305	49 App.:1473(b)(1).	Aug. 23, 1958, Pub. L. 85–726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95–504, §36, 92 Stat. 1741.
	49 App.:1473(b)(4).	Aug. 23, 1958, Pub. L. 85–726, §903(b)(4), 72 Stat. 787.
	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.

The text of 49 App.:1473(b)(4) is omitted because of 28:ch. 131. The words ''imposed or assessed'' are omitted as surplus. The words ''bringing a civil action'' are substituted for ''proceedings in personam'', the words ''civil action in rem'' are substituted for ''proceedings in rem'', and the words ''civil action'' are substituted for ''civil suits'', for consistency in the revised title and with other titles of the United States Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''regardless of the place an aircraft in a civil action in rem is seized'' are substituted for 49 App.:1473(b)(1) (last sentence) to eliminate unnecessary words. The word ''civil'' is added after ''involving a'' for clarity. The words ''(except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board)'' are substituted for ''other than those assessed by the Board'' because the Civil Aeronautics Board went out of existence and its duties and powers were transferred to the Secretary of Transportation.

§ 46306. Registration violations involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL CRIMINAL PENALTY.—Except as provided by subsection (c) of this section, a person shall be fined under title 18, imprisoned for not more than 3 years, or both, if the person—

(1) knowingly and willfully forges or alters a certificate authorized to be issued under this part;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, such a certificate;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft;

(4) obtains a certificate authorized to be issued under this part by knowingly and willfully falsifying or concealing a material fact, making a false, fictitious, or fraudulent statement, or making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry;

(5) owns an aircraft eligible for registration under section 44102 of this title and knowingly and willfully operates, attempts to operate, or allows another person to operate the aircraft when—

(A) the aircraft is not registered under section 44103 of this title or the certificate of registration is suspended or revoked; or

(B) the owner knows or has reason to know that the other person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(6) knowingly and willfully operates or attempts to operate an aircraft eligible for registration under section 44102 of this title knowing that—

(A) the aircraft is not registered under section 44103 of this title;

(B) the certificate of registration is suspended or revoked; or

(C) the person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(7) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity;

(8) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity; or

(9) operates an aircraft with a fuel tank or fuel system that has been installed or modified knowing that the tank, system, installation, or modification does not comply with regulations and requirements of the Administrator of the Federal Aviation Administration.

(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) A person violating subsection (b) of this section shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than one year under a law of the United States or a State; or

(B) that is provided is related to an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(3) A term of imprisonment imposed under paragraph (2) of this subsection shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual.

(d) SEIZURE AND FORFEITURE.—(1) The Administrator of Drug Enforcement or the Commissioner of U.S. Customs and Border Protection may seize and forfeit under the customs laws an aircraft whose use is related to a violation of subsection (b) of this section, or to aid or facilitate a violation, regardless of whether a person is charged with the violation.

(2) An aircraft's use is presumed to have been related to a violation of, or to aid or facilitate a violation of—

(A) subsection (b)(1) of this section if the aircraft certificate of registration has been forged or altered;

(B) subsection (b)(3) of this section if there is an external display of false or misleading registration numbers or country of registration;

(C) subsection (b)(4) of this section if—

(i) the aircraft is registered to a false or fictitious person; or

(ii) the application form used to obtain the aircraft certificate of registration contains a material false statement;

(D) subsection (b)(5) of this section if the aircraft was operated when it was not registered under section 44103 of this title; or

(E) subsection (b)(9) of this section if the aircraft has a fuel tank or fuel system that was installed or altered—

(i) in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration; or

(ii) if a certificate required to be issued for the installation or alteration is not carried on the aircraft.

(3) The Administrator of the Federal Aviation Administration, the Administrator of Drug Enforcement, and the Commissioner shall agree to a memorandum of understanding to establish procedures to carry out this subsection.

(e) RELATIONSHIP TO STATE LAWS.—This part does not prevent a State from establishing a criminal penalty, including providing for forfeiture and seizure of aircraft, for a person that—

(1) knowingly and willfully forges or alters an aircraft certificate of registration;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, a fraudulent aircraft certificate of registration;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark

that is false or misleading about the nationality or registration of the aircraft; or

(4) obtains an aircraft certificate of registration from the Administrator of the Federal Aviation Administration by—

(A) knowingly and willfully falsifying or concealing a material fact;

(B) making a false, fictitious, or fraudulent statement; or

(C) making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 104–287, § 5(78), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46306(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
46306(b)	49 App.:1472(b)(1), (2) (1st sentence cl. (A)).	Aug. 23, 1958, Pub. L. 85–726, § 902(b)(1)–(4), 72 Stat. 784; Oct. 19, 1984, Pub. L. 98–499, § 6, 98 Stat. 2316; restated Nov. 18, 1988, Pub. L. 100–690, § 7209(a), 102 Stat. 4429.
46306(c)(1) ..	49 App.:1472(b)(4).	
46306(c)(2) ..	49 App.:1472(b)(2) (1st sentence cl. (B)).	
46306(c)(3) ..	49 App.:1472(b)(2) (last sentence).	
46306(d)	49 App.:1472(b)(3).	
46306(e)	49 App.:1472(b)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(b)(5); added Oct. 27, 1986, Pub. L. 99–570, § 3401(a)(1), 100 Stat. 3207–99; Nov. 18, 1988, Pub. L. 100–690, § 7209(a), (b)(1), 102 Stat. 4429, 4432.

In subsections (b)(9), (d), and (e), the word ''Administrator'' in section 902(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 784) is retained on authority of 49:106(g).

In subsection (b), before clause (1), the words ''Except as provided by subsection (c) of this section'' are added for clarity. The words ''It shall be unlawful for any person'' and ''upon conviction'' are omitted as surplus. The words ''fined under title 18'' are substituted for ''a fine of not more than $15,000'' for consistency with title 18. In clause (1), the words ''counterfeit'' and ''falsely make'' are omitted as surplus. In clause (4), the words ''covering up'', ''representation'', and ''writing'' are omitted as surplus. In clause (7), the word ''valid'' is omitted as surplus.

In subsection (c)(2), before clause (A), the words ''fined under title 18'' are substituted for ''a fine of not more than $25,000'' for consistency with title 18.

In subsection (d)(1) and (3), the words ''Administrator of Drug Enforcement'' are substituted for ''Drug Enforcement Administration of the Department of Justice'' and ''Drug Enforcement Administration'' because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words ''Commissioner of Customs'' and ''Commissioner'' are substituted for ''United States Customs Service'' because of 19:2071.

In subsection (d)(2)(A), the words ''aircraft certificate of registration'' are substituted for ''registration'' for consistency in this section. The words ''counterfeited'' and ''falsely made'' are omitted as surplus.

In subsections (d)(2)(C)(ii) and (e), the words ''aircraft certificate of registration'' are substituted for ''aircraft registration certificate'' for consistency with 49 App.:1401, restated in chapter 441 of the revised title.

In subsection (e), before clause (1), the words ''this subsection or in any other provision of'' are omitted as surplus. In clause (1), the words ''counterfeits'' and ''falsely makes'' are omitted as surplus. In clause (4)(A), the words ''covering up'' are omitted as surplus. In clause (4)(B), the words ''or representation'' are omitted as surplus. In clause (4)(C), the words ''writing or'' are omitted as surplus.

PUB. L. 104–287

This makes a clarifying amendment to 49:46306(c)(2)(B).

Editorial Notes

AMENDMENTS

1996—Subsec. (c)(2)(B). Pub. L. 104–287 inserted ''that is'' before ''provided''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

''Commissioner of U.S. Customs and Border Protection'' substituted for ''Commissioner of Customs'' in subsec. (d)(1) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

§ 46307. Violation of national defense airspace

A person that knowingly or willfully violates section 40103(b)(3) of this title or a regulation prescribed or order issued under section 40103(b)(3) shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1237.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46307	49 App.:1523.	Aug. 23, 1958, Pub. L. 85–726, § 1203, 72 Stat. 800.

The words ''In addition to the penalties otherwise provided for by this chapter'' are omitted as surplus. The word ''prescribed'' is added for consistency in the revised title. The words ''fined under title 18'' are substituted for ''a fine of not exceeding $10,000'', and the words ''shall be deemed guilty of a misdemeanor'' are omitted, for consistency with title 18. The words ''and upon conviction thereof'' and ''such fine and imprisonment'' are omitted as surplus.

§ 46308. Interference with air navigation

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) with intent to interfere with air navigation in the United States, exhibits in the United States a light or signal at a place or in a way likely to be mistaken for a true light or signal established under this part or for a true light or signal used at an air navigation facility;

(2) after a warning from the Administrator of the Federal Aviation Administration, continues to maintain a misleading light or signal; or

(3) knowingly interferes with the operation of a true light or signal.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46308	49 App.:1472(c).	Aug. 23, 1958, Pub. L. 85–726, §902(c), 72 Stat. 784.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

In this section, before clause (1), the words ''fined under title 18'' are substituted for ''a fine of not exceeding $5,000'' for consistency with title 18. The words ''such fine and imprisonment'' are omitted as surplus. In clause (1), the words ''used at'' are substituted for ''in connection with'' for clarity. The words ''airport or other'' are omitted as being included in the definition of ''air navigation facility'' in section 40102(a) of the revised title. In clause (2), the word ''due'' is omitted as surplus. The word ''Administrator'' in section 902(c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 784) is retained on authority of 49:106(g). In clause (3), the words ''removes, extinguishes, or'' are omitted as surplus.

§ 46309. Concession and price violations

(a) CRIMINAL PENALTY FOR OFFERING, GRANTING, GIVING, OR HELPING TO OBTAIN CONCESSIONS AND LOWER PRICES.—An air carrier, foreign air carrier, ticket agent, or officer, agent, or employee of an air carrier, foreign air carrier, or ticket agent shall be fined under title 18 if the air carrier, foreign air carrier, ticket agent, officer, agent, or employee—

(1) knowingly and willfully offers, grants, or gives, or causes to be offered, granted, or given, a rebate or other concession in violation of this part; or

(2) by any means knowingly and willfully assists, or willingly allows, a person to obtain transportation or services subject to this part at less than the price lawfully in effect.

(b) CRIMINAL PENALTY FOR RECEIVING REBATES, PRIVILEGES, AND FACILITIES.—A person shall be fined under title 18 if the person by any means—

(1) knowingly and willfully solicits, accepts, or receives a rebate of a part of a price lawfully in effect for the foreign air transportation of property, or a service related to the foreign air transportation; or

(2) knowingly solicits, accepts, or receives a privilege or facility related to a matter the Secretary of Transportation requires be specified in a currently effective tariff applicable to the foreign air transportation of property.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46309(a)	49 App.:1472(d)(1).	Aug. 23, 1958, Pub. L. 85–726, §902(d)(1), 72 Stat. 785; Jan. 3, 1975, Pub L. 93–623, §8(b), 88 Stat. 2105.
46309(b)	49 App.:1472(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(d)(2); added Jan. 3, 1975, Pub. L. 93–623, §8(b), 88 Stat. 2106.
	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.

In this section, the words ''fined under title 18'' are substituted for ''a fine of not less than $100 and not more than $5,000'' and ''fined not less than $100, nor more than $5,000'' for consistency with title 18. The words ''for each offense'' are omitted as surplus. The words ''fares, or charges'' are omitted as surplus because of the definition of ''rate'' in section 40102(a) of the revised title.

In subsection (a), before clause (1), the word ''representative'' is omitted as surplus. The words ''shall be deemed guilty of a misdemeanor'' are omitted as superseded by 18:3559. The words ''and, upon conviction thereof'' are omitted as surplus. In clause (2), the words ''device or'' and ''suffer or'' are omitted as surplus.

In subsection (b), before clause (1), the words ''by any means'' are substituted for ''in any manner or by any device'' for consistency in this section and to eliminate unnecessary words. In clauses (1) and (2), the word ''foreign'' is added for clarity because only foreign air transportation has regulated prices. In clause (1), the word ''rebate'' is substituted for ''refund or remittance'' for consistency in this section. In clause (2), the word ''favor'' is omitted as being included in ''privilege''.

§ 46310. Reporting and recordkeeping violations

(a) GENERAL CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18 for intentionally—

(1) failing to make a report or keep a record under this part;

(2) falsifying, mutilating, or altering a report or record under this part; or

(3) filing a false report or record under this part.

(b) SAFETY REGULATION CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18, imprisoned for not more than 5 years, or both, for intentionally falsifying or concealing a material fact, or inducing reliance on a false statement of material fact, in a report or record under section 44701(a) or (b) or any of sections 44702–44716 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1238; Pub. L. 103–429, §6(56), Oct. 31, 1994, 108 Stat. 4385.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46310	49 App.:1472(e).	Aug. 23, 1958, Pub. L. 85–726, §902(e), 72 Stat. 785; restated Sept. 30, 1987, Pub. L. 100–121, 101 Stat. 792.

In this section, the word ''representative'' is omitted as surplus. The words ''account'' and ''memorandum'' are omitted as being included in ''record''.

In subsection (a), before clause (1), the words ''fined under title 18'' are substituted for ''fined not more than $5,000 in the case of an individual and not more than $10,000 in the case of a person other than an individual'' for consistency in this section and with title 18.

In subsection (b), the words ''or representation'' are omitted a surplus.

PUB. L. 103–429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–429 inserted ''any of sections'' before ''44702–44716''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 46311. Unlawful disclosure of information

(a) CRIMINAL PENALTY.—The Secretary of Transportation, the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration, or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration, or an officer or employee of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall be fined under title 18, imprisoned for not more than 2 years, or both, if the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee knowingly and willfully discloses information that—

(1) the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee acquires when inspecting the records of an air carrier; or

(2) is withheld from public disclosure under section 40115 of this title.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply if—

(1) the officer or employee is directed by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to disclose information that the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration had ordered withheld; or

(2) the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee is directed by a court of competent jurisdiction to disclose the information.

(c) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107–71, title I, § 140(d)(6), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115–254, div. K, title I, § 1991(g)(3), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46311(a), (b)	49 App.:1472(f) (words before proviso).	Aug. 23, 1958, Pub. L. 85–726, § 902(f), 72 Stat. 785.
	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.
	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.
46311(c)	49 App.:1472(f) (proviso). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word ''Administrator'' in section 902(f) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 785) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words ''fined under title 18'' are substituted for ''a fine of not more than $5,000'' for consistency with title 18. The words ''upon conviction thereof be subject for each offense'' are omitted as surplus. The words ''any fact or'' are omitted as being included in ''information''. In clause (1), the words ''the Secretary, Administrator, officer, or employee acquires'' are substituted for ''may come to his knowledge'' for clarity and consistency.

In subsection (b)(2), the words ''or a judge thereof'' are omitted as surplus.

In subsection (c), the word ''duly'' is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, § 1991(g)(3)(C), substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary'' wherever appearing.

Subsec. (a). Pub. L. 115–254, § 1991(g)(3)(A)(i), in introductory provisions, substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration, or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary, the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator'', ''Administrator of the Federal Aviation Administration shall'' for ''Administrator shall'', and ''Administrator of the Federal Aviation Administration,'' for ''Administrator,''.

Subsec. (a)(1). Pub. L. 115–254, § 1991(g)(3)(A)(ii), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator''.

Subsecs. (b), (c). Pub. L. 115–254, § 1991(g)(3)(B), substituted ''Administrator of the Federal Aviation Administration'' for ''Administrator'' wherever appearing.

2001—Subsec. (a). Pub. L. 107–71, § 140(d)(6), in introductory provisions, inserted ''the Under Secretary of Transportation for Security with respect to security

duties and powers designated to be carried out by the Under Secretary,'' after ''Transportation,'' and ''Under Secretary,'' after ''Secretary,'' and substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

Subsec. (a)(1). Pub. L. 107–71, §140(d)(6)(B) inserted ''Under Secretary,'' after ''Secretary,''.

Subsec. (b)(1). Pub. L. 107–71, §140(d)(6)(C), substituted '', Under Secretary, or Administrator'' for ''or Administrator'' in two places.

Subsec. (b)(2). Pub. L. 107–71, §140(d)(6)(B) inserted ''Under Secretary,'' after ''Secretary,''.

Subsec. (c). Pub. L. 107–71, §140(d)(6)(C), substituted '', Under Secretary, or Administrator'' for ''or Administrator''.

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or

(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106–181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109–59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46312	49 App.:1472(h)(2).	Aug. 23, 1958, Pub. L. 85–726, §902(h)(2), 72 Stat. 785; restated Jan. 3, 1975, Pub. L. 93–633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words ''is guilty of an offense'', ''Upon conviction'', and ''for each offense'' are omitted as surplus. The words ''fined under title 18'' are substituted for ''a fine of not more than $25,000'' for consistency with title 18. The word ''prescribed'' is substituted for ''issued'' for consistency in the revised title and with other titles of the United States Code. In clause (1), the words ''shipment, baggage, or other'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59, §7128(a)(1), substituted ''this part or chapter 51—'' for ''this part—'' in introductory provisions.

Subsec. (b). Pub. L. 109–59, §7128(a)(2), inserted ''or chapter 51'' after ''under this part''.

2000—Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement of the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107–71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115–254, div. K, title I, §1991(g)(4), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46313	49 App.:1472(g).	Aug. 23, 1958, Pub. L. 85–726, §902(g), 72 Stat. 785.
	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.
	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.

The word ''Administrator'' in section 902(g) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 785) is retained on authority of 49:106(g). The words ''not obeying'' are substituted for ''who shall neglect or refuse . . . or to answer any lawful inquiry . . . in obedience to'' to eliminate surplus words. The word ''lawful'' is omitted as surplus. The word ''appear'' is substituted for ''attend'' for clarity. The word ''records'' is substituted for ''books, papers, or documents'' for consistency in the revised title and with other titles of the United States Code. The words ''if in his power to do so'' are omitted as surplus. The words ''shall be guilty of a misdemeanor'' are omitted for consistency with title 18. The words ''and, upon conviction thereof'' are omitted as surplus. The words ''fined under title 18'' are substituted for ''a fine of not less than $100 nor more than $5,000'' for consistency with title 18.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted ''subpoena'' for ''subpena'' and ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator''.

2001—Pub. L. 107–71 inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

§ 46314. Entering aircraft or airport area in violation of security requirements

(a) PROHIBITION.—A person may not knowingly and willfully enter, in violation of security requirements prescribed under section 44901, 44903(b) or (c), or 44906 of this title, an aircraft or an airport area that serves an air carrier or foreign air carrier.

(b) CRIMINAL PENALTY.—(1) A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than one year, or both.

(2) A person violating subsection (a) of this section with intent to evade security procedures or restrictions or with intent to commit, in the aircraft or airport area, a felony under a law of the United States or a State shall be fined under title 18, imprisoned for not more than 10 years, or both.

(c) NOTICE OF PENALTIES.—

(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under section 46301(a)(5)(A)(i) and subsection (b) of this section are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 112–74, div. D, title V, § 564(b), (c), Dec. 23, 2011, 125 Stat. 981.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46314	49 App.:1472(r).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(r); added Dec. 30, 1987, Pub. L. 100–223, § 204(f)(2), 101 Stat. 1520.

In subsection (b), the words ''fined under title 18'' are substituted for ''a fine not to exceed $1,000'' and ''a fine not to exceed $10,000'' for consistency with title 18.

In subsection (b)(1), the words ''Upon conviction'' are omitted as surplus.

In subsection (b)(2), the words ''airport area'' are substituted for ''secured area'' for consistency in this section.

Editorial Notes

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 112–74, § 564(b), inserted ''with intent to evade security procedures or restrictions or'' after ''of this section''.

Subsec. (c). Pub. L. 112–74, § 564(c), added subsec. (c).

§ 46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) CRIMINAL PENALTY.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if—

(1) the person knowingly and willfully operates an aircraft in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration related to the display of navigation or anticollision lights;

(2) the person is knowingly transporting a controlled substance by aircraft or aiding or facilitating a controlled substance offense; and

(3) the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment for more than one year under a law of the United States or a State; or

(B) is provided in connection with an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46315(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
46315(b)	49 App.:1472(q).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(q); added Oct. 19, 1984, Pub. L. 98–499, § 5(a), 98 Stat. 2315; restated Oct. 27, 1986, Pub. L. 99–570, § 3401(b)(1), 100 Stat. 3207–100; Nov. 18, 1988, Pub. L. 100–690, § 7209(c)(1), (2)(A), 102 Stat. 4432.

In subsection (b), before clause (1), the words ''fined under title 18'' are substituted for ''a fine not exceeding $25,000'' for consistency with title 18. In clause (2), the word ''knowingly'' is substituted for ''and with knowledge of such act'' to eliminate unnecessary words.

§ 46316. General criminal penalty when specific penalty not provided

(a) CRIMINAL PENALTY.—Except as provided by subsection (b) of this section, when another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) under this part, or any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title shall be fined under title 18. A separate violation occurs for each day the violation continues.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), chapter 445, chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1240; Pub. L. 104–287, § 5(79), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105–102, § 3(d)(1)(D), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 107–71, title I, § 140(d)(7), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115–254, div. K, title I, § 1991(g)(5), Oct. 5, 2018, 132 Stat. 3645.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46316	49 App.:1472(a).	Aug. 23, 1958, Pub. L. 85–726, § 902(a), 72 Stat. 784; restated July 10, 1962, Pub. L. 87–528, § 13, 76 Stat. 150.
	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.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In subsection (a), the word ''prescribed'' is added for consistency in the revised title. The words ''condition, or limitation of'' are omitted as surplus. The word ''Administrator'' in section 902(a) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 784) is retained on authority of 49:106(g). The words ''or in section 1474 of this Appendix'' are omitted as surplus because 49 App.:1474 is not included in the revised title. The words ''shall be deemed guilty of a misdemeanor'' are omitted for consistency with title 18. The words ''and upon conviction thereof'' are omitted as surplus. The words ''shall be fined under title 18'' are substituted for ''shall be subject for the first offense to a fine of not more than $500, and for any subsequent offense to a fine of not more than $2,000'' for consistency with title 18.

In subsection (b), reference to 49 App.:ch. 20, subch. VII is omitted as unnecessary because subchapter VII is not restated in this part.

PUB. L. 104–287

This amends 49:46316(b) to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'' for ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator''.

2001—Subsec. (a). Pub. L. 107–71 inserted ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' after ''(or''.

1997—Subsec. (b). Pub. L. 105–102 amended directory language of Pub. L. 104–287. See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104–287, as amended by Pub. L. 105–102, substituted ''chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)'' for ''and sections 44701(a) and (b), 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and 44932–44938''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, § 3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(D) is effective Oct. 11, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term ''controlled substance'' has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall

be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.

(Added Pub. L. 106–181, title V, § 509(a), Apr. 5, 2000, 114 Stat. 141.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46318. Interference with cabin or flight crew

(a) GENERAL RULE.—An individual who physically or sexually assaults or threatens to physically or sexually assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $35,000.

(b) COMPROMISE AND SETOFF.—

(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

(Added Pub. L. 106–181, title V, § 511(a), Apr. 5, 2000, 114 Stat. 142; amended Pub. L. 115–254, div. B, title III, § 339(a), Oct. 5, 2018, 132 Stat. 3282.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 inserted ''or sexually'' after ''physically'' in two places and substituted ''$35,000'' for ''$25,000''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46319. Permanent closure of an airport without providing sufficient notice

(a) PROHIBITION.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.

(Added Pub. L. 108–176, title I, § 185(a), Dec. 12, 2003, 117 Stat. 2517.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft

(a) IN GENERAL.—Except as provided in subsection (b), an individual who operates an unmanned aircraft and in so doing knowingly or recklessly interferes with a wildfire suppression, law enforcement, or emergency response effort is liable to the United States Government for a civil penalty of not more than $20,000.

(b) EXCEPTIONS.—This section does not apply to the operation of an unmanned aircraft conducted by a unit or agency of the United States Government or of a State, tribal, or local government (including any individual conducting such operation pursuant to a contract or other agreement entered into with the unit or agency) for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

(c) COMPROMISE AND SETOFF.—

(1) COMPROMISE.—The United States Government may compromise the amount of a civil penalty imposed under this section.

(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) WILDFIRE.—The term ''wildfire'' has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

(2) WILDFIRE SUPPRESSION.—The term ''wildfire suppression'' means an effort to contain, extinguish, or suppress a wildfire.

(Added Pub. L. 114–190, title II, § 2205(a), July 15, 2016, 130 Stat. 630.)

CHAPTER 465—SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

Sec.
46501. Definitions.
46502. Aircraft piracy.
46503. Interference with security screening personnel.
46504. Interference with flight crew members and attendants.
46505. Carrying a weapon or explosive on an aircraft.
46506. Application of certain criminal laws to acts on aircraft.
46507. False information and threats.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title V, § 539(m), div. K, title I, § 1991(h)(2), Oct. 5, 2018, 132 Stat. 3371, 3645, made identical amendments, striking out item 46503 ''Repealed''.

2001—Pub. L. 107–71, title I, § 114(b), Nov. 19, 2001, 115 Stat. 623, added item 46503 ''Interference with security screening personnel''.

1994—Pub. L. 103–322, title VI, § 60003(b)(1), Sept. 13, 1994, 108 Stat. 1970, substituted ''Repealed'' for ''Death penalty sentencing procedure for aircraft piracy'' in item 46503.

§ 46501. Definitions

In this chapter—

(1) ''aircraft in flight'' means an aircraft from the moment all external doors are closed following boarding—

(A) through the moment when one external door is opened to allow passengers to leave the aircraft; or

(B) until, if a forced landing, competent authorities take over responsibility for the aircraft and individuals and property on the aircraft.

(2) ''special aircraft jurisdiction of the United States'' includes any of the following aircraft in flight:

(A) a civil aircraft of the United States.

(B) an aircraft of the armed forces of the United States.

(C) another aircraft in the United States.

(D) another aircraft outside the United States—

(i) that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States;

(ii) on which an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) if the aircraft lands in the United States with the individual still on the aircraft; or

(iii) against which an individual commits an offense (as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) if the aircraft lands in the United States with the individual still on the aircraft.

(E) any other aircraft leased without crew to a lessee whose principal place of business is in the United States or, if the lessee does not have a principal place of business, whose permanent residence is in the United States.

(3) an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) when the individual, when on an aircraft in flight—

(A) by any form of intimidation, unlawfully seizes, exercises control of, or attempts to seize or exercise control of, the aircraft; or

(B) is an accomplice of an individual referred to in subclause (A) of this clause.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46501(1)	49 App.:1301(38) (words after 10th comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 101(38); added Oct. 14, 1970, Pub. L. 91–449, § 1(1), 84 Stat. 921; restated Aug. 5, 1974, Pub. L. 93–366, §§ 102, 206, 88 Stat. 409, 419; Nov. 9, 1977, Pub. L. 95–163, § 17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub. L. 95–504, § 2(b), 92 Stat. 1705; Oct. 12, 1984, Pub. L. 98–473, § 2013(c), 98 Stat. 2189.
	49 App.:1472(n)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(n)(2), (4); added Aug. 5, 1974, Pub. L. 93–366, § 103(b), 88 Stat. 410, 411.
46501(2)	49 App.:1301(38) (words before 10th comma).	
46501(3)	49 App.:1472(n)(2).	

In clause (2), before subclause (A), the words ''any of the following'' are substituted for ''includes'' for clarity. In subclause (B), the words ''armed forces'' are substituted for ''national defense forces'' because of 10:101. In subclause (D)(i), the word ''place'' is substituted for ''point'' for consistency in the revised title. The word ''actually'' is omitted as surplus. In subclause (D)(ii), the words ''on which an individual commits'' are substituted for ''having . . . committed aboard'' for clarity. In subclause (D)(iii), the words ''against which an individual commits'' are substituted for ''regarding which an offense . . . is committed'' for clarity. The words ''(Montreal, September 23, 1971)'' are omitted as surplus. In subclause (E), the words ''the lessee does not have a principal place of business'' are substituted for ''none'' for clarity.

In clause (3), the words ''by force or threat thereof, or . . . other'' are omitted as surplus.

§ 46502. Aircraft piracy

(a) IN SPECIAL AIRCRAFT JURISDICTION.—(1) In this subsection—

(A) ''aircraft piracy'' means seizing or exercising control of an aircraft in the special aircraft jurisdiction of the United States by force, violence, threat of force or violence, or any form of intimidation, and with wrongful intent.

(B) an attempt to commit aircraft piracy is in the special aircraft jurisdiction of the United States although the aircraft is not in flight at the time of the attempt if the aircraft would have been in the special aircraft jurisdiction of the United States had the aircraft piracy been completed.

(2) An individual committing or attempting or conspiring to commit aircraft piracy—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(b) OUTSIDE SPECIAL AIRCRAFT JURISDICTION.—(1) An individual committing or conspiring to commit an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) on an aircraft in flight outside the special aircraft jurisdiction of the United States—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results

from the commission or attempt, shall be put to death or imprisoned for life.

(2) There is jurisdiction over the offense in paragraph (1) if—

(A) a national of the United States was aboard the aircraft;

(B) an offender is a national of the United States; or

(C) an offender is afterwards found in the United States.

(3) For purposes of this subsection, the term ''national of the United States'' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1241; Pub. L. 103–429, §6(61), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–132, title VII, §§721(a), 723(b), Apr. 24, 1996, 110 Stat. 1298, 1300.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46502(a)(1) ..	49 App.:1472(i)(2), (3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(i); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91–449, §1(3), 84 Stat. 921; Aug. 5, 1974, Pub. L. 93–366, §§103(a), 104, 88 Stat. 410, 411.
46502(a)(2) ..	49 App.:1472(i)(1).	
46502(b)(1) ..	49 App.:1472(n)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(n)(1), (3); added Aug. 5, 1974, Pub. L. 93–366, §103(b), 88 Stat. 410.
46502(b)(2) ..	49 App.:1472(n)(3).	

In subsection (a)(1)(B), the words ''offense of'' are omitted as surplus.

In subsection (a)(2), the words ''as herein defined'' are omitted as surplus.

In subsection (b)(2), the words ''the place of actual'' are omitted as surplus. The words ''as defined in paragraph (2) of this subsection'' are omitted because of the restatement. The word ''country'' is substituted for ''State'' for consistency in the revised title and with other titles of the United States Code.

PUB. L. 103–429

This amends 49:46502(a)(2)(B) and (b)(1)(B) to clarify the restatement of 49 App.:1472(i)(1)(B) and (n)(1)(B) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1241, 1242).

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104–132, §723(b)(1), inserted ''or conspiring'' after ''attempting''.

Subsec. (b)(1). Pub. L. 104–132, §§721(a)(1), 723(b)(2), in introductory provisions, inserted ''or conspiring to commit'' after ''committing'' and struck out ''and later found in the United States'' after ''jurisdiction of the United States''.

Subsec. (b)(2). Pub. L. 104–132, §721(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''This subsection applies only if the place of takeoff or landing of the aircraft on which the individual commits the offense is located outside the territory of the country of registration of the aircraft.''

Subsec. (b)(3). Pub. L. 104–132, §721(a)(3), added par. (3).

1994—Subsecs. (a)(2)(B), (b)(1)(B). Pub. L. 103–429 inserted ''notwithstanding section 3559(b) of title 18,'' before ''if the death''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994

Pub. L. 109–177, title II, §211, Mar. 9, 2006, 120 Stat. 230, provided that:

''(a) IN GENERAL.—Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended, as of the time of its enactment [Sept. 13, 1994], by adding at the end the following:

'' '(c) [Omitted, see below.]'.

''(b) SEVERABILITY CLAUSE.—If any provision of section 60003(b)(2) of the Violent Crime and Law Enforcement Act of 1994 (Public Law 103–322) [repealed section 46503 of this title], or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.''

Pub. L. 103–322, title VI, §60003(c), as added by Pub. L. 109–177, title II, §211(a), Mar. 9, 2006, 120 Stat. 230, provided that:

''(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) [Sept. 13, 1994], but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366) [Aug. 5, 1974], it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.''

AIRCRAFT PIRACY

The United States is a party to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, Dec. 16, 1970, entered into force as to the United States, Oct. 14, 1971, 22 UST 1641.

§ 46503. Interference with security screening personnel

An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.

(Added Pub. L. 107–71, title I, § 114(a), Nov. 19, 2001, 115 Stat. 623.)

Editorial Notes

PRIOR PROVISIONS

A prior section 46503, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1242, provided for death penalty sentencing procedure for individuals convicted of aircraft piracy, prior to repeal by Pub. L. 103–322, title VI, § 60003(b)(2), Sept. 13, 1994, 108 Stat. 1970.

§ 46504. Interference with flight crew members and attendants

An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 107–56, title VIII, § 811(i), Oct. 26, 2001, 115 Stat. 382.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46504	49 App.:1472(j).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(j); added Sept. 5, 1961, Pub. L. 87–197, § 1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91–449, § 1(3), 84 Stat. 921.

The words ''or threatens'' are omitted as being included in ''intimidating''. The words ''(including any steward or stewardess)'' are omitted as being included in ''attendant''. The words ''fined under title 18'' are substituted for ''fined not more than $10,000'' for consistency with title 18. The words ''deadly or'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107–56 inserted ''or attempts or conspires to do such an act,'' before ''shall be fined under title 18,''.

§ 46505. Carrying a weapon or explosive on an aircraft

(a) DEFINITION.—In this section, ''loaded firearm'' means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—

(1) when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

(2) has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

(3) has on or about the individual, or has placed, attempted to place, or attempted to have placed on that aircraft, an explosive or incendiary device.

(c) CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(d) NONAPPLICATION.—Subsection (b)(1) of this section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;

(2) another individual the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or

(3) an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.

(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 104–132, title VII, § 705(b), Apr. 24, 1996, 110 Stat. 1295; Pub. L. 107–56, title VIII, §§ 810(g), 811(j), Oct. 26, 2001, 115 Stat. 381, 382; Pub. L. 107–71, title I, § 140(d)(8), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115–254, div. K, title I, § 1991(h)(1), Oct. 5, 2018, 132 Stat. 3645.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46505(a)	49 App.:1472(*l*)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(*l*)(4); added Feb. 18, 1980, Pub. L. 96–193, § 502(c), 94 Stat. 59.
46505(b)	49 App.:1472(*l*)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(*l*)(1); added Sept. 5, 1961, Pub. L. 87–197, § 1, 75 Stat. 466; Aug. 5, 1974, Pub. L. 93–366, § 203, 88 Stat. 417; restated Feb. 18, 1980, Pub. L. 96–193, § 502(a), 94 Stat. 59; Oct. 12, 1984, Pub. L. 98–473, § 2014(c)(1), 98 Stat. 2189.
46505(c)	49 App.:1472(*l*)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(*l*)(2); added Sept. 5, 1961, Pub. L. 87–197, § 1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, § 203, 88 Stat. 418; Oct. 12, 1984, Pub. L 98–473, § 2014(c)(2), 98 Stat. 2189.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46505(d)	49 App.:1472(*l*)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(*l*)(3); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 418; Feb. 18, 1980, Pub. L. 96–193, §502(b), 94 Stat. 59.

In subsection (a), the definition of ''firearm'' is merged with the definition of ''loaded firearm'' because the term ''firearm'' is only used in the defined term ''loaded firearm''.

In subsections (b) and (c), the words ''fined under title 18'' are substituted for ''fined not more than $10,000'' and ''fined not more than $25,000'' for consistency with title 18.

In subsections (b)(1) and (d)(2), the words ''deadly or'' are omitted as surplus.

In subsection (b)(2), the words ''baggage or other'' are omitted as surplus.

In subsection (b)(3), the words ''bomb or similar'' are omitted as surplus.

In subsection (d)(1), the words ''State or political subdivision of a State'' are substituted for ''municipal or State government'' for consistency in the revised title and with other titles of the United States Code. The words ''or required'' are omitted as surplus.

In subsection (d)(3), the word ''contained'' is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(2). Pub. L. 115–254 substituted ''Administrator of the Transportation Security Administration'' for ''Under Secretary of Transportation for Security''.

2001—Subsec. (c). Pub. L. 107–56, §810(g), substituted ''20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.'' for ''15 years, or both.''

Subsec. (d)(2). Pub. L. 107–71, §140(d)(8), inserted ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration''.

Subsec. (e). Pub. L. 107–56, §811(j), added subsec. (e).

1996—Subsec. (b). Pub. L. 104–132, §705(b)(1), substituted ''10 years'' for ''one year''.

Subsec. (c). Pub. L. 104–132, §705(b)(2), substituted ''15 years'' for ''5 years''.

§ 46506. Application of certain criminal laws to acts on aircraft

An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—

(1) if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both; or

(2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code §22-1112), shall be fined under title 18, imprisoned under section 9 of the Act, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46506	49 App.:1472(k).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(k); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91–449, §1(3), 84 Stat. 921; Nov. 10, 1986, Pub. L. 99–646, §87(d)(8), 100 Stat. 3624; Nov. 14, 1986, Pub. L. 99–654, §3(b)(8), 100 Stat. 3664.

In clause (1), the words ''fined under title 18, imprisoned under that section or chapter, or both'' are substituted for ''punished as provided therein'' for consistency with title 18.

In clause (2), the words ''fined under title 18, imprisoned under section 9 of the Act, or both'' are substituted for ''punished as provided therein'' for consistency with title 18.

Editorial Notes

REFERENCES IN TEXT

Section 9 of the Act of July 29, 1892, referred to in par. (2), is section 9 of act July 29, 1892, ch. 320, 27 Stat. 324, which is not classified to the Code. Section 9 of the Act was reclassified to section 22–1312 of the D.C. Code (2014).

§ 46507. False information and threats

An individual shall be fined under title 18, imprisoned for not more than 5 years, or both, if the individual—

(1) knowing the information to be false, willfully and maliciously or with reckless disregard for the safety of human life, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title; or

(2)(A) threatens to violate section 46502(a), 46504, 46505, or 46506 of this title, or causes a threat to violate any of those sections to be made; and

(B) has the apparent determination and will to carry out the threat.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
46507	49 App.:1472(m).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(m); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 467; restated Oct. 12, 1984, Pub. L. 98–473, §2014(d)(1), 98 Stat. 2190.

In this section, before clause (1), the words ''fined under title 18'' are substituted for ''fined not more than $25,000'' for consistency with title 18. In clauses (1) and (2), the words ''a felony'' are omitted as surplus. In clause (1), the words ''gives, or causes to be given'' are substituted for ''imparts or conveys or causes to be imparted or conveyed'' to eliminate unnecessary words. The words ''attempt or'' are omitted as surplus. In clause (2), the words ''threatens . . . or causes a threat . . . to be made'' are substituted for ''imparts or conveys or causes to be imparted or conveyed any threat'' to eliminate unnecessary words.

PART B—AIRPORT DEVELOPMENT AND NOISE

CHAPTER 471—AIRPORT DEVELOPMENT

SUBCHAPTER I—AIRPORT IMPROVEMENT

Sec.
47101. Policies.
47102. Definitions.
47103. National plan of integrated airport systems.
47104. Project grant authority.
47105. Project grant applications.
47106. Project grant application approval conditioned on satisfaction of project requirements.
47107. Project grant application approval conditioned on assurances about airport operations.
47108. Project grant agreements.
47109. United States Government's share of project costs.
47110. Allowable project costs.
47111. Payments under project grant agreements.
47112. Carrying out airport development projects.
47113. Minority and disadvantaged business participation.
47114. Apportionments.
47115. Discretionary fund.
47116. Small airport fund.
47117. Use of apportioned amounts.
47118. Designating current and former military airports.
47119. Terminal development costs.
47120. Grant priority.
47121. Records and audits.
47122. Administrative.
47123. Nondiscrimination.
47124. Agreements for State and local operation of airport facilities.
47124a. Accessibility of certain flight data.
47125. Conveyances of United States Government land.
47126. Criminal penalties for false statements.
47127. Ground transportation demonstration projects.
47128. State block grant program.
47129. Resolution of disputes concerning airport fees.
47130. Airport safety data collection.
47131. Annual report.
[47132. Repealed.]
47133. Restriction on use of revenues.
47134. Airport investment partnership program.
47135. Innovative financing techniques.
47136. Zero-emission airport vehicles and infrastructure.
47137. Airport security program.
47138. Pilot program for purchase of airport development rights.
47139. Emission credits for air quality projects.
47140. Increasing the energy efficiency of airport power sources.
47141. Compatible land use planning and projects by State and local governments.
47142. Design-build contracting.
47143. Non-movement area surveillance surface display systems pilot program.
47144. Use of funds for repairs for runway safety repairs.

SUBCHAPTER II—SURPLUS PROPERTY FOR PUBLIC AIRPORTS

47151. Authority to transfer an interest in surplus property.
47152. Terms of conveyances.
47153. Waiving and adding terms.

SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

47171. Expedited, coordinated environmental review process.
47172. Air traffic procedures for airport capacity enhancement projects at congested airports.
47173. Airport funding of FAA staff.
47174. Authorization of appropriations.
47175. Definitions.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title I, §§140(b), 160(b), 166(c), title III, §395(b), Oct. 5, 2018, 132 Stat. 3211, 3221, 3226, 3327, added items 47124a, 47136, 47140, and 47143, substituted ''Airport investment partnership program'' for ''Pilot program on private ownership of airports'' in item 47134, and struck out former item 47136 ''Inherently low-emission airport vehicle pilot program'', item 47136a ''Zero-emission airport vehicles and infrastructure'', former item 47140 ''Airport ground support equipment emissions retrofit pilot program'', and item 47140a ''Increasing the energy efficiency of airport power sources''.

2017—Pub. L. 115–31, div. K, title I, §119F(b), May 5, 2017, 131 Stat. 735, which directed amendment of the analysis for this chapter by adding item 47144 after item 47143, was executed by adding item 47144 after item 47142 to reflect the probable intent of Congress, because no item for section 47143 has been enacted.

2012—Pub. L. 112–95, title I, §148(b), title V, §§511(c), 512(b), Feb. 14, 2012, 126 Stat. 32, 108, 109, substituted ''Resolution of disputes concerning airport fees'' for ''Resolution of airport-air carrier disputes concerning airport fees'' in item 47129 and added items 47136a and 47140a.

2003—Pub. L. 108–176, title I, §§152(b), 158(b), 159(a)(2), 160(b), 181(b), title III, §304(b), Dec. 12, 2003, 117 Stat. 2507, 2509, 2510, 2513, 2515, 2538, added items 47138 to 47142, subchapter III heading, and items 47171 to 47175.

2000—Pub. L. 106–181, title I, §§123(a)(2), 132(b), 133(b), 134(b), 135(d)(4), Apr. 5, 2000, 114 Stat. 74, 81–83, 85, struck out item 47132 ''Pavement maintenance'', added items 47135 to 47137, and substituted ''conveyances'' for ''gifts'' in item 47152.

1996—Pub. L. 104–264, title I, §§142(c), 147(c)(2), 149(a)(2), title VIII, §804(c), Oct. 9, 1996, 110 Stat. 3221, 3223, 3226, 3271, substituted ''grant program'' for ''grant pilot program'' in item 47128 and added items 47132, 47133, and 47134.

1994—Pub. L. 103–305, title I, §§113(b), 118(b), Aug. 23, 1994, 108 Stat. 1579, 1580, added items 47129 and 47130 and redesignated former item 47129 as 47131.

SUBCHAPTER I—AIRPORT IMPROVEMENT

§ 47101. Policies

(a) GENERAL.—It is the policy of the United States—

(1) that the safe operation of the airport and airway system is the highest aviation priority;

(2) that aviation facilities be constructed and operated to minimize current and projected noise impact on nearby communities;

(3) to give special emphasis to developing reliever airports;

(4) that appropriate provisions should be made to make the development and enhancement of cargo hub airports easier;

(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;

(6) that airport development projects under this subchapter provide for the protection and enhancement of natural resources and the

quality of the environment of the United States;

(7) that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease;

(8) to ensure that nonaviation usage of the navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system;

(9) that artificial restrictions on airport capacity—

(A) are not in the public interest;

(B) should be imposed to alleviate air traffic delays only after other reasonably available and less burdensome alternatives have been tried; and

(C) should not discriminate unjustly between categories and classes of aircraft;

(10) that special emphasis should be placed on converting appropriate former military air bases to civil use and identifying and improving additional joint-use facilities;

(11) that the airport improvement program should be administered to encourage projects that employ innovative technology (including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices), concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system (including the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability) and to encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to this subchapter;

(12) that airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this subchapter; and

(13) that airports should be as self-sustaining as possible under the circumstances existing at each particular airport and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 47107(b)(1) of this title, including reasonable reserves and other funds to facilitate financing and cover contingencies.

(b) NATIONAL TRANSPORTATION POLICY.—(1) It is a goal of the United States to develop a national intermodal transportation system that transports passengers and property in an efficient manner. The future economic direction of the United States depends on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the infrastructure of the United States.

(2) United States leadership in the world economy, the expanding wealth of the United States, the competitiveness of the industry of the United States, the standard of living, and the quality of life are at stake.

(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation that transports passengers and property in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance the ability of the industry of the United States to compete in the global marketplace.

(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

(5) An intermodal transportation system consists of transportation hubs that connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the vast rural areas of the United States, as well as providing links to other forms of transportation and to intercity connections.

(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the United States to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The future economic prosperity of the United States depends on its ability to compete in an international marketplace that is teeming with competitors but in which a full one-quarter of the economic activity of the United States takes place.

(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will transport passengers and property in an efficient manner.

(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.

(d) CONSISTENCY WITH AIR COMMERCE AND SAFETY POLICIES.—Each airport and airway program should be carried out consistently with section 40101(a), (b), (d), and (f) of this title to foster competition, prevent unfair methods of competition in air transportation, maintain essential air transportation, and prevent unjust

and discriminatory practices, including as the practices may be applied between categories and classes of aircraft.

(e) ADEQUACY OF NAVIGATION AIDS AND AIRPORT FACILITIES.—This subchapter should be carried out to provide adequate navigation aids and airport facilities for places at which scheduled commercial air service is provided. The facilities provided may include—

(1) reliever airports; and

(2) heliports designated by the Secretary of Transportation to relieve congestion at commercial service airports by diverting aircraft passengers from fixed-wing aircraft to helicopter carriers.

(f) MAXIMUM USE OF SAFETY FACILITIES.—This subchapter should be carried out consistently with a comprehensive airspace system plan, giving highest priority to commercial service airports, to maximize the use of safety facilities, including installing, operating, and maintaining, to the extent possible with available money and considering other safety needs—

(1) electronic or visual vertical guidance on each runway;

(2) grooving or friction treatment of each primary and secondary runway;

(3) distance-to-go signs for each primary and secondary runway;

(4) a precision approach system, a vertical visual guidance system, and a full approach light system for each primary runway;

(5) a nonprecision instrument approach for each secondary runway;

(6) runway end identifier lights on each runway that does not have an approach light system;

(7) a surface movement radar system at each category III airport;

(8) a taxiway lighting and sign system;

(9) runway edge lighting and marking;

(10) radar approach coverage for each airport terminal area; and

(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.

(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

(A) foster effective coordination between aviation planning and metropolitan planning;

(B) include an evaluation of aviation needs within the context of multimodal planning;

(C) consider passenger convenience, airport ground access, and access to airport facilities; and

(D) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.

(h) CONSULTATION.—To carry out the policy of subsection (a)(6) of this section, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway, or a major runway extension, that may have a significant effect on—

(1) natural resources, including fish and wildlife;

(2) natural, scenic, and recreation assets;

(3) water and air quality; or

(4) another factor affecting the environment.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1246; Pub. L. 103–305, title I, §§ 104, 110, Aug. 23, 1994, 108 Stat. 1571, 1573; Pub. L. 103–429, § 6(62), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title I, § 141, Oct. 9, 1996, 110 Stat. 3220; Pub. L. 106–181, title I, §§ 121(a), (b), 137(a), Apr. 5, 2000, 114 Stat. 74, 85; Pub. L. 112–95, title I, § 131, Feb. 14, 2012, 126 Stat. 21.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47101(a)(1) ..	49 App.:2201(a)(1), (2).	Sept. 3, 1982, Pub. L. 97–248, §§ 502(a)(1)–(3), (6), (b), 509(b)(5) (1st sentence, last sentence words before 11th comma), 96 Stat. 671, 672, 684.
	49 App.:2201(a)(9).	Sept. 3, 1982, Pub. L. 97–248, § 502(a)(9), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100–223, § 102(b)(1), (c)(1), 101 Stat. 1487.
	49 App.:2201(a)(10).	Sept. 3, 1982, Pub. L. 97–248, § 502(a)(10), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100–223, § 102(b)(1), (c)(2), 101 Stat. 1487.
47101(a)(2) ..	49 App.:2201(a)(8).	Sept. 3, 1982, Pub. L. 97–248, § 502(a)(8), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100–223, § 102(b)(1), 101 Stat. 1487.
47101(a)(3) ..	49 App.:2201(a)(6).	
47101(a)(4) ..	49 App.:2201(a)(7).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 502(a)(7); added Dec. 30, 1987, Pub. L. 100–223, § 102(b)(2), 101 Stat. 1487.
47101(a)(5) ..	49 App.:2201(b) (1st sentence).	
47101(a)(6) ..	49 App.:2208(b)(5) (1st sentence).	
47101(a)(7) ..	49 App.:2201(a)(11).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 502(a)(11); added Dec. 30, 1987, Pub. L. 100–223, § 102(c)(3), 101 Stat. 1488.
47101(a)(8) ..	49 App.:2201(a)(12).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 502(a)(12); added Dec. 30, 1987, Pub. L. 100–223, § 102(c)(3), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101–508, § 9109(a)(1), 104 Stat. 1388–356.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47101(a)(9) ..	49 App.:2201(a)(13).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §502(a)(13); added Dec. 30, 1987, Pub. L. 100–223, §102(c)(3), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101–508, §§9103(2), 9109(a)(2), 104 Stat. 1388–354, 1388–356.
47101(a)(10)	49 App.:2201(a)(14).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §502(a)(14); added Nov. 5, 1990, Pub. L. 101–508, §9109(a)(3), 104 Stat. 1388–356.
47101(b)	49 App.:2201(c).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §502(c), (d); added Oct. 31, 1992, Pub. L. 102–581, §101, 106 Stat. 4875.
47101(c)	49 App.:2201(d).	
47101(d)	49 App.:2201(a)(5).	Sept. 3, 1982, Pub. L. 97–248, §502(a)(5), 96 Stat. 671; Nov. 5, 1990, Pub. L. 101–508, §9103(1), 104 Stat. 1388–354.
47101(e)	49 App.:2201(a)(3). 49 App.:2202(a)(20).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(20), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
47101(f)	49 App.:2201(a)(4).	Sept. 3, 1982, Pub. L. 97–248, §502(a)(4), 96 Stat. 671; Dec. 30, 1987, Pub. L. 100–223, §102(a), 101 Stat. 1487.
47101(g)	49 App.:2201(b) (2d, last sentences).	
47101(h)	49 App.:2208(b)(5) (last sentence words before 11th comma).	

In subsection (a), before clause (1), the text of 49 App.:2201(a)(2), (9), and (10) is omitted as executed. The words ''It is the policy of the United States'' are substituted for ''The Congress hereby . . . declares'' in 49 App.:2201(a) (words before cl. (1)), ''it is in the national interest'' in 49 App.:2201(a)(12), ''are not in the public interest and'' in 49 App.:2201(a)(13), ''It is declared to be in the national interest to'' in 49 App.:2201(b), and ''It is declared to be national policy that'' in 49 App.:2208(b)(5) for consistency in the revised title and with other titles of the United States Code. In clause (1), the word ''is'' is substituted for ''will continue to be'' to eliminate unnecessary words. In clause (2), the words ''with due regard'' are omitted as surplus. In clause (3), the words ''reliever airports make an important contribution to the efficient operation of the airport and airway system'' are omitted as executed. In clause (4), the words ''cargo hub airports play a critical role in the movement of commerce through the airport and airway system'' are omitted as executed. In clause (5), the words ''and promote'' are omitted as surplus.

In subsection (d), the word ''to'' is substituted for ''with due regard for the goals expressed therein of'' to eliminate unnecessary words.

In subsection (e), before clause (1), the words ''The facilities provided may include'' are substituted for ''including'' because of the restatement. Clause (2) is substituted for ''reliever heliports'' to incorporate the definition of that term from 49 App.:2202(a)(19) into this subsection.

In subsection (f), before clause (1), the words ''the goal of'' are omitted as surplus.

In subsection (g), the words ''formulated'' and ''due'' are omitted as surplus. The words ''process of developing airport plans and programs'' are substituted for ''process'' for clarity.

PUB. L. 103–429

This amends 49:47101(a)(12) to translate a cross-reference to the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 671) to the corresponding cross-reference of title 49, United States Code.

Editorial Notes

AMENDMENTS

2012—Subsec. (g)(2)(C), (D). Pub. L. 112–95 added subpar. (C) and redesignated former subpar. (C) as (D).

2000—Subsec. (a)(5). Pub. L. 106–181, §137(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''to encourage the development of transportation systems that use various modes of transportation in a way that will serve the States and local communities efficiently and effectively;''.

Subsec. (a)(11). Pub. L. 106–181, §121(a), inserted ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''employ innovative technology''.

Subsec. (f)(11). Pub. L. 106–181, §121(b), added par. (11).

1996—Subsec. (g). Pub. L. 104–264 substituted ''INTERMODAL PLANNING'' for ''COOPERATION'' in heading and amended text generally. Prior to amendment, text read as follows: ''To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.''

1994—Subsec. (a)(11). Pub. L. 103–305, §104, added par. (11).

Subsec. (a)(12). Pub. L. 103–429 substituted ''subchapter'' for ''Act''.

Pub. L. 103–305, §110, added par. (12).

Subsec. (a)(13). Pub. L. 103–305, §110, added par. (13).

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

LIMITED REGULATION OF NON-FEDERALLY SPONSORED PROPERTY

Pub. L. 115–254, div. B, title I, §163(a)–(c), Oct. 5, 2018, 132 Stat. 3224, provided that:

''(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Transportation may not directly or indirectly regulate—

''(1) the acquisition, use, lease, encumbrance, transfer, or disposal of land by an airport owner or operator;

''(2) any facility upon such land; or

''(3) any portion of such land or facility.

''(b) EXCEPTIONS.—Subsection (a) does not apply to—

''(1) any regulation ensuring—

''(A) the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;

''(B) that an airport owner or operator receives not less than fair market value in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities; or

''(C) that the airport pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;

''(2) any regulation imposed with respect to land or a facility acquired or modified using Federal funding; or

''(3) any authority contained in—

''(A) a Surplus Property Act [of 1944, act Oct. 3, 1944, ch. 479, 58 Stat. 765] instrument of transfer, or

''(B) section 40117 of title 49, United States Code.

''(c) RULE OF CONSTRUCTION.—Nothing in this section [enacting this note and amending section 47107 of this title] shall be construed to affect the applicability of sections [sic] 47107(b) or 47133 of title 49, United States Code, to revenues generated by the use, lease, encumbrance, transfer, or disposal of land under subsection (a), facilities upon such land, or any portion of such land or facilities.''

REIMBURSABLE AGREEMENTS FOR CERTAIN AIRPORT PROJECTS

Pub. L. 114–307, §1, Dec. 16, 2016, 130 Stat. 1523, provided that: ''The Administrator of the Federal Aviation Administration may enter into a reimbursable agreement with a State or local government agency to carry out a project at an airport as to which notice is required under section 77.9 of title 14, Code of Federal Regulations, if the agreement—

''(1) includes measures for cost-effective completion of such project; and

''(2) would not negatively affect the safety or efficiency of the national airspace system.''

RUNWAY SAFETY

Pub. L. 112–95, title III, §314, Feb. 14, 2012, 126 Stat. 67, provided that:

''(a) STRATEGIC RUNWAY SAFETY PLAN.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

''(2) CONTENTS OF PLAN.—The strategic runway safety plan—

''(A) shall include, at a minimum—

''(i) goals to improve runway safety;

''(ii) near- and long-term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

''(iii) time frames and resources needed for the actions described in clause (ii);

''(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

''(v) a review with respect to runway safety of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings at those airports; and

''(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

''(b) PROCESS.—Not later than 6 months after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

''(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

''(2) conducting periodic random audits of the oversight process; and

''(3) ensuring proper accountability.

''(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than June 30, 2012, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems to alert air traffic controllers or flight crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan of the Administration or any successor document.''

AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES

Pub. L. 106–181, title I, §155(d), Apr. 5, 2000, 114 Stat. 89, provided that: ''The Secretary [of Transportation] shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) [47106(f)(3)] of title 49, United States Code) where a 'majority-in-interest clause' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities.''

CONSTRUCTION OF RUNWAYS

Pub. L. 106–181, title I, §158, Apr. 5, 2000, 114 Stat. 90, provided that: ''Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary [of Transportation] may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.''

INNOVATIVE FINANCING TECHNIQUES

Pub. L. 104–264, title I, §148, Oct. 9, 1996, 110 Stat. 3223, authorized the Secretary of Transportation until Sept. 30, 1998, to carry out a demonstration program to provide information on the use of innovative financing techniques for airport development projects to Congress and the National Civil Aviation Review Commission. See section 47135 of this title.

AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE

Pub. L. 104–264, title XII, §1203, Oct. 9, 1996, 110 Stat. 3280, provided that: ''Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982 [see References in Text note set out under section 47108 of this title], or any other law if the airport is located within 2 miles of a United States Army depot which has been closed or realigned; except that in the case of disposal of the land associated with the airport, the part of the proceeds from the disposal that is proportional to the Government's share of the cost of acquiring the land shall be paid to the Secretary of Transportation for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''

STUDY ON INNOVATIVE FINANCING

Pub. L. 103–305, title V, §520, Aug. 23, 1994, 108 Stat. 1601, required the Secretary to conduct a study on innovative approaches for using Federal funds to finance airport development as a means of supplementing financing available under the Airport Improvement Program and set out matters for the Secretary to consider and persons to consult, and provided that the Secretary would transmit to Congress a report on the results of the study not later than 12 months after Aug. 23, 1994.

§ 47102. Definitions

In this subchapter—

(1) ''air carrier airport'' means a public airport regularly served by—

(A) an air carrier certificated by the Secretary of Transportation under section 41102 of this title (except a charter air carrier); or

(B) at least one air carrier—

(i) operating under an exemption from section 41101(a)(1) of this title that the Secretary grants; and

(ii) having at least 2,500 passenger boardings at the airport during the prior calendar year.

(2) ''airport''—

(A) means—

(i) an area of land or water used or intended to be used for the landing and taking off of aircraft;

(ii) an appurtenant area used or intended to be used for airport buildings or other airport facilities or rights of way; and

(iii) airport buildings and facilities located in any of those areas; and

(B) includes a heliport.

(3) ''airport development'' means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) constructing, repairing, or improving a public-use airport, including—

(i) removing, lowering, relocating, marking, and lighting an airport hazard; and

(ii) preparing a plan or specification, including carrying out a field investigation.

(B) acquiring for, or installing at, a public-use airport—

(i) a navigation aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, including preparing the site as required by the acquisition or installation;

(ii) safety or security equipment, including explosive detection devices, universal access systems, and emergency call boxes, the Secretary requires by regulation for, or approves as contributing significantly to, the safety or security of individuals and property at the airport and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices;

(iii) equipment to remove snow, to measure runway surface friction, or for aviation-related weather reporting, including closed circuit weather surveillance equipment if the airport is located in Alaska;

(iv) firefighting and rescue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than 9 passenger seats;

(v) aircraft deicing equipment and structures (except aircraft deicing fluids and storage facilities for the equipment and fluids);

(vi) interactive training systems;

(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

(viii) stainless steel adjustable lighting extensions approved by the Administrator;

(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular; and

(x) replacement of baggage conveyor systems, and reconfiguration of terminal baggage areas, that the Secretary determines are necessary to install bulk explosive detection devices; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.

(C) acquiring an interest in land or airspace, including land for future airport development, that is needed—

(i) to carry out airport development described in subclause (A) or (B) of this clause; or

(ii) to remove or mitigate an existing airport hazard or prevent or limit the creation of a new airport hazard.

(D) acquiring land for, or constructing, a burn area training structure on or off the airport to provide live fire drill training for aircraft rescue and firefighting personnel required to receive the training under regulations the Secretary prescribes, including basic equipment and minimum structures to support the training under standards the Administrator of the Federal Aviation Administration prescribes.

(E) relocating after December 31, 1991, an air traffic control tower and any navigational aid (including radar) if the relocation is necessary to carry out a project approved by the Secretary under this subchapter or under section 40117.

(F) constructing, reconstructing, repairing, or improving an airport, or purchasing capital equipment for an airport, if necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except constructing or purchasing capital equipment that would benefit primarily a revenue-producing area of the airport used by a nonaeronautical business.

(G) acquiring land for, or work necessary to construct, a pad suitable for deicing aircraft before takeoff at a commercial service airport, including constructing or reconstructing paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, paved access for deicing vehicles and aircraft, and including acquiring glycol recovery vehicles, but not including acquiring aircraft deicing fluids or constructing or reconstructing storage facilities for aircraft deicing equipment or fluids.

(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at nonhub airports and airports that

are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.

(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.

(J) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).

(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)) and if the airport would be able to receive emission credits, as described in section 47139.

(L) a project by a commercial service airport for the acquisition of airport-owned vehicles or ground support equipment equipped with low-emission technology if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)), if the airport would be able to receive appropriate emission credits (as described in section 47139), and the vehicles are;

(i) used exclusively on airport property; or

(ii) used exclusively to transport passengers and employees between the airport and the airport's consolidated rental car facility or an intermodal surface transportation facility adjacent to the airport.

(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

(N) terminal development under section 47119(a).

(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.

(P) an on-airport project to improve the reliability and efficiency of the airport's power supply and to prevent power disruptions to the airfield, passenger terminal, and any other airport facilities, including the acquisition and installation of electrical generators, separation of the airport's main power supply from its redundant power supply, and the construction or modification of airport facilities to install a microgrid (as defined in section 641 of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231)).

(Q) converting or retrofitting vehicles and ground support equipment into eligible zero-emission vehicles and equipment (as defined in section 47136) and for acquiring, by purchase or lease, eligible zero-emission vehicles and equipment.

(R) predevelopment planning, including financial, legal, or procurement consulting services, related to an application or proposed application for an exemption under section 47134.

(4) ''airport hazard'' means a structure or object of natural growth located on or near a public-use airport, or a use of land near the airport, that obstructs or otherwise is hazardous to the landing or taking off of aircraft at or from the airport.

(5) ''airport planning'' means planning as defined by requirements the Secretary prescribes and includes—

(A) integrated airport system planning;

(B) developing an environmental management system; and

(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.

(6) ''amount made available under section 48103'' or ''amount newly made available'' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).

(7) ''commercial service airport'' means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.

(8) ''general aviation airport'' means a public-use airport that is located in a State and that, as determined by the Secretary—

(A) does not have scheduled service; or

(B) has scheduled service with less than 2,500 passenger boardings each year.

(9) ''integrated airport system planning'' means developing for planning purposes information and guidance to decide the extent, kind, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports, including—

(A) identifying system needs;

(B) developing an estimate of systemwide development costs;

(C) conducting studies, surveys, and other planning actions, including those related to airport access, needed to decide which aeronautical needs should be met by a system of airports; and

(D) standards prescribed by a State, except standards for safety of approaches, for airport development at nonprimary public-use airports.

(10) ''landed weight'' means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation, as

the Secretary determines under regulations the Secretary prescribes.

(11) ''large hub airport'' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

(12) ''low-emission technology'' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially nonpetroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.

(13) ''medium hub airport'' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

(14) ''nonhub airport'' means a commercial service airport that has less than 0.05 percent of the passenger boardings.

(15) ''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.

(16) ''primary airport'' means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year.

(17) ''project'' means a project, separate projects included in one project grant application, or all projects to be undertaken at an airport in a fiscal year, to achieve airport development or airport planning.

(18) ''project cost'' means a cost involved in carrying out a project.

(19) ''project grant'' means a grant of money the Secretary makes to a sponsor to carry out at least one project.

(20) ''public agency'' means—

(A) a State or political subdivision of a State;

(B) a tax-supported organization; or

(C) an Indian tribe or pueblo.

(21) ''public airport'' means an airport used or intended to be used for public purposes—

(A) that is under the control of a public agency; and

(B) of which the area used or intended to be used for the landing, taking off, or surface maneuvering of aircraft is publicly owned.

(22) ''public-use airport'' means—

(A) a public airport; or

(B) a privately-owned airport used or intended to be used for public purposes that is—

(i) a reliever airport; or

(ii) determined by the Secretary to have at least 2,500 passenger boardings each year and to receive scheduled passenger aircraft service.

(23) ''reliever airport'' means an airport the Secretary designates to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community.

(24) ''revenue producing aeronautical support facilities'' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.

(25) ''small hub airport'' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

(26) ''sponsor'' means—

(A) a public agency that submits to the Secretary under this subchapter an application for financial assistance; and

(B) a private owner of a public-use airport that submits to the Secretary under this subchapter an application for financial assistance for the airport.

(27) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Guam.

(28) ''terminal development'' means—

(A) development of—

(i) an airport passenger terminal building, including terminal gates;

(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

(iii) walkways that lead directly to or from an airport passenger terminal building; and

(B) the cost of a vehicle described in section 47119(a)(1)(B).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1248; Pub. L. 103–305, title I, §105, Aug. 23, 1994, 108 Stat. 1572; Pub. L. 104–264, title I, §142(b)(1), Oct. 9, 1996, 110 Stat. 3221; Pub. L. 106–181, title I, §§121(c), 122, 123(b), 137(b), title V, §514(a), Apr. 5, 2000, 114 Stat. 74, 75, 85, 144; Pub. L. 107–71, title I, §119(a)(1), (5), Nov. 19, 2001, 115 Stat. 628, 629; Pub. L. 108–7, div. I, title III, §370(a), Feb. 20, 2003, 117 Stat. 424; Pub. L. 108–176, title I, §§141, 142, 159(b)(1), (d), title VIII, §801(a), Dec. 12, 2003, 117 Stat. 2503, 2510, 2511, 2586; Pub. L. 112–95, title I, §132, Feb. 14, 2012, 126 Stat. 21; Pub. L. 115–254, div. B, title I, §165, Oct. 5, 2018, 132 Stat. 3225.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47102(1)	(no source).	
47102(2)	49 App.:2202(a)(1).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(1), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100–223, §103(a), 101 Stat. 1488.
	49 App.:2202(a)(21).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(13)–(19), (21)–(23), 96 Stat. 673, 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47102(3)	49 App.:2202(a)(2).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(2), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100–223, §103(b), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101–508, §9102, 104 Stat. 1388–354; Oct. 31, 1992, Pub. L. 102–581, §112(a), (b), 106 Stat. 4880.
47102(4)	49 App.:2202(a)(3).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(3)–(5), (7), (8), (b), 96 Stat. 673, 674.
47102(5)	49 App.:2202(a)(4).	
47102(6)	49 App.:2202(b).	
47102(7)	49 App.:2202(a)(5).	
47102(8)	49 App.:2202(a)(7).	
47102(9)	49 App.:2202(a)(9).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §503(a)(9); added Dec. 30, 1987, Pub. L. 100–223, §103(c)(2), 101 Stat. 1488.
47102(10)	49 App.:2202(a)(10).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(10), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), (d), 101 Stat. 1488; Oct. 31, 1992, Pub. L. 102–581, §115, 106 Stat. 4881.
47102(11)	49 App.:2202(a)(12).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(12), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), (e), 101 Stat. 1488.
47102(12)	49 App.:2202(a)(13).	
47102(13)	49 App.:2202(a)(14).	
47102(14)	49 App.:2202(a)(15).	
47102(15)	49 App.:2202(a)(16).	
47102(16)	49 App.:2202(a)(8), (17).	
47102(17)	49 App.:2202(a)(18).	
47102(18)	49 App.:2202(a)(19).	
47102(19)	49 App.:2202(a)(22).	
47102(20)	49 App.:2202(a)(23).	

In this section, before clause (1), the words ''In this subchapter'' are substituted for ''As used in this chapter'' and ''Whenever in this chapter reference is made to . . . such reference shall mean'' for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

Clause (1) restates the definition of ''air carrier airport'' that was contained in section 11(1) of the Airport and Airway Development Act of 1970 as in effect both on February 18, 1980, and immediately before September 3, 1982. The clause is added to this section to eliminate the cross-references to definitions in section 11 of the Airport and Airway Development Act of 1970 that are contained in the source provisions restated in sections 47106(d) and 47119(a) of the revised title. Because some of the terms used in the definition of ''air carrier airport'' were themselves defined in section 11, the definitions of those terms are incorporated in the definition added in clause (1) to the extent they differ from the definitions of those terms restated in this section. The words ''Secretary of Transportation'' and ''Secretary'' are substituted for ''Civil Aeronautics Board'' because of the transfer of authority under 49 App.:1551(b)(1)(E).

In clause (2), before subclause (A), the text of 49 App.:2202(a)(21) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In subclause (A)(iii), the words ''those areas'' are substituted for ''thereon'' for clarity.

In clause (3)(A), before subclause (i), the words ''any work involved in'' and ''or portion thereof'' are eliminated as unnecessary. The word ''reconstructing'' is omitted as being included in ''constructing''. In subclause (ii), the words ''carrying out a field investigation'' are substituted for ''field investigations incidental thereto'' for clarity.

In clause (3)(B), before subclause (i), the word ''for'' is substituted for ''by'' for clarity. In subclause (i), the words ''required by the acquisition or installation'' are substituted for ''thereby required'' for clarity. In subclause (ii), the word ''individuals'' is substituted for ''persons'' for clarity and consistency in the revised title and with other titles of the Code.

In clause (3)(C), before subclause (i), the words ''interest in land or airspace'' are substituted for ''land or of any interest therein, or of any easement through or other interest in airspace'' to eliminate unnecessary words. In subclause (ii), the words ''existing airport hazard . . . the creation of a new airport hazard'' are added for clarity and consistency in this chapter.

In clause (3)(D), the words ''any . . . work involved to'' are omitted as surplus. The word ''Secretary'' is substituted for ''Department of Transportation'' because of 49:102(b). The words ''Administrator of the'' are added because of 49:106(b).

In clause (4), the word ''near'' is substituted for ''in the vicinity of'' to eliminate unnecessary words. The words ''obstructs or otherwise is hazardous to the landing or taking off'' are substituted for ''obstructs the airspace required for the flight of aircraft in landing or taking off . . . or is otherwise hazardous to such landing or taking off'' for clarity and to eliminate unnecessary words.

In clause (6), the words ''for a fiscal year . . . for that fiscal year'' are omitted as surplus. The words ''authorized for grants'' are substituted for ''made available for obligation'' for clarity and consistency. The word ''law'' is substituted for ''Act of Congress'' for consistency in the revised title and with other titles of the Code. The words ''or limited'' are omitted as surplus.

In clause (8), before subclause (A), the words ''the initial as well as continuing'' and ''nature'' are omitted as surplus. In subclause (C), the words ''needed to decide which aeronautical needs should be met'' are substituted for ''as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met'' for clarity and to eliminate unnecessary words. The word ''particular'' is eliminated as unnecessary. In subclause (D), the word ''prescribed'' is substituted for ''the establishment . . . of'' for consistency in the revised title and with other titles of the Code.

In clause (9), the words ''scheduled and nonscheduled'' are omitted as surplus. The word ''cargo'' is substituted for ''property (including mail)'' for consistency in the revised title.

In clause (10), before subclause (A), the words ''passenger boardings'' are substituted for ''passengers enplaned'' for clarity. In subclause (A), the words ''domestic, territorial, and international'', ''in the States'', ''scheduled and nonscheduled'', and ''intrastate, interstate, and foreign'' are omitted as surplus. In subclause (B), the words ''who continue on an aircraft in'' are substituted for ''on board'' for clarity. (See Cong. Rec., pp. S15296, 15297, Oct. 28, 1987, daily ed.). The words ''that stops'' are substituted for ''which transit'' for clarity. The word ''located'' is omitted as surplus.

In clause (12), the words ''included in one project grant application'' are substituted for ''submitted together'', and the words ''or all projects to be undertaken'' are substituted for ''including the combined submission of all projects'', for clarity and consistency in this chapter.

In clause (15)(A), the words ''or any agency of a State, a municipality . . . other'' are omitted as surplus.

In clause (19)(A), the words ''either individually or jointly with one or more other public agencies'' are omitted as surplus.

In clause (20), the words ''the Commonwealth of'' and ''the Government of'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in par. (3)(F), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Clean Air Act, referred to in par. (3)(F), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in par. (3)(F), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

AMENDMENTS

2018—Par. (3)(K). Pub. L. 115–254, § 165(1)(A), substituted ''7505a)) and if the airport would be able to receive'' for ''7505a) and if such project will result in an airport receiving appropriate''.

Par. (3)(L). Pub. L. 115–254, § 165(1)(B), added subpar. (L) and struck out former subpar. (L) which read as follows: ''a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.''

Par. (3)(P) to (R). Pub. L. 115–254, § 165(1)(C), added subpars. (P) to (R).

Par. (5). Pub. L. 115–254, § 165(2), substituted ''requirements'' for ''regulations'' in introductory provisions.

Par. (8). Pub. L. 115–254, § 165(3), substituted ''public-use'' for ''public'' in introductory provisions.

2012—Par. (3)(B)(iv). Pub. L. 112–95, § 132(a)(1), substituted ''9'' for ''20''.

Par. (3)(G). Pub. L. 112–95, § 132(a)(2), inserted ''and including acquiring glycol recovery vehicles,'' after ''vehicles and aircraft,''.

Par. (3)(M) to (O). Pub. L. 112–95, § 132(a)(3), added subpars. (M) to (O).

Par. (5). Pub. L. 112–95, § 132(b), amended par. (5) generally. Prior to amendment, par. (5) read as follows: '''airport planning' means planning as defined by regulations the Secretary prescribes and includes integrated airport system planning.''

Par. (8). Pub. L. 112–95, § 132(c)(3), added par. (8). Former par. (8) redesignated (9).

Pars. (9) to (23). Pub. L. 112–95, § 132(c)(2), redesignated pars. (8) to (22) as (9) to (23), respectively. Former par. (23) redesignated (25).

Par. (24). Pub. L. 112–95, § 132(d), added par. (24). Former par. (24) redesignated (26).

Pars. (25) to (27). Pub. L. 112–95, § 132(c)(1), redesignated pars. (23) to (25) as (25) to (27), respectively.

Par. (28). Pub. L. 112–95, § 132(e), added par. (28).

2003—Par. (3)(B)(x). Pub. L. 108–176, § 142, inserted ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114'' before period at end.

Par. (3)(H). Pub. L. 108–176, § 141, inserted ''nonhub airports and'' before ''airports that are not primary airports''.

Par. (3)(J). Pub. L. 108–176, § 159(b)(1)(A), redesignated subpar. (M) as (J) and struck out former subpar. (J) which read as follows: ''in fiscal year 2002, any additional security related activity required by law or by the Secretary after September 11, 2001, and before October 1, 2002.''

Par. (3)(K), (L). Pub. L. 108–176, § 159(b)(1), added subpars. (K) and (L) and struck out former subpars. (K) and (L) which read as follows:

''(K) in fiscal year 2002 with respect to funds apportioned under section 47114 in fiscal years 2001 and 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration and the activity was carried out when any restriction in the Notice is in effect.

''(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.''

Par. (3)(M). Pub. L. 108–176, § 159(b)(1)(A), redesignated subpar. (M) as (J).

Pub. L. 108–7 added subpar. (M).

Par. (6). Pub. L. 108–176, § 801(a)(6), added par. (6) and struck out former par. (6) which read as follows: ''''amount made available under section 48103 of this title' means the amount authorized for grants under section 48103 of this title as reduced by any law enacted after September 3, 1982.''

Par. (10). Pub. L. 108–176, § 801(a)(5), added par. (10). Former par. (10) redesignated (14).

Par. (10)(A), (B). Pub. L. 108–176, § 801(a)(3), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

''(A) means revenue passenger boardings 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.''

Par. (11). Pub. L. 108–176, § 159(d), amended section as amended by Pub. L. 108–176, § 801, by adding par. (11).

Pub. L. 108–176, § 801(a)(4), redesignated par. (11) as (15).

Pars. (12) to (18). Pub. L. 108–176, § 801(a)(4), (5), added pars. (12) and (13) and redesignated pars. (10) to (14) as (14) to (18), respectively. Former pars. (15) to (18) redesignated (19) to (22), respectively.

Pars. (19), (20). Pub. L. 108–176, § 801(a)(4), redesignated pars. (15) and (16) as (19) and (20), respectively. Former pars. (19) and (20) redesignated (24) and (25), respectively.

Pars. (21) and (22). Pub. L. 108–176, § 801(a)(4), redesignated pars. (17) and (18) as pars. (21) and (22), respectively.

Par. (23). Pub. L. 108–176, § 801(a)(2), added par. (23).

Pars. (24), (25). Pub. L. 108–176, § 801(a)(1), redesignated pars. (19) and (20) as (24) and (25), respectively.

2001—Par. (3)(B)(x). Pub. L. 107–71, § 119(a)(5), added cl. (x).

Par. (3)(J) to (L). Pub. L. 107–71, § 119(a)(1), added subpars. (J) to (L).

2000—Par. (3)(B)(ii). Pub. L. 106–181, § 121(c)(1), substituted '', universal access systems, and emergency call boxes,'' for ''and universal access systems,'' and inserted ''and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before semicolon at end.

Par. (3)(B)(iii). Pub. L. 106–181, § 121(c)(2), inserted before semicolon at end '', including closed circuit weather surveillance equipment if the airport is located in Alaska''.

Par. (3)(B)(vii), (viii). Pub. L. 106–181, § 122, added cls. (vii) and (viii).

Par. (3)(B)(ix). Pub. L. 106–181, § 514(a), added cl. (ix).

Par. (3)(H). Pub. L. 106–181, § 123(b), added subpar. (H).

Par. (3)(I). Pub. L. 106–181, § 137(b), added subpar. (I).

1996—Par. (3)(E). Pub. L. 104–264, § 142(b)(1)(A), inserted ''or under section 40117'' before period at end.

Par. (3)(F). Pub. L. 104–264, § 142(b)(1)(B), struck out ''paid for by a grant under this subchapter and'' after ''airport, if''.

1994—Par. (3)(B)(ii). Pub. L. 103–305 inserted '', including explosive detection devices and universal access systems,'' after ''or security equipment''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise 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 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.

AIRPORT ACCESS ROADS IN REMOTE LOCATIONS

Pub. L. 115–254, div. B, title I, §162, Oct. 5, 2018, 132 Stat. 3223, as amended by Pub. L. 118–15, div. B, title II, §2202(p), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(p), Dec. 26, 2023, 137 Stat. 1114, provided that: ''Notwithstanding section 47102 of title 49, United States Code, for fiscal years 2018 through 2023 and for the period beginning on October 1, 2023, and ending on March 8, 2024—

''(1) the definition of the term 'airport development' under that section includes the construction of a storage facility to shelter snow removal equipment or aircraft rescue and firefighting equipment that is owned by an airport sponsor and used exclusively to maintain safe airfield operations, up to the facility size necessary to accommodate the types and quantities of equipment prescribed by the FAA, regardless of whether Federal funding was used to acquire the equipment;

''(2) a storage facility to shelter snow removal equipment may exceed the facility size limitation described in paragraph (1) if the airport sponsor certifies to the Secretary that the following conditions are met:

''(A) The storage facility to be constructed will be used to store snow removal equipment exclusively used for clearing airfield pavement of snow and ice following a weather event.

''(B) The airport is categorized as a local general aviation airport in the Federal Aviation Administration's 2017–2021 National Plan of Integrated Airport Systems (NPIAS) report.

''(C) The 30-year annual snowfall normal of the nearest weather station based on the National Oceanic and Atmospheric Administration Summary of Monthly Normals 1981–2010 exceeds 26 inches.

''(D) The airport serves as a base for a medical air ambulance transport aircraft.

''(E) The airport master record (Form 5010–1) effective on September 14, 2017 for the airport indicates 45 based aircraft consisting of single engine, multiple engine, and jet engine aircraft.

''(F) No funding under this section will be used for any portion of the storage facility designed to shelter maintenance and operations equipment that are not required for clearing airfield pavement of snow and ice.

''(G) The airport sponsor will complete design of the storage building not later than September 30, 2019, and will initiate construction of the storage building not later than September 30, 2020.

''(H) The area of the storage facility, or portion thereof, to be funded under this subsection [sic] does not exceed 6,000 square feet; and

''(3) the definition of the term 'terminal development' under that section includes the development of an airport access road that—

''(A) is located in a noncontiguous State;

''(B) is not more than 5 miles in length;

''(C) connects to the nearest public roadways of not more than the 2 closest census designated places; and

''(D) may provide incidental access to public or private property that is adjacent to the road and is not otherwise connected to a public road.''

GUIDANCE

Pub. L. 108–176, title I, §159(b)(2), Dec. 12, 2003, 117 Stat. 2510, provided that:

''(A) ELIGIBLE LOW-EMISSION MODIFICATIONS AND IMPROVEMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(K) of title 49, United States Code, as added by this subsection.

''(B) ELIGIBLE LOW-EMISSION VEHICLE TECHNOLOGY.—The Secretary, in consultation with the Administrator, shall issue guidance describing eligible low-emission vehicle technology, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(L) of title 49, United States Code, as added by this subsection.''

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 47103. National plan of integrated airport systems

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—The Secretary of Transportation shall maintain the plan for developing public-use airports in the United States, named ''the national plan of integrated airport systems''. The plan shall include the kind and estimated cost of eligible airport development the Secretary of Transportation considers necessary to provide a safe, efficient, and integrated system of public-use airports adequate to anticipate and meet the needs of civil aeronautics, to meet the national defense requirements of the Secretary of Defense, and to meet identified needs of the United States Postal Service. Airport development included in the plan may not be limited to meeting the needs of any particular classes or categories of public-use airports. In maintaining the plan, the Secretary of Transportation shall consider the needs of each segment of civil aviation and the relationship of the airport system to—

(1) the rest of the transportation system, including connection to the surface transportation network; and

(2) forecasted technological developments in aeronautics.

(b) SPECIFIC REQUIREMENTS.—In maintaining the plan, the Secretary of Transportation shall—

(1) to the extent possible and as appropriate, consult with departments, agencies, and instrumentalities of the United States Government, with public agencies, and with the aviation community; and

(2) make every reasonable effort to address the needs of air cargo operations and rotary wing aircraft operations.

(c) AVAILABILITY OF DOMESTIC MILITARY AIRPORTS AND AIRPORT FACILITIES.—To the extent

possible, the Secretary of Defense shall make domestic military airports and airport facilities available for civil use. In advising the Secretary of Transportation under subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities are available for civil use.

(d) PUBLICATION.—The Secretary of Transportation shall publish the plan every 2 years.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1251; Pub. L. 112–95, title I, § 152(a), Feb. 14, 2012, 126 Stat. 32.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47103(a)	49 App.:2203(a)(1) (2d–last sentences).	Sept. 3, 1982, Pub. L. 97–248, § 504(a)(1), 96 Stat. 675; Dec. 30, 1987, Pub. L. 100–223, § 104(a)(1)(A), (2), 101 Stat. 1489.
47103(b)	49 App.:2203(a)(2).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 504(a)(2); added Dec. 30, 1987, Pub. L. 100–223, § 104(a)(1)(B), 101 Stat. 1489.
	49 App.:2203(c).	Sept. 3, 1982, Pub. L. 97–248, § 504(c), 96 Stat. 676.
47103(c)	49 App.:2203(d)(1).	Sept. 3, 1982, Pub. L. 97–248, § 504(d)(1), 96 Stat. 676; Dec. 30, 1987, Pub. L. 100–223, § 104(b)(2), 101 Stat. 1489.
47103(d)	49 App.:2203(a)(1) (1st sentence).	

In subsection (a), before clause (1), the words ''shall maintain'' and ''In maintaining'' are substituted for ''In reviewing and revising'' for clarity and consistency in the revised title. The word ''named'' is substituted for ''After September 3, 1982, the revised national airport system plan shall be known as'', and the words ''the national defense requirements of the Secretary of Defense'' are substituted for ''requirements in support of the national defense as determined by the Secretary of Defense'', to eliminate unnecessary words. The words ''included in the plan may not be limited to meeting the needs of any particular'' are substituted for ''identified by this plan shall not be limited to the requirements of any'' for clarity and consistency in this section. The words ''among other things'' are omitted as surplus.

In subsection (b), before clause (1), the words ''In maintaining'' are substituted for ''In reviewing and revising'' for consistency in this section. In clause (1), the words ''departments, agencies, and instrumentalities of the United States Government'' are substituted for ''Federal . . . agencies'' for consistency in the revised title and with other titles of the United States Code. In clauses (2) and (3), the words ''As soon as feasible following December 30, 1987'' are omitted as obsolete. In clause (3), the word ''legitimate'' is omitted as surplus.

In subsection (c), the words ''Secretary of Defense'' are substituted for ''Department of Defense'' because of 10:133.

In subsection (d), the words ''Not later than two years after September 3, 1982'' are omitted as executed.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–95, § 152(a)(1)(A), substituted ''the airport system to'' for ''each airport to'' in introductory provisions.

Subsec. (a)(1). Pub. L. 112–95, § 152(a)(1)(B), substituted ''system, including connection to the surface transportation network; and'' for ''system in the particular area;''.

Subsec. (a)(2). Pub. L. 112–95, § 152(a)(1)(C), substituted period at end for ''; and''.

Subsec. (a)(3). Pub. L. 112–95, § 152(a)(1)(D), struck out par. (3) which read as follows: ''forecasted developments in other modes of intercity transportation.''

Subsec. (b). Pub. L. 112–95, § 152(a)(2), inserted ''and'' at end of par. (1), redesignated par. (3) as (2) and struck out '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' after ''air cargo operations'', and struck out former par. (2) which read as follows: ''consider tall structures that reduce safety or airport capacity; and''.

Subsec. (d). Pub. L. 112–95, § 152(a)(3), struck out ''status of the'' before ''plan''.

§ 47104. Project grant authority

(a) GENERAL AUTHORITY.—To maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics, the Secretary of Transportation may make project grants under this subchapter from the Airport and Airway Trust Fund.

(b) INCURRING OBLIGATIONS.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title as soon as the amounts are apportioned under section 47114(c) and (d)(2) of this title.

(c) EXPIRATION OF AUTHORITY.—After March 8, 2024, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts—

(1) remaining available after that date under section 47117(b) of this title; or

(2) recovered by the United States Government from grants made under this chapter if the amounts are obligated only for increases under section 47108(b)(2) and (3) of this title in the maximum amount of obligations of the Government for any other grant made under this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1252; Pub. L. 103–305, title I, § 101(b), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 103–429, § 6(63), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title I, § 101(b), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 105–277, div. C, title I, § 110(b)(2), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 106–6, § 2(b), Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, § 6002(b), May 21, 1999, 113 Stat. 113; Pub. L. 106–59, § 1(b), Sept. 29, 1999, 113 Stat. 482; Pub. L. 106–181, title I, § 101(b), Apr. 5, 2000, 114 Stat. 65; Pub. L. 108–176, title I, § 101(b), Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110–190, § 4(b), Feb. 28, 2008, 122 Stat. 644; Pub. L. 110–253, § 4(b), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, § 4(b), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, § 4(b), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, § 4(b), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, § 4(b), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, § 4(b), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, § 4(b), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, § 4(b), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, § 103, Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, § 4(b), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, § 4(b), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, § 4(b), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, § 4(b), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, § 4(b), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, § 4(b), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, § 204(b), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, § 4(b), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, § 101(b), Feb. 14, 2012, 126 Stat. 15; Pub. L. 114–55, title I, § 101(b), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, § 101(b), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title

I, §1101(b), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, §101(b), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, §101(b), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §111(b), Oct. 5, 2018, 132 Stat. 3199; Pub. L. 118–15, div. B, title II, §2201(d), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118–34, title I, §101(d), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47104(a)	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
	49 App.:2204(a) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, §505(a) (1st sentence), 96 Stat. 676.
47104(b)	49 App.:2204(b)(1) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, §505(b)(1), 96 Stat. 677; Nov. 5, 1990, Pub. L. 101–508, §9104(2), 104 Stat. 1388–355; Oct. 31, 1992, Pub. L. 102–581, §102(b), 106 Stat. 4877.
47104(c)	49 App.:2204(b)(1) (last sentence).	

In subsection (a), the words ''project grants'' are substituted for ''grants . . . for airport development and airport planning by project grants'' in 49 App.:2204(a) to eliminate unnecessary words and because of the definitions of ''project'' and ''project grant'' in section 47102 of the revised title.

In subsection (b), the words ''and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) of this section'' are omitted as surplus.

In subsection (c), the words ''except for obligations of amounts'' are substituted for ''except that nothing in this section shall preclude the obligation by grant agreement of apportioned funds'' to eliminate unnecessary words.

PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47104(c)	49 App.:2204(b)(1) (last sentence). 49App.:2204 note.	Sept. 3, 1982, Pub. L. 97–248, §505(b)(1) (last sentence), as amended May 26, 1994, Pub. L. 103–260, §109, 108 Stat. 700.

In subsection (c), the text of section 109(b) of the Airport Improvement Program Temporary Extension Act of 1994 (Public Law 103–260, 108 Stat. 700) is omitted as executed.

Editorial Notes

AMENDMENTS

2023—Subsec. (c). Pub. L. 118–34 substituted ''March 8, 2024,'' for ''December 31, 2023,'' in introductory provisions.

Pub. L. 118–15 substituted ''December 31, 2023,'' for ''September 30, 2023,'' in introductory provisions.

2018—Subsec. (c). Pub. L. 115–254 substituted ''2023,'' for ''2018,'' in introductory provisions.

Pub. L. 115–141 substituted ''September 30, 2018,'' for ''March 31, 2018,'' in introductory provisions.

2017—Subsec. (c). Pub. L. 115–63 substituted ''March 31, 2018,'' for ''September 30, 2017,'' in introductory provisions.

2016—Subsec. (c). Pub. L. 114–190 substituted ''September 30, 2017,'' for ''July 15, 2016,'' in introductory provisions.

Pub. L. 114–141 substituted ''July 15, 2016,'' for ''March 31, 2016,'' in introductory provisions.

2015—Subsec. (c). Pub. L. 114–55 substituted ''March 31, 2016,'' for ''September 30, 2015,'' in introductory provisions.

2012—Subsec. (c). Pub. L. 112–95 substituted ''After September 30, 2015,'' for ''After February 17, 2012,'' in introductory provisions.

Pub. L. 112–91 substituted ''February 17, 2012,'' for ''January 31, 2012,'' in introductory provisions.

2011—Subsec. (c). Pub. L. 112–30 substituted ''January 31, 2012,'' for ''September 16, 2011,'' in introductory provisions.

Pub. L. 112–27 substituted ''September 16, 2011,'' for ''July 22, 2011,'' in introductory provisions.

Pub. L. 112–21 substituted ''July 22, 2011,'' for ''June 30, 2011,'' in introductory provisions.

Pub. L. 112–16 substituted ''June 30, 2011,'' for ''May 31, 2011,'' in introductory provisions.

Pub. L. 112–7 substituted ''May 31, 2011,'' for ''March 31, 2011,'' in introductory provisions.

2010—Subsec. (c). Pub. L. 111–329 substituted ''March 31, 2011,'' for ''December 31, 2010,'' in introductory provisions.

Pub. L. 111–249 substituted ''December 31, 2010,'' for ''September 30, 2010,'' in introductory provisions.

Pub. L. 111–216 substituted ''September 30, 2010,'' for ''August 1, 2010,'' in introductory provisions.

Pub. L. 111–197 substituted ''August 1, 2010,'' for ''July 3, 2010,'' in introductory provisions.

Pub. L. 111–161 substituted ''July 3, 2010,'' for ''April 30, 2010,'' in introductory provisions.

Pub. L. 111–153 substituted ''April 30, 2010,'' for ''March 31, 2010,'' in introductory provisions.

2009—Subsec. (c). Pub. L. 111–116 substituted ''March 31, 2010,'' for ''December 31, 2009,'' in introductory provisions.

Pub. L. 111–69 substituted ''December 31, 2009,'' for ''September 30, 2009,'' in introductory provisions.

Pub. L. 111–12 substituted ''September 30, 2009,'' for ''March 31, 2009,'' in introductory provisions.

2008—Subsec. (c). Pub. L. 110–330 substituted ''March 31, 2009,'' for ''September 30, 2008,'' in introductory provisions.

Pub. L. 110–253 substituted ''September 30, 2008,'' for ''June 30, 2008,'' in introductory provisions.

Pub. L. 110–190 substituted ''June 30, 2008,'' for ''September 30, 2007,'' in introductory provisions.

2003—Subsec. (c). Pub. L. 108–176 substituted ''September 30, 2007'' for ''September 30, 2003'' in introductory provisions.

2000—Subsec. (c). Pub. L. 106–181 substituted ''September 30, 2003,'' for ''September 30, 1999,'' in introductory provisions.

1999—Subsec. (c). Pub. L. 106–59 substituted ''September 30, 1999'' for ''August 6, 1999'' in introductory provisions.

Pub. L. 106–31 substituted ''August 6, 1999'' for ''May 31, 1999'' in introductory provisions.

Pub. L. 106–6 substituted ''May'' for ''March'' in introductory provisions.

1998—Subsec. (c). Pub. L. 105–277 substituted ''March 31, 1999'' for ''September 30, 1998'' in introductory provisions.

1996—Subsec. (c). Pub. L. 104–264 substituted ''1998'' for ''1996'' in introductory provisions.

1994—Subsec. (c). Pub. L. 103–429 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''After September 30, 1996, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts remaining available after that date under section 47117(b) of this title.''

Pub. L. 103–305 substituted ''After September 30, 1996, the Secretary'' for ''After September 30, 1993, the Secretary''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–253, §4(c), June 30, 2008, 122 Stat. 2418, provided that: ''The amendments made by this section

[amending this section and section 48103 of this title] shall take effect on July 1, 2008.''

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 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

REMOTE TOWER PILOT PROGRAM FOR RURAL AND SMALL COMMUNITIES

Pub. L. 115–254, div. B, title I, §161, Oct. 5, 2018, 132 Stat. 3221, as amended by Pub. L. 118–15, div. B, title II, §2202(*o*), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(*o*), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish—

''(A) in consultation with airport operators and other aviation stakeholders, a pilot program at public-use airports to construct and operate remote towers in order to assess their operational benefits;

''(B) a selection process for participation in the pilot program; and

''(C) a clear process for the safety and operational certification of the remote towers.

''(2) SAFETY CONSIDERATIONS.—

''(A) SAFETY RISK MANAGEMENT PANEL.—Prior to the operational use of a remote tower under the pilot program established in subsection (a), the Administrator shall convene a safety risk management panel for the tower to address any safety issues with respect to the tower. The panels shall be created and utilized in a manner similar to that of the safety risk management panels previously convened for remote towers and shall take into account existing best practices and operational data from existing remote towers in the United States.

''(B) CONSULTATION.—In establishing the pilot program, the Administrator shall consult with operators of remote towers in the United States and foreign countries to design the pilot program in a manner that leverages as many safety and airspace efficiency benefits as possible.

''(3) APPLICATIONS.—The operator of an airport seeking to participate in the pilot program shall submit to the Administrator an application that is in such form and contains such information as the Administrator may require.

''(4) PROGRAM DESIGN.—In designing the pilot program, the Administrator shall—

''(A) to the maximum extent practicable, ensure that at least 2 different vendors of remote tower systems participate;

''(B) identify which air traffic control information and data will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers;

''(C) implement processes necessary to collect the information and data identified in subparagraph (B);

''(D) develop criteria, in addition to considering possible selection criteria in paragraph (5), for the selection of airports that will best assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers, including the amount and variety of air traffic at an airport; and

''(E) prioritize the selection of airports that can best demonstrate the capabilities and benefits of remote towers, including applicants proposing to operate multiple remote towers from a single facility.

''(5) SELECTION CRITERIA FOR CONSIDERATION.—In selecting airports for participation in the pilot program, the Administrator, after consultation with representatives of labor organizations representing operators and employees of the air traffic control system, shall consider for participation in the pilot program—

''(A) 1 nonhub airport;

''(B) 3 airports that are not primary airports and that do not have existing air traffic control towers;

''(C) 1 airport that participates in the Contract Tower Program; and

''(D) 1 airport selected at the discretion of the Administrator.

''(6) DATA.—The Administrator shall clearly identify and collect air traffic control information and data from participating airports that will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers.

''(7) REPORT.—Not later than 1 year after the date the first remote tower is operational, and annually thereafter, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report—

''(A) detailing any benefits, costs, or safety improvements associated with the use of the remote towers; and

''(B) evaluating the feasibility of using remote towers, particularly in the Contract Tower Program, for airports without an air traffic control tower, to improve safety at airports with towers, or to reduce costs without impacting safety at airports with or without existing towers.

''(8) DEADLINE.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall select airports for participation in the pilot program.

''(9) DEFINITIONS.—In this subsection:

''(A) CONTRACT TOWER PROGRAM.—The term 'Contract Tower Program' has the meaning given the term in section 47124(e) of title 49, United States Code, as added by this Act.

''(B) REMOTE TOWER.—The term 'remote tower' means a remotely operated air navigation facility, including all necessary system components, that provides the functions and capabilities of an air traffic control tower whereby air traffic services are provided to operators at an airport from a location that may not be on or near the airport.

''(C) OTHER DEFINITIONS.—The terms 'nonhub airport', 'primary airport', and 'public-use airport' have the meanings given such terms in section 47102 of title 49, United States Code.

''(10) SUNSET.—This subsection, including the report required under paragraph (8), shall not be in effect after March 8, 2024.

''(b) REMOTE TOWER PROGRAM.—Concurrent with the establishment of the process for safety and operational certification of remote towers under subsection (a)(1)(C), the Administrator shall establish a process to authorize the construction and commissioning of additional remote towers that are certificated under subsection (a)(1)(C) at other airports.

''(c) AIP FUNDING ELIGIBILITY.—For purposes of the pilot program under subsection (a), and after certifi-

cated remote towers are available under subsection (b), constructing a remote tower or acquiring and installing air traffic control, communications, or related equipment specifically for a remote tower shall be considered airport development (as defined in section 47102 of title 49, United States Code) for purposes of subchapter I of chapter 471 of that title if the components are installed and used at the airport, except, as needed, for off-airport sensors installed on leased towers.''

ENVIRONMENTAL MITIGATION PILOT PROGRAM

Pub. L. 115–254, div. B, title I, §190, Oct. 5, 2018, 132 Stat. 3237, provided that:

''(a) IN GENERAL.—The Secretary of Transportation may carry out a pilot program involving not more than 6 projects at public-use airports in accordance with this section.

''(b) GRANTS.—In carrying out the program, the Secretary may make grants to sponsors of public-use airports from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code.

''(c) USE OF FUNDS.—Amounts from a grant received by the sponsor of a public-use airport under the program shall be used for environmental mitigation projects that will measurably reduce or mitigate aviation impacts on noise, air quality, or water quality at the airport or within 5 miles of the airport.

''(d) ELIGIBILITY.—Notwithstanding any other provision of chapter 471 of title 49, United States Code, an environmental mitigation project approved under this section shall be treated as eligible for assistance under that chapter.

''(e) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary may give priority consideration to projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be 50 percent.

''(g) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under the program for any single project.

''(h) IDENTIFYING BEST PRACTICES.—The Secretary may establish and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, and water quality at airports or in the vicinity of airports based on the projects carried out under the program.

''(i) SUNSET.—The program shall terminate 5 years after the Secretary makes the first grant under the program.

''(j) DEFINITIONS.—In this section, the following definitions apply:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that is composed of 2 or more of the following entities:

''(A) Businesses incorporated in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION PROJECT.—The term 'environmental mitigation project' means a project that—

''(A) introduces new environmental mitigation techniques or technologies that have been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts into airport operations; and

''(C) will demonstrate whether new techniques or technologies for environmental mitigation are—

''(i) practical to implement at or near multiple public-use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.

''(k) AUTHORIZATION FOR THE TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may accept funds from the Secretary of Defense to increase the authorized funding for this section by the amount of such transfer only to carry out projects designed for environmental mitigation at a site previously, but not currently, managed by the Department of Defense.

''(2) ADDITIONAL GRANTEES.—If additional funds are made available by the Secretary of Defense under paragraph (1), the Administrator may increase the number of grantees under subsection (a).''

DESIGN-BUILD CONTRACTING

Pub. L. 106–181, title I, §139, Apr. 5, 2000, 114 Stat. 85, authorized the Administrator of the Federal Aviation Administration to establish a pilot program, subject to certain contract and cost specifications, under which design-build contracts could be used to carry out up to 7 projects at airports in the United States with a grant awarded under this section, and stipulated that this authorization would expire on Sept. 30, 2003.

§ 47105. Project grant applications

(a) SUBMISSION AND CONSULTATION.—(1) An application for a project grant under this subchapter may be submitted to the Secretary of Transportation by—

(A) a sponsor; or

(B) a State, as the only sponsor, for an airport development project benefitting 1 or more airports in the State or for airport planning for projects for 1 or more airports in the State if—

(i) the sponsor of each airport gives written consent that the State be the applicant;

(ii) the Secretary is satisfied there is administrative merit and aeronautical benefit in the State being the sponsor; and

(iii) an acceptable agreement exists that ensures that the State will comply with appropriate grant conditions and other assurances the Secretary requires.

(2) Before deciding to undertake an airport development project at an airport under this subchapter, a sponsor shall consult with the airport users that will be affected by the project.

(3) This subsection does not authorize a public agency that is subject to the laws of a State to apply for a project grant in violation of a law of the State.

(b) CONTENTS AND FORM.—An application for a project grant under this subchapter—

(1) shall describe the project proposed to be undertaken;

(2) may propose a project only for a public-use airport included in the current national plan of integrated airport systems;

(3) may propose airport development only if the development complies with standards the Secretary prescribes or approves, including standards for site location, airport layout, site preparation, paving, lighting, and safety of approaches; and

(4) shall be in the form and contain other information the Secretary prescribes.

(c) STATE STANDARDS FOR AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—The Secretary may approve standards (except standards for safety of approaches) that a State prescribes for airport development at nonprimary public-use airports in the State. On approval under this subsection, a State's standards apply to the nonprimary public-use airports in the State instead of the comparable standards prescribed by the Secretary under subsection (b)(3) of this section. The Secretary, or the State with the approval of the Secretary, may revise standards approved under this subsection.

(2) PAVEMENT STANDARDS.—

(A) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall, not later than 30 days after the date of the request, provide technical assistance to the State in developing standards, acceptable to the Secretary under subparagraph (B), for pavement on nonprimary public-use airports in the State.

(B) REQUIREMENTS.—The Secretary shall—

(i) continue to provide technical assistance under subparagraph (A) until the standards are approved under paragraph (1); and

(ii) clearly indicate to the State the standards that are acceptable to the Secretary, considering, at a minimum, local conditions and locally available materials.

(d) CERTIFICATION OF COMPLIANCE.—The Secretary may require a sponsor to certify that the sponsor will comply with this subchapter in carrying out the project. The Secretary may rescind the acceptance of a certification at any time. This subsection does not affect an obligation or responsibility of the Secretary under another law of the United States.

(e) PREVENTIVE MAINTENANCE.—After January 1, 1995, the Secretary may approve an application under this subchapter for the replacement or reconstruction of pavement at an airport only if the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective airport pavement maintenance-management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

(f) NOTIFICATION.—The sponsor of an airport for which an amount is apportioned under section 47114(c) of this title shall notify the Secretary of the fiscal year in which the sponsor intends to submit a project grant application for the apportioned amount. The notification shall be given by the time and contain the information the Secretary prescribes.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1253; Pub. L. 103–305, title I, §§106, 107(a), Aug. 23, 1994, 108 Stat. 1572; Pub. L. 115–254, div. B, title I, §183, Oct. 5, 2018, 132 Stat. 3233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47105(a)(1)(A).	49 App.:2208(a)(1) (1st sentence related to authority to submit applications).	Sept. 3, 1982, Pub. L. 97–248, §§509(a)(1), (c), (d), 511(c), 96 Stat. 682, 685, 688.
47105(a)(1)(B).	49 App.:2208(a)(3).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §509(a)(3); added Dec. 30, 1987, Pub. L. 100–223, §108, 101 Stat. 1498.
47105(a)(2) ..	49 App.:2210(c).	
47105(a)(3) ..	49 App.:2208(a)(1) (3d sentence).	
47105(b)	49 App.:2208(a)(1) (1st sentence related to form and contents, 2d, last sentences).	
47105(c)	49 App.:2208(c).	
47105(d)	49 App.:2208(d).	
47105(e)	49 App.:2208(e).	Sept. 3, 1982, Pub. L. 97–248, §509(e), 96 Stat. 685; Dec. 30, 1987, Pub. L. 100–223, §106(b)(3)(B), 101 Stat. 1498.

HISTORICAL AND REVISION NOTES—CONTINUED

In subsection (a)(1), before clause (A), the words ''Subject to the provisions of this subsection'' are omitted as surplus. The words ''for one or more projects'' are omitted as surplus because of the definition of ''project grant'' in section 47102 of the revised title. Clause (A) is substituted for ''(A) any public agency, or two or more public agencies acting jointly, or (B) any sponsor of a public-use airport, or two or more such sponsors, acting jointly'' because of the definition of ''sponsor'' in section 47102 of the revised title.

In subsection (a)(2), the word ''Before'' is substituted for ''In'' as the more appropriate word. The words ''at an airport'' are substituted for ''at which such project is proposed'' to eliminate unnecessary words. The words ''airport users that will be affected by the project'' are substituted for ''affected parties'' for clarity.

Subsection (a)(3) is substituted for 49 App.:2208(a)(1) (3d sentence) to eliminate unnecessary words.

In subsection (b)(1), the words ''shall describe'' are substituted for ''setting forth'' for clarity.

In subsection (b)(2), the word ''project'' is substituted for ''airport development or airport planning'' because of the definition of ''project'' in section 47102 of the revised title. The words ''prepared pursuant to section 2203 of the Appendix'' are eliminated as unnecessary.

In subsection (c), the words ''from time to time'' are eliminated as unnecessary.

In subsection (d), the words ''in connection with any project'' are omitted as surplus. The words ''that the sponsor will comply with this subchapter in carrying out the project'' are substituted for ''that such sponsor will comply with all of the statutory and administrative requirements imposed on such sponsor under this chapter in connection with such project'' to eliminate unnecessary words. The words ''or discharge'' are omitted as included in ''affect''. The words ''including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 303 of title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b) [42 U.S.C. 2000d et seq.], title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)'' are omitted as included in ''another law of the United States''.

In subsection (e), the words ''of an airport for which'' are substituted for ''to which'' for clarity.

Editorial Notes

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254 designated existing provisions as par. (1), inserted heading, and added par. (2).

1994—Subsec. (a)(1)(B). Pub. L. 103–305, §106, in introductory provisions, substituted ''1 or more airports'' for ''at least 2 airports'' in two places and struck out ''similar'' before ''projects''.

Subsecs. (e), (f). Pub. L. 103–305, §107(a), added subsec. (e) and redesignated former subsec. (e) as (f).

§ 47106. Project grant application approval conditioned on satisfaction of project requirements

(a) PROJECT GRANT APPLICATION APPROVAL.—The Secretary of Transportation may approve an application under this subchapter for a project grant only if the Secretary is satisfied that—

(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport;

(2) the project will contribute to carrying out this subchapter;

(3) enough money is available to pay the project costs that will not be paid by the United States Government under this subchapter;

(4) the project will be completed without unreasonable delay;

(5) the sponsor has authority to carry out the project as proposed;

(6) if the project is for an airport that has an airport master plan that includes the project, the master plan addresses issues relating to solid waste recycling at the airport, including—

(A) the feasibility of solid waste recycling at the airport;

(B) minimizing the generation of solid waste at the airport;

(C) operation and maintenance requirements;

(D) the review of waste management contracts; and

(E) the potential for cost savings or the generation of revenue; and

(7) if the project is at an airport that is listed as having an unclassified status under the most recent national plan of integrated airport systems (as described in section 47103), the project will be funded with an amount appropriated under section 47114(d)(3)(B) and is—

(A) for maintenance of the pavement of the primary runway;

(B) for obstruction removal for the primary runway;

(C) for the rehabilitation of the primary runway; or

(D) for a project that the Secretary considers necessary for the safe operation of the airport.

(b) AIRPORT DEVELOPMENT PROJECT GRANT APPLICATION APPROVAL.—The Secretary may approve an application under this subchapter for an airport development project grant for an airport only if the Secretary is satisfied that—

(1) the sponsor, a public agency, or the Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or that good title will be acquired;

(2) the interests of the community in or near which the project may be located have been given fair consideration; and

(3) the application provides touchdown zone and centerline runway lighting, high intensity runway lighting, or land necessary for installing approach light systems that the Secretary, considering the category of the airport and the kind and volume of traffic using it, decides is necessary for safe and efficient use of the airport by aircraft.

(c) ENVIRONMENTAL REQUIREMENTS.—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and

(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted; and

(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve the location of an airport or runway, or a major runway extension, at an existing airport without requiring an environmental impact statement related to noise for the project if—

(A) completing the project would allow operations at the airport involving aircraft complying with the noise standards prescribed for ''stage 3'' aircraft in section 36.1 of title 14, Code of Federal Regulations, to replace existing operations involving aircraft that do not comply with those standards; and

(B) the project meets the other requirements under this subchapter.

(3) At the Secretary's request, the sponsor shall give the Secretary a copy of the transcript of any hearing held under paragraph (1)(A) of this subsection.

(4) The Secretary may make a finding under paragraph (1)(B) of this subsection only after completely reviewing the matter. The review and finding must be a matter of public record.

(d) WITHHOLDING APPROVAL.—(1) The Secretary may withhold approval of an application under

this subchapter for amounts apportioned under section 47114(c) and (e) of this title for violating an assurance or requirement of this subchapter only if—

(A) the Secretary provides the sponsor an opportunity for a hearing; and

(B) not later than 180 days after the later of the date of the application or the date the Secretary discovers the noncompliance, the Secretary finds that a violation has occurred.

(2) The 180-day period may be extended by—

(A) agreement between the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding approval may obtain review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The action must be brought not later than 60 days after the order is served on the petitioner.

(e) REPORTS RELATING TO CONSTRUCTION OF CERTAIN NEW HUB AIRPORTS.—At least 90 days prior to the approval under this subchapter of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

(1) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

(2) air transportation that will be provided in the geographic region of the proposed airport; and

(3) the availability and cost of providing air transportation to rural areas in such geographic region.

(f) COMPETITION PLANS.—

(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility charge may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, and whether the airport intends to build or acquire gates that would be used as common facilities.

(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.

(4) COVERED AIRPORT DEFINED.—In this subsection, the term ''covered airport'' means a commercial service airport—

(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

(B) at which one or two air carriers control more than 50 percent of the passenger boardings.

(g) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—The Secretary shall consult with the Secretary of Homeland Security before approving an application under this subchapter for an airport development project grant for activities described in section 47102(3)(B)(ii) only as they relate to security equipment or section 47102(3)(B)(x) only as they relate to installation of bulk explosive detection system.

(h) EVALUATION OF AIRPORT MASTER PLANS.—When evaluating the master plan of an airport for purposes of this subchapter, the Secretary shall take into account—

(1) the role the airport plays with respect to medical emergencies and evacuations; and

(2) the role the airport plays in emergency or disaster preparedness in the community served by the airport.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1254; Pub. L. 103–305, title I, §§ 108, 109, Aug. 23, 1994, 108 Stat. 1573; Pub. L. 106–181, title I, § 155(b), Apr. 5, 2000, 114 Stat. 88; Pub. L. 107–71, title I, § 123(a), Nov. 19, 2001, 115 Stat. 630; Pub. L. 107–296, title IV, § 426(b), Nov. 25, 2002, 116 Stat. 2187; Pub. L. 108–176, title I, § 187, title III, § 305, Dec. 12, 2003, 117 Stat. 2518, 2539; Pub. L. 112–95, title I, §§ 111(c)(2)(A)(i), 133, 134, Feb. 14, 2012, 126 Stat. 18, 22; Pub. L. 115–254, div. B, title I, §§ 148(a), 149, Oct. 5, 2018, 132 Stat. 3214, 3215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47106(a)	49 App.:2208(b)(1)(A)–(D).	Sept. 3, 1982, Pub. L. 97–248, §§ 503(a)(8), 509(b)(1)(A)–(D), (2)–(4), (5) (last sentence words after 11th comma), (6)(B)–(8), 96 Stat. 673, 683, 684.
47106(b)	49 App.:2202(a)(8). 49 App.:2208(b)(2)–(4).	
47106(c)(1)(A).	49 App.:2208(b)(6)(A).	Sept. 3, 1982, Pub. L. 97–248, § 509(b)(6)(A), 96 Stat. 684; Oct. 31, 1992, Pub. L. 102–581, § 113(b), 106 Stat. 4881.
47106(c)(1)(B).	49 App.:2208(b)(7)(A) (1st, 2d sentences).	
47106(c)(1)(C).	49 App.:2208(b)(5) (last sentence words between 11th and 12th commas and after last comma).	
47106(c)(2) ..	49 App.:2208(b)(8).	
47106(c)(3) ..	49 App.:2208(b)(6)(B).	
47106(c)(4) ..	49 App.:2208(b)(7)(A) (last sentence), (B).	
47106(c)(5) ..	49 App.:2208(b)(5) (last sentence words between 12th and last commas).	
47106(d)	49 App.:1731.	May 21, 1970, Pub. L. 91–258, 84 Stat. 219, § 31; added Feb. 18, 1980, Pub. L. 96–193, § 206, 94 Stat. 55; Sept. 3, 1982, Pub. L. 97–248, § 524(e), 96 Stat. 697.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47106(e)	49 App.:2218(b) (related to application).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §519(b) (related to application); added Dec. 30, 1987, Pub. L. 100–223, §112(2), 101 Stat. 1504.

In subsection (a)(1), the word ''reasonably'' is omitted as surplus.

In subsection (a)(2), the words ''carrying out'' are substituted for ''accomplishment of the purposes of'' for consistency in the revised title.

In subsection (a)(3), the words ''that portion of'' are omitted as surplus.

In subsection (a)(5), the words ''which submitted the project grant application'' and ''legal'' are omitted as surplus.

In subsection (b), before clause (1), the words ''for an airport'' are added for clarity. In clause (1), the words ''or an agency thereof'' are omitted surplus. In clause (3), the words ''that the Secretary . . . decides is necessary'' are substituted for ''when it is determined by the Secretary that any such item is required'' to eliminate unnecessary words.

In subsection (c)(1)(B), before subclause (i), the words ''chief executive officer'' are substituted for ''Governor'' because this chapter applies to the District of Columbia which does not have a Governor. The words ''except that the Administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if'' are substituted for ''In any case where . . . certification shall be obtained from such Administrator'' for clarity. Subclause (i) is substituted for ''such standards have not been approved'' for clarity.

In subsection (c)(2), before clause (A), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''that does not involve the location of an airport or runway, or a major runway extension'' are substituted for ''(other than an airport development project in which paragraph (7)(A) applies)'' for clarity. The words ''the preparation of'' are omitted as surplus. In clause (B), the words ''statutory and administrative'' are omitted as surplus.

In subsection (c)(4)(A), the words ''to the Secretary'' are added for clarity.

In subsection (c)(5), the words ''full and'' are omitted as surplus. The words ''in writing'' are omitted as surplus because of the requirement that the decision be a matter of public record.

In subsection (d)(1), the words ''(as defined by section 1711(8) of this Appendix, as in effect on February 18, 1980)'' are omitted because of the definition of ''air carrier airport'' in section 47102 of the revised title.

In subsection (d)(2), the words ''Notwithstanding any other provision of the Airport and Airway Improvement Act of 1982 [49 App. U.S.C. 2201 et seq.]'' and ''single'' are omitted as surplus.

In subsection (e)(1) and (2), the word ''sponsor'' is substituted for ''applicant'' for consistency.

In subsection (e)(1), before clause (A), the words ''under this subchapter'' are added for consistency in this section. The word ''other'' is omitted as surplus.

In subsection (e)(2)(A), the word ''mutual'' is omitted as surplus.

In subsection (e)(3), the words ''adversely affected'' are substituted for ''aggrieved'' for consistency in the revised title and with other titles of the United States Code. The words ''the date on which'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(6). Pub. L. 115–254, §148(a)(2), inserted ''that includes the project'' before '', the master plan'' in introductory provisions.

Subsec. (a)(7). Pub. L. 115–254, §148(a)(1), (3), (4), added par. (7).

Subsec. (h). Pub. L. 115–254, §149, added subsec. (h).

2012—Subsec. (a)(6). Pub. L. 112–95, §133, added par. (6).

Subsec. (f)(1). Pub. L. 112–95, §111(c)(2)(A)(i), substituted ''charge'' for ''fee''.

Subsec. (f)(2). Pub. L. 112–95, §134, struck out ''patterns of air service,'' after ''gate-use requirements,'' and '', and airfare levels (as compiled by the Department of Transportation) compared to other large airports'' after ''common facilities'' and inserted ''and'' after ''ground-side capacity,''.

2003—Subsec. (c)(1)(A)(iii). Pub. L. 108–176, §305(1), inserted ''and'' after semicolon at end.

Pub. L. 108–176, §187, added cl. (iii).

Subsec. (c)(1)(B), (C). Pub. L. 108–176, §305(2), (3), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: ''only if the chief executive officer of the State in which the project will be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards, except that the Administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if—

''(i) the State has not approved any applicable State or local standards; and

''(ii) the Administrator has prescribed applicable standards; and''.

Subsec. (c)(2)(A). Pub. L. 108–176, §305(4), substituted ''stage 3'' for ''stage 2''.

Subsec. (c)(4), (5). Pub. L. 108–176, §305(5)–(7), redesignated par. (5) as (4), substituted ''paragraph (1)(B)'' for ''paragraph (1)(C)'', and struck out former par. (4) which read as follows:

''(4)(A) Notice of certification or of refusal to certify under paragraph (1)(B) of this subsection shall be provided to the Secretary not later than 60 days after the Secretary receives the application.

''(B) The Secretary shall condition approval of the application on compliance with the applicable standards during construction and operation.''

2002—Subsec. (g). Pub. L. 107–296 added subsec. (g).

2001—Subsec. (f)(3), (4). Pub. L. 107–71, which directed the amendment of section 47106(f) by adding par. (3) and redesignating former par. (3) as (4), without specifying the Code title to be amended, was executed by making the amendments to this section, to reflect the probable intent of Congress.

2000—Subsec. (f). Pub. L. 106–181 added subsec. (f).

1994—Subsecs. (d), (e). Pub. L. 103–305 added subsec. (e), redesignated former subsec. (e) as (d), and struck out former subsec. (d) which read as follows:

''(d) GENERAL AVIATION AIRPORT PROJECT GRANT APPLICATION APPROVAL.—(1) In this subsection, 'general aviation airport' means a public airport that is not an air carrier airport.

''(2) The Secretary may approve an application under this subchapter for an airport development project included in a project grant application involving the construction or extension of a runway at a general aviation airport located on both sides of a boundary line separating 2 counties within a State only if, before the application is submitted to the Secretary, the project is approved by the governing body of each village incorporated under the laws of the State and located entirely within 5 miles of the nearest boundary of the airport.''

Statutory Notes and Related Subsidiaries

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 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as

an Effective Date note under section 101 of Title 6, Domestic Security.

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.

ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS

Pub. L. 106–181, title III, §310, Apr. 5, 2000, 114 Stat. 128, provided that:

''(a) STUDY.—The Secretary [of Transportation] shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

''(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

''(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

''(2) the role of public involvement in the planning and approval of airport improvement projects;

''(3) the staffing and other resources associated with conducting such environmental reviews; and

''(4) the time line for conducting such environmental reviews.

''(c) CONSULTATION.—The Secretary shall conduct the study in consultation with the Administrator [of the Federal Aviation Administration], the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

''(d) REPORT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.''

GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS

Pub. L. 106–181, title V, §514(c), Apr. 5, 2000, 114 Stat. 144, provided that: ''In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary [of Transportation] shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.''

GRANTS FOR RUNWAY REHABILITATION

Pub. L. 106–181, title V, §514(d), Apr. 5, 2000, 114 Stat. 144, provided that: ''In any case in which an airport's runways are constrained by physical conditions, the Secretary [of Transportation] shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.''

COMPLIANCE WITH REQUIREMENTS

Pub. L. 106–181, title VII, §737, Apr. 5, 2000, 114 Stat. 172, provided that: ''Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary [of Transportation] may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.''

§ 47107. Project grant application approval conditioned on assurances about airport operations

(a) GENERAL WRITTEN ASSURANCES.—The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that—

(1) the airport will be available for public use on reasonable conditions and without unjust discrimination;

(2) air carriers making similar use of the airport will be subject to substantially comparable charges—

(A) for facilities directly and substantially related to providing air transportation; and

(B) regulations and conditions, except for differences based on reasonable classifications, such as between—

(i) tenants and nontenants; and

(ii) signatory and nonsignatory carriers;

(3) the airport operator will not withhold unreasonably the classification or status of tenant or signatory from an air carrier that assumes obligations substantially similar to those already imposed on air carriers of that classification or status;

(4) a person providing, or intending to provide, aeronautical services to the public will not be given an exclusive right to use the airport, with a right given to only one fixed-base operator to provide services at an airport deemed not to be an exclusive right if—

(A) the right would be unreasonably costly, burdensome, or impractical for more than one fixed-base operator to provide the services; and

(B) allowing more than one fixed-base operator to provide the services would require reducing the space leased under an existing agreement between the one fixed-base operator and the airport owner or operator;

(5) fixed-base operators similarly using the airport will be subject to the same charges;

(6) an air carrier using the airport may service itself or use any fixed-base operator allowed by the airport operator to service any carrier at the airport;

(7) the airport and facilities on or connected with the airport will be operated and maintained suitably, with consideration given to climatic and flood conditions;

(8) a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary;

(9) appropriate action will be taken to ensure that terminal airspace required to protect instrument and visual operations to the airport (including operations at established minimum flight altitudes) will be cleared and protected by mitigating existing, and preventing future, airport hazards;

(10) appropriate action, including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that

are compatible with normal airport operations;

(11) each of the airport's facilities developed with financial assistance from the United States Government and each of the airport's facilities usable for the landing and taking off of aircraft always will be available without charge for use by Government aircraft in common with other aircraft, except that if the use is substantial, the Government may be charged a reasonable share, proportionate to the use, of the cost of operating and maintaining the facility used;

(12) the airport owner or operator will provide, without charge to the Government, property interests of the sponsor in land or water areas or buildings that the Secretary decides are desirable for, and that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation;

(13) the airport owner or operator will maintain a schedule of charges for use of facilities and services at the airport—

(A) that will make the airport as self-sustaining as possible under the circumstances existing at the airport, including volume of traffic and economy of collection; and

(B) without including in the rate base used for the charges the Government's share of costs for any project for which a grant is made under this subchapter or was made under the Federal Airport Act or the Airport and Airway Development Act of 1970;

(14) the project accounts and records will be kept using a standard system of accounting that the Secretary, after consulting with appropriate public agencies, prescribes;

(15) the airport owner or operator will submit any annual or special airport financial and operations reports to the Secretary that the Secretary reasonably requests and make such reports available to the public;

(16) the airport owner or operator will maintain a current layout plan of the airport that meets the following requirements:

(A) the plan will be in a form the Secretary prescribes;

(B) the Secretary will review and approve or disapprove only those portions of the plan (or any subsequent revision to the plan) that materially impact the safe and efficient operation of aircraft at, to, or from the airport or that would adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations, or that adversely affect the value of prior Federal investments to a significant extent;

(C) the owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—

(i) is outside the scope of the Secretary's review and approval authority as set forth in subparagraph (B); or

(ii) complies with the portions of the plan approved by the Secretary; and

(D) when an alteration in the airport or its facility is made that is within the scope of the Secretary's review and approval authority as set forth in subparagraph (B), and does not conform with the portions of the plan approved by the Secretary, and the Secretary decides that the alteration adversely affects the safety, utility, or efficiency of aircraft operations, or of any property on or off the airport that is owned, leased, or financed by the Government, then the owner or operator will, if requested by the Secretary—

(i) eliminate the adverse effect in a way the Secretary approves; or

(ii) bear all cost of relocating the property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d);

(17) if any phase of such project has received funds under this subchapter, each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the sponsor;

(18) the airport and each airport record will be available for inspection by the Secretary on reasonable request, and a report of the airport budget will be available to the public at reasonable times and places;

(19) the airport owner or operator will submit to the Secretary and make available to the public an annual report listing in detail—

(A) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

(B) all services and property provided to other units of government and the amount of compensation received for provision of each such service and property;

(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation; and

(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

(b) WRITTEN ASSURANCES ON USE OF REVENUE.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assur-

ances, satisfactory to the Secretary, that local taxes on aviation fuel (except taxes in effect on December 30, 1987) and the revenues generated by a public airport will be expended for the capital or operating costs of—

(A) the airport;

(B) the local airport system; or

(C) other local facilities owned or operated by the airport owner or operator and directly and substantially related to the air transportation of passengers or property.

(2) Paragraph (1) of this subsection does not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

(3) This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.

(c) WRITTEN ASSURANCES ON ACQUIRING LAND.—(1) In this subsection, land is needed for an airport purpose (except a noise compatibility purpose) if—

(A)(i) the land may be needed for an aeronautical purpose (including runway protection zone) or serves as noise buffer land; and

(ii) revenue from interim uses of the land contributes to the financial self-sufficiency of the airport; and

(B) for land purchased with a grant the owner or operator received not later than December 30, 1987, the Secretary of Transportation or the department, agency, or instrumentality of the Government that made the grant was notified by the owner or operator of the use of the land and did not object to the use and the land is still being used for that purpose.

(2) The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances, satisfactory to the Secretary, that if an airport owner or operator has received or will receive a grant for acquiring land and—

(A) if the land was or will be acquired for a noise compatibility purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)—

(i) the owner or operator will dispose of the land at fair market value at the earliest practicable time after the land no longer is needed for a noise compatibility purpose;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4); or

(B) if the land was or will be acquired for an airport purpose (except a noise compatibility purpose)—

(i) the owner or operator, when the land no longer is needed for an airport purpose, will dispose of the land at fair market value or make available to the Secretary an amount equal to the Government's proportional share of the fair market value;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4).

(3) Proceeds referred to in paragraph (2)(A)(iii) and (B)(iii) of this subsection and deposited in the Airport and Airway Trust Fund are available as provided in subsection (f) of this section.

(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii) or (2)(B)(iii), the Secretary shall give preference, in descending order, to the following actions:

(A) Reinvestment in an approved noise compatibility project.

(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.

(5)(A) A lease at fair market value by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

(C) The Secretary shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of enactment of this paragraph.

(d) ASSURANCES OF CONTINUATION AS PUBLIC-USE AIRPORT.—The Secretary of Transportation

may approve an application under this subchapter for an airport development project grant for a privately owned public-use airport only if the Secretary receives appropriate assurances that the airport will continue to function as a public-use airport during the economic life (that must be at least 10 years) of any facility at the airport that was developed with Government financial assistance under this subchapter.

(e) WRITTEN ASSURANCES OF OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that the airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by a socially and economically disadvantaged individual (as defined in section 47113(a) of this title) or qualified HUBZone small business concerns (as defined in section 31(b) of the Small Business Act).

(2) An airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including any business operated through a management contract or subcontract. The dollar amount of a management contract or subcontract with a disadvantaged business enterprise shall be added to the total participation by disadvantaged business enterprises in airport concessions and to the base from which the airport's percentage goal is calculated. The dollar amount of a management contract or subcontract with a non-disadvantaged business enterprise and the gross revenue of business activities to which the management contract or subcontract pertains may not be added to this base.

(3) Except as provided in paragraph (4) of this subsection, an airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including the purchase from disadvantaged business enterprises of goods and services used in businesses conducted at the airport, but the owner or operator and the businesses conducted at the airport shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

(4)(A) In complying with paragraph (1) of this subsection, an airport owner or operator shall include the revenues of car rental firms at the airport in the base from which the percentage goal in paragraph (1) is calculated.

(B) An airport owner or operator may require a car rental firm to meet a requirement under paragraph (1) of this subsection by purchasing or leasing goods or services from a disadvantaged business enterprise. If an owner or operator requires such a purchase or lease, a car rental firm shall be permitted to meet the requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual or as a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act).

(C) This subsection does not require a car rental firm to change its corporate structure to provide for direct ownership arrangements to meet the requirements of this subsection.

(5) This subsection does not preempt—

(A) a State or local law, regulation, or policy enacted by the governing body of an airport owner or operator; or

(B) the authority of a State or local government or airport owner or operator to adopt or enforce a law, regulation, or policy related to disadvantaged business enterprises.

(6) An airport owner or operator may provide opportunities for a small business concern owned and controlled by a socially and economically disadvantaged individual or a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act) to participate through direct contractual agreement with that concern.

(7) An air carrier that provides passenger or property-carrying services or another business that conducts aeronautical activities at an airport may not be included in the percentage goal of paragraph (1) of this subsection for participation of small business concerns at the airport.

(8) Not later than April 29, 1993, the Secretary of Transportation shall prescribe regulations to carry out this subsection.

(f) AVAILABILITY OF AMOUNTS.—An amount deposited in the Airport and Airway Trust Fund under—

(1) subsection (c)(2)(A)(iii) of this section is available to the Secretary of Transportation to make a grant for airport development or airport planning under section 47104 of this title;

(2) subsection (c)(2)(B)(iii) of this section is available to the Secretary—

(A) to make a grant for a purpose described in section 47115(b) of this title; and

(B) for use under section 47114(d)(2) of this title at another airport in the State in which the land was disposed of under subsection (c)(2)(B)(ii) of this section; and

(3) subsection (c)(2)(B)(iii) of this section is in addition to an amount made available to the Secretary under section 48103 of this title and not subject to apportionment under section 47114 of this title.

(g) ENSURING COMPLIANCE.—(1) To ensure compliance with this section, the Secretary of Transportation—

(A) shall prescribe requirements for sponsors that the Secretary considers necessary; and

(B) may make a contract with a public agency.

(2) The Secretary of Transportation may approve an application for a project grant only if the Secretary is satisfied that the requirements prescribed under paragraph (1)(A) of this subsection have been or will be met.

(h) MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.—

(1) IN GENERAL.—Subject to paragraph (2), before modifying an assurance required of a

person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

(A) publish notice of the proposed modification in the Federal Register; and

(B) provide an opportunity for comment on the proposal.

(2) PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.

(i) RELIEF FROM OBLIGATION TO PROVIDE FREE SPACE.—When a sponsor provides a property interest in a land or water area or a building that the Secretary of Transportation uses to construct a facility at Government expense, the Secretary may relieve the sponsor from an obligation in a contract made under this chapter, the Airport and Airway Development Act of 1970, or the Federal Airport Act to provide free space to the Government in an airport building, to the extent the Secretary finds that the free space no longer is needed to carry out activities related to air traffic control or navigation.

(j) USE OF REVENUE IN HAWAII.—(1) In this subsection—

(A) ''duty-free merchandise'' and ''duty-free sales enterprise'' have the same meanings given those terms in section 555(b)(8) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(8)).

(B) ''highway'' and ''Federal-aid system'' have the same meanings given those terms in section 101(a) of title 23.

(2) Notwithstanding subsection (b)(1) of this section, Hawaii may use, for a project for construction or reconstruction of a highway on a Federal-aid system that is not more than 10 miles by road from an airport and that will facilitate access to the airport, revenue from the sales at off-airport locations in Hawaii of duty-free merchandise under a contract between Hawaii and a duty-free sales enterprise. However, the revenue resulting during a Hawaiian fiscal year may be used only if the amount of the revenue, plus amounts Hawaii receives in the fiscal year from all other sources for costs Hawaii incurs for operating all airports it operates and for debt service related to capital projects for the airports (including interest and amortization of principal costs), is more than 150 percent of the projected costs for the fiscal year.

(3)(A) Revenue from sales referred to in paragraph (2) of this subsection in a Hawaiian fiscal year that Hawaii may use may not be more than the amount that is greater than 150 percent as determined under paragraph (2).

(B) The maximum amount of revenue Hawaii may use under paragraph (2) of this subsection is $250,000,000.

(4) If a fee imposed or collected for rent, landing, or service from an aircraft operator by an airport operated by Hawaii is increased during the period from May 4, 1990, through December 31, 1994, by more than the percentage change in the Consumer Price Index of All Urban Consumers for Honolulu, Hawaii, that the Secretary of Labor publishes during that period and if revenue derived from the fee increases because the fee increased, the amount under paragraph (3)(B) of this subsection shall be reduced by the amount of the projected revenue increase in the period less the part of the increase attributable to changes in the Index in the period.

(5) Hawaii shall determine costs, revenue, and projected revenue increases referred to in this subsection and shall submit the determinations to the Secretary of Transportation. A determination is approved unless the Secretary disapproves it not later than 30 days after it is submitted.

(6) Hawaii is not eligible for a grant under section 47115 of this title in a fiscal year in which Hawaii uses under paragraph (2) of this subsection revenue from sales referred to in paragraph (2). Hawaii shall repay amounts it receives in a fiscal year under a grant it is not eligible to receive because of this paragraph to the Secretary of Transportation for deposit in the discretionary fund established under section 47115.

(7)(A) This subsection applies only to revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, and to amounts in the Airport Revenue Fund of Hawaii that are attributable to revenue before May 4, 1990, on sales referred to in paragraph (2).

(B) Revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, may be used under paragraph (2) in any Hawaiian fiscal year, including a Hawaiian fiscal year beginning after December 31, 1994.

(k) POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

(1) IN GENERAL.—Not later than 90 days after August 23, 1994, the Secretary of Transportation shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(13) and (b) of this section and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (b)(2) of this section and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

(2) REVENUE DIVERSION.—Policies and procedures to be established pursuant to paragraph (1) of this subsection shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (b) of this section) through—

(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(13) of this section, policies and procedures to be established pursuant to paragraph (1) of this subsection shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

(4) ADMINISTRATIVE SAFEGUARDS.—Policies and procedures to be established pursuant to paragraph (1) shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(13) and (b) of this section and grant assurances made under such subsections and to alert the Secretary to such possible violations.

(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (m)(7), with respect to project grants made under this chapter—

(A) any request by a sponsor or any other governmental entity to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (m).

(*l*) AUDIT CERTIFICATION.—

(1) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall include a provision in the compliance supplement provisions to require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

(m) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (k) and section 47133), the Secretary, acting through the Administrator, shall—

(A) review the audit or report;

(B) perform appropriate factfinding; and

(C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

(A) the finding; and

(B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an apportionment or grant made available pursuant to this title, if the sponsor—

(A) receives notification that the sponsor is required to reimburse an airport; and

(B) has had an opportunity to reimburse the airport, but has failed to do so.

(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in an amount equal to the illegal diversion in question plus interest (as determined under subsection (n)).

(5) DISPOSITION OF PENALTIES.—

(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsor under paragraph (4) (including any amount of interest calculated under subsection (n)).

(7) STATUTE OF LIMITATIONS.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (k)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

(n) INTEREST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (m) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

(3) ACCRUAL.—Interest assessed under subsection (m) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (m).

(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

(*o*) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (n), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.

(p) Notwithstanding any written assurances prescribed in subsections (a) through (*o*), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

(1) No scheduled passenger air carrier has provided service at the airport within 5 years prior to January 1, 2002.

(2) The airport is located within or underneath the Class B airspace of an airport that maintains an airport operating certificate pursuant to section 44706 of title 49.

(3) The certificated airport operating under section 44706 of title 49 does not contribute to significant passenger delays as defined by DOT/FAA in the ''Airport Capacity Benchmark Report 2001''.

(q) An airport that meets the conditions of paragraphs (1) through (3) of subsection (p) is not subject to section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.

(r) COMPETITION DISCLOSURE REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

(2) COMPETITIVE ACCESS.—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

(A) describes the requests;

(B) provides an explanation as to why the requests could not be accommodated; and

(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning March 9, 2024.

(s) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to or near the airport access to the airfield of the airport for the following:

(A) Aircraft of the person.

(B) Aircraft authorized by the person.

(2) THROUGH-THE-FENCE AGREEMENTS.—

(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor's relationship with the property owner.

(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall require the property owner, at minimum—

(i) to pay airport access charges that, as determined by the airport sponsor, are

comparable to those charged to tenants and operators on-airport making similar use of the airport;

(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to or near the airport access to the airfield of the airport;

(iii) to maintain the property for residential, noncommercial use for the duration of the agreement;

(iv) to prohibit access to the airport from other properties through the property of the property owner; and

(v) to prohibit any aircraft refueling from occurring on the property.

(3) EXEMPTION.—The terms and conditions of paragraph (2) shall not apply to an agreement described in paragraph (1) made before the enactment of the FAA Modernization and Reform Act of 2012 (Public Law 112–95) that the Secretary determines does not comply with such terms and conditions but involves property that is subject to deed or lease restrictions that are considered perpetual and that cannot readily be brought into compliance. However, if the Secretary determines that the airport sponsor and residential property owners are able to make any modification to such an agreement on or after the date of enactment of this paragraph, the exemption provided by this paragraph shall no longer apply.

(t) RENEWAL OF CERTAIN LEASES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(13), an airport owner or operator who renews a covered lease shall not be treated as violating a written assurance requirement under this section as a result of such renewal.

(2) COVERED LEASE DEFINED.—In this subsection, the term ''covered lease'' means a lease—

(A) originally entered into before the date of enactment of this subsection;

(B) under which a nominal lease rate is provided;

(C) under which the lessee is a Federal or State government entity; and

(D) that supports the operation of military aircraft by the Air Force or Air National Guard—

(i) at the airport; or

(ii) remotely from the airport.

(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

(1) IN GENERAL.—The construction of a covered aircraft shall be treated as an aeronautical activity for purposes of—

(A) determining an airport's compliance with a grant assurance made under this section or any other provision of law; and

(B) the receipt of Federal financial assistance for airport development.

(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term ''covered aircraft'' means an aircraft—

(A) used or intended to be used exclusively for recreational purposes; and

(B) constructed or under construction by a private individual at a general aviation airport.

(v) COMMUNITY USE OF AIRPORT LAND.—

(1) IN GENERAL.—Notwithstanding subsection (a)(13), and subject to paragraph (2), the sponsor of a public-use airport shall not be considered to be in violation of this subtitle, or to be found in violation of a grant assurance made under this section, or under any other provision of law, as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor has entered into an agreement, including a revised agreement, with a local government providing for the use of airport property for an interim compatible recreational purpose at below fair market value.

(2) RESTRICTIONS.—This subsection shall apply only—

(A) to an agreement regarding airport property that was initially entered into before the publication of the Federal Aviation Administration's Policy and Procedures Concerning the Use of Airport Revenue, dated February 16, 1999;

(B) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the sponsor and the Secretary, including agreements related to a grant assurance under this section;

(C) to airport property that was acquired under a Federal airport development grant program;

(D) if the airport sponsor has provided a written statement to the Administrator that the property made available for a recreational purpose will not be needed for any aeronautical purpose during the next 10 years;

(E) if the agreement includes a term of not more than 2 years to prepare the airport property for the interim compatible recreational purpose and not more than 10 years of use for that purpose;

(F) if the recreational purpose will not impact the aeronautical use of the airport;

(G) if the airport sponsor provides a certification that the sponsor is not responsible for preparation, start-up, operations, maintenance, or any other costs associated with the recreational purpose; and

(H) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.

(w) MOTHERS' ROOMS.—

(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances that the airport owner or operator will maintain—

(A) a lactation area in the sterile area of each passenger terminal building of the airport; and

(B) a baby changing table in at least one men's and at least one women's restroom in

each passenger terminal building of the airport.

(2) APPLICABILITY.—

(A) AIRPORT SIZE.—

(i) IN GENERAL.—The requirements in paragraph (1) shall only apply to applications submitted by the airport sponsor of—

(I) a medium or large hub airport in fiscal year 2021 and each fiscal year thereafter; and

(II) an applicable small hub airport in fiscal year 2023 and each fiscal year thereafter.

(ii) APPLICABLE SMALL HUB AIRPORT DEFINED.—In clause (i)(II), the term ''applicable small hub airport'' means an airport designated as a small hub airport during—

(I) the 3-year period consisting of 2020, 2021, and 2022; or

(II) any consecutive 3-year period beginning after 2020.

(B) PREEXISTING FACILITIES.—On application by an airport sponsor, the Secretary may determine that a lactation area in existence on October 5, 2018, complies with the requirement in paragraph (1)(A), notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term ''lactation area'' in this subsection.

(C) SPECIAL RULE.—The requirement in paragraph (1)(A) shall not apply with respect to a project grant application for a period of time, determined by the Secretary, if the Secretary determines that construction or maintenance activities make it impracticable or unsafe for the lactation area to be located in the sterile area of the building.

(3) DEFINITION.—In this section, the term—

(A) ''lactation area'' means a room or similar accommodation that—

(i) provides a location for members of the public to express breast milk that is shielded from view and free from intrusion from the public;

(ii) has a door that can be locked;

(iii) includes a place to sit, a table or other flat surface, a sink or sanitizing equipment, and an electrical outlet;

(iv) is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

(v) is not located in a restroom; and

(B) ''sterile area'' has the same meaning given that term in section 1540.5 of title 49, Code of Federal Regulations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1256; Pub. L. 103–305, title I, §§111(a), (c), 112(a), Aug. 23, 1994, 108 Stat. 1573, 1574; Pub. L. 104–264, title I, §143, title VIII, §805(a), (b)(2), Oct. 9, 1996, 110 Stat. 3221, 3271, 3274; Pub. L. 104–287, §5(9), (80), Oct. 11, 1996, 110 Stat. 3389, 3397; Pub. L. 105–135, title VI, §604(h)(1), Dec. 2, 1997, 111 Stat. 2634; Pub. L. 106–181, title I, §125(a), Apr. 5, 2000, 114 Stat. 75; Pub. L. 107–217, §3(n)(7), Aug. 21, 2002, 116 Stat. 1303; Pub. L. 108–7, div. I, title III, §321(a), Feb. 20, 2003, 117 Stat. 411; Pub. L. 108–11, title II, §2702, Apr. 16, 2003, 117 Stat. 600; Pub. L. 108–176, title I, §§144, 164, 165, title IV, §424, Dec. 12, 2003, 117 Stat. 2503, 2513, 2514, 2554; Pub. L. 110–330, §5(e), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(d), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(e), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(d), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §5(d), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(d), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(d), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(d), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(e), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(d), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(d), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(d), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(d), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(d), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(e), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(e), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §§135, 136(a), title IV, §404, Feb. 14, 2012, 126 Stat. 22, 23, 85; Pub. L. 113–188, title XV, §1501(b)(1), (2)(A), Nov. 26, 2014, 128 Stat. 2023, 2024; Pub. L. 114–55, title I, §102(a), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §102(a), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1102(a), July 15, 2016, 130 Stat. 617; Pub. L. 114–238, §1, Oct. 7, 2016, 130 Stat. 972; Pub. L. 115–63, title I, §102(a), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–91, div. A, title XVII, §1701(a)(4)(G)(i), Dec. 12, 2017, 131 Stat. 1796; Pub. L. 115–141, div. M, title I, §102(a), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §§131, 132(a), 163(d), 185, Oct. 5, 2018, 132 Stat. 3203–3205, 3224, 3234; Pub. L. 116–190, §2, Oct. 30, 2020, 134 Stat. 974; Pub. L. 118–15, div. B, title II, §2202(e), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(e), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47107(a)	49 App.:2202(a)(6).	Sept. 3, 1982, Pub. L. 97–248, §§503(a)(6), 505(b)(2), 509(b)(1)(E), 511(a)(1)(B), (C), (2), (5)–(10), (b), 96 Stat. 673, 677, 683, 686, 687.
	49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(1)–(11), (15), (16)).	
	49 App.:2210(a)(1)(A).	Sept. 3, 1982, Pub. L. 97–248, §511(a)(1)(A), 96 Stat. 686; Dec. 30, 1987, Pub. L. 100–223, §109(a), 101 Stat. 1499.
	49 App.:2210(a)(1)(B), (C), (2).	
	49 App.:2210(a)(3).	Sept. 3, 1982, Pub. L. 97–248, §511(a)(3), 96 Stat. 686; Dec. 30, 1987, Pub. L. 100–223, §109(b), 101 Stat. 1499.
	49 App.:2210(a)(4).	Sept. 3, 1982, Pub. L. 97–248, §511(a)(4), 96 Stat. 686; restated Dec. 30, 1987, Pub. L. 100–223, §109(c), 101 Stat. 1499.
	49 App.:2210(a)(5)–(10).	
	49 App.:2210(a)(11).	Sept. 3, 1982, Pub. L. 97–248, §511(a)(11), 96 Stat. 687; Oct. 31, 1992, Pub. L. 102–581, §113(a), 106 Stat. 4881.
	49 App.:2210(a)(15).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §511(a)(15); added Dec. 30, 1987, Pub. L. 100–223, §109(f), 101 Stat. 1500.
	49 App.:2210(a)(16).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §511(a)(16); added Dec. 30, 1987, Pub. L. 100–223, §109(g), 101 Stat. 1501.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47107(b)(1), (2).	49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(12)).	
	49 App.:2210(a)(12).	Sept. 3, 1982, Pub. L. 97–248, § 511(a)(12), 96 Stat. 687; restated Dec. 30, 1987, Pub. L. 100–223, § 109(d), 101 Stat. 1499.
47107(b)(3) ..	49 App.:2210(d).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(d); added Dec. 30, 1987, Pub. L. 100–223, § 109(i), 101 Stat. 1501.
47107(c)(1), (2).	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, § 503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, § 103(c)(1), 101 Stat. 1488.
	49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(13), (14)).	
	49 App.:2210(a)(13).	Sept. 3, 1982, Pub. L. 97–248, § 511(a)(13), 96 Stat. 688; restated Dec. 30, 1987, Pub. L. 100–223, § 109(e), 101 Stat. 1499.
	49 App.:2210(a)(14).	Sept. 3, 1982, Pub. L. 97–248, § 511(a)(14), 96 Stat. 688; Dec. 30, 1987, Pub. L. 100–223, § 109(e), 101 Stat. 1499; restated Dec. 15, 1989, Pub. L. 101–236, § 4, 103 Stat. 2061.
47107(c)(3) ..	(no source).	
47107(d)	49 App.:2204(b)(2).	
	49 App.:2208(b)(1)(E) (related to 49 App.:2204(b)(2)).	
47107(e)	49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(17)).	
	49 App.:2210(a)(17).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(a)(17); added Dec. 30, 1987, Pub. L. 100–223, § 109(h), 101 Stat. 1501; Oct. 31, 1992, Pub. L. 102–581, § 117(a), 106 Stat. 4882.
	49 App.:2210(h).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(h); added Oct. 31, 1992, Pub. L. 102–581, § 117(b), 106 Stat. 4882.
	49 App.:2210 (note).	Oct. 31, 1992, Pub. L. 102–581, § 117(d), 106 Stat. 4883.
47107(f)	49 App.:2210(e).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(e); added Dec. 30, 1987, Pub. L. 100–223, § 109(j), 101 Stat. 1501.
47107(g)(1) ..	49 App.:2210(b) (1st, 2d sentences).	
47107(g)(2) ..	49 App.:2208(b)(1)(E) (related to 49 App.:2210(b)).	
47107(h)	49 App.:2210(f).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(f); added Dec. 30, 1987, Pub. L. 100–223, § 109(k), 101 Stat. 1502.
47107(i)	49 App.:2210(b) (last sentence).	
47107(j)(1) ...	49 App.:2210(g)(4)(B), (D).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 511(g); added May 4, 1990, Pub. L. 101–281, § 2, 104 Stat. 164.
47107(j)(2) ...	49 App.:2210(g)(1), (2)(B), (4)(A), (C).	
47107(j)(3) ...	49 App.:2210(g)(2)(C), (D).	
47107(j)(4) ...	49 App.:2210(g)(2)(E).	
47107(j)(5) ...	49 App.:2210(g)(2)(F).	
47107(j)(6) ...	49 App.:2210(g)(2)(G).	
47107(j)(7)(A).	49 App.:2210(g)(2)(A).	
47107(j)(7)(B).	49 App.:2210(g)(3).	

In subsection (a), before clause (1), the words ''may approve a project grant application under this subchapter for an airport development project only if'' are substituted for 49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)) and the words ''As a condition precedent to approval of an airport development project contained in a project grant application submitted under this chapter . . . shall'' in 49 App.:2210(a) for clarity and to eliminate unnecessary words. In clause (1), the words ''to which the project relates'' and ''fair and'' are omitted as surplus. In clause (2), before subclause (A), the words ''including the requirement that'' are omitted as unnecessary because of the restatement. The words ''air carriers making similar use of the airport'' are substituted for ''each air carrier using such airport (whether as a tenant, nontenant, or subtenant of another air carrier tenant) . . . all such air carriers which make similar use of such airport'' to eliminate unnecessary words. The words ''and which utilize similar facilities'' are omitted because of the definition of ''airport'' in section 47102 of the revised title. The words ''nondiscriminatory and'' and ''rates, fees, rentals, and other'' are omitted as surplus. In subclause (B), before subclause (i), the words ''except for differences based on'' are substituted for ''subject to'' for clarity. In clause (3), the words ''airport operator'' are substituted for ''airport'' for clarity and consistency in this chapter. In clause (4), before subclause (A), the words ''a right given to only one fixed-base operator to provide services at an airport'' are substituted for ''the providing of services at an airport by a single fixed-based operator'' for clarity. In subclause (B), the words ''the airport operator or owner'' are substituted for ''such airport'' for clarity and consistency in this subchapter. Clause (5) is substituted for 49 App.:2210(a)(1)(B) for consistency and to eliminate unnecessary words. In clause (6), the words ''allowed by the airport operator'' are substituted for ''authorized by the airport or permitted by the airport'' for clarity and consistency in this chapter and to eliminate unnecessary words. In clause (9), the words ''operations at'' are added for clarity. The words ''adequately'', ''removing, lowering, relocating, marking, or lighting or otherwise'', and ''the establishment or creation of'' are omitted as surplus. In clause (10), the word ''near'' is substituted for ''in the immediate vicinity of'', and the word ''uses'' is substituted for ''activities and purposes'', to eliminate unnecessary words. The words ''including landing and takeoff of aircraft'' are omitted as surplus. In clause (12), the words ''property interests of the sponsor in land or water areas or buildings'' are substituted for ''any areas of land or water, or estate therein, or rights in buildings of the sponsor'' for consistency in the revised title and to eliminate unnecessary words. The words ''necessary or'' are omitted as surplus. The words ''for, and that will be used for, constructing . . . facilities for carrying out activities related to air traffic control or navigation'' are substituted for ''for use in connection with any air traffic control or navigation activities, or weather-reporting and communication activities related to air traffic control . . . for construction . . . of space or facilities for such purposes'' to eliminate unnecessary words. In clause (13), before subclause (A), the words ''schedule of charges'' are substituted for ''fee and rental structure'' for clarity and consistency in this chapter. In subclause (A), the word ''particular'' is omitted as surplus. The word ''including'' is substituted for ''taking into account such factors as'' to eliminate unnecessary words. In subclause (B), the words ''fees, rates, and'' are omitted as surplus. The words ''airport development or airport planning'' are omitted because of the definition of ''project'' in section 47102 of the revised title. In clause (16), before subclause (A), the words ''maintain . . . current'' are substituted for ''keep up to date at all times'' to eliminate unnecessary words. In subclause (B), the words ''be submitted to, and'' and ''amendment'' are omitted as surplus. In subclauses (C) and (D), the words ''changes or'' and ''change or'', respectively, are omitted as surplus. In subclause (D)(ii), the words ''was made'' are added for clarity. In clause (17), the words ''with respect to the project'' are omitted as surplus. In clause (18), the words ''duly authorized agent of'' are omitted because of 49:322(b).

In subsection (b)(1), before clause (A), the words ''may approve a project grant application under this subchapter for an airport development project only if'' are substituted for 49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(12)) and ''As a condition precedent to ap-

proval of an airport development project contained in a project grant application submitted under this chapter . . . shall'' in 49 App.:2210(a) for clarity and to eliminate unnecessary words. In clause (C) the word ''actual'' is omitted as surplus.

In subsection (b)(2), the words ''Paragraph (1) of this subsection does not apply'' are substituted for ''except that . . . then this limitation on the use of all other revenues generated by the airport . . . shall not apply'' to eliminate unnecessary words. The word ''law'' is substituted for ''provisions . . . in governing statutes'' for consistency in the revised title and to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words ''considered to be'' are omitted as surplus. In clause (B), the words ''department, agency, or instrumentality of the Government'' are substituted for ''Federal agency'' for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(2), before clause (A), the words ''may approve an application under this subchapter for an airport development project grant only if'' are substituted for 49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(13), (14)) and ''As a condition precedent to approval of an airport development project contained in a project grant application submitted under this chapter'' in 49 App.:2210(a) for clarity and to eliminate unnecessary words. The words ''has received or will receive'' are substituted for ''before, on, or after December 30, 1987'' and ''before, on, or after December 31, 1987'' because of the restatement. In clauses (A)(ii) and (B)(ii), the words ''or right'' and ''only'' are omitted as surplus. In clause (A)(iii), the words ''at the discretion of the Secretary'' in 49 App.:2210(a)(13)(C) are omitted as surplus. In clause (B)(iii), the words ''under this subchapter'' are substituted for ''at that airport or within the national airport system'' for clarity and to eliminate unnecessary words.

Subsection (c)(3) is added for clarity.

In subsection (d), the words ''may approve an application under this subchapter for an airport development project grant . . . only if'' are substituted for 49 App.:2208(b)(1)(E) (related to 49 App.:2204(b)(2)) and ''No obligation shall be incurred by the Secretary for airport development . . . unless'' in 49 App.:2204(b) for clarity and to eliminate unnecessary words.

In subsection (e)(1), the words ''may approve a project grant application under this subchapter for an airport development project only if'' are substituted for 49 App.:2208(b)(1)(E) (related to 49 App.:2210(a)(17)) and ''As a condition precedent to approval of an airport development project contained in a project grant application submitted under this chapter . . . shall'' for clarity and to eliminate unnecessary words. The words ''food, beverages, printed materials, or other'' and ''ground transportation, baggage carts, automobile rentals, or other'' are omitted as surplus.

In subsection (e)(2)–(5), the words ''disadvantaged business enterprise'' are substituted for ''DBE'' for clarity.

In subsection (e)(4), the words ''(as defined by the Secretary by regulation)'' and ''(as defined under section 2204(d)(2)(B) of this title)'' are omitted as unnecessary because of paragraph (1) of this subsection.

In subsection (f)(2)(A), the words ''at the discretion of the Secretary'' are omitted as surplus. The words ''at primary airports and reliever airports'' are omitted as surplus because 49 App.:2206(c)(2), restated in section 47115(c) of the revised title, involves only primary and reliever airports.

In subsection (g)(1)(A), the words ''consistent with the terms of this chapter'' are omitted as surplus.

In subsection (g)(1)(B), the words ''Among other steps to insure such compliance'' and ''on behalf of the United States'' are omitted as surplus.

In subsection (g)(2), the words ''by or . . . the authority of'' are omitted as surplus.

In subsection (h), before clause (1), the words ''proposes to'' are omitted as surplus. The word ''subchapter'' is substituted for ''Act'' in section 511(f) of the Airport and Airway Improvement Act of 1982, as added by section 109(k) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223, 101 Stat. 1502), to correct a mistake.

In subsection (i), the words ''a property interest in a land or water area or a building that the Secretary of Transportation uses to construct a facility'' are substituted for ''any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon'' for consistency in this section.

In subsection (j)(2), the words ''the limitation on the use of revenues generated by airports contained in'', ''located'', ''of funds'', and ''(including revenues generated by such airports from other sources, unrestricted cash on hand, and Federal funds made available under this chapter for expenditure at such airports)'' are omitted as surplus.

In subsection (j)(3)(A), the words ''amount that is greater than 150 percent as determined'' are substituted for ''amount of the excess determined'' for clarity.

In subsection (j)(3)(B), the words ''in the aggregate'' are omitted as surplus.

In subsection (j)(4), the word ''imposed'' is substituted for ''levied'' for consistency in the revised title and with other titles of the Code. The words ''for the use of airport facilities'' and ''a percentage which is'' are omitted as surplus. The words ''Secretary of Labor'' are substituted for ''Bureau of Labor Statistics of the Department of Labor'' because of 29:551 and 557.

In subsection (j)(5), the words ''from fee increases'' and ''for approval'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The Federal Airport Act, referred to in subsecs. (a)(13)(B) and (i), is act May 13, 1946, ch. 251, 60 Stat. 170, which was classified to chapter 14 (§1101 et seq.) of former Title 49, Transportation, prior to repeal by Pub. L. 91–258, title I, §52(a), May 21, 1970, 84 Stat. 235.

The Airport and Airway Development Act of 1970, referred to in subsecs. (a)(13)(B) and (i), is title I of Pub. L. 91–258, May 21, 1970, 84 Stat. 219, which was classified principally to chapter 25 (§1701 et seq.) of former Title 49, Transportation. Sections 1 through 30 of title I of Pub. L. 91–258, which enacted sections 1701 to 1703, 1711 to 1713, and 1714 to 1730 of former Title 49, and a provision set out as a note under section 1701 of former Title 49, were repealed by Pub. L. 97–248, title V, §523(a), Sept. 3, 1982, 96 Stat. 695. Sections 31, 51, 52(a), (b)(4), (6), (c), (d), and 53 of title I of Pub. L. 91–258 were repealed by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see table at the beginning of Title 49.

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (c)(4)(E), is classified to section 9502 of Title 26, Internal Revenue Code.

The date of enactment of this paragraph, referred to in subsec. (c)(5)(D), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

Section 31(b) of the Small Business Act, referred to in subsec. (e)(1), (4)(B), (6), is classified to section 657a(b) of Title 15, Commerce and Trade.

Section 101(a) of title 23, referred to in subsec. (j)(1)(B), was subsequently amended, and section 101(a) no longer defines ''Federal-aid system''.

The enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (s)(3), means the enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

The date of enactment of this paragraph, referred to in subsec. (s)(3), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

The date of enactment of this subsection, referred to in subsec. (t)(2)(A), is the date of enactment of Pub. L. 114–238, which was approved Oct. 7, 2016.

AMENDMENTS

2023—Subsec. (r)(3). Pub. L. 118–34 substituted ''March 9, 2024'' for ''January 1, 2024''.

Pub. L. 118–15 substituted ''January 1, 2024'' for ''October 1, 2023''.

2020—Subsec. (w)(1). Pub. L. 116–190, § 2(1), substituted ''The Secretary of Transportation'' for ''In fiscal year 2021 and each fiscal year thereafter, the Secretary of Transportation''.

Subsec. (w)(1)(B). Pub. L. 116–190, § 2(2), substituted ''at least one men's and at least one women's'' for ''one men's and one women's''.

Subsec. (w)(2)(A). Pub. L. 116–190, § 2(3), added subpar. (A) and struck out former subpar. (A) which read as follows: ''The requirement in paragraph (1) shall only apply to applications submitted by the airport sponsor of a medium or large hub airport.''

Subsec. (w)(2)(B). Pub. L. 116–190, § 2(4), substituted ''October 5, 2018, complies with the requirement in paragraph (1)(A)'' for ''the date of enactment of this Act complies with the requirement in paragraph (1)''.

Subsec. (w)(2)(C). Pub. L. 116–190, § 2(5), substituted ''paragraph (1)(A)'' for ''paragraph (1)''.

2018—Subsec. (a)(16)(B). Pub. L. 115–254, § 163(d)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: ''the Secretary will approve the plan and any revision or modification before the plan, revision, or modification takes effect;''.

Subsec. (a)(16)(C). Pub. L. 115–254, § 163(d)(2), substituted ''unless the alteration—'' and cls. (i) and (ii) for ''if the alteration does not comply with the plan the Secretary approves, and the Secretary is of the opinion that the alteration may affect adversely the safety, utility, or efficiency of the airport; and''.

Subsec. (a)(16)(D). Pub. L. 115–254, § 163(d)(3), which directed substitution of ''when an alteration in the airport or its facility is made that is within the scope of the Secretary's review and approval authority as set forth in subparagraph (B), and does not conform with the portions of the plan approved by the Secretary, and the Secretary decides that the alteration adversely affects the safety, utility, or efficiency of aircraft operations, or of any property on or off the airport that is owned, leased, or financed by the Government, then the owner or operator will, if requested by the Secretary'' for ''when an alternation'' and all that follows through ''Secretary, will'', was executed by making the substitution for ''when an alteration in the airport or its facility is made that does not conform to the approved plan and that the Secretary decides adversely affects the safety, utility, or efficiency of any property on or off the airport that is owned, leased, or financed by the Government, the owner or operator, if requested by the Secretary, will'' to reflect the probable intent of Congress.

Subsec. (a)(17). Pub. L. 115–254, § 131(1), substituted ''if any phase of such project has received funds under this subchapter, each contract'' for ''each contract''.

Subsec. (r)(3). Pub. L. 115–254, § 131(2), substituted ''2023'' for ''2018''.

Pub. L. 115–141 substituted ''October 1, 2018'' for ''April 1, 2018''.

Subsec. (s)(3). Pub. L. 115–254, § 185, added par. (3).

Subsecs. (u), (v). Pub. L. 115–254, § 131(3), added subsecs. (u) and (v).

Subsec. (w). Pub. L. 115–254, § 132(a), added subsec. (w).

2017—Subsec. (e)(1), (4)(B), (6). Pub. L. 115–91 substituted ''section 31(b) of the Small Business Act'' for ''section 3(p) of the Small Business Act''.

Subsec. (r)(3). Pub. L. 115–63 substituted ''April 1, 2018'' for ''October 1, 2017''.

2016—Subsec. (r)(3). Pub. L. 114–190 substituted ''October 1, 2017'' for ''July 16, 2016''.

Pub. L. 114–141 substituted ''July 16, 2016'' for ''April 1, 2016''.

Subsec. (t). Pub. L. 114–238 added subsec. (t).

2015—Subsec. (r)(3). Pub. L. 114–55 substituted ''April 1, 2016'' for ''October 1, 2015''.

2014—Subsec. (k). Pub. L. 113–188, § 1501(b)(1), (2)(A)(i), redesignated subsec. (*l*) as (k) and struck out former subsec. (k). Prior to amendment, text of subsec. (k) read as follows: ''The Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual summary of the reports submitted to the Secretary under subsection (a)(19) of this section and under section 111(b) of the Federal Aviation Administration Authorization Act of 1994.''

Subsec. (k)(5). Pub. L. 113–188, § 1501(b)(2)(A)(ii), substituted ''subsection (m)(7)'' for ''subsection (n)(7)'' in introductory provisions and ''subsection (m)'' for ''subsection (n)'' in subpar. (B).

Subsec. (*l*). Pub. L. 113–188, § 1501(b)(2)(A)(i), redesignated subsec. (m) as (*l*). Former subsec. (*l*) redesignated (k).

Subsec. (m). Pub. L. 113–188, § 1501(b)(2)(A)(i), (iii), redesignated subsec. (n) as (m) and substituted ''subsections (b) and (k)'' for ''subsections (b) and (*l*)'' in pars. (1) and (7) and ''subsection (n)'' for ''subsection (*o*)'' in pars. (4) and (6). Former subsec. (m) redesignated (*l*).

Subsec. (n). Pub. L. 113–188, § 1501(b)(2)(A)(i), (iv), redesignated subsec. (*o*) as (n) and substituted ''subsection (m)'' for ''subsection (n)'' wherever appearing. Former subsec. (n) redesignated (m).

Subsec. (*o*). Pub. L. 113–188, § 1501(b)(2)(A)(i), (v), redesignated subsec. (p) as (*o*) and substituted ''subsection (n)'' for ''subsection (*o*)''. Former subsec. (*o*) redesignated (n).

Subsec. (p). Pub. L. 113–188, § 1501(b)(2)(A)(i), (vi), redesignated subsec. (q) as (p) and substituted ''subsections (a) through (*o*)'' for ''subsections (a) through (p)'' in introductory provisions. Former subsec. (p) redesignated (*o*).

Subsec. (q). Pub. L. 113–188, § 1501(b)(2)(A)(i), (vii), redesignated subsec. (r) as (q) and substituted ''paragraphs (1) through (3) of subsection (p)'' for ''subsections (q)(1) through (3)''. Former subsec. (q) redesignated (p).

Subsecs. (r) to (t). Pub. L. 113–188, § 1501(b)(2)(A)(i), redesignated subsecs. (s) and (t) as (r) and (s), respectively. Former subsec. (r) redesignated (q).

2012—Subsec. (a)(16)(D)(ii). Pub. L. 112–95, § 135(a), inserted '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)'' before semicolon at end.

Subsec. (c)(2)(A). Pub. L. 112–95, § 135(b)(1)(A)(i), substituted ''purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)'' for ''purpose'' in introductory provisions.

Subsec. (c)(2)(A)(iii). Pub. L. 112–95, § 135(b)(1)(A)(ii), substituted ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)'' for ''paid to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) or, as the Secretary prescribes, reinvested in an approved noise compatibility project, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

Subsec. (c)(2)(B)(iii). Pub. L. 112–95, § 135(b)(1)(B), substituted ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)'' for ''reinvested, on application to the Secretary, in another eligible airport development project the Secretary approves under this subchapter or paid to the Secretary for deposit in the Fund if another eligible project does not exist''.

Subsec. (c)(4), (5). Pub. L. 112–95, § 135(b)(2), added pars. (4) and (5).

Subsec. (s)(3). Pub. L. 112–95, § 404, amended par. (3) generally. Prior to amendment, text read as follows: ''This subsection shall cease to be effective beginning February 18, 2012.''

Pub. L. 112–91 substituted ''February 18, 2012.'' for ''February 1, 2012.''

Subsec. (t). Pub. L. 112–95, §136(a), added subsec. (t).

2011—Subsec. (s)(3). Pub. L. 112–30 substituted ''February 1, 2012.'' for ''September 17, 2011.''

Pub. L. 112–27 substituted ''September 17, 2011.'' for ''July 23, 2011.''

Pub. L. 112–21 substituted ''July 23, 2011.'' for ''July 1, 2011.''

Pub. L. 112–16 substituted ''July 1, 2011.'' for ''June 1, 2011.''

Pub. L. 112–7 substituted ''June 1, 2011.'' for ''April 1, 2011.''

2010—Subsec. (s)(3). Pub. L. 111–329 substituted ''April 1, 2011.'' for ''January 1, 2011.''

Pub. L. 111–249 substituted ''January 1, 2011.'' for ''October 1, 2010.''

Pub. L. 111–216 substituted ''October 1, 2010.'' for ''August 2, 2010.''

Pub. L. 111–197 substituted ''August 2, 2010.'' for ''July 4, 2010.''

Pub. L. 111–161 substituted ''July 4, 2010.'' for ''May 1, 2010.''

Pub. L. 111–153 substituted ''May 1, 2010.'' for ''April 1, 2010.''

2009—Subsec. (s)(3). Pub. L. 111–116 substituted ''April 1, 2010.'' for ''January 1, 2010.''

Pub. L. 111–69 substituted ''January 1, 2010.'' for ''October 1, 2009.''

Pub. L. 111–12 substituted ''October 1, 2009.'' for ''April 1, 2009.''

2008—Subsec. (s)(3). Pub. L. 110–330 substituted ''April 1, 2009'' for ''October 1, 2008''.

2003—Subsec. (a)(21). Pub. L. 108–176, §165, added par. (21).

Subsec. (c)(2)(A)(iii). Pub. L. 108–176, §164, inserted before semicolon at end '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

Subsec. (*l*)(5)(A). Pub. L. 108–176, §144(a), inserted ''or any other governmental entity'' after ''sponsor''.

Subsec. (m)(1). Pub. L. 108–176, §144(b)(1), (2), substituted ''include a provision in the compliance supplement provisions to'' for ''promulgate regulations that'' and struck out ''and opinion of the review'' before ''concerning the funding activities''.

Subsec. (m)(3). Pub. L. 108–176, §144(b)(3), struck out heading and text of par. (3). Text read as follows: ''The report submitted to the Secretary under this subsection shall include a specific determination and opinion regarding the appropriateness of the disposition of airport funds paid or transferred to a sponsor.''

Subsec. (q). Pub. L. 108–7 added subsec. (q).

Subsec. (q)(2). Pub. L. 108–11, §2702(1), which directed the amendment of subsec. (q)(2) of section 321 of Pub. L. 108–7 by inserting ''or underneath'' before ''the Class B airspace'', was executed by making the insertion in subsec. (q)(2) of this section, to reflect the probable intent of Congress.

Subsec. (q)(3). Pub. L. 108–11, §2702(2), (3), which directed the amendment of subsec. (q)(3) of section 321 of Pub. L. 108–7 by striking out ''has sufficient capacity and'' after ''Title 49'' and inserting ''passenger'' before ''delays'', was executed by inserting ''passenger'' before ''delays'' and striking out ''has sufficient capacity and'' after ''title 49'' in subsec. (q)(3) of this section, to reflect the probable intent of Congress.

Subsec. (r). Pub. L. 108–7 added subsec. (r).

Subsec. (s). Pub. L. 108–176, §424, added subsec. (s).

2002—Subsec. (a)(17). Pub. L. 107–217 substituted ''chapter 11 of title 40'' for ''title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)''.

2000—Subsec. (h). Pub. L. 106–181 amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: ''Before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

''(1) publish notice of the proposed modification in the Federal Register; and

''(2) provide an opportunity for comment on the proposal.''

1997—Subsec. (e)(1). Pub. L. 105–135, §604(h)(1)(A), inserted before period at end ''or qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)''.

Subsec. (e)(4)(B). Pub. L. 105–135, §604(h)(1)(B), which directed the amendment of subpar. (B) by inserting before the period ''or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)'', was executed by inserting the material before period at end of last sentence to reflect the probable intent of Congress.

Subsec. (e)(6). Pub. L. 105–135, §604(h)(1)(C), inserted ''or a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)'' after ''disadvantaged individual''.

1996—Subsec. (a)(20). Pub. L. 104–264, §143, added par. (20).

Subsec. (k). Pub. L. 104–287, §5(9), substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

Subsec. (*l*)(1). Pub. L. 104–287, §5(80), substituted ''August 23, 1994'' for ''the date of the enactment of this subsection''.

Subsec. (*l*)(5). Pub. L. 104–264, §805(b)(2), added par. (5).

Subsecs. (m) to (p). Pub. L. 104–264, §805(a), added subsecs. (m) to (p).

1994—Subsec. (a)(15). Pub. L. 103–305, §111(a)(1), inserted before semicolon at end ''and make such reports available to the public''.

Subsec. (a)(19). Pub. L. 103–305, §111(a)(2)–(4), added par. (19).

Subsec. (k). Pub. L. 103–305, §111(c), added subsec. (k).

Subsec. (*l*). Pub. L. 103–305, §112(a), added subsec. (*l*).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–91 effective Jan. 1, 2020, see section 1701(j) of Pub. L. 115–91, set out as a note under section 657a of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title I, §136(b), Feb. 14, 2012, 126 Stat. 24, provided that: ''The amendment made by subsection (a) [amending this section] shall apply to an agreement between an airport sponsor and a property owner (or an association representing such property owner) entered into before, on, or after the date of enactment of this Act [Feb. 14, 2012].''

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–27 effective July 23, 2011, see section 5(j) of Pub. L. 112–27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–21 effective July 1, 2011, see section 5(j) of Pub. L. 112–21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–16 effective June 1, 2011, see section 5(j) of Pub. L. 112–16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112–7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111–329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111–216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–197 effective July 4, 2010, see section 5(j) of Pub. L. 111–197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–161 effective May 1, 2010, see section 5(j) of Pub. L. 111–161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111–153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111–116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111–12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2003 AMENDMENTS

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.

Pub. L. 108–7, div. I, title III, § 321(b), Feb. 20, 2003, 117 Stat. 411, provided that: ''This section [amending this section] shall be effective upon enactment [Feb. 20, 2003], notwithstanding any other section of title 49.''

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 1997 AMENDMENT

Amendment by Pub. L. 105–135 effective Oct. 1, 1997, see section 3 of Pub. L. 105–135, set out as a note under section 631 of Title 15, Commerce and Trade.

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.

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106–181, title I, § 125(e), Apr. 5, 2000, 114 Stat. 76, provided that: ''Nothing in any amendment made by this section [amending this section and sections 47125, 47151, and 47153 of this title] shall be construed to authorize the Secretary [of Transportation] to issue a waiver or make a modification referred to in such amendment.''

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

DIVERSION OF AIRPORT REVENUES FOR CLAIMS RELATED TO CERTAIN CEDED LANDS

Pub. L. 105–66, title III, § 340, Oct. 27, 1997, 111 Stat. 1448, provided that:

''(a) FINDINGS.—The Congress finds that—

''(1) Congress has the authority under article I, section 8 of the Constitution to regulate the air commerce of the United States;

''(2) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

''(3) a grant recipient that uses airport revenues for purposes that are not airport-related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

''(4) illegal diversion of airport revenues undermines the interest of the United States in promoting a strong national air transportation system;

''(5) the policy of the United States that airports should be as self-sustaining as possible and that revenues generated at airports should not be diverted from airport purposes was stated by Congress in 1982 and reaffirmed and strengthened in 1987, 1994, and 1996;

''(6) certain airports are constructed on lands that may have belonged, at one time, to Native Americans, Native Hawaiians, or Alaska Natives;

''(7) contrary to the prohibition against diverting airport revenues from airport purposes under section 47107 of title 49, United States Code, certain payments from airport revenues may have been made for the betterment of Native Americans, Native Hawaiians, or Alaska Natives based upon the claims related to lands ceded to the United States;

''(8) Federal law prohibits diversions of airport revenues obtained from any source whatsoever to occur in the future whether related to claims for periods of time prior to or after the date of enactment of this Act [Oct. 27, 1997]; and

''(9) because of the special circumstances surrounding such past diversions of airport revenues for the betterment of Native Americans, Native Hawaiians, or Alaska Natives, it is in the national interest that amounts from airport revenues previously received by any entity for the betterment of Native Americans, Native Hawaiians, or Alaska Natives, as specified in subsection (b) of this section, should not be subject to repayment.

''(b) TERMINATION OF REPAYMENT RESPONSIBILITY.—Notwithstanding the provisions of [section] 47107 of title 49, United States Code, or any other provision of law, monies paid for claims related to ceded lands and diverted from airport revenues and received prior to April 1, 1996, by any entity for the betterment of Native Americans, Native Hawaiians, or Alaska Natives, shall not be subject to repayment.

''(c) PROHIBITION ON FURTHER DIVERSION.—There shall be no further payment of airport revenues for claims related to ceded lands, whether characterized as operating expenses, rent, or otherwise, and whether related to claims for periods of time prior to or after the date of enactment of this Act [Oct. 27, 1997].

''(d) CLARIFICATION.—Nothing in this Act [see Tables for classification] shall be construed to affect any existing Federal statutes, enactments, or trust obligations created thereunder, or any statute of the several States that define the obligations of such States to Native Americans, Native Hawaiians, or Alaska Natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy such obligations.''

FINDINGS AND PURPOSE

Pub. L. 104–264, title VIII, § 802, Oct. 9, 1996, 110 Stat. 3270, provided that:

''(a) IN GENERAL.—Congress finds that—

''(1) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

''(2) a grant recipient that uses airport revenue for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

''(3) any diversion of airport revenues in violation of the condition referred to in paragraph (1) undermines the interest of the United States in promoting a strong national air transportation system that is responsive to the needs of airport users;

''(4) the Secretary and the Administrator have not enforced airport revenue diversion rules adequately

and must have additional regulatory tools to increase enforcement efforts; and

''(5) sponsors who have been found to have illegally diverted airport revenues—

''(A) have not reimbursed or made restitution to airports in a timely manner; and

''(B) must be encouraged to do so.

''(b) PURPOSE.—The purpose of this title [see Short Title of 1996 Amendment note set out under section 40101 of this title] is to ensure that airport users are not burdened with hidden taxation for unrelated municipal services and activities by—

''(1) eliminating the ability of any State or political subdivision thereof that is a recipient of a project grant to divert airport revenues for purposes that are not related to an airport, in violation of section 47107 of title 49, United States Code;

''(2) imposing financial reporting requirements that are designed to identify instances of illegal diversions referred to in paragraph (1);

''(3) establishing a statute of limitations for airport revenue diversion actions;

''(4) clarifying limitations on revenue diversion that are permitted under chapter 471 of title 49, United States Code; and

''(5) establishing clear penalties and enforcement mechanisms for identifying and prosecuting airport revenue diversion.''

DEFINITIONS

Pub. L. 104–264, title VIII, §803, Oct. 9, 1996, 110 Stat. 3270, provided that: ''For purposes of this title [see Short Title of 1996 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) AIRPORT.—The term 'airport' has the meaning provided that term in section 47102(2) of title 49, United States Code.

''(3) PROJECT GRANT.—The term 'project grant' has the meaning provided that term in section 47102(14) [now section 47102(19)] of title 49, United States Code.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) SPONSOR.—The term 'sponsor' has the meaning provided that term in section 47102(19) [now section 47102(26)] of title 49, United States Code.''

REVISION OF POLICIES AND PROCEDURES; DEADLINES

Pub. L. 104–264, title VIII, §805(b)(1), Oct. 9, 1996, 110 Stat. 3273, provided that: ''Not later than 90 days after the date of the enactment of this Act [Oct. 9, 1996], the Secretary, acting through the Administrator, shall revise the policies and procedures established under section 47107(*l*) [now 47107(k)] of title 49, United States Code, to take into account the amendments made to that section by this title.''

FORMAT FOR REPORTING

Pub. L. 103–305, title I, §111(b), Aug. 23, 1994, 108 Stat. 1574, provided that, within 180 days after Aug. 23, 1994, the Secretary of Transportation was to prescribe a uniform simplified format readily comprehensible to the public for reporting applicable to airports.

§ 47108. Project grant agreements

(a) OFFER AND ACCEPTANCE.—On approving a project grant application under this subchapter, the Secretary of Transportation shall offer the sponsor a grant to pay the United States Government's share of the project costs allowable under section 47110 of this title. The Secretary may impose terms on the offer that the Secretary considers necessary to carry out this subchapter and regulations prescribed under this subchapter. An offer shall state the obligations to be assumed by the sponsor and the maximum amount the Government will pay for the project from the amounts authorized under chapter 481 of this title (except sections 48102(e), 48106, 48107, and 48110). At the request of the sponsor, an offer of a grant for a project that will not be completed in one fiscal year shall provide for the obligation of amounts apportioned or to be apportioned to a sponsor under section 47114(c) or 47114(d)(3)(A) of this title for the fiscal years necessary to pay the Government's share of the cost of the project. An offer that is accepted in writing by the sponsor is an agreement binding on the Government and the sponsor. The Government may pay or be obligated to pay a project cost only after a grant agreement for the project is signed.

(b) INCREASING GOVERNMENT'S SHARE UNDER THIS SUBCHAPTER OR CHAPTER 475.—(1) When an offer has been accepted in writing, the amount stated in the offer as the maximum amount the Government will pay may be increased only as provided in paragraphs (2) and (3) of this subsection.

(2)(A) For a project receiving assistance under a grant approved under the Airport and Airway Improvement Act of 1982 before October 1, 1987, the amount may be increased by not more than—

(i) 10 percent for an airport development project, except a project for acquiring an interest in land; and

(ii) 50 percent of the total increase in allowable project costs attributable to acquiring an interest in land, based on current creditable appraisals.

(B) An increase under subparagraph (A) of this paragraph may be paid only from amounts the Government recovers from other grants made under this subchapter.

(3) For a project receiving assistance under a grant approved under the Act, this subchapter, or chapter 475 of this title after September 30, 1987, the amount may be increased—

(A) for an airport development project, by not more than 15 percent; and

(B) for a grant after September 30, 1992, to acquire an interest in land for an airport (except a primary airport), by not more than the greater of the following, based on current creditable appraisals or a court award in a condemnation proceeding:

(i) 15 percent; or

(ii) 25 percent of the total increase in allowable project costs attributable to acquiring an interest in land.

(c) INCREASING GOVERNMENT'S SHARE UNDER AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970.—For a project receiving assistance under a grant made under the Airport and Airway Development Act of 1970, the maximum amount the Government will pay may be increased by not more than 10 percent. An increase under this subsection may be paid only from amounts the Government recovers from other grants made under the Act.

(d) CHANGING WORKSCOPE.—With the consent of the sponsor, the Secretary may amend a grant agreement made under this subchapter to change the workscope of a project financed

under the grant if the amendment does not result in an increase in the maximum amount the Government may pay under subsection (b) of this section.

(e) CHANGE IN AIRPORT STATUS.—

(1) CHANGES TO NONPRIMARY AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

(2) CHANGES TO NONCOMMERCIAL SERVICE AIRPORT STATUS.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.

(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47119(a), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47119(a). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1262; Pub. L. 106–181, title I, § 135(c), Apr. 5, 2000, 114 Stat. 84; Pub. L. 108–176, title I, § 149(a), Dec. 12, 2003, 117 Stat. 2505; Pub. L. 109–115, div. A, title I, § 176(a), Nov. 30, 2005, 119 Stat. 2427; Pub. L. 112–95, title I, § 152(e)(2), Feb. 14, 2012, 126 Stat. 34.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47108(a)	49 App.:2211(a).	Sept. 3, 1982, Pub. L. 97–248, § 512(a), 96 Stat. 688; Dec. 30, 1987, Pub. L. 100–223, §§ 106(b)(4), 110(c), 101 Stat. 1498, 1502.
47108(b)	49 App.:2211(b).	Sept. 3, 1982, Pub. L. 97–248, § 512(b), 96 Stat. 688; restated Dec. 30, 1987, Pub. L. 100–223, § 110(a), 101 Stat. 1502; Oct. 31, 1992, Pub. L. 102–581, § 109, 106 Stat. 4879.
47108(c)	49 App.:2211(c).	
47108(d)	49 App.:2211(d).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 512(d); added Dec. 30, 1987, Pub. L. 100–223, § 110(b), 101 Stat. 1502.

In subsection (a), the words ''on behalf of the United States'' are omitted as surplus. The words ''or sponsors'' are omitted because of 1:1. The words ''of the application'' are omitted as surplus. The words ''under section 47110 of this title'' are added for clarity. The words ''and conditions'' are omitted as being included in ''terms''. The words ''for the project'' are added for clarity. The words ''an offer of a grant for a project'' are substituted for ''In any case where the Secretary approves a project grant application for a project . . . the offer'' to eliminate unnecessary words. The words ''(including future fiscal years)'' are omitted as surplus. The words ''An offer that is accepted in writing by the sponsor is an agreement binding on the Government and the sponsor'' are substituted for ''If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor'' to eliminate unnecessary words. The words ''which have been or may be incurred'' are omitted as surplus.

In subsection (b)(1), the words ''by a sponsor'' are omitted as surplus. The words ''amount the Government will pay'' are substituted for ''obligation of the United States'' for clarity and consistency in this section.

In subsection (b)(2), the text of 49 App.:2211(b)(2) (last sentence) is restated to apply only to 49 App.:2211(b)(2) (1st sentence) to carry out the probable intent of Congress.

In subsection (b)(3)(B), the words ''for fiscal year 1993 and thereafter'' are omitted as unnecessary.

In subsection (c), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''a project receiving assistance under'' are added for consistency.

In subsection (d), the word ''sponsor'' is substituted for ''grant recipient'' for clarity. The words ''amount the Government may pay'' are substituted for ''obligation of the United States authorized'' for clarity and consistency in this section.

Editorial Notes

REFERENCES IN TEXT

The Airport and Airway Improvement Act of 1982, referred to in subsec. (b)(2)(A), (3), is title V of Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 671, which was classified principally to chapter 31 (§ 2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as this subchapter.

The Airport and Airway Development Act of 1970, referred to in subsec. (c), is title I of Pub. L. 91–258, May 21, 1970, 84 Stat. 219, which was classified principally to chapter 25 (§ 1701 et seq.) of former Title 49. Sections 1 through 30 of title I of Pub. L. 91–258, which enacted sections 1701 to 1703, 1711 to 1713, and 1714 to 1730 of former Title 49, and a provision set out as a note under section 1701 of former Title 49, were repealed by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695. Sections 31, 51, 52(a), (b)(4), (6), (c), (d), and 53 of title I of Pub. L. 91–258 were repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see table at the beginning of Title 49.

AMENDMENTS

2012—Subsec. (e)(3). Pub. L. 112–95 substituted ''accordance with section 47119(a)'' for ''accordance with section 47110(d)(2)'' and ''allowable under section 47119(a)'' for ''allowable under section 47110(d)''.

2005—Subsec. (e)(3). Pub. L. 109–115 added par. (3).

2003—Subsec. (a). Pub. L. 108–176 inserted ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

2000—Subsec. (e). Pub. L. 106–181 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise 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.

LAND ACQUISITION COSTS

Pub. L. 107–71, title I, §143, Nov. 19, 2001, 115 Stat. 644, provided that: ''In the case of a grant for land acquisition issued to an airport under chapter 471 of title 49, United States Code, prior to January 1, 1995, the Secretary of Transportation may waive the provisions of section 47108 of such title and provide an upward adjustment in the maximum obligation of the United States under that chapter to assist the airport in funding land acquisition costs (and associated eligible costs) that increased as a result of a judicial order.''

[For definitions of ''airport'' and ''United States'' used in section 143 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.]

§ 47109. United States Government's share of project costs

(a) GENERAL.—Except as otherwise provided in this section, the United States Government's share of allowable project costs is—

(1) 75 percent for a project at a medium or large hub airport;

(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;

(3) 90 percent for a project at any other airport;

(4) 70 percent for a project funded by the Administrator from the discretionary fund under section 47115 at an airport receiving an exemption under section 47134; and

(5) 95 percent for a project that—

(A) the Administrator determines is a successive phase of a multiphase construction project for which the sponsor received a grant in fiscal year 2011; and

(B) for which the United States Government's share of allowable project costs would otherwise be capped at 90 percent under paragraph (2) or (3).

(b) INCREASED GOVERNMENT SHARE.—If, under subsection (a) of this section, the Government's share of allowable costs of a project in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970, the Government's share under subsection (a) of this section shall be increased by the lesser of—

(1) 25 percent;

(2) one-half of the percentage that the area of unappropriated and unreserved public lands and nontaxable Indian lands in the State is of the total area of the State; or

(3) the percentage necessary to increase the Government's share to the percentage that applied on June 30, 1975, under section 17(b) of the Act.

(c) GRANDFATHER RULE.—

(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project.

(2) The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b), except that at a primary non-hub and non-primary commercial service airport located in a State as set forth in paragraph (1) of this subsection that is within 15 miles of another State as set forth in paragraph (1) of this subsection, the Government's share shall be an average of the Government share applicable to any project in each of the States.

(d) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.

(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years after such change in hub status.

(f) SPECIAL RULE FOR ECONOMICALLY DISTRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

(1) is receiving essential air service for which compensation was provided to an air carrier under subchapter II of chapter 417; and

(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.

(g) SPECIAL RULE FOR COVERED EQUIPMENT.—

(1) IN GENERAL.—The Government's share of allowable project costs for covered equipment and its installation shall be 100 percent.

(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term ''covered equipment'' means aqueous film forming foam input-based testing equipment that is eligible for Airport Improvement Program funding based on Federal Aviation Administration PGL 21–01, titled ''Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification'', dated October 5, 2021 (or any other successor program guidance letter).

(3) SUNSET.—The higher cost share authority established in this subsection shall terminate on the earlier of—

(A) 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2) terminates or is discontinued by the Administrator; or

(B) 5 years after the date of enactment of this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1264; Pub. L. 103–305, title I, § 114, Aug. 23, 1994, 108 Stat. 1579; Pub. L. 104–264, title I, § 149(c), title XII, § 1211, Oct. 9, 1996, 110 Stat. 3227, 3282; Pub. L. 106–181, title I, § 126, Apr. 5, 2000, 114 Stat. 76; Pub. L. 107–71, title I, § 119(a)(4), Nov. 19, 2001, 115 Stat. 629; Pub. L. 108–176, title I, §§ 162, 163, Dec. 12, 2003, 117 Stat. 2513; Pub. L. 112–95, title I, § 137, Feb. 14, 2012, 126 Stat. 24; Pub. L. 113–235, div. K, title I, § 119F, Dec. 16, 2014, 128 Stat. 2704; Pub. L. 115–31, div. K, title I, § 119E, May 5, 2017, 131 Stat. 734; Pub. L. 115–254, div. B, title I, § 134, Oct. 5, 2018, 132 Stat. 3209; Pub. L. 117–254, § 2(a), Dec. 20, 2022, 136 Stat. 2361.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47109(a)	49 App.:2209(a), (b).	Sept. 3, 1982, Pub. L. 97–248, § 510, 96 Stat. 685.
47109(b)	49 App.:2209(c).	
47109(c)	49 App.:2212(b)(5).	Sept. 3, 1982, Pub. L. 97–248, § 513(b)(5), 96 Stat. 691; Dec. 30, 1987, Pub. L. 100–223, § 111(a)(2), 101 Stat. 1503; Oct. 31, 1992, Pub. L. 102–581, § 110(b), 106 Stat. 4880.

In subsection (a), before clause (1), the words ''Except as provided in subsections (b) and (c) of this section'' are substituted for ''Except as otherwise provided in this chapter'' because subsections (b) and (c) restate the only parts of the chapter that provide exceptions to the general rule stated in subsection (a). In clauses (1) and (2), the words ''for a project'' are substituted for ''payable on account of any project contained in an approved project grant application submitted in accordance with this chapter'' in 49 App.:2209(a) and ''payable on account of any project contained in an approved project grant application'' in 49 App.:2209(b) for consistency in this chapter and to eliminate unnecessary words. A project cost is allowable only if it is incurred under a grant agreement made under the chapter, and a grant agreement may be made only if the project grant application is approved. In clause (1), the words ''number of passenger boardings'' are substituted for ''enplaning . . . of the . . . passengers enplaned'' because of the definition of ''passenger boardings'' in section 47102 of the revised title.

In subsection (b), the words ''If, under subsection (a) of this section, the Government's share of allowable costs . . . is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970'' and ''(3) the percentage necessary to increase the Government's share to the percentage that applied on June 30, 1975, under section 17(b) of the Act'' are substituted for 49 App.:2209(c) (last sentence) for clarity. The words ''of the total of all lands therein'' are omitted as surplus.

In subsection (c), the words ''Notwithstanding subsections (a) and (b) of this section'' are substituted for ''Notwithstanding any other provision of this chapter'' because subsections (a) and (b) are the only other parts of the chapter that specify the United States Government's share of allowable project costs.

Editorial Notes

REFERENCES IN TEXT

Section 17(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (b), is section 17(b) of Pub. L. 91–258, which was classified to section 1717(b) of former Title 49, Transportation, prior to repeal by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695.

The date of enactment of this subsection, referred to in subsec. (g)(3)(B), is the date of enactment of Pub. L. 117–254, which was approved Dec. 20, 2022.

AMENDMENTS

2022—Subsec. (g). Pub. L. 117–254 added subsec. (g).

2018—Subsec. (a)(1). Pub. L. 115–254, § 134(1), substituted ''medium or large hub airport;'' for ''primary airport having at least .25 percent of the total number of passenger boardings each year at all commercial service airports;''.

Subsec. (a)(5). Pub. L. 115–254, § 134(2), added par. (5) and struck out former par. (5) which read as follows: ''for fiscal year 2002, 100 percent for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L).''

2017—Subsec. (c)(2). Pub. L. 115–31 amended par. (2) generally. Prior to amendment, text read as follows: ''The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b), except that at a primary non-hub airport located in a State as set forth in paragraph (1) of this subsection that is within 15 miles of another State as set forth in paragraph (1) of this subsection, the Government's share shall be an average of the Government share applicable to any project in each of the States.''

2014—Subsec. (c)(2). Pub. L. 113–235 inserted before period at end '', except that at a primary non-hub airport located in a State as set forth in paragraph (1) of this subsection that is within 15 miles of another State as set forth in paragraph (1) of this subsection, the Government's share shall be an average of the Government share applicable to any project in each of the States''.

2012—Subsec. (a). Pub. L. 112–95, § 137(1), substituted ''otherwise provided in this section'' for ''provided in subsection (b) or subsection (c) of this section'' in introductory provisions.

Subsecs. (e), (f). Pub. L. 112–95, § 137(2), added subsecs. (e) and (f).

2003—Subsec. (a). Pub. L. 108–176, § 162(b), substituted ''Except as provided in subsection (b) or subsection (c)'' for ''Except as provided in subsection (b)'' in introductory provisions.

Subsec. (a)(4). Pub. L. 108–176, § 163, substituted ''70 percent'' for ''40 percent''.

Subsecs. (c), (d). Pub. L. 108–176, § 162(a), added subsec. (c) and redesignated former subsec. (c) as (d).

2001—Subsec. (a)(5). Pub. L. 107–71 added par. (5).

2000—Subsec. (a)(2) to (4). Pub. L. 106–181 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

1996—Subsec. (a)(3). Pub. L. 104–264, § 149(c), added par. (3).

Subsec. (c). Pub. L. 104–264, § 1211, added subsec. (c).

1994—Subsec. (a). Pub. L. 103–305, § 114(1), substituted ''subsection (b)'' for ''subsections (b) and (c)''.

Subsec. (c). Pub. L. 103–305, § 114(2), struck out subsec. (c) which read as follows: ''(c) LIMITATION.—Notwithstanding subsections (a) and (b) of this section, the Government's share of project costs allowable under section 47110(d) of this title may not be more than 75 percent, except that the Government's share shall be 85 percent for a project at a commercial service airport that does not have more than .05 percent of the total annual passenger boardings in the United States.''

Statutory Notes and Related Subsidiaries

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 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.

OUTREACH EFFORTS

Pub. L. 117–254, § 2(b), Dec. 20, 2022, 136 Stat. 2361, provided that: ''Not later than 90 days after the date of enactment of this Act [Dec. 20, 2022], the Administrator of the Federal Aviation Administration shall conduct an outreach effort to make airports aware of the higher cost share authority established in section 47109(g) of title 49, United States Code, as added by subsection (a).''

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 117–254, § 2(d), Dec. 20, 2022, 136 Stat. 2362, provided that: ''The amendments made by this Act [amending this section] shall apply to amounts that first become available in fiscal year 2023 or thereafter.''

TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS

Pub. L. 108–176, title I, § 161, Dec. 12, 2003, 117 Stat. 2513, as amended by Pub. L. 110–190, § 4(c), Feb. 28, 2008, 122 Stat. 644; Pub. L. 110–253, § 3(c)(3), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, § 5(i), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, § 5(h), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, § 5(i), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, § 5(h), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, § 5(h), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, § 5(h), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, § 5(h), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, § 104(h), Aug. 1, 2010, 124 Stat. 2350; Pub. L. 111–249, § 5(i), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, § 5(h), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, § 5(h), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, § 5(h), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, § 5(h), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, § 5(h), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, § 205(i), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, § 5(i), Jan. 31, 2012, 126 Stat. 4, provided that: ''Notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs for a grant made in any of fiscal years 2009 through 2011, or in the portion of fiscal year 2012 ending before February 18, 2012, under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.''

[Pub. L. 110–253, § 3(c)(3), which directed amendment of section 161 of Pub. L. 108–176, set out above, by substituting ''fiscal year 2008.'' for ''fiscal year 2008 before July 1, 2008.'', was executed by substituting ''fiscal year 2008,'' for ''fiscal year 2008 before July 1, 2008,'' to reflect the probable intent of Congress.]

§ 47110. Allowable project costs

(a) GENERAL AUTHORITY.—Except as provided in section 47111 of this title, the United States Government may pay or be obligated to pay, from amounts appropriated to carry out this subchapter, a cost incurred in carrying out a project under this subchapter only if the Secretary of Transportation decides the cost is allowable.

(b) ALLOWABLE COST STANDARDS.—A project cost is allowable—

(1)(A) if the cost necessarily is incurred in carrying out the project in compliance with the grant agreement made for the project under this subchapter, including any cost a sponsor incurs related to an audit the Secretary requires under section 47121(b) or (d) of this title and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type; or

(B) if the cost is an incentive payment incurred in carrying out the project described in subparagraph (A) that is to be provided to a contractor upon early completion of a project, if—

(i) such payment does not exceed the lesser of 5 percent of the initial construction contract amount or $1,000,000;

(ii) the level of contractor's control of, or access to, the worksite necessary to shorten the duration of the project does not negatively impact the operation of the airport;

(iii) the contract specifies application of the incentive structure in the event of unforeseeable, non-weather delays beyond the control of the contractor;

(iv) nothing in any agreement with the contractor prevents the airport operator from retaining responsibility for the safety, efficiency, and capacity of the airport during the execution of the grant agreement; and

(v) the Secretary determines that the use of an incentive payment is likely to increase airport capacity or efficiency or result in cost savings as a result of shortening the project's duration;

(2)(A) if the cost is incurred after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed;

(B) if the cost is incurred after June 1, 1989, by the airport operator (regardless of when the grant agreement is executed) as part of a Government-approved noise compatibility program (including project formulation costs) and is consistent with all applicable statutory and administrative requirements;

(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) or section 47114(d)(3)(A) and if the cost is incurred—

(i) after September 30, 1996;

(ii) before a grant agreement is executed for the project; and

(iii) in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements

that would have been applicable to the project if the project had been carried out after the grant agreement had been executed; or

(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

(i) the cost was incurred before execution of the grant agreement because the airport has a shortened construction season due to climatic conditions in the vicinity of the airport;

(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

(iv) the sponsor has an alternative funding source available to fund the project; and

(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;

(3) to the extent the cost is reasonable in amount;

(4) if the cost is not incurred in a project for airport development or airport planning for which other Government assistance has been granted;

(5) if the total costs allowed for the project are not more than the amount stated in the grant agreement as the maximum the Government will pay (except as provided in section 47108(b) of this title);

(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary; and

(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—

(A) the measure is for a project for airport development;

(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.

(c) CERTAIN PRIOR COSTS AS ALLOWABLE COSTS.—The Secretary may decide that a project cost under subsection (b)(2)(A) of this section incurred after May 13, 1946, and before the date the grant agreement is executed is allowable if it is—

(1) necessarily incurred in formulating an airport development project, including costs incurred for field surveys, plans and specifications, property interests in land or airspace, and administration or other incidental items that would not have been incurred except for the project; or

(2) necessarily and directly incurred in developing the work scope of an airport planning project.

(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

(3) the Secretary determines that the change is beyond the control of the airport sponsor.

(e) LETTERS OF INTENT.—(1) The Secretary may issue a letter of intent to the sponsor stating an intention to obligate from future budget authority an amount, not more than the Government's share of allowable project costs, for an airport development project (including costs of formulating the project) at a primary or reliever airport. The letter shall establish a schedule under which the Secretary will reimburse the sponsor for the Government's share of allowable project costs, as amounts become available, if the sponsor, after the Secretary issues the letter, carries out the project without receiving amounts under this subchapter.

(2) Paragraph (1) of this subsection applies to a project—

(A) about which the sponsor notifies the Secretary, before the project begins, of the sponsor's intent to carry out the project;

(B) that will comply with all statutory and administrative requirements that would apply to the project if it were carried out with amounts made available under this subchapter; and

(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly.

(3) A letter of intent issued under paragraph (1) of this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws.

(4) The total estimated amount of future Government obligations covered by all outstanding

letters of intent under paragraph (1) of this subsection may not be more than the amount authorized to carry out section 48103 of this title, less an amount reasonably estimated by the Secretary to be needed for grants under section 48103 that are not covered by a letter.

(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility charge under section 40117 in order to obtain a letter of intent under this section.

(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(7) PARTNERSHIP PROGRAM AIRPORTS.—The Secretary may issue a letter of intent under this section to an airport sponsor with an approved application under section 47134(b) if—

(A) the application was approved in fiscal year 2019; and

(B) the project meets all other requirements set forth in this chapter.

(f) NONALLOWABLE COSTS.—Except as provided in subsection (d) of this section and section 47118(f) of this title, a cost is not an allowable airport development project cost if it is for—

(1) constructing a public parking facility for passenger automobiles;

(2) constructing, altering, or repairing part of an airport building, except to the extent the building will be used for facilities or activities directly related to the safety of individuals at the airport;

(3) decorative landscaping; or

(4) providing or installing sculpture or art works.

(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) or section 47114(d)(3)(A) are not sufficient to cover the Government's share of the cost of the project.

(h) NONPRIMARY AIRPORTS.—The Secretary may decide that the construction costs of revenue producing aeronautical support facilities are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.

(i) BIRD-DETECTING RADAR SYSTEMS.—The Administrator of the Federal Aviation Administration, upon the conclusion of all planned research by the Administration regarding avian radar systems, shall—

(1) update Advisory Circular No. 150/5220–25 to specify which systems have been studied; and

(2) within 180 days after such research is concluded, issue a final report on the use of avian radar systems in the national airspace system.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1264; Pub. L. 103–305, title I, §115, Aug. 23, 1994, 108 Stat. 1579; Pub. L. 103–429, §6(64), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title I, §144, Oct. 9, 1996, 110 Stat. 3222; Pub. L. 106–181, title I, §127, Apr. 5, 2000, 114 Stat. 76; Pub. L. 107–71, title I, §119(a)(2), Nov. 19, 2001, 115 Stat. 628; Pub. L. 108–176, title I, §§145, 149(b), 159(c), Dec. 12, 2003, 117 Stat. 2504, 2505, 2511; Pub. L. 109–115, div. A, title I, §176(b), Nov. 30, 2005, 119 Stat. 2427; Pub. L. 112–95, title I, §§111(c)(2)(A)(ii), 138, Feb. 14, 2012, 126 Stat. 18, 25; Pub. L. 115–254, div. B, title I, §184(b), title V, §539(n), Oct. 5, 2018, 132 Stat. 3234, 3371; Pub. L. 117–186, §2, Oct. 10, 2022, 136 Stat. 2199.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47110(a)	49 App.:2212(a) (1st, last sentences).	Sept. 3, 1982, Pub. L. 97–248, §513(a), 96 Stat. 689; Aug. 4, 1989, Pub. L. 101–71, §3, 103 Stat. 181.
47110(b)	49 App.:2212(a) (2d sentence cls. (1), (2) (words before period), (3), (4)).	
47110(c)	49 App.:2212(a) (2d sentence cl. (2) (words after period)).	
47110(d)	49 App.:2212(b)(1), (6).	Sept. 3, 1982, Pub. L. 97–248, §513(b)(1), (6), 96 Stat. 691; Oct. 31, 1992, Pub. L. 102–581, §110(a), 106 Stat. 4879.
47110(e)	49 App.:2212(d).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §513(d); added Dec. 30, 1987, Pub. L. 100–223, §111(c), 101 Stat. 1503; Oct. 31, 1992, Pub. L. 102–581, §111, 106 Stat. 4880.
47110(f)	49 App.:2212(c).	Sept. 3, 1982, Pub. L. 97–248, §513(c), 96 Stat. 691; Dec. 30, 1987, Pub. L. 100–223, §111(b), 101 Stat. 1503; Oct. 31, 1992, Pub. L. 102–581, §107(c)(2), 106 Stat. 4879.

In subsection (a), the words ''for airport development or airport planning'' are omitted because of the definition of ''project'' in section 47102 of the revised title. The text of 49 App.:2212(a) (last sentence) is omitted as surplus because of 49:322(a).

In subsection (b)(1), the word ''approved'' is omitted as surplus because a project that was not approved could not be carried out in compliance with a grant agreement. The words ''in compliance with the grant agreement made for the project under this subchapter'' are substituted for ''in conformity with the terms and conditions of the grant agreement entered into in connection with the project'' to eliminate unnecessary words. The word ''sponsor'' is substituted for ''recipient'' for clarity.

In subsection (b)(2)(A), the words ''with respect to the project'' are omitted as unnecessary because ''the grant agreement'' means ''the grant agreement made for the project'' referred to in clause (1) of this subsection. The words ''under the project'' are omitted as surplus.

Subsection (b)(3) is substituted for ''in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, the Secretary may allow as an allowable project cost only so much of such project cost as the Secretary determines to be reasonable'' to eliminate unnecessary words.

Subsection (b)(5) is substituted for ''except that in no event may the Secretary allow project costs in excess of the definite amount stated in the grant agreement except to the extent authorized by section 2211(b) of this Appendix'' for consistency in this section.

In subsection (c), before clause (1), the words ''The Secretary may decide that a project cost . . . is allowable'' are substituted for ''However, the allowable costs of a project . . . may include . . . and the allowable

costs of a project . . . may include'' for clarity and consistency in the revised title. The words ''incurred after May 13, 1946, and before the date the grant agreement is executed'' are substituted for ''which were incurred prior to the execution of the grant agreement and subsequent to May 13, 1946'' and ''which were incurred subsequent to May 13, 1946'' to eliminate unnecessary words. In clause (1), the words ''preparation of'', ''acquisition of'', ''by the sponsor specifically in connection with the accomplishment of the project for airport development'' are omitted as surplus. The words ''property interests in land or airspace'' are substituted for ''land or interests therein or easements through or other interests in airspace'' to eliminate unnecessary words.

In subsection (d)(1), before clause (A), the words ''The Secretary may decide that the cost . . . is allowable'' are substituted for ''the Secretary may approve, as allowable project costs'' and ''The Secretary shall approve project costs allowable under paragraph (1) of this subsection'' for clarity and consistency in this section. In clause (B), the words ''the boundaries of'' are omitted as surplus. In clause (C), the words ''and conditions'' are omitted as being included in ''terms''.

In subsection (d)(2), the words ''In making a decision under paragraph (1) of this subsection, the Secretary may approve as allowable costs'' are substituted for ''In the case of a commercial service airport . . . the Secretary may approve, under the preceding sentence as allowable project costs'' for consistency in this subsection.

In subsection (e)(1), the word ''sponsor'' is substituted for ''applicant'' for consistency. The words ''stipulated as'' and ''Subject to the provisions of this paragraph'' are omitted as surplus. The word ''reimburse'' is substituted for ''make payments under paragraph (2) of this subsection'' and ''pay'' for clarity. The words ''payable on account of such project in accordance with such letter of intent'' are omitted as surplus.

In subsection (e)(2), before clause (A), the text of 49 App.:2212(d)(1)(C) (last sentence) is omitted as obsolete.

In subsection (e)(3), the words ''A letter of intent issued'' are substituted for ''action'' for clarity. The word ''deemed'' before ''an obligation'' is omitted as surplus.

In subsection (f)(2), the words ''of a hangar or'' are omitted as being included in ''airport building''.

PUB. L. 103–429

The source credits for all of subsection (b) are included for clarity though only subsection (b)(2) is affected by the amendment. The source credits for 49:47110(c) are included to correct a mistake on p. 405 of H. R. Rept. 103–180 (103d Cong., 1st Sess., July 15, 1993).

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47110(b)	49 App.:2212(a) (2d sentence cls. (1), (2)(A) (words before period), (B), (3), (4)).	Sept. 3, 1982, Pub. L. 97–248, §513(a) (2d sentence), as amended May 26, 1994, Pub. L. 103–260, §106, 108 Stat. 699.
47110(c)	49 App.:2212(a) (2d sentence cl. (2)(A) (words after period).	

In subsection (b)(2)(C)(ii), the words ''before the cost is incurred'' are added for clarity.

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(1). Pub. L. 117–186, §2(a), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (e)(7). Pub. L. 117–186, §2(b), substituted ''PARTNERSHIP PROGRAM AIRPORTS'' for ''PARTNERSHIP PROGRAM AIRPORTS'' in heading.

2018—Subsec. (b)(2)(B). Pub. L. 115–254, §539(n)(1), substituted ''compatibility'' for ''compatability''.

Subsec. (b)(2)(D)(i). Pub. L. 115–254, §539(n)(2), substituted ''climatic'' for ''climactic''.

Subsec. (e)(7). Pub. L. 115–254, §184(b), added par. (7).

2012—Subsec. (b)(2)(D). Pub. L. 112–95, §138(a), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L) and shall not depend upon the date of execution of a grant agreement made under this subchapter;''.

Subsec. (b)(7). Pub. L. 112–95, §138(b), added par. (7).

Subsec. (d). Pub. L. 112–95, §138(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to terminal development costs.

Subsec. (e)(5). Pub. L. 112–95, §111(c)(2)(A)(ii), substituted ''charge'' for ''fee''.

Subsec. (h). Pub. L. 112–95, §138(d), inserted ''construction'' before ''costs of revenue producing'' and struck out '', including fuel farms and hangars,'' before ''are allowable''.

Subsec. (i). Pub. L. 112–95, §138(e), added subsec. (i).

2005—Subsec. (d)(2)(A). Pub. L. 109–115, which directed amendment of section 47110(d)(2)(A), without specifying the title to be amended, by substituting ''(A) except as provided in section 47108(e)(3), the'' for ''(A) the'', was executed to this section, to reflect the probable intent of Congress.

2003—Subsec. (b)(1). Pub. L. 108–176, §145, inserted ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type'' before semicolon at end.

Subsec. (b)(2)(C). Pub. L. 108–176, §149(b)(1), substituted ''or section 47114(d)(3)(A)'' for ''of this title'' in introductory provisions.

Subsec. (b)(6). Pub. L. 108–176, §159(c), added par. (6).

Subsec. (g). Pub. L. 108–176, §149(b)(2), inserted ''or section 47114(d)(3)(A)'' after ''of section 47114(c)'' and substituted ''of the project'' for ''of project''.

Subsec. (h). Pub. L. 108–176, §149(b)(3), added subsec. (h).

2001—Subsec. (b)(2)(D). Pub. L. 107–71 added subpar. (D).

2000—Subsec. (e)(2)(C). Pub. L. 106–181, §127(1), added subpar. (C) and struck out former subpar. (C) which read as follows: ''the Secretary decides will enhance system-wide airport capacity significantly and meets the criteria of section 47115(d) of this title.''

Subsec. (e)(5). Pub. L. 106–181, §127(2), added par. (5) and struck out former par. (5) which read as follows: ''A letter of intent issued under paragraph (1) of this subsection may not condition the obligation of amounts on the imposition of a passenger facility fee.''

1996—Subsec. (b)(2)(C). Pub. L. 104–264, §144(a), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''if the Government's share is paid only with amounts apportioned under section 47114(c)(1)(A) and (2) of this title and if the cost is incurred—

''(i) during the fiscal year ending September 30, 1994;

''(ii) before a grant agreement is executed for the project but according to an airport layout plan the Secretary approves before the cost is incurred and all applicable statutory and administrative requirements that would apply to the project if the agreement had been executed; and

''(iii) for work related to a project for which a grant agreement previously was executed during the fiscal year ending September 30, 1994;''.

Subsec. (g). Pub. L. 104–264, §144(b), added subsec. (g).

1994—Subsec. (b)(2). Pub. L. 103–429 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''if the cost is incurred—

''(A) after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed; or

''(B) after June 1, 1989, by the airport operator (regardless of when the grant agreement is executed) as part of a Government-approved noise compatibility program (including project formulation costs) and is consistent with all applicable statutory and administrative requirements;''.

Subsec. (e)(6). Pub. L. 103–305 added par. (6).

Statutory Notes and Related Subsidiaries

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 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.

LETTERS OF INTENT FOR AIRPORT SECURITY IMPROVEMENT PROJECTS

Pub. L. 108–7, div. I, title III, §367, Feb. 20, 2003, 117 Stat. 423, provided that:

''(a) The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] may issue a letter of intent to an airport committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project) at the airport. The letter shall establish a schedule under which the Under Secretary will reimburse the airport for the Government's share of the project's costs, as amounts become available, if the airport, after the Under Secretary issues the letter, carries out the project without receiving amounts under Chapter 471 of title 49 [United States Code].

''(b) The airport shall notify the Under Secretary of the airport's intent to carry out the airport security improvement project before the project begins.

''(c) A letter of intent may be issued under this section only if—

''(1) The airport security improvement project to which the letter applies involves the replacement of baggage conveyer systems or the reconfiguration of terminal baggage areas in order to install explosive detection systems; and

''(2) The Under Secretary determines that the project will improve security or will improve the efficiency of the airport without lessening security.

''(d) A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31 [United States Code], and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

''(e) The Government's share of the project's cost shall be 75 percent for a project at an airport having at least 0.25 percent of the total number of passenger boardings each year at all airports and 90 percent for a project at any other airport.

''(f) Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

''(g) The Under Secretary shall notify the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee, and the Senate Commerce, Science, and Transportation Committee at least 3 days prior to the issuance of a letter of intent under this section.

''(h) There is authorized to be appropriated to carry out this section $500,000,000 in each of fiscal years 2003, 2004, 2005, 2006, and 2007.''

LETTERS OF INTENT; DURATION OF AUTHORITY AND APPROVAL BY CONGRESS

Pub. L. 102–388, title III, §320, Oct. 6, 1992, 106 Stat. 1546, provided that: ''The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended [see subsec. (e) of this section], to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act [substantially repealed by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by first section thereof as this subchapter]: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives.'' Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–143, title III, §320, Oct. 28, 1991, 105 Stat. 942.

Pub. L. 101–516, title III, §320, Nov. 5, 1990, 104 Stat. 2181.

Pub. L. 101–164 title III, §326, Nov. 21, 1989, 103 Stat. 1096.

Pub. L. 100–457, title III, §334, Sept. 30, 1988, 102 Stat. 2153.

§ 47111. Payments under project grant agreements

(a) GENERAL AUTHORITY.—After making a project grant agreement under this subchapter and consulting with the sponsor, the Secretary of Transportation may decide when and in what amounts payments under the agreement will be made. Payments totaling not more than 90 percent of the United States Government's share of the project's estimated allowable costs may be made before the project is completed if the sponsor certifies to the Secretary that the total amount expended from the advance payments at any time will not be more than the cost of the airport development work completed on the project at that time.

(b) RECOVERING PAYMENTS.—If the Secretary determines that the total amount of payments made under a grant agreement under this subchapter is more than the Government's share of the total allowable project costs, the Government may recover the excess amount. If the Secretary finds that a project for which an advance payment was made has not been completed within a reasonable time, the Government may recover any part of the advance payment for which the Government received no benefit.

(c) PAYMENT DEPOSITS.—A payment under a project grant agreement under this subchapter may be made only to an official or depository designated by the sponsor and authorized by law to receive public money.

(d) WITHHOLDING PAYMENTS.—(1) The Secretary may withhold a payment under a grant agreement under this subchapter for more than 180 days after the payment is due only if the Secretary—

(A) notifies the sponsor and provides an opportunity for a hearing; and

(B) finds that the sponsor has violated the agreement.

(2) The 180-day period may be extended by—

(A) agreement of the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding a payment may apply for review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The petition must be filed not later than 60 days after the order is served on the petitioner.

(e) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If, after notice and opportunity for a hearing, the Secretary finds a violation of section 47107(b) of this title, as further defined by the Secretary under section 47107(k) of this title, or a violation of an assurance made under section 47107(b) of this title, and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation, and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this chapter, or any proposed modification to an existing grant that would increase the amount of funds made available under this chapter to the airport sponsor, and withhold approval of any new application to impose a fee[1] under section 40117 of this title. Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.

(f) JUDICIAL ENFORCEMENT.—For any violation of this chapter or any grant assurance made under this chapter, the Secretary may apply to the district court of the United States for any district in which the violation occurred for enforcement. Such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining any person from further violation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1266; Pub. L. 103–305, title I, § 112(b), Aug. 23, 1994, 108 Stat. 1575; Pub. L. 113–188, title XV, § 1501(b)(2)(C), Nov. 26, 2014, 128 Stat. 2024.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47111(a)	49 App.:2213 (1st, 2d sentences).	Sept. 3, 1982, Pub. L. 97–248, § 514, 96 Stat. 691.
47111(b)	49 App.:2213 (3d, 4th sentences).	
47111(c)	49 App.:2213 (last sentence).	
47111(d)	49 App.:2218(b) (related to payment).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 519(b) (related to payment); added Dec. 30, 1987, Pub. L. 100–223, § 112(2), 101 Stat. 1504.

In subsection (a), the words ''the terms of'' are omitted as surplus. The words ''totaling'' and ''total'' are substituted for ''in an aggregate amount'' and ''aggregate'' for consistency in the revised title. The words ''from time to time'' are omitted as surplus. The words ''before the project is completed'' are substituted for ''in advance of accomplishment of the airport project to which the payments relate'' for consistency in this chapter and to eliminate unnecessary words.

In subsection (b), the words ''at any time'' are omitted as surplus. The words ''project for which an advance payment was made has not been completed within a reasonable time'' are substituted for ''any airport development to which the advance payments relate has not been accomplished within a reasonable time or the project is not completed'' for clarity, for consistency in this chapter, and to eliminate unnecessary words.

In subsection (d)(1) and (2), the word ''sponsor'' is substituted for ''recipient'' and ''grant recipient'' for clarity.

In subsection (d)(2)(A), the word ''mutual'' is omitted as surplus.

In subsection (d)(3), the words ''adversely affected'' are substituted for ''aggrieved'' for consistency in the revised title and with other titles of the United States Code. The words ''the date on which'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–188 substituted ''section 47107(k)'' for ''section 47107(*l*)''.

1994—Subsecs. (e), (f). Pub. L. 103–305 added subsecs. (e) and (f).

§ 47112. Carrying out airport development projects

(a) CONSTRUCTION WORK.—The Secretary of Transportation may inspect and approve construction work for an airport development project carried out under a grant agreement under this subchapter. The construction work must be carried out in compliance with regulations the Secretary prescribes. The regulations shall require the sponsor to make necessary cost and progress reports on the project. The regulations may amend or modify a contract related to the project only if the contract was made with actual notice of the regulations.

(b) PREVAILING WAGES.—A contract for more than $2,000 involving labor for an airport development project carried out under a grant agreement under this subchapter must require contractors to pay labor minimum wage rates as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. The minimum rates must be included in the bids for the work and in the invitation for those bids.

(c) VETERANS' PREFERENCE.—(1) In this subsection—

(A) ''disabled veteran'' has the same meaning given that term in section 2108 of title 5.

(B) ''Vietnam-era veteran'' means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces for more than 180 consecutive days, any part of which occurred after August 4, 1964, and before May 8, 1975, and who was discharged or released from active duty in the armed forces under honorable conditions.

(C) ''Afghanistan-Iraq war veteran'' means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, Operation

[1] So in original. Probably should be ''charge''.

Freedom's Sentinel, or any successor contingency operation to such operations for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, Operation Freedom's Sentinel, or any successor contingency operation to such operations (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

(D) ''Persian Gulf veteran'' means an individual who served on active duty in the armed forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.

(2) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that preference in the employment of labor (except in executive, administrative, and supervisory positions) be given to Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans when they are available and qualified for the employment.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1267; Pub. L. 107–217, § 3(n)(8), Aug. 21, 2002, 116 Stat. 1303; Pub. L. 112–95, title I, § 139, Feb. 14, 2012, 126 Stat. 26; Pub. L. 115–254, div. B, title I, § 135, Oct. 5, 2018, 132 Stat. 3209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47112(a)	49 App.:2214(a).	Sept. 3, 1982, Pub. L. 97–248, § 515, 96 Stat. 691.
47112(b)	49 App.:2214(b).	
47112(c)	49 App.:2214(c).	

In this section, the words ''for an airport development project carried out under a grant agreement under this subchapter'' are substituted for ''on any project for airport development contained in an approved project grant application submitted in accordance with this chapter'' in 49 App.:2214(a), ''on projects for airport development approved under this chapter'' in 49 App.:2214(b), and ''under project grants for airport development approved under this chapter'' in 49 App.:2214(c) for clarity and consistency in this section. See H.R. Rept. No. 97–760, 97th Cong., 2d Sess., p. 715 (1982).

In subsection (a), the words ''or sponsors'' are omitted because of 1:1.

In subsection (b), the words ''must require contractors to pay labor minimum wage rates'' are substituted for ''shall contain provisions establishing minimum rates of wages . . . which contractors shall pay to skilled and unskilled labor'' to eliminate unnecessary words. The word ''proposals'' is omitted as included in ''bids''.

Subsection (c)(1)(A) is substituted for ''a disabled veteran is an individual described in section 2108(2) of title 5'' for consistency in the revised title and with other titles of the Code.

In subsection (c)(1)(B), the words ''after August 4, 1964, and before May 8, 1975'' are substituted for ''during the period beginning August 5, 1964, and ending May 7, 1975'' for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (c)(2), the words ''must require that'' are substituted for ''shall contain such provisions as are necessary to insure that'', and the words ''when they are available and qualified for the employment'' are substituted for ''However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates'', to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2018—Subsec. (c)(1)(C). Pub. L. 115–254 substituted ''Operation New Dawn, Operation Inherent Resolve, Operation Freedom's Sentinel, or any successor contingency operation to such operations for more'' for ''or Operation New Dawn for more'' and ''Operation New Dawn, Operation Inherent Resolve, Operation Freedom's Sentinel, or any successor contingency operation to such operations (whichever is later)'' for ''or Operation New Dawn (whichever is later)''.

2012—Subsec. (c)(1)(B). Pub. L. 112–95, § 139(1)(A), substituted ''discharged or released from active duty in'' for ''separated from''.

Subsec. (c)(1)(C), (D). Pub. L. 112–95, § 139(1)(B), added subpars. (C) and (D).

Subsec. (c)(2). Pub. L. 112–95, § 139(2), substituted ''Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans'' for ''Vietnam-era veterans and disabled veterans''.

2002—Subsec. (b). Pub. L. 107–217 substituted ''sections 3141–3144, 3146, and 3147 of title 40'' for ''the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)''.

Statutory Notes and Related Subsidiaries

PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES

Pub. L. 115–254, div. B, title I, § 156(a), (b), Oct. 5, 2018, 132 Stat. 3217, 3218, provided that:

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator's review of construction projects so that projects to be carried out in the States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

''(b) BRIEFING.—The Administrator shall provide a briefing to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] annually on the effectiveness of the review and prioritization.''

Pub. L. 112–95, title I, § 154, Feb. 14, 2012, 126 Stat. 35, which provided that the Administrator of the Federal Aviation Administration review as early as possible construction projects in States in which the weather prevents major projects from being carried out before May 1, was repealed by Pub. L. 115–254, div. B, title I, § 156(c), Oct. 5, 2018, 132 Stat. 3218.

§ 47113. Minority and disadvantaged business participation

(a) DEFINITIONS.—In this section—

(1) ''small business concern''—

(A) has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); but

(B) in the case of a concern in the construction industry, a concern shall be considered a small business concern if the concern meets the size standard for the North American Industry Classification System Code 237310, as adjusted by the Small Business Administration;

(2) ''socially and economically disadvantaged individual'' has the same meaning given that term in section 8(d) of the Act (15 U.S.C. 637(d)) and relevant subcontracting regulations prescribed under section 8(d), except that women are presumed to be socially and economically disadvantaged; and

(3) the term ''qualified HUBZone small business concern'' has the meaning given that term in section 31(b) of the Small Business Act.

(b) GENERAL REQUIREMENT.—Except to the extent the Secretary decides otherwise, at least 10 percent of amounts available in a fiscal year under section 48103 of this title shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals or qualified HUBZone small business concerns.

(c) UNIFORM CRITERIA.—The Secretary shall establish minimum uniform criteria for State governments and airport sponsors to use in certifying whether a small business concern qualifies under this section. The criteria shall include onsite visits, personal interviews, licenses, analyses of stock ownership and bonding capacity, listings of equipment and work completed, resumes of principal owners, financial capacity, and type of work preferred.

(d) SURVEYS AND LISTS.—Each State or airport sponsor annually shall survey and compile a list of small business concerns referred to in subsection (b) of this section and the location of each concern in the State.

(e) MANDATORY TRAINING PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1268; Pub. L. 103–429, § 6(65), Oct. 31, 1994, 108 Stat. 4386; Pub. L. 105–135, title VI, § 604(h)(2), Dec. 2, 1997, 111 Stat. 2635; Pub. L. 112–95, title I, § 140(b), Feb. 14, 2012, 126 Stat. 27; Pub. L. 115–91, div. A, title XVII, § 1701(a)(4)(G)(ii), Dec. 12, 2017, 131 Stat. 1796; Pub. L. 115–254, div. B, title I, § 150, title V, § 539(*o*), Oct. 5, 2018, 132 Stat. 3215, 3371.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47113(a)	49 App.:2204(d)(2).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 505(d); added Dec. 30, 1987, Pub. L. 100–223, § 105(f), 101 Stat. 1493; Oct. 31, 1992, Pub. L. 102–581, § 117(c), 106 Stat. 4883.
47113(b)	49 App.:2204(d)(1).	
47113(c)	49 App.:2204(d)(4).	
47113(d)	49 App.:2204(d)(3).	

In subsection (a)(1)(B), the words ''or individuals'' are omitted because of 1:1.

In subsection (a)(2), the reference is to section 8(c) of the Act because 15:637(d) was redesignated as 15:637(c) by section 3 of the Women's Business Development Act of 1991 (Public Law 102–191, 105 Stat. 1591).

In subsection (b), the words ''beginning after September 30, 1987'' are omitted as obsolete.

PUB. L. 103–429

This amends 49:47113(a)(2) to correct erroneous cross-references.

Editorial Notes

REFERENCES IN TEXT

Section 31(b) of the Small Business Act, referred to in subsec. (a)(3), is classified to section 657a(b) of Title 15, Commerce and Trade.

The date of enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, § 150, amended par. (1) generally. Prior to amendment, par. (1) read as follows: '' 'small business concern'—

''(A) has the same meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632); but

''(B) does not include a concern, or group of concerns controlled by the same socially and economically disadvantaged individual, that has average annual gross receipts over the prior 3 fiscal years of more than $16,015,000, as adjusted by the Secretary of Transportation for inflation;''.

Subsec. (a)(3). Pub. L. 115–254, § 539(*o*), substituted ''(15 U.S.C. 632(p))'' for ''(15 U.S.C. 632(*o*))''.

2017—Subsec. (a)(3). Pub. L. 115–91 substituted ''section 31(b) of the Small Business Act'' for ''section 3(p) of the Small Business Act (15 U.S.C. 632(*o*))''.

2012—Subsec. (e). Pub. L. 112–95 added subsec. (e).

1997—Subsec. (a). Pub. L. 105–135, § 604(h)(2)(A), substituted semicolon for period at end of par. (1), substituted ''; and'' for period at end of par. (2), and added par. (3).

Subsec. (b). Pub. L. 105–135, § 604(h)(2)(B), inserted ''or qualified HUBZone small business concerns'' before period at end.

1994—Subsec. (a)(2). Pub. L. 103–429 substituted ''8(d)'' for ''8(c)'' in two places and ''637(d))'' for ''637(c))''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–91 effective Jan. 1, 2020, see section 1701(j) of Pub. L. 115–91, set out as a note under section 657a of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–135 effective Oct. 1, 1997, see section 3 of Pub. L. 105–135, set out as a note under section 631 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Pub. L. 115–254, div. B, title I, §157, Oct. 5, 2018, 132 Stat. 3218, provided that:

''(a) FINDINGS.—Congress finds the following:

''(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (sections 47107(e) and 47113 of title 49, United States Code), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

''(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

''(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

''(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

''(b) PROMPT PAYMENTS.—

''(1) REPORTING OF COMPLAINTS.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall ensure that each airport that participates in the Program tracks, and reports to the Administrator, the number of covered complaints made in relation to activities at that airport.

''(2) IMPROVING COMPLIANCE.—

''(A) IN GENERAL.—The Administrator shall take actions to assess and improve compliance with prompt payment requirements under part 26 of title 49, Code of Federal Regulations.

''(B) CONTENTS OF ASSESSMENT.—In carrying out subparagraph (A), the Administrator shall assess—

''(i) whether requirements relating to the inclusion of prompt payment language in contracts are being satisfied;

''(ii) whether and how airports are enforcing prompt payment requirements;

''(iii) the processes by which covered complaints are received and resolved by airports;

''(iv) whether improvements need to be made to—

''(I) better track covered complaints received by airports; and

''(II) assist the resolution of covered complaints in a timely manner;

''(v) whether changes to prime contractor specifications need to be made to ensure prompt payments to subcontractors; and,

''(vi) whether changes to prime contractor specifications need to be made to ensure prompt payment of retainage to subcontractors.

''(C) REPORTING.—The Administrator shall make available to the public on an appropriate website operated by the Administrator a report describing the results of the assessment completed under this paragraph, including a plan to respond to such results.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) COVERED COMPLAINT.—The term 'covered complaint' means a complaint relating to an alleged failure to satisfy a prompt payment requirement under part 26 of title 49, Code of Federal Regulations.

''(B) PROGRAM.—The term 'Program' means the airport disadvantaged business enterprise program referenced in subsection (a)(1) [probably means section 140(a)(1)] of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 47113 note).''

Pub. L. 112–95, title I, §140(a), Feb. 14, 2012, 126 Stat. 27, provided that: ''Congress finds the following:

''(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

''(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

''(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

''(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.''

§ 47114. Apportionments

(a) DEFINITION.—In this section, ''amount subject to apportionment'' means the amount newly made available under section 48103 of this title for a fiscal year.

(b) APPORTIONMENT DATE.—On the first day of each fiscal year, the Secretary of Transportation shall apportion the amount subject to apportionment for that fiscal year as provided in this section.

(c) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—

(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of each primary airport for each fiscal year an amount equal to—

(i) $7.80 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

(ii) $5.20 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

(iii) $2.60 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

(v) $.50 for each additional passenger boarding at the airport during the prior calendar year.

(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less than $650,000 nor more than $22,000,000 may be apportioned under subparagraph (A) of this paragraph to an airport sponsor for a primary airport for each fiscal year.

(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more—

(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be $1,000,000 rather than $650,000; and

(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be $26,000,000 rather than $22,000,000.

(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

(F) SPECIAL RULE FOR FISCAL YEARS 2018 THROUGH 2020.—Notwithstanding subparagraph (A) and subject to subparagraph (G), the Secretary shall apportion to a sponsor of an airport under that subparagraph[1] for each of fiscal years 2018 through 2020 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

(i) had 10,000 or more passenger boardings during calendar year 2012;

(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2018, 2019, or 2020, as applicable, under subparagraph (A); and

(iii) had scheduled air service at any point in the calendar year used to calculate the apportionment.

(G) LIMITATIONS AND WAIVERS.—The authority to make apportionments in the manner prescribed in subparagraph (F) may be utilized no more than 3 years in a row. The Secretary may waive this limitation if the Secretary determines that an airport's enplanements are substantially close to 10,000 enplanements and the airport sponsor or affected communities are taking reasonable steps to restore enplanements above 10,000.

(H) MINIMUM APPORTIONMENT FOR COMMERCIAL SERVICE AIRPORTS WITH MORE THAN 8,000 PASSENGER BOARDINGS IN A CALENDAR YEAR.—Not less than $600,000 may be apportioned under subparagraph (A) for each fiscal year to each sponsor of a commercial service airport that had fewer than 10,000 passenger boardings, but at least 8,000 passenger boardings, during the prior calendar year.

(I) SEASONAL AIRPORTS.—Notwithstanding section 47102, if the Secretary determines that a commercial service airport with at least 8,000 passenger boardings receives scheduled air carrier service for fewer than 6 months in the calendar year used to calculate apportionments to airport sponsors in a fiscal year, then the Secretary shall consider the airport to be a nonhub primary airport for purposes of this chapter.

(J) SPECIAL RULE FOR FISCAL YEARS 2022 AND 2023.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary shall apportion in fiscal years 2022 and 2023, and for the period beginning on October 1, 2023, and ending on March 8, 2024, to the sponsor of the airport an amount based on the number of passenger boardings at the airport during whichever of the following years that would result in the highest apportioned amount:

(i) Calendar year 2018.

(ii) Calendar year 2019.

(iii) The prior full calendar year prior to the current fiscal year.

(2) CARGO AIRPORTS.—

(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 3.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the pro-

[1] So in original. Probably means ''subparagraph (A)''.

portion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

(C) LIMITATION.—In any fiscal year in which the total amount made available under section 48103 is less than $3,200,000,000, not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.

(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) AREA.—The term ''area'' includes land and water.

(B) POPULATION.—The term ''population'' means the population stated in the latest decennial census of the United States.

(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:

(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.

(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.

(3) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

(i) $150,000; or

(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

(B) Any remaining amount to States as follows:

(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

(C) During fiscal years 2019 and 2020—

(i) an airport that accrued apportionment funds under subparagraph (A) in fiscal year 2013 that is listed as having an unclassified status under the most recent national plan of integrated airport systems shall continue to accrue apportionment funds under subparagraph (A) at the same amount the airport accrued apportionment funds in fiscal year 2013, subject to the conditions of this paragraph;

(ii) notwithstanding the period of availability as described in section 47117(b), an amount apportioned to an airport under clause (i) shall be available to the airport only during the fiscal year in which the amount is apportioned; and

(iii) notwithstanding the waiver permitted under section 47117(c)(2), an airport receiving apportionment funds under clause (i) may not waive its claim to any part of the apportioned funds in order to make the funds available for a grant for another public-use airport.

(D) An airport that re-establishes its classified status shall be eligible to accrue apportionment funds pursuant to subparagraph (A) so long as such airport retains its classified status.

(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.

(5) USE OF STATE HIGHWAY SPECIFICATIONS.—The Secretary shall use the highway specifications of a State for airfield pavement construction and improvement using funds made available under this subsection at nonprimary

airports serving aircraft that do not exceed 60,000 pounds gross weight if—

(A) such State requests the use of such specifications; and

(B) the Secretary determines that—

(i) safety will not be negatively affected; and

(ii) the life of the pavement, with necessary maintenance and upkeep, will not be shorter than it would be if constructed using Administration standards.

(6) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other provision of this subsection, funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.

(7) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.

(e) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—

(1) IN GENERAL.—Notwithstanding subsections (c) and (d) of this section, the Secretary may apportion amounts for airports in Alaska in the way in which amounts were apportioned in the fiscal year ending September 30, 1980, under section 15(a) of the Act. However, in apportioning amounts for a fiscal year under this subsection, the Secretary shall apportion—

(A) for each primary airport at least as much as would be apportioned for the airport under subsection (c)(1) of this section; and

(B) a total amount at least equal to the minimum amount required to be apportioned to airports in Alaska in the fiscal year ending September 30, 1980, under section 15(a)(3)(A) of the Act.

(2) AUTHORITY FOR DISCRETIONARY GRANTS.—This subsection does not prohibit the Secretary from making project grants for airports in Alaska from the discretionary fund under section 47115 of this title.

(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned.

(f) REDUCING APPORTIONMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), an amount that would be apportioned under this section (except subsection (c)(2)) in a fiscal year to the sponsor of an airport having at least .25 percent of the total number of boardings each year in the United States and for which a charge is imposed in the fiscal year under section 40117 of this title shall be reduced by an amount equal to—

(A) in the case of a charge of $3.00 or less—

(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

(I) the amount that otherwise would be apportioned under this section; over

(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

(B) in the case of a charge of more than $3.00—

(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

(I) the amount that otherwise would be apportioned under this section; over

(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.

(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the charge imposed under section 40117 is begun.

(3) SPECIAL RULE FOR TRANSITIONING AIRPORTS.—

(A) IN GENERAL.—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the charge in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such charge in the preceding fiscal year.

(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal year 2004.

(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO AND UNITED STATES TERRITORIES.—The Secretary shall apportion amounts for airports in Puerto Rico and all other United States territories in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico or other United States territories from the discretionary fund under section 47115.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1268; Pub. L. 103–429, §6(66), Oct. 31, 1994, 108 Stat. 4386; Pub. L. 104–264, title I, §121, Oct. 9, 1996, 110 Stat. 3217; Pub. L. 106–181, title I, §§104(a)–(d), 105(c), Apr. 5, 2000, 114 Stat. 67–71; Pub. L. 108–176, title I, §§146, 147, Dec. 12, 2003, 117 Stat. 2504; Pub. L. 109–115, div. A, title I, §109, Nov. 30, 2005, 119 Stat. 2402; Pub. L. 112–95, title I, §§111(c)(2)(A)(iii), 141–143, Feb. 14, 2012, 126 Stat. 18, 28, 29; Pub. L. 114–190, title II, §2301, July 15, 2016, 130 Stat. 638; Pub. L. 115–63, title I, §102(b), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–254, div. B, title I, §§136, 148(b), 151, 164, Oct. 5, 2018, 132 Stat. 3210, 3214, 3215, 3225; Pub. L. 116–260, div. L, title IV, §422, Dec. 27, 2020, 134 Stat. 1909; Pub. L. 118–15, div. B, title II, §2201(e), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118–34, title I, §101(e), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47114(a), (b)	49 App.:2206(a) (words before cl. (1)).	Sept. 3, 1982, Pub. L. 97–248, §507(a)(1), (3), (b)(2), (4)–(5)(C), (E), (6), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, §426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, §106(a), 101 Stat. 1494, 1496.
47114(c)(1)(A).	49 App.:2206(a)(1).	
	49 App.:2206(e)(1).	Sept. 3, 1982, Pub. L. 97–248, §507(e), (f), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, §426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, §106(a), 101 Stat. 1497; Nov. 5, 1990, Pub. L. 101–508, §9112(b), 104 Stat. 1388–362.
47114(c)(1)(B).	49 App.:2206(b)(1).	Sept. 3, 1982, Pub. L. 97–248, §507(a)(2), (b)(1), (3), (5)(F), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, §426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, §106(a), 101 Stat. 1494, 1496; Oct. 31, 1992, Pub. L. 102–581, §106, 106 Stat. 4878.
47114(c)(2) ..	49 App.:2206(a)(2), (b)(4), (e)(2).	
47114(c)(3) ..	49 App.:2206(b)(2), (3).	
47114(d)(1) ..	49 App.:2206(f).	
47114(d)(2) ..	49 App.:2206(a)(3).	
47114(d)(3) ..	49 App.:2206(b)(6).	
47114(e)	49 App.:2206(b)(5)(A)–(C), (E), (F).	
47114(f)	49 App.:2206(b)(7).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §507(b)(7); added Nov. 5, 1990, Pub. L. 101–508, §9111, 104 Stat. 1388–362.

In subsection (a), the word ''newly'' is substituted for ''and not previously apportioned'' for clarity. The words ''made available'' are substituted for ''authorized to be obligated'' for clarity and consistency.

In subsection (c)(1)(A), the words ''during the prior calendar year'' are substituted for 49 App.:2206(b) for clarity.

In subsection (c)(2)(A), the word ''cargo'' is substituted for ''property (including mail)'' for consistency in the revised title.

In subsection (c)(3), the words ''The total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 44 percent of the amount subject to apportionment for a fiscal year'' are substituted for 49 App.:2206(b)(2)(A) and (3)(A) for clarity and to eliminate unnecessary words. The words ''If this paragraph requires reduction of an amount that otherwise would be apportioned under this subsection'' are substituted for ''In any case in which apportionments in a fiscal year would be reduced by subparagraph (A)'' for clarity.

In subsection (d)(2)(A), the words ''the Commonwealth of'' are omitted as surplus.

In subsection (d)(2)(B) and (C), the words ''except as provided in paragraph (3) of this subsection'' are added, and the words ''49.5 percent of the apportioned amount'' are substituted for ''1/2 of the remaining 99 percent'', for clarity.

In subsection (d)(3), before clause (A), the words ''Notwithstanding subsection (a)(3)(B) of this section'' are omitted as surplus.

In subsection (e)(1), before clause (A), the words ''Instead of apportioning amounts for airports in Alaska under subsections (c) and (d) of this section'' are substituted for ''Notwithstanding any other provision of subsection (a) of this section'' for clarity.

In subsection (e)(2), the words ''be construed as'' are omitted as surplus.

In subsection (f), the words ''which, but for this paragraph, would be'' the first time they appear are omitted as surplus. The words ''but not by more than'' are substituted for ''The maximum reduction in an apportionment to a sponsor of an airport as a result of this paragraph in a fiscal year shall be'' to eliminate unnecessary words.

PUB. L. 103–429

Revision notes for 49:47114(c)(3)(A) are included to reflect changes made for clarity and to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1269).

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47114(c)(1)(B).	49 App.:2206(b)(1).	Sept. 3, 1982, Pub. L. 97–248, §507(b)(1), as amended May 26, 1994, Pub. L. 103–260, §103, 108 Stat. 698.
47114(c)(3)(B).	49 App.:2206(b)(3).	Sept. 3, 1982, Pub. L. 97–248, §507(b)(3), as amended May 26, 1994, Pub. L. 103–260, §102, 108 Stat. 698.

In subsection (c)(3)(A) and (B), the words ''If this subparagraph requires reduction of an amount that otherwise would be apportioned under this subsection'' are substituted for ''In any case in which apportionments in a fiscal year would be reduced by subparagraph (A)'' for clarity.

In subsection (c)(3)(A), the words ''Except as provided in subparagraph (B) of this paragraph'' are added for clarity. The words ''the total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 49.5 percent of the amount subject to apportionment for a fiscal year'' are substituted for 49 App.:2206(b)(2)(A), as in effect on July 4, 1994, for clarity and to eliminate unnecessary words.

In subsection (c)(3)(B), the words ''the total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 44 percent of the amount subject to apportionment for that fiscal year'' are substituted for 49 App.:2206(b)(3)(A), as in effect on July 4, 1994, for clarity and to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

Section 15(a) of the Airport and Airway Development Act of 1970, referred to in subsec. (e)(1), is section 15(a)

of Pub. L. 91–258, which was classified to section 1715(a) of former Title 49, Transportation, prior to repeal by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695.

AMENDMENTS

2023—Subsec. (c)(1)(J). Pub. L. 118–34 substituted ''March 8, 2024,'' for ''December 31, 2023,''.

Pub. L. 118–15 substituted ''2023, and for the period beginning on October 1, 2023, and ending on December 31, 2023, to'' for ''2023 to''.

2020—Subsec. (c)(1)(J). Pub. L. 116–260 added subpar. (J).

2018—Subsec. (c)(1)(F) to (H). Pub. L. 115–254, § 151, added subpars. (F) to (H) and struck out former subpar. (F) which related to apportionment of funds for fiscal years 2017 and 2018 to sponsors of primary airports.

Subsec. (c)(1)(I). Pub. L. 115–254, § 164, added subpar. (I).

Subsec. (d)(3)(C), (D). Pub. L. 115–254, § 148(b), added subpars. (C) and (D).

Subsec. (d)(5). Pub. L. 115–254, § 136, amended par. (5) generally. Prior to amendment, text read as follows:

''(A) IN GENERAL.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

''(i) safety will not be negatively affected; and

''(ii) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

''(B) LIMITATION.—An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.''

2017—Subsec. (c)(1)(F). Pub. L. 115–63 struck out ''for fiscal year 2017'' after ''rule'' in heading and substituted ''for each of fiscal years 2017 and 2018 an amount'' for ''for fiscal year 2017 an amount'' in introductory provisions.

2016—Subsec. (c)(1)(F). Pub. L. 114–190 amended subpar. (F) generally. Prior to amendment, text read as follows: ''Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2012 and 2013 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''

2012—Subsec. (c)(1)(F), (G). Pub. L. 112–95, § 141(b), added subpar. (F) and struck out former subpars. (F) and (G) which related, respectively, to special rules for fiscal years 2004 and 2005 and to special rule for fiscal year 2006.

Subsec. (d)(7). Pub. L. 112–95, § 141(a), added par. (7).

Subsec. (f). Pub. L. 112–95, § 111(c)(2)(A)(iii), substituted ''charge'' for ''fee'' wherever appearing.

Subsec. (f)(1)(A), (B). Pub. L. 112–95, § 143, added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

''(A) in the case of a charge of $3.00 or less, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

''(B) in the case of a charge of more than $3.00, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.''

Subsec. (g). Pub. L. 112–95, § 142, added subsec. (g).

2005—Subsec. (c)(1)(G). Pub. L. 109–115 added subpar. (G).

2003—Subsec. (c)(1)(F). Pub. L. 108–176, § 146(a), added subpar. (F).

Subsec. (c)(2). Pub. L. 108–176, § 147(1), struck out ''ONLY'' after ''CARGO'' in heading.

Subsec. (c)(2)(A). Pub. L. 108–176, § 147(2), substituted ''3.5 percent'' for ''3 percent''.

Subsec. (f)(3). Pub. L. 108–176, § 146(b)(1), substituted ''AIRPORTS'' for ''AIRORTS'' in heading.

Subsec. (f)(3)(B). Pub. L. 108–176, § 146(b)(2), substituted ''fiscal year 2004'' for ''fiscal years 2000 through 2003''.

2000—Subsec. (c)(1). Pub. L. 106–181, § 104(a)(2)(A), (C), inserted headings for par. (1) and subpar. (A) and realigned margins.

Subsec. (c)(1)(B). Pub. L. 106–181, § 104(a)(1)(A), (2)(B), (C), inserted heading, substituted ''$650,000'' for ''$500,000'', and realigned margins.

Subsec. (c)(1)(C) to (E). Pub. L. 106–181, § 104(a)(1)(B), added subpars. (C) to (E).

Subsec. (c)(2)(A). Pub. L. 106–181, § 104(b)(1), substituted ''3 percent'' for ''2.5 percent''.

Subsec. (c)(2)(C). Pub. L. 106–181, § 104(b)(2), substituted ''In any fiscal year in which the total amount made available under section 48103 is less than $3,200,000,000, not more than'' for ''Not more than''.

Subsec. (d). Pub. L. 106–181, § 104(c), amended heading and text of subsec. (d) generally, revising and restating as pars. (1) to (6) provisions formerly contained in pars. (1) to (3).

Subsec. (e). Pub. L. 106–181, § 104(d)(1), substituted ''Supplemental'' for ''Alternative'' in heading.

Subsec. (e)(1). Pub. L. 106–181, § 104(d)(2), (5), inserted heading, realigned margins, and in introductory provisions substituted ''Notwithstanding'' for ''Instead of apportioning amounts for airports in Alaska under'' and ''airports in Alaska'' for ''those airports''.

Subsec. (e)(2). Pub. L. 106–181, § 104(d)(3), (5), inserted heading and realigned margins.

Subsec. (e)(3), (4). Pub. L. 106–181, § 104(d)(4), added pars. (3) and (4) and struck out former par. (3) which read as follows: ''Airports referred to in this subsection include those public airports that received scheduled service as of September 3, 1982, but were not apportioned amounts in the fiscal year ending September 30, 1980, under section 15(a) of the Act because the airports were not under the control of a State or local public agency.''

Subsec. (f). Pub. L. 106–181, § 105(c), designated existing provisions as par. (1), inserted heading, realigned margins, substituted ''Subject to paragraph (3), an amount'' for ''An amount'' and ''an amount equal to—'' and subpars. (A) and (B) for ''an amount equal to 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section.'', and added pars. (2) and (3).

1996—Subsec. (c)(1)(A)(iv). Pub. L. 104–264, § 121(a)(1)(B), substituted ''of the next 500,000 passenger boardings'' for ''additional passenger boarding''.

Subsec. (c)(1)(A)(v). Pub. L. 104–264, § 121(a)(1)(A), (C), (D), added cl. (v).

Subsec. (c)(2). Pub. L. 104–264, § 121(a)(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

''(2)(A) The Secretary shall apportion to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds for each fiscal year an amount equal to 3.5 percent of the amount subject to apportionment each year, allocated among those airports in the proportion that the total annual landed weight of those aircraft landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports. However, not more than 8 percent of the amount apportioned under this paragraph may be apportioned for any one airport.

''(B) Landed weight under subparagraph (A) of this paragraph is the landed weight of aircraft landing at each of those airports and all those airports during the prior calendar year.''

Subsec. (c)(3). Pub. L. 104–264, §121(a)(3), struck out par. (3) which read as follows:

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 49.5 percent of the amount subject to apportionment for a fiscal year. If this subparagraph requires reduction of an amount that otherwise would be apportioned under this subsection, the Secretary shall reduce proportionately the amount apportioned to each sponsor of an airport under paragraphs (1) and (2) until the 49.5 percent limit is achieved.

''(B) If a law limits the amount subject to apportionment to less than $1,900,000,000 for a fiscal year, the total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 44 percent of the amount subject to apportionment for that fiscal year. If this subparagraph requires reduction of an amount that otherwise would be apportioned under this subsection, the Secretary shall reduce proportionately the amount apportioned to each sponsor of an airport under paragraphs (1) and (2) until the 44 percent limit is achieved.''

Subsec. (d)(2). Pub. L. 104–264, §121(b)(1), substituted ''18.5'' for ''12'' in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 104–264, §121(b)(2), substituted ''0.66'' for ''one''.

Subsec. (d)(2)(B), (C). Pub. L. 104–264, §121(b)(3), (4), substituted ''49.67'' for ''49.5'' and ''excluding primary airports but including reliever and nonprimary commercial service airports,'' for ''except primary airports and airports described in section 47117(e)(1)(C) of this title,''.

1994—Subsec. (c)(1)(B). Pub. L. 103–429, §6(66)(A), substituted ''$500,000'' for ''$400,000''.

Subsec. (c)(3). Pub. L. 103–429, §6(66)(B), designated existing provisions as subpar. (A), substituted ''Except as provided in subparagraph (B) of this paragraph, the'' for ''The'', ''49.5'' for ''44'' in two places, and ''If this subparagraph'' for ''If this paragraph'', and added subpar. (B).

Statutory Notes and Related Subsidiaries

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 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.

Pub. L. 104–264, title I, §125, Oct. 9, 1996, 110 Stat. 3220, which provided that the amendments made by subtitle B (§§121–125) of title I of Pub. L. 104–264, amending this section and sections 47115, 47117, and 47118 of this title, were to cease to be effective on Sept. 30, 1998, and that on and after such date, sections 47114, 47115, 47117, and 47118 of this title were to read as if such amendments had not been enacted, was repealed by Pub. L. 105–277, div. C, title I, §110(a), Oct. 21, 1998, 112 Stat. 2681–587, effective Sept. 29, 1998.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 6(66)(B) of 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.

APPORTIONED FUNDS

Pub. L. 107–71, title I, §119(b), Nov. 19, 2001, 115 Stat. 629, provided that, for the purpose of carrying out this section, for fiscal year 2003, the Secretary would use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of the number of passenger boardings at that airport during 2000 or 2001.

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 47115. Discretionary fund

(a) EXISTENCE AND AMOUNTS IN FUND.—The Secretary of Transportation has a discretionary fund. The fund consists of—

(1) amounts subject to apportionment for a fiscal year that are not apportioned under section 47114(c)–(e) of this title; and

(2) 12.5 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) AVAILABILITY OF AMOUNTS.—Subject to subsection (c) of this section and section 47117(e) of this title, the fund is available for making grants for any purpose for which amounts are made available under section 48103 of this title that the Secretary considers most appropriate to carry out this subchapter.

(c) MINIMUM PERCENTAGE FOR PRIMARY AND RELIEVER AIRPORTS.—At least 75 percent of the amount in the fund and distributed by the Secretary in a fiscal year shall be used for making grants—

(1) to preserve and enhance capacity, safety, and security at primary and reliever airports; and

(2) to carry out airport noise compatibility planning and programs at primary and reliever airports.

(d) CONSIDERATIONS.—

(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

(A) the effect that the project will have on overall national transportation system capacity;

(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B);

(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out; and

(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.

(2) FOR ALL PROJECTS.—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.

(e) WAIVING PERCENTAGE REQUIREMENT.—If the Secretary decides the Secretary cannot comply with the percentage requirement of subsection (c) of this section in a fiscal year because there are insufficient qualified grant applications to meet that percentage, the amount the Secretary determines will not be distributed as required by subsection (c) is available for obligation during the fiscal year without regard to the requirement.

(f) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—

(1) GENERAL RULE.—Subject to paragraph (2), in deciding whether or not to distribute funds to an airport from the discretionary funds established by subsection (a) of this section and section 47116 of this title, the Secretary shall consider as a factor militating against the distribution of such funds to the airport the fact that the airport is using revenues generated by the airport or by local taxes on aviation fuel for purposes other than capital or operating costs of the airport or the local airports system or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property.

(2) REQUIRED FINDING.—Paragraph (1) shall apply only when the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs in the airport's fiscal year preceding the date of the application for discretionary funds exceeds the amount of such revenues in the airport's first fiscal year ending after August 23, 1994, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(g) MINIMUM AMOUNT TO BE CREDITED.—

(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

(A) $148,000,000; plus

(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

(h) PRIORITY FOR LETTERS OF INTENT.—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e).

(i) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—For fiscal years 2018 through 2023, and for the period beginning on October 1, 2023, and ending on March 8, 2024, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.

(j) SUPPLEMENTAL DISCRETIONARY FUNDS.—

(1) IN GENERAL.—The Secretary shall establish a program to provide grants, subject to the conditions of this subsection, for any purpose for which amounts are made available under section 48103 that the Secretary considers most appropriate to carry out this subchapter.

(2) TREATMENT OF GRANTS.—

(A) IN GENERAL.—A grant made under this subsection shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) and from the Secretary's discretionary fund under subsection (a) of this section.

(B) EXCEPTION.—Except as otherwise provided in this subsection, grants made under this subsection shall not be subject to subsection (c), section 47117(e), or any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

(3) ELIGIBILITY AND PRIORITIZATION.—

(A) ELIGIBILITY.—The Secretary may provide grants under this subsection for an airport or terminal development project at any airport that is eligible to receive a grant from the discretionary fund under subsection (a) of this section.

(B) PRIORITIZATION.—Not less than 50 percent of the amounts available under this subsection shall[1] used to provide grants at—

(i) airports that are eligible for apportionment under section 47114(d)(3); and

(ii) nonhub and small hub airports.

[1] So in original. The word ''be'' probably should appear.

(4) AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection the following amounts:

(i) $1,020,000,000 for fiscal year 2019.

(ii) $1,041,000,000 for fiscal year 2020.

(iii) $1,064,000,000 for fiscal year 2021.

(iv) $1,087,000,000 for fiscal year 2022.

(v) $1,110,000,000 for fiscal year 2023.

(vi) $244,177,049 for the period beginning on October 1, 2023, and ending on March 8, 2024.

(B) AVAILABILITY.—Sums authorized to be appropriated under subparagraph (A) shall remain available for 2 fiscal years.

(k) PARTNERSHIP PROGRAM AIRPORTS.—

(1) AUTHORITY.—The Secretary may make grants with funds made available under this section for an airport participating in the program under section 47134 if—

(A) the Secretary has approved the application of an airport sponsor under section 47134(b) in fiscal year 2019; and

(B) the grant will—

(i) satisfy an obligation incurred by an airport sponsor under section 47110(e) or funded by a nonpublic sponsor for an airport development project on the airport; or

(ii) provide partial Federal reimbursement for airport development (as defined in section 47102) on the airport layout plan initiated in the fiscal year in which the application was approved, or later, for over a period of not more than 10 years.

(2) NONAPPLICABILITY OF CERTAIN SECTIONS.—Grants made under this subsection shall not be subject to—

(A) subsection (c) of this section;

(B) section 47117(e); or

(C) any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1270; Pub. L. 103–305, title I, §112(d), Aug. 23, 1994, 108 Stat. 1576; Pub. L. 103–429, §6(67), Oct. 31, 1994, 108 Stat. 4386; Pub. L. 104–264, title I, §§122, 145, Oct. 9, 1996, 110 Stat. 3218, 3222; Pub. L. 104–287, §5(81), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 106–6, §§5, 8(a), Mar. 31, 1999, 113 Stat. 10, 11; Pub. L. 107–71, title I, §119(a)(3), Nov. 19, 2001, 115 Stat. 628; Pub. L. 108–176, title I, §§148, 188, Dec. 12, 2003, 117 Stat. 2504, 2519; Pub. L. 110–253, §3(c)(5), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, §5(f), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(e), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(f), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(e), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §5(e), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(e), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(e), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(e), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(f), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(e), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(e), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(e), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(e), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(e), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(f), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(f), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §144, Feb. 14, 2012, 126 Stat. 29; Pub. L. 114–55, title I, §102(b), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §102(b), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1102(b), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, §102(c), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, §102(b), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §§117(a), 158, 184(a), Oct. 5, 2018, 132 Stat. 3201, 3219, 3234; Pub. L. 118–15, div. B, title II, §2202(f), (g), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(f), (g), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47115(a)	49 App.:2206(c)(1) (1st, 2d sentences).	Sept. 3, 1982, Pub. L. 97–248, §507(c), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, §426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, §106(a), 101 Stat. 1496; Nov. 5, 1990, Pub. L. 101–508, §9112(a), 104 Stat. 1388–362.
47115(b)	49 App.:2206(c)(1) (3d, last sentences).	
47115(c)	49 App.:2206(c)(2).	
47115(d)	49 App.:2206(c)(3).	
47115(e)	49 App.:2206(c)(4).	

In subsection (a), before clause (1), the words ''The Secretary of Transportation has a discretionary fund'' are added for clarity. In clause (1), the words ''subject to apportionment for a fiscal year'' are substituted for ''which are made available for a fiscal year under section 2204 of this Appendix'' and ''which have not been previously apportioned by the Secretary'' for consistency with section 47114 of the revised title.

In subsection (c), before clause (1), the words ''Subject to section 2207(d) of this Appendix and paragraph (4) of this subsection'' and ''pursuant to paragraph (1) and distributed by the Secretary under this subsection in a fiscal year beginning after September 30, 1987'' are omitted as surplus.

In subsection (d), before clause (1), the words ''at airports'' are omitted as surplus. In clause (3), the words ''airport operator or other'' are omitted as surplus.

In subsection (e), the words ''submitted in compliance with this chapter'' and ''portion of'' are omitted as surplus.

PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47115(f)	49 App.:2206(c)(5).	Sept. 3, 1982, Pub. L. 97–248, §507(c)(5), as added May 26, 1994, Pub. L. 103–260, §104(a), 108 Stat. 698.
	49 App.:2206 (note).	May 26, 1994, Pub. L. 103–260, §104(b), 108 Stat. 699.

In subsection (f), the text of section 104(b) of the Airport Improvement Program Temporary Extension Act of 1994 (Public Law 103–260, 108 Stat. 699) is omitted as executed.

PUB. L. 104–287, §5(81)(A)

This sets out the date of enactment of 49:47115(f), as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1576).

PUB. L. 104–287, §5(81)(B)

This redesignates 49:47115(f), as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4386), as 49:47115(g).

Editorial Notes

REFERENCES IN TEXT

The Airport and Airway Improvement Act of 1982, referred to in subsec. (g)(1)(B), is title V of Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 671, which was classified principally to chapter 31 (§2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as this subchapter.

AMENDMENTS

2023—Subsec. (i). Pub. L. 118–34, §102(f), substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15, §2202(f), inserted '', and for the period beginning on October 1, 2023, and ending on December 31, 2023'' after ''fiscal years 2018 through 2023''.

Subsec. (j)(4)(A)(vi). Pub. L. 118–34, §102(g), added cl. (vi) and struck out former cl. (vi) which read as follows: ''$140,401,803 for the period beginning on October 1, 2023, and ending on December 31, 2023.''

Pub. L. 118–15, §2202(g), added cl. (vi).

2018—Subsec. (i). Pub. L. 115–254, §117(a)(3), substituted ''fiscal years 2018 through 2023'' for ''fiscal years 2012 through 2018''.

Pub. L. 115–254, §117(a)(1), (2), redesignated subsec. (j) as (i) and struck out former subsec. (i). Prior to amendment, text of subsec. (i) read as follows: ''In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.''

Subsec. (j). Pub. L. 115–254, §158, added subsec. (j).

Pub. L. 115–254, §117(a)(2), redesignated subsec. (j) as (i).

Pub. L. 115–141 substituted ''2018'' for ''2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018''.

Subsec. (k). Pub. L. 115–254, §184(a), added subsec. (k).

2017—Subsec. (j). Pub. L. 115–63 inserted ''and for the period beginning on October 1, 2017, and ending on March 31, 2018'' after ''fiscal years 2012 through 2017''.

2016—Subsec. (j). Pub. L. 114–190 substituted ''fiscal years 2012 through 2017,'' for ''fiscal years 2012 through 2015 and for the period beginning on October 1, 2015, and ending on July 15, 2016,''.

Pub. L. 114–141 substituted ''July 15, 2016'' for ''March 31, 2016''.

2015—Subsec. (j). Pub. L. 114–55 inserted ''and for the period beginning on October 1, 2015, and ending on March 31, 2016'' after ''fiscal years 2012 through 2015''.

2012—Subsec. (j). Pub. L. 112–95 substituted ''For fiscal years 2012 through 2015,'' for ''For fiscal years 2004 through 2011, and for the portion of fiscal year 2012 ending before February 18, 2012,''.

Pub. L. 112–91 substituted ''February 18, 2012,'' for ''February 1, 2012,''.

2011—Subsec. (j). Pub. L. 112–30 substituted ''fiscal years 2004 through 2011, and for the portion of fiscal year 2012 ending before February 1, 2012,'' for ''fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before September 17, 2011,''.

Pub. L. 112–27 substituted ''September 17, 2011,'' for ''July 23, 2011,''.

Pub. L. 112–21 substituted ''July 23, 2011,'' for ''July 1, 2011,''.

Pub. L. 112–16 substituted ''July 1, 2011,'' for ''June 1, 2011,''.

Pub. L. 112–7 substituted ''June 1, 2011,'' for ''April 1, 2011,''.

2010—Subsec. (j). Pub. L. 111–329 substituted ''April 1, 2011,'' for ''January 1, 2011,''.

Pub. L. 111–249 inserted ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

Pub. L. 111–216 substituted ''fiscal years 2004 through 2010,'' for ''fiscal years 2004 through 2009, and for the portion of fiscal year 2010 ending before August 2, 2010,''.

Pub. L. 111–197 substituted ''August 2, 2010,'' for ''July 4, 2010,''.

Pub. L. 111–161 substituted ''July 4, 2010,'' for ''May 1, 2010,''.

Pub. L. 111–153 substituted ''May 1, 2010,'' for ''April 1, 2010,''.

2009—Subsec. (j). Pub. L. 111–116 substituted ''April 1, 2010,'' for ''January 1, 2010,''.

Pub. L. 111–69 inserted ''and for the portion of fiscal year 2010 ending before January 1, 2010,'' after ''2009,''.

Pub. L. 111–12 substituted ''2009,'' for ''2008, and for the portion of fiscal year 2009 ending before April 1, 2009,''.

2008—Subsec. (j). Pub. L. 110–330 inserted ''and for the portion of fiscal year 2009 ending before April 1, 2009,'' after ''2008,''.

Pub. L. 110–253 substituted ''fiscal years 2004 through 2008,'' for ''fiscal years 2004 through 2007,''.

2003—Subsec. (d). Pub. L. 108–176, §148, amended subsec. (d) generally. Prior to amendment, subsec. (d) listed six things the Secretary was required to consider in selecting a project for a grant to preserve and enhance capacity as described in subsection (c)(1) of this section.

Subsec. (j). Pub. L. 108–176, §188, added subsec. (j).

2001—Subsec. (i). Pub. L. 107–71 added subsec. (i).

1999—Subsec. (a)(2). Pub. L. 106–6, §8(a)(1), substituted ''12.5'' for ''25''.

Subsec. (b). Pub. L. 106–6, §8(a)(2), struck out at end ''However, 50 percent of amounts not apportioned under section 47114 of this title because of section 47114(f) and added to the fund is available for making grants for projects at small hub airports (as defined in section 41731 of this title).''

Subsec. (g)(4). Pub. L. 106–6, §5, which directed the amendment of section 47115(g) by striking paragraph (4), without specifying the Code title to be amended, was executed by striking heading and text of par. (4) of subsec. (g) of this section, to reflect the probable intent of Congress. Text read as follows: ''For a fiscal year in which the amount credited to the fund under this subsection exceeds $300,000,000, the Secretary shall allocate the amount of such excess as follows:

''(A) ⅓ shall be made available to airports for which apportionments are made under section 47114(d) of this title.

''(B) ⅓ shall be made available for airport noise compatibility planning under section 47505(a)(2) of this title and for carrying out noise compatibility programs under section 47504(c)(1) of this title.

''(C) ⅓ shall be made available to current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title.''

1996—Subsec. (d)(2). Pub. L. 104–264, §145(a)(1), substituted '', including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;'' for ''; and''.

Subsec. (d)(4) to (6). Pub. L. 104–264, §145(a)(2), (3), added pars. (4) to (6).

Subsec. (f). Pub. L. 104–287, §5(81)(B), which directed that subsec. (f), as enacted by Pub. L. 103–429, be redesignated (g), could not be executed because of amendment by Pub. L. 104–264, §122, which struck out that subsec. See below.

Pub. L. 104–264, §122, struck out subsec. (f), relating to minimum amount to be credited, which read as follows:

''(f) MINIMUM AMOUNT TO BE CREDITED.—(1) In a fiscal year, at least $325,000,000 of the amount made available under section 48103 of this title shall be credited to the fund. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

''(2) In a fiscal year in which the amount credited under subsection (a) of this section is less than

$325,000,000, the total amount calculated under paragraph (3) of this subsection shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals $325,000,000.

''(3) For a fiscal year, the total amount available to reduce to carry out paragraph (2) of this subsection is the total of the amounts determined under sections 47114(c)(1)(A) and (2) and (d) and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.''

Subsec. (f)(2). Pub. L. 104–287, §5(81)(A), substituted ''August 23, 1994'' for ''the date of the enactment of this subsection''.

Subsec. (g). Pub. L. 104–264, §122, added subsec. (g).

Subsec. (h). Pub. L. 104–264, §145(b), added subsec. (h).

1994—Subsec. (f). Pub. L. 103–429 added subsec. (f) relating to minimum amount to be credited.

Pub. L. 103–305 added subsec. (f) relating to consideration of diversion of revenues in awarding discretionary grants.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–27 effective July 23, 2011, see section 5(j) of Pub. L. 112–27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–21 effective July 1, 2011, see section 5(j) of Pub. L. 112–21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–16 effective June 1, 2011, see section 5(j) of Pub. L. 112–16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112–7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111–329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111–216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–197 effective July 4, 2010, see section 5(j) of Pub. L. 111–197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–161 effective May 1, 2010, see section 5(j) of Pub. L. 111–161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111–153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111–116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111–12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 3(d) of Pub. L. 110–253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by section 5(81)(B) of Pub. L. 104–287 effective Sept. 30, 1998, see section 8(2) of Pub. L. 104–287, set out as a note under section 47117 of this title.

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.

§ 47116. Small airport fund

(a) EXISTENCE AND AMOUNTS IN FUND.—The Secretary of Transportation has a small airport fund. The fund consists of 87.5 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) DISTRIBUTION OF AMOUNTS.—The Secretary may distribute amounts in the fund in each fiscal year for any purpose for which amounts are made available under section 48103 of this title as follows:

(1) one-seventh for grants for projects at small hub airports; and

(2) the remaining amounts based on the following:

(A) one-third for grants to sponsors of public-use airports (except commercial service airports).

(B) two-thirds for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year.

(c) AUTHORITY TO RECEIVE GRANT NOT DEPENDENT ON PARTICIPATION IN BLOCK GRANT PILOT PROGRAM.—An airport in a State participating in the State block grant pilot program under section 47128 of this title may receive a grant under this section to the same extent the airport may receive a grant if the State were not participating in the program.

(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—

(1) CONSTRUCTION OF NEW RUNWAYS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.

(2) AIRPORT DEVELOPMENT FOR ELIGIBLE MOUNTAINTOP AIRPORTS.—In making grants to sponsors described in subsection (b), the Secretary shall give priority consideration to mass grading and associated structural support (including access road, duct banks, and other related infrastructure) at mountaintop airports, provided that the airport would not otherwise have sufficient surface area for—

(A) eligible and justified airport development projects; or

(B) additional hangar space.

(3) CONTROL TOWER CONSTRUCTION.—Notwithstanding section 47124(b)(4)(A), the Secretary may provide grants under this section to an airport sponsor participating in the contract tower program under section 47124 for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traf-

fic control, communications, and related equipment to be used in that tower. Such grants shall be subject to the distribution requirements of subsection (b) and the eligibility requirements of section 47124(b)(4)(B).

(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.

(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1271; Pub. L. 104–264, title I, § 146, Oct. 9, 1996, 110 Stat. 3223; Pub. L. 106–6, § 8(b), Mar. 31, 1999, 113 Stat. 11; Pub. L. 106–181, title I, § 128, Apr. 5, 2000, 114 Stat. 76; Pub. L. 108–176, title VIII, § 801(b), Dec. 12, 2003, 117 Stat. 2587; Pub. L. 115–254, div. B, title I, §§ 152, 154, Oct. 5, 2018, 132 Stat. 3216, 3217.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47116(a)	49 App.:2206(d)(1) (words before ''to be distributed'').	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 507(d); added Nov. 5, 1990, Pub. L. 101–508, § 9112(b), 104 Stat. 1388–362.
47116(b)	49 App.:2206(d)(1) (words after ''small airport fund''), (2), (3).	
47116(c)	49 App.:2206(d)(4).	

In subsection (a), the words ''The Secretary of Transportation has a small airport fund'' are added for clarity.

In subsection (b), before clause (1), the words ''under this subsection'' are omitted as surplus. In clauses (1) and (2), the words ''used'' and ''making'' are omitted as surplus.

In subsection (c), the word ''pilot'' is added for consistency with section 47128 of the revised title.

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(2). Pub. L. 115–254, § 154, amended par. (2) generally. Prior to amendment, text read as follows: ''In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent.''

Subsec. (d)(3). Pub. L. 115–254, § 152, added par. (3).

2003—Subsec. (b)(1). Pub. L. 108–176 struck out ''(as defined in section 41731 of this title)'' after ''small hub airports''.

2000—Subsec. (d). Pub. L. 106–181, § 128(c), designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

Subsec. (e). Pub. L. 106–181, § 128(a), added subsec. (e).

Subsec. (f). Pub. L. 106–181, § 128(b), added subsec. (f).

1999—Subsec. (a). Pub. L. 106–6, § 8(b)(1), substituted ''87.5'' for ''75''.

Subsec. (b). Pub. L. 106–6, § 8(b)(2), added pars. (1) and (2) and redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (2).

1996—Subsec. (d). Pub. L. 104–264 added subsec. (d).

Statutory Notes and Related Subsidiaries

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 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.

§ 47117. Use of apportioned amounts

(a) GRANT PURPOSE.—Except as provided in this section, an amount apportioned under section 47114(c)(1) or (d)(2) of this title is available for making grants for any purpose for which amounts are made available under section 48103 of this title.

(b) PERIOD OF AVAILABILITY.—

(1) IN GENERAL.—An amount apportioned under section 47114 of this title is available to be obligated for grants under the apportionment only during the fiscal year for which the amount was apportioned and the 2 fiscal years immediately after that year or the 3 fiscal years immediately following that year in the case of a nonhub airport or any airport that is not a commercial service airport. Except as provided in paragraph (2), if the amount is not obligated under the apportionment within that time, it shall be added to the discretionary fund.

(2) EXPIRED AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an amount apportioned under section 47114(d) is not obligated within the time specified in paragraph (1), that amount shall be added to the discretionary fund under section 47115 of this title, provided that—

(i) amounts made available under paragraph (2)(A) shall be used for grants for projects in accordance with section 47115(d)(2) at airports eligible to receive an apportionment under section 47114(d)(2) or (3)(A), whichever is applicable; and

(ii) amounts made available under paragraph (2)(A) that are not obligated by July 1 of the fiscal year in which the funds will expire shall be made available for all projects in accordance with section 47115(d)(2).

(B) STATE BLOCK GRANT PROGRAM.—If an amount apportioned to an airport under sec-

tion 47114(d)(3)(A) is not obligated within the time specified in paragraph (1), and the airport is located in a State participating in the State block grant program under section 47128, the amount shall be made available to that State under the same conditions as if the State had been apportioned the amount under section 47114(d)(3)(B).

(c) PRIMARY AIRPORTS.—(1) An amount apportioned to a sponsor of a primary airport under section 47114(c)(1) of this title is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.

(d) STATE USE.—An amount apportioned to a State under—

(1) section 47114(d)(2)(A) of this title is available for grants for airports located in the State; and

(2) section 47114(d)(2)(B) or (C) of this title is available for grants for airports described in section 47114(d)(2)(B) or (C) and located in the State.

(e) SPECIAL APPORTIONMENT CATEGORIES.—(1) The Secretary shall use amounts available to the discretionary fund under section 47115 of this title for each fiscal year as follows:

(A) At least 35 percent, but not more than $300,000,000, for grants for airport noise compatibility planning under section 47505(a)(2), for carrying out noise compatibility programs under section 47504(c), for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, for airport development described in section 47102(3)(Q), for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title. The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not the requirements of the preceding sentence are being met in that fiscal year.

(B) At least 4 percent to sponsors of current or former military airports designated by the Secretary under section 47118(a) of this title for grants for developing current and former military airports to improve the capacity of the national air transportation system and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant.

(C) In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, at least two-thirds of 1 percent for grants to sponsors of reliever airports which have—

(i) more than 75,000 annual operations;

(ii) a runway with a minimum usable landing distance of 5,000 feet;

(iii) a precision instrument landing procedure;

(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.

(2) If the Secretary decides that an amount required to be used for grants under paragraph (1) of this subsection cannot be used for a fiscal year because there are insufficient qualified grant applications, the amount the Secretary determines cannot be used is available during the fiscal year for grants for other airports or for other purposes for which amounts are authorized for grants under section 48103 of this title.

(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

(A) Chicago O'Hare International Airport;

(B) LaGuardia Airport;

(C) John F. Kennedy International Airport; and

(D) Ronald Reagan Washington National Airport.

(f) DISCRETIONARY USE OF APPORTIONMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

(2) RESTORATION OF APPORTIONMENTS.—

(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient

amount is made available under section 48103.

(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

(3) NEWLY AVAILABLE AMOUNTS.—

(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.

(g) LIMITING AUTHORITY OF SECRETARY.—The authority of the Secretary to make grants during a fiscal year from amounts that were apportioned for a prior fiscal year and remain available for approved airport development project grants under subsection (b) of this section may be impaired only by a law enacted after September 3, 1982, that expressly limits that authority.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1271; Pub. L. 103–305, title I, § 116(a), Aug. 23, 1994, 108 Stat. 1579; Pub. L. 103–429, § 6(68), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 104–264, title I, §§ 123, 124(d), Oct. 9, 1996, 110 Stat. 3219, 3220; Pub. L. 104–287, § 5(82), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105–102, § 3(c)(1), (2), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106–6, § 7, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, § 6002(d), May 21, 1999, 113 Stat. 113; Pub. L. 106–181, title I, §§ 104(e)–(g), 129, title II, § 231(f), Apr. 5, 2000, 114 Stat. 70, 77, 114; Pub. L. 108–176, title I, §§ 149(c), 150, 151, Dec. 12, 2003, 117 Stat. 2505, 2506; Pub. L. 112–95, title I, § 145, Feb. 14, 2012, 126 Stat. 30; Pub. L. 115–254, div. B, title I, §§ 155, 192(b), title V, § 539(p), Oct. 5, 2018, 132 Stat. 3217, 3241, 3371.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47117(a)	49 App.:2207(b)(1) (related to purposes for which funds may be used).	Sept. 3, 1982, Pub. L. 97–248, §§ 506(e)(4), 508(b), 96 Stat. 679, 681.
	49 App.:2207(c) (1st sentence related to purposes for which funds are available).	Sept. 3, 1982, Pub. L. 97–248, § 508(c), 96 Stat. 682; Dec. 30, 1987, Pub. L. 100–223, § 106(b)(2)(C), 101 Stat. 1498.
47117(b)	49 App.:2207(a).	Sept. 3, 1982, Pub. L. 97–248, § 508(a), 96 Stat. 681; Dec. 30, 1987, Pub. L. 100–223, § 106(b)(2)(A), (B), 101 Stat. 1497.
47117(c)(1) ..	49 App.:2207(b)(1) (related to airports at which funds may be used).	
47117(c)(2) ..	49 App.:2207(b)(2).	
47117(d)	49 App.:2207(c) (1st sentence related to airports at which funds are available, last sentence).	
47117(e)	49 App.:2202(a)(11).	Sept. 3, 1982, Pub. L. 97–248, § 503(a)(11), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100–223, § 103(c)(1), 101 Stat. 1488.
	49 App.:2207(d).	Sept. 3, 1982, Pub. L. 97–248, § 508(d), 96 Stat. 682; Dec. 30, 1987, Pub. L. 100–223, §§ 106(b)(2)(D), 107, 101 Stat. 1498; Nov. 5, 1990, Pub. L. 101–508, § 9109(b), 104 Stat. 1388–356; Oct. 31, 1992, Pub. L. 102–581, §§ 107(a), 108, 106 Stat. 4878, 4879.
47117(f)	49 App.:2206(b)(5)(D).	Sept. 3, 1982, Pub. L. 97–248, § 507(b)(5)(D), 96 Stat. 679; Jan. 6, 1983, Pub. L. 97–424, § 426(a), (d), 96 Stat. 2167, 2168; restated Dec. 30, 1987, Pub. L. 100–223, § 106(a), 101 Stat. 1496.
47117(g)	49 App.:2207(e)(1).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 508(e)(1); added Oct. 2, 1982, Pub. L. 97–276, § 167, 96 Stat. 1204; Dec. 30, 1987, Pub. L. 100–223, § 106(b)(2)(E), 101 Stat. 1498.
	49 App.:2207(e)(2).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 508(e)(2); added Oct. 2, 1982, Pub. L. 97–276, § 167, 96 Stat. 1205.
47117(h)	49 App.:2205(e)(4).	

In subsection (b), the words ''for grants'' are added, and the word ''apportioned'' is substituted for ''first authorized to be obligated'', for clarity. The words ''established by section 2206(c) of this Appendix'' are omitted as surplus.

In subsection (c)(2), the word ''if'' is substituted for ''on the condition that'' to eliminate unnecessary words. The word ''in'' is substituted for ''which is a part of'' for clarity.

Subsection (d) is substituted for 49 App.:2207(c) (1st sentence related to airports at which funds are available) for clarity. The text of 49 App.:2207(c) (last sentence) is omitted as surplus because of section 47105(a) of the revised title.

In subsection (e)(1), the words ''The Secretary shall use . . . (A) . . . for grants . . . (B) . . . for grants . . . (C) . . . for grants . . . (D) . . . for . . . grants . . . (E) . . . for grants'' are substituted for ''shall be distributed'' and ''shall be obligated'' for clarity and consistency in the revised title. Clause (C)(ii) is substituted for 49 App.:2207(d)(3)(B) and (C) to eliminate unnecessary words. In clause (E), the references to fiscal years 1991 and 1992 are omitted as obsolete.

In subsection (e)(2), the words ''for each fiscal year'' are omitted as surplus.

In subsection (e)(3), the words ''an amount required to be used for grants under paragraph (1) of this sub-

section cannot be used'' are substituted for ''he will not be able to distribute the amount of funds required to be distributed under paragraph (1), (2), (3), or (4) of this subsection'' for consistency. The words ''submitted in compliance with this chapter'' are omitted as surplus. The words ''cannot be used'' are substituted for ''will not be distributed'' for consistency. The words ''for which amounts are'' are added for clarity and consistency in this chapter.

Subsection (f) is substituted for 49 App.:2206(b)(5)(D) for clarity and consistency in the revised title.

In subsection (g)(1), the words ''and (3)'' are omitted because 49 App.:2207(e)(3) has expired. The words ''at his discretion'' are omitted as surplus.

In subsection (g)(2)(A), the words ''made available'' are substituted for ''authorized'' for clarity.

In subsection (h), the words ''to make grants'' are substituted for ''to obligate to an airport by grant agreement'' for consistency in the revised title and to eliminate unnecessary words. The words ''the unobligated balance of'' are omitted as surplus. The words ''limits that authority'' are substituted for ''limits the application of this paragraph'' for clarity. The words ''in addition to the amounts authorized for that fiscal year by section 2204 of this Appendix'' are omitted as surplus.

PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47117(e)	49 App.:2207(d).	Sept. 3, 1982, Pub. L. 97–248, §508(d), as amended May 26, 1994, Pub. L. 103–260, §105, 108 Stat. 699.

PUB. L. 104–287, §5(82)(A)

This amends 49:47117(e)(1)(B) because of the redesignation of 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) by section 6(71)(C) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4387).

PUB. L. 104–287, §5(82)(B)

This amends 49:47117(g)(1) because of the redesignation of 49:47105(e) as 49:47105(f) by section 107(a)(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1572).

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (e)(1)(A), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Act of June 30, 1948, referred to in subsec. (e)(1)(A), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, §2, Oct. 18, 1972, 86 Stat. 816, known as the Federal Water Pollution Control Act, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, §155, designated existing provisions as par. (1), inserted heading, substituted ''Except as provided in paragraph (2), if the amount'' for ''If the amount'', and added par. (2).

Subsec. (e)(1)(A). Pub. L. 115–254, §192(b), inserted ''for airport development described in section 47102(3)(Q),'' after ''under section 47141,''.

Subsec. (e)(1)(B). Pub. L. 115–254, §539(p), which directed substitution of ''At least'' for ''at least'' in section 47117(e)(1)(B), without specifying the Code title to be amended, was executed by making the substitution in subsec. (e)(1)(B) of this section, to reflect the probable intent of Congress.

2012—Subsec. (e)(1)(A). Pub. L. 112–95 substituted ''At least 35 percent, but not more than $300,000,000,'' for ''At least 35 percent'', ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.'' for ''et seq.).'', and ''the requirements of the preceding sentence are'' for ''such 35 percent requirement is'' and struck out ''and'' after ''47141,''.

2003—Subsec. (b). Pub. L. 108–176, §150, substituted ''nonhub airport or any airport that is not a commercial service airport'' for ''primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year''.

Subsec. (c)(2). Pub. L. 108–176, §149(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''A sponsor of a primary airport may make an agreement with the Secretary of Transportation waiving any part of the amount apportioned for the airport under section 47114(c)(1) of this title if the Secretary makes the waived amount available for a grant for another public-use airport in the same State or geographical area as the primary airport.''

Subsec. (e)(1)(A). Pub. L. 108–176, §151, substituted ''At least 35 percent'' for ''At least 34 percent'', ''section 47505(a)(2),'' for ''section 47505(a)(2) of this title and'', '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.).'' for ''of this title.'', and ''35 percent requirement'' for ''34 percent requirement''.

2000—Subsec. (e)(1)(A). Pub. L. 106–181, §104(e), substituted ''34 percent'' for ''31 percent'' in two places.

Subsec. (e)(1)(C). Pub. L. 106–181, §104(f), added subpar. (C).

Subsec. (e)(3). Pub. L. 106–181, §231(f), added par. (3).

Subsec. (f). Pub. L. 106–181, §129, amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

''(f) DISCRETIONARY USE OF APPORTIONMENTS.—(1) Subject to paragraph (2) of this subsection, if the Secretary finds, based on the notices the Secretary receives under section 47105(f) of this title or otherwise, that an amount apportioned under section 47114 of this title will not be used for grants during a fiscal year, the Secretary may use an equal amount for grants during that fiscal year for any of the purposes for which amounts are authorized for grants under section 48103 of this title.

''(2) The Secretary may make a grant under paragraph (1) of this subsection only if the Secretary decides that—

''(A) the total amount used for grants for the fiscal year under section 48103 of this title will not be more than the amount made available under section 48103 for that fiscal year; and

''(B) the amounts authorized for grants under section 48103 of this title for later fiscal years are sufficient for grants of the apportioned amounts that were not used for grants under the apportionment during the fiscal year and that remain available under subsection (b) of this section.''

Pub. L. 106–181, §104(g), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f). Text read as follows: ''The Secretary may not make a grant for a commercial service airport in Alaska of more than 110 percent of the amount apportioned for the airport for a fiscal year under section 47114(e) of this title.''

Subsecs. (g), (h). Pub. L. 106–181, §104(g), redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1999—Subsec. (e)(1)(B). Pub. L. 106–31 struck out ''for each of fiscal years 1997 and 1998'' after ''4 percent''.

Pub. L. 106–6 made amendment identical to that made by Pub. L. 105–102, §3(c)(2). See 1997 Amendment note below.

1997—Subsec. (e)(1)(A). Pub. L. 105–102, §3(c)(1)(B), added Pub. L. 104–264, §123(d). See 1996 Amendment note below.

Subsec. (e)(1)(B). Pub. L. 105–102, §3(c)(2), repealed Pub. L. 104–264, §124(d). See 1996 Amendment note below.

Pub. L. 105–102, §3(c)(1)(A), amended Pub. L. 104–264, §123(b)(6). See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104–264, §123(a), inserted ''or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year'' before period at end of first sentence.

Subsec. (e)(1). Pub. L. 104–264, §123(b)(1), substituted ''available to the discretionary fund under section 47115'' for ''made available under section 48103'' in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 104–264, §123(d), as added by Pub. L. 105–102, §3(c)(1)(B), substituted ''47504(c)'' for ''47504(c)(1)''.

Pub. L. 104–264, §123(b)(4), (5), substituted ''At least 31'' for ''at least 12.5'' and inserted at end ''The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.''

Pub. L. 104–264, §123(b)(2), (3), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: ''at least 5 percent for grants for reliever airports.''

Subsec. (e)(1)(B). Pub. L. 104–287, §5(82)(A), which directed the amendment of subpar. (B) by substituting ''47504(c)'' for ''47504(c)(1)'', could not be executed because ''47504(c)(1)'' did not appear in text of subpar. (B) subsequent to amendment by Pub. L. 104–264. See below.

Pub. L. 104–264, §124(d), which directed the amendment of subpar. (B) by substituting ''1996, 1997, and 1998'' for ''and 1996,'', was repealed by Pub. L. 105–102, §3(c)(2).

Pub. L. 104–264, §123(b)(6), as amended by Pub. L. 105–102, §3(c)(1)(A), substituted ''at least 4 percent for each of fiscal years 1997 and 1998'' for ''at least 2.25 percent for the fiscal year ending September 30, 1993, and at least 2.5 percent for each of the fiscal years ending September 30, 1994, 1995, and 1996,''.

Pub. L. 104–264, §123(b)(3), (7), redesignated subpar. (E) as (B) and inserted before period at end ''and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant''. Former subpar. (B) redesignated (A).

Subsec. (e)(1)(C), (D). Pub. L. 104–264, §123(b)(2), struck out subpars. (C) and (D) which read as follows:

''(C) at least 1.5 percent for grants for—

''(i) nonprimary commercial service airports; and

''(ii) public airports (except commercial service airports) that were eligible for United States Government assistance from amounts apportioned under section 15(a)(3) of the Airport and Airway Development Act of 1970, and to which section 15(a)(3)(A)(I) or (II) of the Act applied during the fiscal year that ended September 30, 1981.

''(D) at least .75 percent for integrated airport system planning grants to planning agencies designated by the Secretary and authorized by the laws of a State or political subdivision of a State to do planning for an area of the State or subdivision in which a grant under this chapter is to be used.''

Subsec. (e)(1)(E). Pub. L. 104–264, §123(b)(3), redesignated subpar. (E) as (B).

Subsec. (e)(2), (3). Pub. L. 104–264, §123(c), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''A grant from the amount apportioned under section 47114(e) of this title may not be included as part of the 1.5 percent required to be used for grants under paragraph (1)(C) of this subsection.''

Subsec. (g)(1). Pub. L. 104–287, §5(82)(B), substituted ''47105(f)'' for ''47105(e)''.

1994—Subsec. (e)(1)(A). Pub. L. 103–429, §6(68)(A), substituted ''5 percent'' for ''10 percent''.

Subsec. (e)(1)(C). Pub. L. 103–429, §6(68)(B), substituted ''1.5 percent'' for ''2.5 percent'' in introductory provisions.

Subsec. (e)(1)(D). Pub. L. 103–429, §6(68)(C), substituted ''.75 percent'' for ''.5 percent''.

Subsec. (e)(1)(E). Pub. L. 103–305 substituted '', 1995, and 1996'' for '', and 1995''.

Subsec. (e)(2). Pub. L. 103–429, §6(68)(D), substituted ''1.5 percent'' for ''2.5 percent''.

Statutory Notes and Related Subsidiaries

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 1997 AMENDMENT

Pub. L. 105–102, §3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(1)(B) is effective Oct. 9, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Section 8(2) of Pub. L. 104–287, as amended by Pub. L. 105–102, §3(d)(2)(B), Nov. 20, 1997, 111 Stat. 2215, provided that: ''The amendments made by section 5(81)(B), (82)(A), and (83)(A) [amending this section and sections 47115 and 47118 of this title] shall take effect on September 30, 1998.''

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

§ 47118. Designating current and former military airports

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title. The maximum number of airports bearing such designation at any time is 15. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

(1) the airport is a former military installation closed or realigned under—

(A) section 2687 of title 10;

(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note);

(2) the airport is a military installation with both military and civil aircraft operations; or

(3) the airport is—

(A) a former military installation that, at any time after December 31, 1965, was owned and operated by the Department of Defense; and

(B) a nonhub primary airport.

(b) SURVEY.—Not later than September 30, 1991, the Secretary shall complete a survey of current and former military airports to identify which airports have the greatest potential to improve the capacity of the national air transportation system. The survey shall identify the capital development needs of those airports to make them part of the system and which of those qualify for grants under section 47104 of this title.

(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings;

(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays; or

(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

(A) within United States jurisdiction or control; and

(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.

(d) GRANTS.—Grants under section 47117(e)(1)(B) of this title may be made for an airport designated under subsection (a) of this section for the 5 fiscal years following the designation, and for subsequent periods, each not to exceed 5 fiscal years, if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent period.

(e) TERMINAL BUILDING FACILITIES.—From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair a terminal building facility, including terminal gates used for revenue passengers getting on or off aircraft. A gate constructed, improved, or repaired under this subsection—

(1) may not be leased for more than 10 years; and

(2) is not subject to majority in interest clauses.

(f) PARKING LOTS, FUEL FARMS, UTILITIES, HANGARS, AND AIR CARGO TERMINALS.—

(1) CONSTRUCTION.—From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair airport surface parking lots, fuel farms, utilities, and hangars and air cargo terminals of an area that is 50,000 square feet or less.

(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47115 or 47117(e)(1)(B), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).

(g) DESIGNATION OF GENERAL AVIATION AIRPORTS.—Notwithstanding any other provision of this section, 3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).

(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—

(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1273; Pub. L. 103–305, title I, §116(b)–(d), Aug. 23, 1994, 108 Stat. 1579; Pub. L. 104–264, title I, §124(a)–(c), Oct. 9, 1996, 110 Stat. 3219, 3220; Pub. L. 104–287, §5(83), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 106–181, title I, §130, Apr. 5, 2000, 114 Stat. 78; Pub. L. 108–176, title I, §153, Dec. 12, 2003, 117 Stat. 2507; Pub. L. 112–95, title I, §146, Feb. 14, 2012, 126 Stat. 30; Pub. L. 115–254, div. B, title I, §137, Oct. 5, 2018, 132 Stat. 3210.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47118(a)	49 App.:2207(f)(1).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §508(f)(1); added Nov. 5, 1990, Pub. L. 101–508, §9109(c), 104 Stat. 1388–356; Oct. 31, 1992, Pub. L. 102–581, §107(b), 106 Stat. 4878.
47118(b)	49 App.:2207(f)(2).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §508(f)(2)–(5); added Nov. 5, 1990, Pub. L. 101–508, §9109(c), 104 Stat. 1388–356.
47118(c)	49 App.:2207(f)(3).	
47118(d)	49 App.:2207(f)(4).	
47118(e)	49 App.:2207(f)(5).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47118(f)	49 App.:2207(f)(6).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §508(f)(6); added Oct. 31, 1992, Pub. L. 102–581, §107(c)(1), 106 Stat. 4878.

In subsection (d), the word ''Grants'' is substituted for ''to participate in the program'', and the word ''grants'' is substituted for ''participation in the program'', for clarity and consistency and to eliminate unnecessary words.

In subsection (e), before clause (1), the words ''at the discretion'' and ''with Federal funding'' are omitted as surplus.

PUB. L. 104–287, §5(83)(A)

This sets out the date of enactment of 49:47118(a) (last sentence).

PUB. L. 104–287, §5(83)(B)

This makes a clarifying amendment to 49:47118(e) because 49:47109(c) was struck by section 114(b) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1579).

Editorial Notes

REFERENCES IN TEXT

Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (a)(1)(B), is section 201 of Pub. L. 100–526, which is set out in a note under section 2687 of Title 10, Armed Forces.

Section 2905 of the Defense Base Closure and Realignment Act of 1990, referred to in subsec. (a)(1)(C), is section 2905 of Pub. L. 101–510, which is set out in a note under section 2687 of Title 10.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115–254 added par. (3).

2012—Subsec. (c)(3). Pub. L. 112–95, §146(a), added par. (3).

Subsec. (g). Pub. L. 112–95, §146(b), substituted ''Airports'' for ''Airport'' in heading and ''3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations'' for ''one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation'' in text.

Subsec. (h). Pub. L. 112–95, §146(c), added subsec. (h).

2003—Subsec. (e). Pub. L. 108–176, §153(1), substituted ''From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available'' for ''Not more than $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available'' in introductory provisions.

Subsec. (f). Pub. L. 108–176, §153(2), (3), inserted par. (1) designation and heading, substituted ''From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available'' for ''Not more than a total of $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available'', and added par. (2).

2000—Subsec. (a). Pub. L. 106–181, §130(a)(1)(A), substituted ''15'' for ''12'' in introductory provisions.

Subsec. (a)(2). Pub. L. 106–181, §130(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows: ''the Secretary finds that such grants would—

''(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

''(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.''

Subsec. (c). Pub. L. 106–181, §130(a)(2), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: ''In carrying out this section, the Secretary shall consider only current or former military airports that, when at least partly converted to civilian commercial or reliever airports as part of the national air transportation system, will enhance airport and air traffic control system capacity in major metropolitan areas and reduce current and projected flight delays.''

Subsec. (d). Pub. L. 106–181, §130(a)(3), substituted ''47117(e)(1)(B)'' for ''47117(e)(1)(E)'', ''periods, each not to exceed 5 fiscal years,'' for ''5-fiscal-year periods'', and ''each such subsequent period'' for ''each such subsequent 5-fiscal-year period''.

Subsec. (e). Pub. L. 106–181, §130(b), substituted ''$7,000,000'' for ''$5,000,000''.

Subsec. (f). Pub. L. 106–181, §130(c), in heading, substituted ''Hangars, and Air Cargo Terminals'' for ''and Hangars'' and, in text, substituted ''$7,000,000'' for ''$4,000,000'' and inserted ''and air cargo terminals of an area that is 50,000 square feet or less'' before period at end.

Subsec. (g). Pub. L. 106–181, §130(a)(4), added subsec. (g).

1996—Subsec. (a). Pub. L. 104–287, §5(83)(A), which directed amendment of subsec. (a) by substituting ''before August 24, 1994'' for ''on or before the date of the enactment of this sentence'', could not be executed because the phrase to be amended did not appear subsequent to amendment by Pub. L. 104–264, §124(a). See below.

Pub. L. 104–264, §124(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate not more than 15 current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title. The Secretary may only designate an airport for such grants (other than an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.''

Subsec. (d). Pub. L. 104–264, §124(b), substituted ''designation, and for subsequent 5-fiscal-year periods if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.'' for ''designation.''

Subsec. (e). Pub. L. 104–287, §5(83)(B), substituted ''Not'' for ''Notwithstanding section 47109(c) of this title, not''.

Subsec. (f). Pub. L. 104–264, §124(c), amended subsec. (f) by substituting ''Utilities, and Hangars'' for ''and Utilities'' in heading and ''for fiscal years beginning after September 30, 1992,'' for ''for the fiscal years ending September 30, 1993–1996,'' and ''utilities, and hangars'' for ''and utilities'' in text.

1994—Subsec. (a). Pub. L. 103–305, §116(b), substituted ''15'' for ''12'' and inserted at end ''The Secretary may only designate an airport for such grants (other than an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.''

Subsec. (d). Pub. L. 103–305, §116(c), struck out at end ''If an airport does not have a level of passengers getting on aircraft during that 5-year period that qualifies the airport as a small hub airport (as defined on January 1, 1990) or reliever airport, the Secretary may redesignate the airport for grants for additional fiscal years that the Secretary decides.''

Subsec. (f). Pub. L. 103–305, § 116(d), substituted ''September 30, 1993–1996'' for ''September 30, 1993–1995''.

Statutory Notes and Related Subsidiaries

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 1996 AMENDMENTS

Amendment by section 5(83)(A) of Pub. L. 104–287 effective Sept. 30, 1998, see section 8(2) of Pub. L. 104–287, as amended, set out as a note under section 47117 of this title.

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.

§ 47119. Terminal development costs

(a) TERMINAL DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

(i) all the safety equipment required for certification of the airport under section 44706;

(ii) all the security equipment required by regulation; and

(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

(B) if the cost is directly related to—

(i) moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; or

(ii) installing security cameras in the public area of the interior and exterior of the terminal; and

(C) under terms necessary to protect the interests of the Government.

(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.

(3) LACTATION AREAS.—In addition to the projects described in paragraph (1), the Secretary may approve a project for terminal development for the construction or installation of a lactation area (as defined in section 47107(w)) at a commercial service airport.

(b) REPAYING BORROWED MONEY.—

(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

(B) that is a designated airport under section 47118 in fiscal year 2003; and

(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under subsection (a).

(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

(A) the sponsor submits the certification required under subsection (a);

(B) the Secretary decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsections (c)(1) and (c)(2).

(c) AVAILABILITY OF AMOUNTS.—In a fiscal year, the Secretary may make available—

(1) to a sponsor of a primary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(c)(1) of this title to pay project costs allowable under subsection (a);

(2) on approval of the Secretary, not more than $200,000 of the amount that may be distributed for the fiscal year from the discretionary fund established under section 47115 of this title—

(A) to a sponsor of a nonprimary commercial service airport to pay project costs allowable under subsection (a); and

(B) to a sponsor of a reliever airport for the types of project costs allowable under subsection (a), including project costs allowable for a commercial service airport that each year does not have more than .05 percent of the total boardings in the United States;

(3) for use by a primary airport that each year does not have more than .05 percent of the total boardings in the United States, any part of amounts that may be distributed for the fiscal year from the discretionary fund and small airport fund to pay project costs allowable under subsection (a);

(4) not more than $25,000,000 to pay project costs allowable for the fiscal year under subsection (a) for projects at commercial service airports that were not eligible for assistance for terminal development during the fiscal year ending September 30, 1980, under section 20(b) of the Airport and Airway Development Act of 1970; or

(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under subsection (a).

(d) NONHUB AIRPORTS.—With respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the amounts described in subsection (a) notwithstanding the requirements of sections 47107(a)(17), 47112, and 47113.

(e) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.

(f) Limitation on Discretionary Funds.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 103–305, title I, § 117, Aug. 23, 1994, 108 Stat. 1579; Pub. L. 103–429, § 6(69), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 106–181, title I, § 152(b), Apr. 5, 2000, 114 Stat. 87; Pub. L. 108–176, title I, §§ 149(d), 166, Dec. 12, 2003, 117 Stat. 2505, 2514; Pub. L. 112–95, title I, § 152(b), Feb. 14, 2012, 126 Stat. 33; Pub. L. 115–254, div. B, title I, §§ 132(b), 138, Oct. 5, 2018, 132 Stat. 3206, 3210.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47119(a)	49 App.:2212(b)(4).	Sept. 3, 1982, Pub. L. 97–248, § 513(b)(4), 96 Stat. 690; Dec. 30, 1987, Pub. L. 100–223, § 106(b)(5)(B), 101 Stat. 1498.
47119(b)	49 App.:2212(b)(2).	Sept. 3, 1982, Pub. L. 97–248, § 513(b)(2), 96 Stat. 690; Dec. 30, 1987, Pub. L. 100–223, §§ 106(b)(5)(A), 111(a)(1), 101 Stat. 1498, 1503.
	49 App.:2212(b)(3).	Sept. 3, 1982, Pub. L. 97–248, § 513(b)(3), 96 Stat. 690.

In subsection (a), before clause (1), the words ''(within the meaning of section 11(1) of the Airport and Airway Development Act of 1970 [49 App. U.S.C. 1711(1)] as in effect immediately before September 3, 1982)'' are omitted because of the definition of ''air carrier airport'' in section 47102 of the revised title. The words ''after June 30, 1970'' are substituted for ''on or after July 1, 1970'' for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words ''to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title'' are substituted for ''for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which would be allowable under paragraph (1) of this subsection'' for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''In a fiscal year'' are added for clarity. In clause (2), the words ''from the discretionary fund'' are substituted for ''sums to be distributed at the discretion of the Secretary under section 2206(c) of this Appendix'' for clarity and consistency in this chapter. In clause (3), the words ''for projects'' are added for clarity.

PUB. L. 103–429

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47119(b)	49 App.:2212(b)(2).	Sept. 3, 1982, Pub. L. 97–248, § 513(b)(2), as amended May 26, 1994, Pub. L. 103–260, § 107, 108 Stat. 700.

In subsection (b)(3), the words ''from the discretionary fund and small airport fund'' are substituted for ''sums to be distributed at the discretion of the Secretary under section 2206(c) and 2206(d) of this Appendix'' for clarity and consistency in this chapter.

Editorial Notes

REFERENCES IN TEXT

Section 20(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (c)(4), is section 20(b) of Pub. L. 91–258, which was classified to section 1720(b) of former Title 49, Transportation, prior to repeal by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695.

AMENDMENTS

2018—Subsec. (a)(1)(B). Pub. L. 115–254, § 138, substituted ''directly related to—'' for ''directly related

to'', inserted cl. (i) designation before ''moving passengers and'', substituted ''; or'' for ''; and'', and added cl. (ii). Amendments were executed to this section to reflect the probable intent of Congress, notwithstanding directory language amending section 47119(a)(1)(B), without specifying the Code title to be amended.

Subsec. (a)(3). Pub. L. 115–254, §132(b), added par. (3).

2012—Subsec. (a). Pub. L. 112–95, §152(b)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 112–95, §152(b)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (b)(3), (4)(A). Pub. L. 112–95, §152(b)(4), substituted ''subsection (a)'' for ''section 47110(d)''.

Subsec. (b)(4)(B). Pub. L. 112–95, §152(b)(3), substituted ''Secretary'' for ''Secretary of Transportation''.

Subsec. (b)(5). Pub. L. 112–95, §152(b)(5), substituted ''subsections (c)(1) and (c)(2)'' for ''subsection (b)(1) and (2)''.

Subsec. (c). Pub. L. 112–95, §152(b)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1), (2)(A). Pub. L. 112–95, §152(b)(6), substituted ''subsection (a)'' for ''section 47110(d) of this title''.

Subsec. (c)(2)(B). Pub. L. 112–95, §152(b)(7), substituted ''subsection (a)'' for ''section 47110(d)''.

Subsec. (c)(3), (4). Pub. L. 112–95, §152(b)(6), substituted ''subsection (a)'' for ''section 47110(d) of this title''.

Subsec. (c)(5). Pub. L. 112–95, §152(b)(7), substituted ''subsection (a)'' for ''section 47110(d)''.

Subsecs. (d), (e). Pub. L. 112–95, §152(b)(1), redesignated subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (f). Pub. L. 112–95, §152(b)(8), added subsec. (f).

2003—Subsec. (a). Pub. L. 108–176, §166, amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: ''An amount apportioned under section 47114 of this title and made available to the sponsor of an air carrier airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title if they had been incurred after September 3, 1982. An amount is available for a grant under this subsection—

''(1) only if—

''(A) the sponsor submits the certification required under section 47110(d) of this title;

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money; and

''(2) subject to the limitations in subsection (b)(1) and (2) of this section.''

Subsec. (b)(5). Pub. L. 108–176, §149(d), added par. (5).

2000—Subsec. (d). Pub. L. 106–181 added subsec. (d).

1994—Subsec. (a). Pub. L. 103–305, §117(1), inserted ''or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992,'' after ''July 12, 1976,''.

Subsec. (b)(2). Pub. L. 103–429, §6(69)(B), added par. (2) and struck out former par. (2) which read as follows: ''to a sponsor of a nonprimary commercial service airport, not more than $200,000 of the amount that may be distributed for the fiscal year from the discretionary fund to pay project costs allowable under section 47110(d) of this title; or''.

Subsec. (b)(3). Pub. L. 103–429, §6(69)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 103–429, §6(69)(A), redesignated par. (3) as (4).

Subsec. (c). Pub. L. 103–305, §117(2), added subsec. (c).

Statutory Notes and Related Subsidiaries

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.

§ 47120. Grant priority

(a) IN GENERAL.—In making a grant under this subchapter, the Secretary of Transportation may give priority to a project that is consistent with an integrated airport system plan.

(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 106–181, title I, §162, Apr. 5, 2000, 114 Stat. 91.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47120	49 App.:2208(b)(9).	Sept. 3, 1982, Pub. L. 97–248, §509(b)(9), 96 Stat. 685.

The words ''In making a grant under this subchapter'' are substituted for ''In establishing priorities for distribution of funds available pursuant to section 2206 of this Appendix'' for consistency in this chapter and to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2000—Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 47121. Records and audits

(a) RECORDS.—A sponsor shall keep the records the Secretary of Transportation requires. The Secretary may require records—

(1) that disclose—

(A) the amount and disposition by the sponsor of the proceeds of the grant;

(B) the total cost of the plan or program for which the grant is given or used; and

(C) the amounts and kinds of costs of the plan or program provided by other sources; and

(2) that make it easier to carry out an audit.

(b) AUDITS AND EXAMINATIONS.—The Secretary and the Comptroller General may audit and examine records of a sponsor that are related to a grant made under this subchapter.

(c) AUTHORITY OF COMPTROLLER GENERAL.—When an independent audit is made of the accounts of a sponsor under this subchapter related to the disposition of the proceeds of the grant or related to the plan or program for which the grant was given or used, the sponsor shall submit a certified copy of the audit to the Secretary not more than 6 months after the end of the fiscal year for which the audit was made. The Comptroller General may report to Congress describing the results of each audit conducted or reviewed by the Comptroller General under this section during the prior fiscal year.

(d) AUDIT REQUIREMENT.—The Secretary may require a sponsor to conduct an appropriate audit as a condition for receiving a grant under this subchapter.

(e) ANNUAL REVIEW.—The Secretary shall review annually the recordkeeping and reporting requirements under this subchapter to ensure that they are the minimum necessary to carry out this subchapter.

(f) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary or the Comptroller General to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1274; Pub. L. 104–316, title I, § 127(f), Oct. 19, 1996, 110 Stat. 3840.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47121(a)	49 App.:2217(a) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, § 518, 96 Stat. 693.
47121(b)	49 App.:2217(b) (1st sentence).	
47121(c)	49 App.:2217(c).	
47121(d)	49 App.:2217(b) (last sentence).	
47121(e)	49 App.:2217(a) (last sentence).	
47121(f)	49 App.:2217(d).	

In subsections (a)–(d), the word ''sponsor'' is substituted for ''recipient of a grant under this chapter'' and ''recipient'' for clarity.

In subsection (a), before clause (1), the words ''The Secretary may require records'' are substituted for ''including records'' for clarity. In clause (1), before subclause (A), the word ''fully'' is omitted as surplus.

In subsection (b), the words ''or any of their duly authorized representatives'' are omitted as surplus because of 49:322(b) and 31:711. The words ''may audit and examine'' are substituted for ''shall have access for the purpose of audit and examination'' to eliminate unnecessary words. The words ''books, documents, papers'' are omitted as being included in ''records''.

In subsection (e), the words ''minimum necessary to carry out'' are substituted for ''that such requirements are kept to the minimum level necessary for the proper administration of'' to eliminate unnecessary words.

In subsection (f), the words ''or any officer or employee under the control of either of them'' are omitted as surplus because of 49:322(b) and 31:711.

Editorial Notes

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–316, in first sentence, substituted ''Secretary'' for ''Comptroller General'', in second sentence, substituted ''The Comptroller General may'' for ''Not later than April 15 of each year, the Comptroller General shall'', and struck out at end ''The Comptroller General shall prescribe regulations necessary to carry out this subsection.''

§ 47122. Administrative

(a) GENERAL.—The Secretary of Transportation may take action the Secretary considers necessary to carry out this subchapter, including conducting investigations and public hearings, prescribing regulations and procedures, and issuing orders.

(b) CONDUCTING INVESTIGATIONS AND PUBLIC HEARINGS.—In conducting an investigation or public hearing under this subchapter, the Secretary has the same authority the Secretary has under section 46104 of this title. An action of the Secretary in exercising that authority is governed by the procedures specified in section 46104 and shall be enforced as provided in section 46104.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1275.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47122(a)	49 App.:2218(a).	Sept. 3, 1982, Pub. L. 97–248, § 519(a), 96 Stat. 694; Dec. 30, 1987, Pub. L. 100–223, § 112(1), 101 Stat. 1504.
47122(b)	49 App.:1354(c) (related to Airport and Airway Improvement Act of 1982).	Aug. 23, 1958, Pub. L. 85–726, § 313(c) (related to Airport and Airway Improvement Act of 1982), 72 Stat. 753; Sept. 3, 1982, Pub. L. 97–248, § 524(a)(2), 96 Stat. 696.

Subsection (a) is substituted for 49 App.:2218(a) to eliminate unnecessary words.

§ 47123. Nondiscrimination

(a) IN GENERAL.—The Secretary of Transportation shall take affirmative action to ensure that an individual is not excluded because of race, creed, color, national origin, or sex from participating in an activity carried out with money received under a grant under this subchapter. The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall be similar to those in effect under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). This section is in addition to title VI of the Act.

(b) INDIAN EMPLOYMENT.—

(1) TRIBAL SPONSOR PREFERENCE.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on a project or contract at—

(A) an airport sponsored by an Indian tribal government; or

(B) an airport located on an Indian reservation.

(2) STATE PREFERENCE.—A State may implement a preference for employment of Indians

on a project carried out under this subchapter near an Indian reservation.

(3) IMPLEMENTATION.—The Secretary shall consult with Indian tribal governments and cooperate with the States to implement this subsection.

(4) INDIAN TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Indian tribal government'' has the same meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1275; Pub. L. 115–254, div. B, title I, § 153, Oct. 5, 2018, 132 Stat. 3216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47123	49 App.:2219.	Sept. 3, 1982, Pub. L. 97–248, § 520, 96 Stat. 694.

The words ''as the Secretary deems'' and ''the purposes of'' are omitted as surplus. The words ''The regulations shall be similar to those in effect under'' are substituted for ''and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under'' for clarity and to eliminate unnecessary words and because ''rules'' and ''regulations'' are synonymous. The words ''The provisions of . . . and not in lieu of the provisions of'' are omitted as surplus. The word ''is'' is substituted for ''shall be considered to be'' to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (a), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

AMENDMENTS

2018—Pub. L. 115–254 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 47124. Agreements for State and local operation of airport facilities

(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.

(b) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

(1) CONTRACT TOWER PROGRAM.—

(A) CONTINUATION.—The Secretary shall continue the low activity (Visual Flight Rules) level I air traffic control tower contract program established under subsection (a) of this section for towers existing on December 30, 1987, and extend the program to other towers as practicable.

(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the Contract Tower Program has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit—

(i) for the 1-year period after such determination is made; or

(ii) if an appeal of such determination is requested, for the 1-year period described in subsection (d)(4)(D)..[1]

(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the Cost-share Program.

(2) GENERAL AUTHORITY.—The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.

(3) COST-SHARE PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a program to contract for air traffic control services at nonapproach control towers, as defined by the Secretary, that do not qualify for the Contract Tower Program.

(B) PROGRAM COMPONENTS.—In carrying out the Cost-share Program, the Secretary shall—

(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

(C) PRIORITY.—In selecting facilities to participate in the Cost-share Program, the Secretary shall give priority to the following facilities:

(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will

[1] So in original.

be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the Cost-share Program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit, with the maximum allowable local cost share capped at 20 percent. Airports with air service provided under part 121 of title 14, Code of Federal Regulations, and more than 25,000 passenger enplanements in calendar year 2014 shall be exempt from any cost-share requirement under this paragraph.

(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than $10,350,000 for each of fiscal years 2012 through 2018 may be used to carry out this paragraph.

(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the Contract Tower Program.

(G) BENEFIT-TO-COST CALCULATION.—Not later than 90 days after receiving an application to the Contract Tower Program, the Secretary shall calculate a benefit-to-cost ratio (as described in subsection (d)) for the applicable air traffic control tower for purposes of selecting towers for participation in the Contract Tower Program.

(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(A) GRANTS.—The Secretary may provide grants to a sponsor of—

(i) a primary airport—

(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996, including remote air traffic control tower equipment certified by the Federal Aviation Administration; and

(ii) a public-use airport that is not a primary airport—

(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996, including remote air traffic control tower equipment certified by the Federal Aviation Administration.

(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

(i)(I) the sponsor is a participant in the Federal Aviation Administration Contract Tower Program or the Cost-share Program; or

(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

(iii) the Secretary affirmatively accepts the proposed contract tower into a con-

tract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;

(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

(II) the selection of the tower for funding is based on objective criteria.

(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.

(d) CRITERIA TO EVALUATE PARTICIPANTS.—

(1) TIMING OF EVALUATIONS.—

(A) TOWERS PARTICIPATING IN COST-SHARE PROGRAM.—In the case of an air traffic control tower that is operated under the Cost-share Program, the Secretary shall annually calculate a benefit-to-cost ratio with respect to the tower.

(B) TOWERS PARTICIPATING IN CONTRACT TOWER PROGRAM.—In the case of an air traffic control tower that is operated under the Contract Tower Program, the Secretary shall not calculate a benefit-to-cost ratio after the date of enactment of this subsection with respect to the tower unless the Secretary determines that the annual aircraft traffic at the airport where the tower is located has decreased—

(i) by more than 25 percent from the previous year; or

(ii) by more than 55 percent cumulatively in the preceding 3-year period.

(2) COSTS TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall consider only the following costs:

(A) The Federal Aviation Administration's actual cost of wages and benefits of personnel working at the tower.

(B) The Federal Aviation Administration's actual telecommunications costs directly associated with the tower.

(C) The Federal Aviation Administration's costs of purchasing and installing any air traffic control equipment that would not have been purchased or installed except as a result of the operation of the tower.

(D) The Federal Aviation Administration's actual travel costs associated with maintaining air traffic control equipment that is owned by the Administration and would not be maintained except as a result of the operation of the tower.

(E) Other actual costs of the Federal Aviation Administration directly associated with the tower that would not be incurred except as a result of the operation of the tower (excluding costs for noncontract tower-related personnel and equipment, even if the personnel or equipment is located in the contract tower building).

(3) OTHER CRITERIA TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall add a 10 percentage point margin of error to the benefit-to-cost ratio determination to acknowledge and account for the direct and indirect economic and other benefits that are not included in the criteria the Secretary used in calculating that ratio.

(4) REVIEW OF COST-BENEFIT DETERMINATIONS.—In issuing a benefit-to-cost ratio determination under this section with respect to an air traffic control tower located at an airport, the Secretary shall implement the following procedures:

(A) The Secretary shall provide the airport (or the State or local government having jurisdiction over the airport) at least 90 days following the date of receipt of the determination to submit to the Secretary a request for an appeal of the determination, together with updated or additional data in support of the appeal.

(B) Upon receipt of a request for an appeal submitted pursuant to subparagraph (A), the Secretary shall—

(i) transmit to the Administrator of the Federal Aviation Administration any updated or additional data submitted in support of the appeal; and

(ii) provide the Administrator not more than 90 days to review the data and provide a response to the Secretary based on the review.

(C) After receiving a response from the Administrator pursuant to subparagraph (B), the Secretary shall—

(i) provide the airport, State, or local government that requested the appeal at least 30 days to review the response; and

(ii) withhold from taking further action in connection with the appeal during that 30-day period.

(D) If, after completion of the appeal procedures with respect to the determination, the Secretary requires the tower to transition into the Cost-share Program, the Secretary shall not require a cost-share payment from the airport, State, or local government for 1 year following the last day of the 30-day period described in subparagraph (C).

(e) DEFINITIONS.—In this section:

(1) CONTRACT TOWER PROGRAM.—The term ''Contract Tower Program'' means the level I air traffic control tower contract program established under subsection (a) and continued under subsection (b)(1).

(2) COST-SHARE PROGRAM.—The term ''Cost-share Program'' means the cost-share program established under subsection (b)(3).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1276; Pub. L. 106–181, title I, § 131, Apr. 5, 2000, 114 Stat. 78; Pub. L. 108–7, div. I, title III, § 370(b)(1), (2), Feb. 20, 2003, 117 Stat. 425, 426; Pub. L. 108–176, title I, § 105, Dec. 12, 2003, 117 Stat. 2498; Pub. L. 112–55, div. C, title I, § 119, Nov. 18, 2011, 125 Stat. 649; Pub. L. 112–95, title I, § 147, Feb. 14, 2012, 126 Stat. 30; Pub. L. 113–76, div. L, title I, § 118, Jan. 17, 2014, 128 Stat. 581; Pub. L. 113–235, div. K, title I, § 118, Dec. 16, 2014, 128 Stat. 2704; Pub. L. 114–55, title I, § 102(c), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, § 102(c), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, § 1102(c), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, § 102(d), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, § 102(c), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, § 133(a)–(c), Oct. 5, 2018, 132 Stat. 3206–3208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47124(a)	49 App.:2222.	Sept. 3, 1982, Pub. L. 97–248, § 526, 96 Stat. 698.
47124(b)(1) ..	49 App.:2222 (note).	Dec. 30, 1987, Pub. L. 100–223, § 306, 101 Stat. 1526.
47124(b)(2) ..	49 App.:1344(h).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 747, § 303(h); added Oct. 31, 1992, Pub. L. 102–581, § 201(a), 106 Stat. 4890.

In subsection (a), the words ''In the powers granted under section 2218 of this Appendix'' and ''contract or other'' are omitted as surplus. The word ''relieves'' is substituted for ''contain, among others, a provision relieving'', and the words ''from any liability arising out of, or related to'' are substituted for ''of any and all liability for the payment of any claim or other obligation arising out of or in connection with'', to eliminate unnecessary words.

In subsection (b)(1), the words ''in effect'' are omitted as surplus. The words ''on December 30, 1987'' are added for clarity.

In subsection (b)(2), the word ''Secretary'' is substituted for ''Administrator'' for consistency in the chapter.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (d)(1)(B), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (b)(1)(B). Pub. L. 115–254, § 133(a)(1), substituted ''under the Contract Tower Program'' for ''under the program continued under this paragraph'' and ''exceeds the benefit—'' and cls. (i) and (ii) for ''exceeds the benefit for a period of 18 months after such determination is made''.

Subsec. (b)(1)(C). Pub. L. 115–254, § 133(c)(1), substituted ''the Cost-share Program'' for ''the program established under paragraph (3)''.

Subsec. (b)(3). Pub. L. 115–254, § 133(c)(2)(A), substituted ''Cost-share program'' for ''Contract air traffic control tower program'' in heading.

Subsec. (b)(3)(A). Pub. L. 115–254, § 133(c)(2)(B), substituted ''Contract Tower Program'' for ''contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program')''.

Subsec. (b)(3)(B). Pub. L. 115–254, § 133(c)(2)(C), substituted ''In carrying out the Cost-share Program'' for ''In carrying out the program'' in introductory provisions.

Subsec. (b)(3)(C). Pub. L. 115–254, § 133(c)(2)(D), substituted ''participate in the Cost-share Program'' for ''participate in the program'' in introductory provisions.

Subsec. (b)(3)(D). Pub. L. 115–254, § 133(a)(2), substituted ''under the Cost-share Program'' for ''under the program'' and inserted at end ''Airports with air service provided under part 121 of title 14, Code of Federal Regulations, and more than 25,000 passenger enplanements in calendar year 2014 shall be exempt from any cost-share requirement under this paragraph.''

Subsec. (b)(3)(E). Pub. L. 115–141 substituted ''2012 through 2018'' for ''2012 through 2017 and not more than $5,160,822 for the period beginning on October 1, 2017, and ending on March 31, 2018,''.

Subsec. (b)(3)(F). Pub. L. 115–254, § 133(c)(2)(E), substituted ''the Contract Tower Program'' for ''the program continued under paragraph (1)''.

Subsec. (b)(3)(G). Pub. L. 115–254, § 133(a)(4), added subpar. (G).

Subsec. (b)(4)(A)(i)(III), (ii)(III). Pub. L. 115–254, § 133(a)(3)(A), inserted '', including remote air traffic control tower equipment certified by the Federal Aviation Administration'' after ''1996''.

Subsec. (b)(4)(B)(i)(I). Pub. L. 115–254, § 133(a)(3)(B), substituted ''Contract Tower Program or the Cost-share Program'' for ''contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3)''.

Subsec. (b)(4)(C). Pub. L. 115–254, § 133(a)(3)(C), struck out subpar. (C). Text read as follows: ''The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed $2,000,000.''

Subsecs. (d), (e). Pub. L. 115–254, § 133(b), added subsecs. (d) and (e).

2017—Subsec. (b)(3)(E). Pub. L. 115–63 inserted ''and not more than $5,160,822 for the period beginning on October 1, 2017, and ending on March 31, 2018,'' after ''fiscal years 2012 through 2017''.

2016—Subsec. (b)(3)(E). Pub. L. 114–190 substituted ''fiscal years 2012 through 2017'' for ''fiscal years 2012 through 2015 and not more than $8,193,750 for the period beginning on October 1, 2015, and ending on July 15, 2016,''.

Pub. L. 114–141 substituted ''$8,193,750 for the period beginning on October 1, 2015, and ending on July 15, 2016,'' for ''$5,175,000 for the period beginning on October 1, 2015, and ending on March 31, 2016,''.

2015—Subsec. (b)(3)(E). Pub. L. 114–55 inserted ''and not more than $5,175,000 for the period beginning on October 1, 2015, and ending on March 31, 2016,'' after ''fiscal years 2012 through 2015''.

2014—Subsec. (b)(3)(D). Pub. L. 113–76 and Pub. L. 113–235, which identically directed substitution of ''benefit, with the maximum allowable local cost share capped at 20 percent.'' for ''benefit.'', could not be executed because of the prior amendment by Pub. L. 112–55. See 2011 Amendment note below.

2012—Subsec. (b)(1). Pub. L. 112–95, § 147(a)(1), designated existing provisions as subpar. (A), inserted par. and subpar. headings, and added subpars. (B) and (C).

Subsec. (b)(2). Pub. L. 112–95, § 147(a)(2), inserted heading.

Subsec. (b)(3)(E), (F). Pub. L. 112–95, § 147(b), added subpars. (E) and (F) and struck out former subpar. (E). Prior to amendment, text of subpar. (E) read as follows: ''Of the amounts appropriated pursuant to section 106(k), not more than $6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007 may be used to carry out this paragraph.''

Subsec. (b)(4)(C). Pub. L. 112–95, § 147(c), substituted ''$2,000,000'' for ''$1,500,000''.

Subsec. (c). Pub. L. 112–95, § 147(d), added subsec. (c).

2011—Subsec. (b)(3)(D). Pub. L. 112–55 substituted ''benefit, with the maximum allowable local cost share capped at 20 percent.'' for ''benefit.''

2003—Subsec. (a). Pub. L. 108–176, § 105(1), added subsec. (a) and struck out heading and text of former sub-

sec. (a). Text read as follows: ''The Secretary of Transportation shall ensure that an agreement under this subchapter with a State or a political subdivision of a State to allow the State or subdivision to operate an airport facility in the State or subdivision relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the State or subdivision in operating the airport facility.''

Subsec. (b)(2). Pub. L. 108–176, §105(2), added par. (2) and struck out former par. (2) which read as follows: ''The Secretary may make a contract, on a sole source basis, with a State or a political subdivision of a State to allow the State or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the State or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the State or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.''

Subsec. (b)(3). Pub. L. 108–176, §105(3)(A), (B), struck out ''PILOT'' before ''PROGRAM'' in par. heading, before ''program to contract'' in subpar. (A), before ''program, the Secretary'' in subpars. (B) and (C), and before ''program exceed'' in subpar. (D).

Subsec. (b)(3)(A). Pub. L. 108–7, §370(b)(2)(A), substituted ''nonapproach control towers, as defined by the Secretary,'' for ''Level I air traffic control towers, as defined by the Secretary,''.

Subsec. (b)(3)(E). Pub. L. 108–176, §105(3)(C), substituted ''$6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007'' for ''$6,000,000 per fiscal year''.

Pub. L. 108–7, §370(b)(2)(B), substituted ''Of'' for ''Subject to paragraph (4)(D), of''.

Subsec. (b)(4). Pub. L. 108–7, §370(b)(1), reenacted heading without change and amended text generally. Prior to amendment, par. authorized the Secretary to provide grants under this subchapter to not more than two airport sponsors for the construction of a low-level activity visual flight rule (level 1) air traffic control tower.

Subsec. (b)(4)(C). Pub. L. 108–176, §105(4), substituted ''$1,500,000'' for ''$1,100,000''.

2000—Subsec. (b)(3), (4). Pub. L. 106–181 added pars. (3) and (4).

Statutory Notes and Related Subsidiaries

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.

SAVINGS PROVISION

Pub. L. 108–7, div. I, title III, §370(b)(3), Feb. 20, 2003, 117 Stat. 426, provided that: ''Notwithstanding the amendments made by this section [amending this section and section 47102 of this title], the towers for which assistance is being provided on the day before the date of enactment of this Act [Feb. 20, 2003] under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.''

APPROVAL OF CERTAIN APPLICATIONS FOR THE CONTRACT TOWER PROGRAM

Pub. L. 115–254, div. B, title I, §133(d), Oct. 5, 2018, 132 Stat. 3209, provided that:

''(1) IN GENERAL.—If the Administrator of the Federal Aviation Administration has not implemented a revised cost-benefit methodology for purposes of determining eligibility for the Contract Tower Program before the date that is 30 days after the date of enactment of this Act [Oct. 5, 2018], any airport with an application for participation in the Contract Tower Program pending as of January 1, 2017, shall be approved for participation in the Contract Tower Program if the Administrator determines the tower is eligible under the criteria set forth in the Federal Aviation Administration report entitled 'Establishment and Discontinuance Criteria for Airport Traffic Control Towers', and dated August 1990 (FAA–APO–90–7).

''(2) REQUESTS FOR ADDITIONAL AUTHORITY.—The Administrator shall respond not later than 60 days after the date the Administrator receives a formal request from an airport and air traffic control contractor for additional authority to expand contract tower operational hours and staff to accommodate flight traffic outside of current tower operational hours.

''(3) DEFINITION OF CONTRACT TOWER PROGRAM.—In this section [probably means ''subsection''], the term 'Contract Tower Program' has the meaning given the term in section 47124(e) of title 49, United States Code, as added by this Act.''

NONAPPROACH CONTROL TOWERS

Pub. L. 108–7, div. I, title III, §370(c), Feb. 20, 2003, 117 Stat. 426, provided that:

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

''(2) TERMS AND CONDITIONS.—An agreement entered into under this section—

''(A) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;

''(B) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;

''(C) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

''(D) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

''(E) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;

''(F) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

''(G) shall include such other terms and conditions as the Administrator considers appropriate.''

USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS

Pub. L. 108–7, div. I, title III, §370(d), Feb. 20, 2003, 117 Stat. 427, provided that:

''(1) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

''(2) REPORT.—Not later than 1 year after the date of enactment of this Act [Feb. 20, 2003], the Secretary

shall transmit to Congress a report on the results of the study.''

CONTRACT TOWER ASSISTANCE

Pub. L. 103–305, title V, § 508, Aug. 23, 1994, 108 Stat. 1596, provided that: ''The Secretary shall take appropriate action to assist communities where the Secretary deems such assistance appropriate in obtaining the installation of a Level I Contract Tower for those communities.''

§ 47124a. Accessibility of certain flight data

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) APPLICABLE INDIVIDUAL.—The term ''applicable individual'' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

(4) CONTRACT TOWER.—The term ''contract tower'' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under section 47124.

(5) COVERED FLIGHT RECORD.—The term ''covered flight record'' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Fairness for Pilots Act, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

(2) COMPLIANCE BY CONTRACTORS.—

(A) IN GENERAL.—Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Fairness for Pilots Act.

(B) NONAPPLICABILITY.—Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Fairness for Pilots Act unless the contract or agreement is renegotiated, renewed, or modified after that date.

(d) PROTECTION OF CERTAIN DATA.—The Administrator of the Federal Aviation Administration may withhold information that would otherwise be required to be made available under section [1] only if—

(1) the Administrator determines, based on information in the possession of the Administrator, that the Administrator may withhold the information in accordance with section 552a of title 5, United States Code; or

(2) the information is submitted pursuant to a voluntary safety reporting program covered by section 40123 of title 49, United States Code.

(Added Pub. L. 115–254, div. B, title III, § 395(a), Oct. 5, 2018, 132 Stat. 3326.)

Editorial Notes

REFERENCES IN TEXT

Section 2 of the Pilot's Bill of Rights, referred to in subsec. (a)(5), is section 2 of Pub. L. 112–153, which is set out as a note under section 44703 of this title.

The date of enactment of the Fairness for Pilots Act, referred to in subsec. (c), is the date of enactment of subtitle C of title III of div. B of Pub. L. 115–254, which was approved Oct. 5, 2018.

§ 47125. Conveyances of United States Government land

(a) CONVEYANCES TO PUBLIC AGENCIES.—Except as provided in subsection (b) of this section, the Secretary of Transportation shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems. The head of the department, agency, or instrumentality shall decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality and shall notify the Secretary of that decision not later than 4 months after receiving the request. If the head of the department, agency, or instrumen-

[1] So in original. Probably should be ''this section''.

tality decides that the requested conveyance is consistent with its needs, the head of the department, agency, or instrumentality, with the approval of the Attorney General and without cost to the Government, shall make the conveyance. A conveyance may be made only on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance. Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.

(b) NONAPPLICATION.—Except as specifically provided by law, subsection (a) of this section does not apply to land or airspace owned or controlled by the Government within—

(1) a national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(2) a unit of the National Wildlife Refuge System or similar area under the jurisdiction of the United States Fish and Wildlife Service; or

(3) a national forest or Indian reservation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1276; Pub. L. 106–181, title I, §125(b), Apr. 5, 2000, 114 Stat. 75.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47125(a)	49 App.:2215(a), (b).	Sept. 3, 1982, Pub. L. 97–248, §516, 96 Stat. 692.
47125(b)	49 App.:2215(c).	

In subsection (a), the text of 49 App.:2215(a) (last sentence) is omitted as surplus because a ''property interest in land or airspace'' necessarily includes ''title to . . . land or any easement through . . . airspace''. The words ''when necessary'' are substituted for ''whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for'', and the words ''for the future development'' are substituted for ''including lands reasonably necessary to meet future development'', to eliminate unnecessary words. The words ''not later than 4 months after receiving the request'' are substituted for ''Upon receipt of a request from the Secretary under this section'' and ''within a period of four months after receipt of the Secretary's request'' for clarity and to eliminate unnecessary words. The words ''make the conveyance'' are substituted for ''perform any acts and to execute any instruments necessary to make the conveyance requested'', and the words ''that the property interest conveyed reverts to the Government . . . to the extent it is not'' are substituted for ''the property interest conveyed shall revert to the United States in the event that the lands in question are not'' and ''If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States'', to eliminate unnecessary words. The words ''the terms of'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–181 inserted at end ''Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.''

Statutory Notes and Related Subsidiaries

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.

CONSTRUCTION OF 2000 AMENDMENT

Nothing in amendment by Pub. L. 106–181 to be construed to authorize Secretary of Transportation to issue waiver or make a modification referred to in such amendment, see section 125(e) of Pub. L. 106–181, set out as a note under section 47107 of this title.

RELEASE FROM RESTRICTIONS

Pub. L. 112–95, title VIII, §817, Feb. 14, 2012, 126 Stat. 127, as amended by Pub. L. 115–254, div. B, title I, §141, Oct. 5, 2018, 132 Stat. 3211, provided that:

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to an airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179), section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232), or section 47125 of title 49, United States Code.

''(b) CONDITION.—Any release granted by the Secretary pursuant to subsection (a) shall be subject to the following conditions:

''(1) The applicable airport, city, or county shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its fair market value.

''(2) Any consideration received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

''(3) Any other conditions required by the Secretary.''

§ 47126. Criminal penalties for false statements

A person (including an officer, agent, or employee of the United States Government or a public agency) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, with intent to defraud the Government, knowingly makes—

(1) a false statement about the kind, quantity, quality, or cost of the material used or to be used, or the quantity, quality, or cost of work performed or to be performed, in connection with the submission of a plan, map, specification, contract, or estimate of project cost for a project included in a grant application submitted to the Secretary of Transportation for approval under this subchapter;

(2) a false statement or claim for work or material for a project included in a grant application approved by the Secretary under this subchapter; or

(3) a false statement in a report or certification required under this subchapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1277.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47126	49 App.:2216.	Sept. 3, 1982, Pub. L. 97–248, § 517, 96 Stat. 693.

In this section, before clause (1), the words ''association, firm, or corporation'' are omitted because of 1:1. The words ''fined under title 18'' are substituted for ''a fine of not to exceed $10,000'' for consistency with title 18. In clauses (1)–(3), the words ''false representation'' are omitted as surplus. In clauses (1) and (2), the words ''false report'' are omitted as surplus. The words ''included in a grant application'' are added for clarity and consistency in this chapter. In clause (3), the words ''to be made'' are omitted as surplus.

§ 47127. Ground transportation demonstration projects

(a) GENERAL AUTHORITY.—To improve the airport and airway system of the United States consistent with regional airport system plans financed under section 13(b) of the Airport and Airway Development Act of 1970, the Secretary of Transportation may carry out ground transportation demonstration projects to improve ground access to air carrier airport terminals. The Secretary may carry out a demonstration project independently or by grant or contract, including an agreement with another department, agency, or instrumentality of the United States Government.

(b) PRIORITY.—In carrying out this section, the Secretary shall give priority to a demonstration project that—

(1) affects an airport in an area with an operating regional rapid transit system with existing facilities reasonably near the airport;

(2) includes connection of the airport terminal to that system;

(3) is consistent with and supports a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary; and

(4) improves access to air transportation for individuals residing or working in the region by encouraging the optimal balance of use of airports in the region.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1277.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47127(a)	49 App.:1713a(1).	July 12, 1976, Pub. L. 94–353, § 23(a), 90 Stat. 884.
47127(b)	49 App.:1713a(2).	

In subsection (a), the words ''To improve'' are substituted for ''which he determines will assist the improvement of'' to eliminate unnecessary words.

In subsection (b)(2), the word ''facilities'' is omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 13(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (a), is section 13(b) of Pub. L. 91–258, which was classified to section 1713(b) of former Title 49, Transportation, prior to repeal by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695.

§ 47128. State block grant program

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall issue guidance to carry out a State block grant program. The guidance shall provide that the Secretary may designate not more than 20 qualified States for each fiscal year to assume administrative responsibility for all airport grant amounts available under this subchapter, except for amounts designated for use at primary airports.

(b) APPLICATIONS AND SELECTION.—A State wishing to participate in the program must submit an application to the Secretary. The Secretary shall select a State on the basis of its application only after—

(1) deciding the State has an organization capable of effectively administering a block grant made under this section;

(2) deciding the State uses a satisfactory airport system planning process;

(3) deciding the State uses a programming process acceptable to the Secretary;

(4) finding that the State has agreed to comply with United States Government standard requirements for administering the block grant, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements; and

(5) finding that the State has agreed to provide the Secretary with program information the Secretary requires.

(c) SAFETY AND SECURITY NEEDS AND NEEDS OF SYSTEM.—Before deciding whether a planning process is satisfactory or a programming process is acceptable under subsection (b)(2) or (b)(3) of this section, the Secretary shall ensure that the process provides for meeting critical safety and security needs and that the programming process ensures that the needs of the national airport system will be addressed in deciding which projects will receive money from the Government. In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.

(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

(1) coordinate and consult with the State;

(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1277; Pub. L. 103–429, § 6(70), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 104–264, title I, § 147(a)–(c)(1), Oct. 9, 1996, 110 Stat. 3223; Pub. L. 104–287, § 5(84), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105–102, § 3(d)(1)(E),

Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106–181, title I, §138, Apr. 5, 2000, 114 Stat. 85; Pub. L. 112–95, title V, §502, Feb. 14, 2012, 126 Stat. 103; Pub. L. 115–254, div. B, title I, §139, Oct. 5, 2018, 132 Stat. 3210.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47128(a)	49 App.:2227(a) (1st sentence), (b) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §534; added Dec. 30, 1987, Pub. L. 100–223, §116, 101 Stat. 1507; Nov. 5, 1990, Pub. L. 101–508, §9114, 104 Stat. 1388–364; Oct. 31, 1992, Pub. L. 102–581, §116, 106 Stat. 4881.
47128(b)(1) ..	49 App.:2227(c) (1st, 2d sentences).	
47128(b)(2) ..	49 App.:2227(b) (last sentence).	
47128(c)	49 App.:2227(c) (last sentence).	
47128(d)	49 App.:2227(a) (last sentence), (d).	

In subsection (a), the words ''Not later than 180 days after December 30, 1987'' and ''to become effective on October 1, 1989'' are omitted as obsolete.

In subsection (b)(1)(A), the words ''agency or'' are omitted as surplus.

In subsection (b)(1)(D), the words ''procedural and other'' are omitted as surplus.

In subsection (d), the text of 49 App.:2227(d) is omitted as executed.

PUB. L. 103–429

This amends 49:47128(c) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1278).

PUB. L. 104–287

This makes a clarifying amendment to the catchline for 49:47128(d).

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254 substituted ''not more than 20 qualified States for each fiscal year'' for ''not more than 9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter''.

2012—Subsec. (a). Pub. L. 112–95, §502(a), substituted ''issue guidance'' for ''prescribe regulations'' in first sentence and ''guidance'' for ''regulations'' in second sentence.

Subsec. (b)(4). Pub. L. 112–95, §502(b), inserted before semicolon '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

Subsec. (d). Pub. L. 112–95, §502(c), added subsec. (d).

2000—Subsec. (a). Pub. L. 106–181 substituted ''9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter'' for ''8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter''.

1997—Subsec. (d). Pub. L. 105–102 repealed Pub. L. 104–287, §5(84). See 1996 Amendment note below.

1996—Pub. L. 104–264, §147(c)(1)(A), substituted ''grant program'' for ''grant pilot program'' in section catchline.

Subsec. (a). Pub. L. 104–264, §147(a)(1), (c)(1)(B), substituted ''block grant program'' for ''block grant pilot program'' and ''8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter'' for ''7 qualified States''.

Subsec. (b). Pub. L. 104–264, §147(a)(2), (3), struck out ''(1)'' before ''A State wishing'', redesignated subpars. (A) to (E) as pars. (1) to (5), respectively, and struck out former par. (2) which read as follows: ''For the fiscal years ending September 30, 1993–1996, the States selected shall include Illinois, Missouri, and North Carolina.''

Subsec. (c). Pub. L. 104–264, §147(b), substituted ''(b)(2) or (b)(3)'' for ''(b)(1)(B) or (C)'' and inserted at end ''In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.''

Subsec. (d). Pub. L. 104–287, §5(84), which directed amendment of heading by striking ''and report'', was repealed by Pub. L. 105–102.

Pub. L. 104–264, §147(c)(1)(C), struck out subsec. (d) which read as follows:

''(d) ENDING EFFECTIVE DATE AND REPORT.—This section is effective only through September 30, 1996.''

1994—Subsec. (c). Pub. L. 103–429 substituted ''subsection (b)(1)(B) or (C)'' for ''subsection (b)(2) or (3)''.

Statutory Notes and Related Subsidiaries

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 1997 AMENDMENT

Pub. L. 105–102, §3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(E) is effective Oct. 11, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§47129. Resolution of disputes concerning airport fees

(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

(1) IN GENERAL.—The Secretary of Transportation shall issue a determination as to whether a fee imposed upon one or more air carriers or foreign air carriers (as those terms are defined in section 40102) by the owner or operator of an airport is reasonable if—

(A) a written request for such determination is filed with the Secretary by such owner or operator; or

(B) a written complaint requesting such determination is filed with the Secretary by

an affected air carrier or foreign air carrier within 60 days after such carrier receives written notice of the establishment or increase of such fee.

(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47134 of this title, the Secretary shall consider whether the airport has complied with section 47134(c)(4).

(b) PROCEDURAL REGULATIONS.—Not later than 90 days after August 23, 1994, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

(2) the standards or guidelines that shall be used by the Secretary in determining under this section whether an airport fee is reasonable.

(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

(1) Not more than 120 days after an air carrier or foreign air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, or as modified by the Secretary to ensure an orderly disposition of the matter within the 120-day period and any specifically applicable provisions of this section.

(3) The administrative law judge shall issue a recommended decision within 60 days after the complaint is assigned or within such shorter period as the Secretary may specify.

(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the Circuit Court of Appeals for the District of Columbia Circuit or the court of appeals in the circuit where the airport which gives rise to the written complaint is located.

(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

(d) PAYMENT UNDER PROTEST; GUARANTEE OF AIR CARRIER AND FOREIGN AIR CARRIER ACCESS.—

(1) PAYMENT UNDER PROTEST.—

(A) IN GENERAL.—Any fee increase or newly established fee which is the subject of a complaint that is not dismissed by the Secretary shall be paid by the complainant air carrier or foreign air carrier to the airport under protest.

(B) REFERRAL OR CREDIT.—Any amounts paid under this subsection by a complainant air carrier or foreign air carrier to the airport under protest shall be subject to refund or credit to the air carrier or foreign air carrier in accordance with directions in the final order of the Secretary within 30 days of such order.

(C) ASSURANCE OF TIMELY REPAYMENT.—In order to assure the timely repayment, with interest, of amounts in dispute determined not to be reasonable by the Secretary, the airport shall obtain a letter of credit, or surety bond, or other suitable credit facility, equal to the amount in dispute that is due during the 120-day period established by this section, plus interest, unless the airport and the complainant air carrier or foreign air carrier agree otherwise.

(D) DEADLINE.—The letter of credit, or surety bond, or other suitable credit facility shall be provided to the Secretary within 20 days of the filing of the complaint and shall remain in effect for 30 days after the earlier of 120 days or the issuance of a timely final order by the Secretary determining whether such fee is reasonable.

(2) GUARANTEE OF AIR CARRIER AND FOREIGN AIR CARRIER ACCESS.—Contingent upon an air carrier's or foreign air carrier's compliance with the requirements of paragraph (1) and pending the issuance of a final order by the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier or foreign air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's or foreign air carrier's prices, routes, or services, as a means of enforcing the fee.

(e) APPLICABILITY.—This section does not apply to—

(1) a fee imposed pursuant to a written agreement with air carriers or foreign air carriers using the facilities of an airport;

(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to August 23, 1994; or

(3) any other existing fee not in dispute as of August 23, 1994.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

(1) the rights of any party under any existing written agreement between an air carrier or foreign air carrier and the owner or operator of an airport; or

(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of August 23, 1994.

(g) DEFINITION.—In this section, the term ''fee'' means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.

(Added Pub. L. 103–305, title I, §113(a)(2), Aug. 23, 1994, 108 Stat. 1577; amended Pub. L. 104–264, title I, §149(d), Oct. 9, 1996, 110 Stat. 3227; Pub. L. 104–287, §5(85), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 112–95, title I, §148(a), Feb. 14, 2012, 126 Stat. 31.)

HISTORICAL AND REVISION NOTES

PUB. L. 104–287, §5(85)(A)

This amends 49:47129(a)(1) to conform to the style of title 49.

PUB. L. 104–287, §5(85)(B) AND (C)

These set out the date of enactment of 49:47129.

Editorial Notes

PRIOR PROVISIONS

A prior section 47129 was renumbered section 47131 of this title.

AMENDMENTS

2012—Pub. L. 112–95, §148(a)(1), substituted ''Resolution of disputes concerning airport fees'' for ''Resolution of airport-air carrier disputes concerning airport fees'' in section catchline.

Subsec. (a)(1). Pub. L. 112–95, §148(a)(6), (7), substituted ''air carriers or foreign air carriers'' for ''air carriers'' and ''(as those terms are defined in section 40102)'' for ''(as defined in section 40102 of this title)'' in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 112–95, §148(a)(4), substituted ''air carrier or foreign air carrier'' for ''air carrier''.

Subsec. (c)(1). Pub. L. 112–95, §148(a)(4), substituted ''air carrier or foreign air carrier'' for ''air carrier''.

Subsec. (d). Pub. L. 112–95, §148(a)(2), inserted ''and Foreign Air Carrier'' after ''Carrier'' in heading.

Subsec. (d)(1)(A) to (C). Pub. L. 112–95, §148(a)(4), substituted ''air carrier or foreign air carrier'' for ''air carrier'' wherever appearing.

Subsec. (d)(2). Pub. L. 112–95, §148(a)(3)–(5), inserted ''and foreign air carrier'' after ''carrier'' in heading and, in text, substituted ''air carrier's or foreign air carrier's'' for ''air carrier's'' in two places and ''air carrier or foreign air carrier'' for ''air carrier''.

Subsec. (e)(1). Pub. L. 112–95, §148(a)(6), substituted ''air carriers or foreign air carriers'' for ''air carriers''.

Subsec. (f)(1). Pub. L. 112–95, §148(a)(4), substituted ''air carrier or foreign air carrier'' for ''air carrier''.

1996—Subsec. (a)(1). Pub. L. 104–287, §5(85)(A), substituted ''of this title'' for ''of this subtitle'' in introductory provisions.

Subsec. (a)(4). Pub. L. 104–264 added par. (4).

Subsecs. (b), (e)(2). Pub. L. 104–287, §5(85)(B), substituted ''August 23, 1994'' for ''the date of the enactment of this section''.

Subsec. (e)(3). Pub. L. 104–287, §5(85)(C), substituted ''August 23, 1994'' for ''such date of enactment''.

Subsec. (f)(2). Pub. L. 104–287, §5(85)(B), substituted ''August 23, 1994'' for ''the date of the enactment of this section''.

Statutory Notes and Related Subsidiaries

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.

§ 47130. Airport safety data collection

Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.

(Added Pub. L. 103–305, title I, §118(a), Aug. 23, 1994, 108 Stat. 1580; amended Pub. L. 108–176, title I, §154, Dec. 12, 2003, 117 Stat. 2507.)

Editorial Notes

AMENDMENTS

2003—Pub. L. 108–176 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.''

Statutory Notes and Related Subsidiaries

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.

§ 47131. Annual report

(a) GENERAL RULE.—Not later than June 1 of each year, the Secretary of Transportation shall submit to Congress a report on activities carried out under this subchapter during the prior fiscal year. The report shall include—

(1) a summary of airport development and planning completed;

(2) a summary of individual grants issued;

(3) an accounting of discretionary and apportioned funds allocated;

(4) the allocation of appropriations; and

(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1278, § 47129; renumbered § 47131, Pub. L. 103–305, title I, § 113(a)(1), Aug. 23, 1994, 108 Stat. 1577; amended Pub. L. 106–181, title VII, § 722, Apr. 5, 2000, 114 Stat. 165; Pub. L. 112–95, title I, § 152(c), Feb. 14, 2012, 126 Stat. 34.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47129	49 App.:2220.	Sept. 3, 1982, Pub. L. 97–248, § 521, 96 Stat. 694.

In this section, before clause (1), the words ''on activities carried out'' are substituted for ''describing his operations'' for clarity.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–95 substituted ''June 1'' for ''April 1'' in introductory provisions, added pars. (1) to (4), and struck out former pars. (1) to (4) which read as follows:

''(1) a detailed statement of airport development completed;

''(2) the status of each project undertaken;

''(3) the allocation of appropriations;

''(4) an itemized statement of expenditures and receipts; and''.

2000—Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, added par. (5) of subsec. (a), and added subsec. (b).

1994—Pub. L. 103–305 renumbered section 47129 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

[§ 47132. Repealed. Pub. L. 106–181, title I, § 123(a)(1), Apr. 5, 2000, 114 Stat. 74]

Section, added Pub. L. 104–264, title I, § 142(a), Oct. 9, 1996, 110 Stat. 3221, temporarily directed the Administrator of the Federal Aviation Administration to issue guidelines to carry out not more than 10 pavement maintenance pilot projects.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 47133. Restriction on use of revenues

(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

(1) the airport;

(2) the local airport system; or

(3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

(b) EXCEPTIONS.—

(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

(A) the sale is approved by the Secretary;

(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.

(Added Pub. L. 104–264, title VIII, § 804(a), Oct. 9, 1996, 110 Stat. 3271; amended Pub. L. 112–95, title I, § 149(a), Feb. 14, 2012, 126 Stat. 32.)

Editorial Notes

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–95, designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–95, title I, § 149(b), Feb. 14, 2012, 126 Stat. 32, provided that: ''The amendments made by subsection (a) [amending this section] shall apply to grants issued on or after October 1, 1996.''

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

USE OF MINERAL REVENUE AT CERTAIN AIRPORTS

Pub. L. 112–95, title VIII, § 813, Feb. 14, 2012, 126 Stat. 124, provided that:

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Administration.

''(b) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (c) may allocate revenue identified by the Administrator under subsection (a) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

''(c) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (a) unless the airport sponsor—

''(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

''(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Administration; and

''(B) appropriately adjusts such costs to account for inflation;

''(2) agrees in writing—

''(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

''(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

''(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

''(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act [Feb. 14, 2012] during the 20-year period beginning on the date of enactment of this Act.

''(d) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

''(e) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

''(f) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term 'general aviation airport' has the meaning given that term in section 47102 of title 49, United States Code, as amended by this Act.''

§ 47134. Airport investment partnership program

(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell or lease a general aviation airport or lease any other type of airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

(b) APPROVAL OF APPLICATIONS.—The Secretary may approve applications submitted under subsection (a) granting exemptions from the following provisions:

(1) USE OF REVENUES.—

(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.

(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.

(C) LANDED WEIGHT DEFINED.—In this paragraph, the term ''landed weight'' means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

(2) REPAYMENT REQUIREMENTS.—If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

(3) COMPENSATION FROM AIRPORT OPERATIONS.—If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the corresponding purchaser or lessee from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

(2) The operation of the airport will not be interrupted in the event that the purchaser or

lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

(3) The purchaser or lessee will maintain, improve, and modernize the facilities of the airport through capital investments and will submit to the Secretary a plan for carrying out such maintenance, improvements, and modernization.

(4) Every fee of the airport imposed on an air carrier on the day before the date of the lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

(A) by at least 65 percent of the air carriers serving the airport; and

(B) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

(5) The percentage increase in fees imposed on general aviation aircraft at the airport will not exceed the percentage increase in fees imposed on air carriers at the airport.

(6) Safety and security at the airport will be maintained at the highest possible levels.

(7) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

(8) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

(9) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

(d) PROGRAM PARTICIPATION.—

(1) MULTIPLE AIRPORTS.—The Secretary may consider applications under this section submitted by a public airport sponsor for multiple airports under the control of the sponsor if all airports under the control of the sponsor are located in the same State.

(2) PARTIAL PRIVATIZATION.—A purchaser or lessee may be an entity in which a sponsor has an interest.

(e) REQUIRED FINDING THAT APPROVAL WILL NOT RESULT IN UNFAIR METHODS OF COMPETITION.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the approval will not result in unfair and deceptive practices or unfair methods of competition.

(f) INTERESTS OF GENERAL AVIATION USERS.—In approving an application of an airport under this section, the Secretary shall ensure that the interests of general aviation users of the airport are not adversely affected.

(g) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

(1) imposing a passenger facility charge under section 40117 of this title;

(2) receiving apportionments under section 47114 of this title; or

(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

(h) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

(i) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

(j) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.

(k) AUDITS.—The Secretary may conduct periodic audits of the financial records and operations of an airport receiving an exemption under this section.

(*l*) PREDEVELOPMENT LIMITATION.—A grant to an airport sponsor under this subchapter for predevelopment planning costs relating to the preparation of an application or proposed application under this section may not exceed $750,000 per application or proposed application.

(Added Pub. L. 104–264, title I, § 149(a)(1), Oct. 9, 1996, 110 Stat. 3224; amended Pub. L. 108–176, title I, § 155(a), Dec. 12, 2003, 117 Stat. 2508; Pub. L. 112–95, title I, §§ 111(c)(2)(A)(iv), 156, Feb. 14, 2012, 126 Stat. 18, 36; Pub. L. 115–254, div. B, title I, § 160(a), Oct. 5, 2018, 132 Stat. 3220.)

Editorial Notes

REFERENCES IN TEXT

The Airport and Airway Improvement Act of 1982, referred to in subsec. (b)(2), is title V of Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 671, which was classified principally to chapter 31 (§ 2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as this subchapter.

AMENDMENTS

2018—Pub. L. 115–254, § 160(a)(1), substituted ''Airport investment partnership program'' for ''Pilot program on private ownership of airports'' in section catchline.

Subsec. (b). Pub. L. 115–254, § 160(a)(2), struck out '', with respect to not more than 10 airports,'' after ''approve'' in introductory provisions.

Subsec. (b)(2). Pub. L. 115–254, § 160(a)(3), substituted ''If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an ex-

emption to the sponsor'' for ''The Secretary may grant an exemption to a sponsor''.

Subsec. (b)(3). Pub. L. 115–254, §160(a)(4), substituted ''If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the corresponding purchaser or lessee'' for ''The Secretary may grant an exemption to a purchaser or lessee''.

Subsec. (d). Pub. L. 115–254, §160(a)(5), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to participation of general aviation airports and large hub airports.

Subsecs. (*l*), (m). Pub. L. 115–254, §160(a)(6), added subsec. (*l*) and struck out former subsecs. (*l*) and (m) which related to report on implementation of the pilot program and defined ''general aviation airport'', respectively.

2012—Subsec. (b). Pub. L. 112–95, §156, substituted ''10 airports'' for ''5 airports'' in introductory provisions.

Subsec. (g)(1). Pub. L. 112–95, §111(c)(2)(A)(iv), substituted ''charge'' for ''fee''.

2003—Subsec. (b)(1)(A). Pub. L. 108–176, §155(a)(1), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

''(i) by at least 65 percent of the air carriers serving the airport; and

''(ii) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.''

Subsec. (b)(1)(B), (C). Pub. L. 108–176, §155(a)(2), (3), added subpar. (B) and redesignated former subpar. (B) as (C).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title I, §155(b), Dec. 12, 2003, 117 Stat. 2508, provided that: ''The amendments made by subsection (a) [amending this section] shall not affect any application submitted before the date of enactment of this Act [Dec. 12, 2003].''

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

§ 47135. Innovative financing techniques

(a) IN GENERAL.—The Secretary of Transportation may approve, after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, applications for not more than 20 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

(c) LIMITATIONS.—

(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

(A) payment of interest;

(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

(C) flexible non-Federal matching requirements; and

(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section.

(Added Pub. L. 106–181, title I, §132(a), Apr. 5, 2000, 114 Stat. 80; amended Pub. L. 108–176, title I, §156, Dec. 12, 2003, 117 Stat. 2508.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (a), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

The date of the enactment of this section, referred to in subsec. (c)(2)(D), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–176 inserted '', after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act,'' after ''approve'' in first sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 47136. Zero-emission airport vehicles and infrastructure

(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsors of public-use airports may use funds made available under this chapter or section 48103 for use at such airports to carry out—

(1) activities associated with the acquisition, by purchase or lease, and operation of eligible zero-emission vehicles and equipment, including removable power sources for such vehicles; and

(2) the construction or modification of infrastructure to facilitate the delivery of fuel,

power or services necessary for the use of such vehicles.

(b) ELIGIBILITY.—A public-use airport is eligible for participation in the program if the eligible vehicles or equipment are—

(1) used exclusively on airport property; or

(2) used exclusively to transport passengers and employees between the airport and—

(A) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(B) an intermodal surface transportation facility adjacent to the airport.

(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be the Federal share specified in section 47109.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The sponsor of a public-use airport may use not more than 10 percent of the amounts made available to the sponsor under the program in any fiscal year for—

(A) technical assistance; and

(B) project management support to assist the airport with the solicitation, acquisition, and deployment of zero-emission vehicles, related equipment, and supporting infrastructure.

(2) PROVIDERS OF TECHNICAL ASSISTANCE.—To receive the technical assistance or project management support described in paragraph (1), participants in the program may use—

(A) a nonprofit organization selected by the Secretary; or

(B) a university transportation center receiving grants under section 5505 in the region of the airport.

(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may create and make available materials identifying best practices for carrying out activities funded under the program based on previous related projects and other sources.

(g) ALLOWABLE PROJECT COST.—The allowable project cost for the acquisition of a zero-emission vehicle shall be the total cost of purchasing or leasing the vehicle, including the cost of technical assistance or project management support described in subsection (e).

(h) FLEXIBLE PROCUREMENT.—A sponsor of a public-use airport may use funds made available under the program to acquire, by purchase or lease, a zero-emission vehicle and a removable power source in separate transactions, including transactions by which the airport purchases the vehicle and leases the removable power source.

(i) TESTING REQUIRED.—

(1) IN GENERAL.—A sponsor of a public-use airport may not use funds made available under the program to acquire a zero-emission vehicle unless that make, model, or type of vehicle has been tested by a Federal vehicle testing facility acceptable to the Secretary.

(2) PENALTIES FOR FALSE STATEMENTS.—A certification of compliance under paragraph (1) shall be considered a certification required under this subchapter for purposes of section 47126.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE ZERO-EMISSION VEHICLE AND EQUIPMENT.—The term ''eligible zero-emission vehicle and equipment'' means a zero-emission vehicle, equipment related to such a vehicle, or ground support equipment that includes zero-emission technology that is—

(A) used exclusively on airport property; or

(B) used exclusively to transport passengers and employees between the airport and—

(i) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(ii) an intermodal surface transportation facility adjacent to the airport.

(2) REMOVABLE POWER SOURCE.—The term ''removable power source'' means a power source that is separately installed in, and removable from, a zero-emission vehicle and may include a battery, a fuel cell, an ultra-capacitor, or other power source used in a zero-emission vehicle.

(3) ZERO-EMISSION VEHICLE.—The term ''zero-emission vehicle'' means—

(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations; or

(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any possible operational modes and conditions.

(Added Pub. L. 112–95, title V, § 511(a), Feb. 14, 2012, 126 Stat. 107, § 47136a; renumbered § 47136 and amended Pub. L. 115–254, div. B, title I, §§ 166(b)(1), 192(a), Oct. 5, 2018, 132 Stat. 3226, 3239.)

Editorial Notes

PRIOR PROVISIONS

A prior section 47136, added Pub. L. 106–181, title I, § 133(a), Apr. 5, 2000, 114 Stat. 81; amended Pub. L. 112–95, title V, § 511(d), Feb. 14, 2012, 126 Stat. 108, related to inherently low-emission airport vehicle pilot program, prior to repeal by Pub. L. 115–254, div. B, title I, § 166(a), Oct. 5, 2018, 132 Stat. 3226.

AMENDMENTS

2018—Pub. L. 115–254, § 166(b)(1), renumbered section 47136a of this title as this section.

Subsecs. (a), (b). Pub. L. 115–254, § 192(a)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to the establishment of a zero-emission vehicle pilot program and location in air quality nonattainment areas, respectively.

Subsecs. (d) to (j). Pub. L. 115–254, § 192(a)(2), added subsecs. (d) to (j) and struck out former subsecs. (d) to (f) which related to Federal share of project costs, technical assistance, and materials identifying best practices, respectively.

Statutory Notes and Related Subsidiaries

DEPLOYMENT OF ZERO EMISSION VEHICLE TECHNOLOGY

Pub. L. 115–254, div. B, title I, §192(c), Oct. 5, 2018, 132 Stat. 3241, provided that:

''(1) ESTABLISHMENT.—The Secretary of Transportation may establish a zero-emission airport technology program—

''(A) to facilitate the deployment of commercially viable zero-emission airport vehicles, technology, and related infrastructure; and

''(B) to minimize the risk of deploying such vehicles, technology, and infrastructure.

''(2) GENERAL AUTHORITY.—

''(A) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—The Secretary may provide assistance under the program to not more than 3 geographically diverse, eligible organizations to conduct zero-emission airport technology and infrastructure projects.

''(B) FORMS OF ASSISTANCE.—The Secretary may provide assistance under the program in the form of grants, contracts, and cooperative agreements.

''(3) SELECTION OF PARTICIPANTS.—

''(A) NATIONAL SOLICITATION.—In selecting participants, the Secretary shall—

''(i) conduct a national solicitation for applications for assistance under the program; and

''(ii) select the recipients of assistance under the program on a competitive basis.

''(B) CONSIDERATIONS.—In selecting from among applicants for assistance under the program, the Secretary shall consider—

''(i) the ability of an applicant to contribute significantly to deploying zero-emission technology as the technology relates to airport operations;

''(ii) the financing plan and cost-share potential of the applicant; and

''(iii) other factors, as the Secretary determines appropriate.

''(C) PRIORITY.—ln [sic] selecting from among applicants for assistance under the program, the Secretary shall give priority consideration to an applicant that has successfully managed advanced transportation technology projects, including projects related to zero-emission transportation operations.

''(4) ELIGIBLE PROJECTS.—A recipient of assistance under the program shall use the assistance—

''(A) to review and conduct demonstrations of zero-emission technologies and related infrastructure at airports;

''(B) to evaluate the credibility of new, unproven vehicle and energy-efficient technologies in various aspects of airport operations prior to widespread investment in the technologies by airports and the aviation industry;

''(C) to collect data and make the recipient's findings available to airports, so that airports can evaluate the applicability of new technologies to their facilities; and

''(D) to report the recipient's findings to the Secretary.

''(5) ADMINISTRATIVE PROVISIONS.—

''(A) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program may not exceed 80 percent.

''(B) TERMS AND CONDITIONS.—A grant, contract, or cooperative agreement under this section shall be subject to such terms and conditions as the Secretary determines appropriate.

''(6) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means an organization that has expertise in zero-emission technology.

''(B) ORGANIZATION.—The term 'organization' means—

''(i) described [sic] in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

''(ii) a university transportation center receiving grants under section 5505 of title 49, United States Code; or

''(iii) any other Federal or non-Federal entity as the Secretary considers appropriate.''

[§ 47136a. Renumbered § 47136]

§ 47137. Airport security program

(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.

(f) ELIGIBLE SPONSOR DEFINED.—In this section, the term ''eligible sponsor'' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.

(Added Pub. L. 106–181, title I, §134(a), Apr. 5, 2000, 114 Stat. 83; amended Pub. L. 108–176, title I, §157, Dec. 12, 2003, 117 Stat. 2508.)

Editorial Notes

AMENDMENTS

2003—Subsecs. (e) to (g). Pub. L. 108–176 added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 47138. Pilot program for purchase of airport development rights

(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

(1) grant application and approval procedures; and

(2) requirements for the content of the instrument recording the purchase of the development rights.

(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

(e) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.

(Added Pub. L. 108–176, title I, § 152(a), Dec. 12, 2003, 117 Stat. 2506.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47139. Emission credits for air quality projects

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following conditions:

(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

(3) Credits are calculated and provided to airports on a consistent basis nationwide.

(4) Credits are provided to airport sponsors in a timely manner.

(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

(b) ASSURANCE OF RECEIPT OF CREDITS.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility charge for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

(c) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).

(Added Pub. L. 108–176, title I, § 158(a), Dec. 12, 2003, 117 Stat. 2508; amended Pub. L. 112–95, title I, §§ 111(c)(2)(A)(v), 152(d), Feb. 14, 2012, 126 Stat. 18, 34; Pub. L. 115–254, div. B, title I, § 166(b)(2), Oct. 5, 2018, 132 Stat. 3226.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a)(1), (2), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115–254 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: ''The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).''

2012—Subsec. (a). Pub. L. 112–95, § 152(d)(1), struck out ''47102(3)(F),'' after ''40117(a)(3)(G),'' in introductory provisions.

Subsec. (b). Pub. L. 112–95, § 152(d)(2), struck out ''47102(3)(F),'' after ''grant for a project described in section'' and ''47103(3)(F),'' after ''40117(a)(3)(G),''.

Pub. L. 112–95, § 111(c)(2)(A)(v), substituted ''charge'' for ''fee''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47140. Increasing the energy efficiency of airport power sources

(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall encourage the sponsor of each public-use airport to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to increase energy efficiency at the airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will increase energy efficiency at the airport.

(2) APPLICATION.—To be eligible for a grant under paragraph (1), the sponsor of a public-use airport shall submit an application, including a certification that no safety projects are being be[1] deferred by requesting a grant under this section, to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Added Pub. L. 112–95, title V, § 512(a), Feb. 14, 2012, 126 Stat. 109, § 47140a; renumbered § 47140 and amended Pub. L. 115–254, div. B, title I, §§ 166(b)(1), 171, Oct. 5, 2018, 132 Stat. 3226, 3227.)

Editorial Notes

PRIOR PROVISIONS

A prior section 47140, added Pub. L. 108–176, title I, § 159(a)(1), Dec. 12, 2003, 117 Stat. 2509, related to airport ground support equipment emissions retrofit pilot program, prior to repeal by Pub. L. 115–254, div. B, title I, § 166(a), Oct. 5, 2018, 132 Stat. 3226.

AMENDMENTS

2018—Pub. L. 115–254, § 166(b)(1), renumbered section 47140a of this title as this section.

Subsec. (a). Pub. L. 115–254, § 171(a), inserted '', and to reimburse the airport sponsor for the costs incurred in conducting the assessment'' before period at end.

Subsec. (b)(2). Pub. L. 115–254, § 171(b), inserted '', including a certification that no safety projects are being be deferred by requesting a grant under this section,'' after ''an application''.

[1] So in original.

[§ 47140a. Renumbered § 47140]

§ 47141. Compatible land use planning and projects by State and local governments

(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatibility plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

(2) the land use plan or project meets the requirements of this section.

(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

(1) assurances satisfactory to the Secretary that the plan—

(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

(2) such other assurances as the Secretary determines to be necessary to carry out this section.

(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

(f) SUNSET.—This section shall not be in effect after March 8, 2024.

(Added Pub. L. 108–176, title I, §160(a), Dec. 12, 2003, 117 Stat. 2511; amended Pub. L. 110–253, §3(c)(2), June 30, 2008, 122 Stat. 2417; Pub. L. 110–330, §5(g), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(f), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(g), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(f), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §5(f), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §5(f), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(f), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(f), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §5(g), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(f), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(f), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(f), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(f), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(f), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(g), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(g), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §153, Feb. 14, 2012, 126 Stat. 34; Pub. L. 114–55, title I, §102(d), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §102(d), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1102(d), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, §102(e), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, §102(d), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §117(b), Oct. 5, 2018, 132 Stat. 3201; Pub. L. 118–15, div. B, title II, §2202(h), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(h), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

AMENDMENTS

2023—Subsec. (f). Pub. L. 118–34 substituted ''March 8, 2024'' for ''December 31, 2023''.

Pub. L. 118–15 substituted ''December 31, 2023'' for ''September 30, 2023''.

2018—Subsec. (f). Pub. L. 115–254 substituted ''September 30, 2023'' for ''September 30, 2018''.

Pub. L. 115–141 substituted ''September 30, 2018'' for ''March 31, 2018''.

2017—Subsec. (f). Pub. L. 115–63 substituted ''March 31, 2018'' for ''September 30, 2017''.

2016—Subsec. (f). Pub. L. 114–190 substituted ''September 30, 2017'' for ''July 15, 2016''.

Pub. L. 114–141 substituted ''July 15, 2016'' for ''March 31, 2016''.

2015—Subsec. (f). Pub. L. 114–55 substituted ''March 31, 2016'' for ''September 30, 2015''.

2012—Subsec. (f). Pub. L. 112–95 amended subsec. (f) generally. Prior to amendment, text read as follows: ''This section shall not be in effect after February 17, 2012.''

Pub. L. 112–91 substituted ''February 17, 2012.'' for ''January 31, 2012.''

2011—Subsec. (f). Pub. L. 112–30 substituted ''January 31, 2012.'' for ''September 16, 2011.''

Pub. L. 112–27 substituted ''September 16, 2011.'' for ''July 22, 2011.''

Pub. L. 112–21 substituted ''July 22, 2011.'' for ''June 30, 2011.''

Pub. L. 112–16 substituted ''June 30, 2011.'' for ''May 31, 2011.''

Pub. L. 112–7 substituted ''May 31, 2011.'' for ''March 31, 2011.''

2010—Subsec. (f). Pub. L. 111–329 substituted ''March 31, 2011.'' for ''December 31, 2010.''

Pub. L. 111–249 substituted ''December 31, 2010.'' for ''September 30, 2010.''

Pub. L. 111–216 substituted ''September 30, 2010.'' for ''August 1, 2010.''

Pub. L. 111–197 substituted ''August 1, 2010.'' for ''July 3, 2010.''

Pub. L. 111–161 substituted ''July 3, 2010.'' for ''April 30, 2010.''

Pub. L. 111–153 substituted ''April 30, 2010.'' for ''March 31, 2010.''

2009—Subsec. (f). Pub. L. 111–116 substituted ''March 31, 2010.'' for ''December 31, 2009.''

Pub. L. 111–69 substituted ''December 31, 2009.'' for ''September 30, 2009.''

Pub. L. 111–12 substituted ''September 30, 2009.'' for ''March 31, 2009.''

2008—Subsec. (f). Pub. L. 110–330 substituted ''March 31, 2009'' for ''September 30, 2008''.

Pub. L. 110–253 substituted ''September 30, 2008'' for ''September 30, 2007''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–27 effective July 23, 2011, see section 5(j) of Pub. L. 112–27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–21 effective July 1, 2011, see section 5(j) of Pub. L. 112–21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–16 effective June 1, 2011, see section 5(j) of Pub. L. 112–16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112–7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112–7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111–329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(*l*) of Pub. L. 111–249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111–216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–197 effective July 4, 2010, see section 5(j) of Pub. L. 111–197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–161 effective May 1, 2010, see section 5(j) of Pub. L. 111–161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111–153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111–116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111–12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111–12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(*l*) of Pub. L. 110–330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 3(d) of Pub. L. 110–253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES

Pub. L. 112–95, title VIII, §822, Feb. 14, 2012, 126 Stat. 128, as amended by Pub. L. 114–55, title I, §102(j), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §102(h), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1102(k), July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, §102(j), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, §102(h), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §117(d), Oct. 5, 2018, 132 Stat. 3201; Pub. L. 118–15, div. B, title II, §2202(v), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, §102(v), Dec. 26, 2023, 137 Stat. 1114, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish a pilot program under which operators of up to 4 public-use airports may receive grants for activities related to the redevelopment of airport properties in accordance with the requirements of this section.

''(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available for grants under section 47117(e)(1)(A) of title 49, United States Code, to an airport operator for a project—

''(1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property purchased with noise mitigation funds made available under section 48103 of such title or passenger facility revenue collected under section 40117 of such title; and

''(2) to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

''(c) ELIGIBILITY.—An airport operator shall be eligible to participate in the pilot program if—

''(1) the operator has received approval for a noise compatibility program under section 47504 of such title; and

''(2) the operator demonstrates, as determined by the Administrator—

''(A) a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions; and

''(B) the probability of a clear economic benefit to neighboring local jurisdictions and financial return to the airport through the implementation of those plans.

''(d) DISTRIBUTION.—The Administrator shall seek to award grants under the pilot program to airport operators representing different geographic areas of the United States.

''(e) PARTNERSHIP WITH NEIGHBORING LOCAL JURISDICTIONS.—An airport operator shall use grant funds made available under the pilot program only in partnership with neighboring local jurisdictions.

''(f) GRANT REQUIREMENTS.—The Administrator may not make a grant to an airport operator under the pilot program unless the grant is—

''(1) made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;

''(2) subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue in effect zoning regulations that permit airport-compatible redevelopment; and

''(3) subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under section 47107(c)(2)(A) of such title, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.

''(g) EXCEPTIONS TO REPAYMENT AND REINVESTMENT REQUIREMENTS.—Amounts paid to the Secretary of Transportation under subsection (f)(3)—

''(1) shall be available to the Secretary for, giving preference to the actions in descending order—

''(A) reinvestment in an approved noise compatibility project at the applicable airport;

''(B) reinvestment in another approved project at the airport that is eligible for funding under section 47117(e) of such title;

''(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

''(D) transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

''(2) shall be available in addition to amounts authorized under section 48103 of such title;

''(3) shall not be subject to any limitation on grant obligations for any fiscal year; and

''(4) shall remain available until expended.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

''(2) ALLOWABLE COSTS.—In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (b) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

''(i) MAXIMUM AMOUNT.—Not more than $5,000,000 of the funds made available for grants under section 47117(e)(1)(A) of such title may be expended under the pilot program for any single public-use airport.

''(j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger facility revenue collected under section 40117 of such title to pay any project cost described in subsection (b) that is not financed by a grant under the pilot program.

''(k) SUNSET.—This section shall not be in effect after March 8, 2024.''

§ 47142. Design-build contracting

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve

an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the design-build contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a design-build contract will be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term ''design-build contract'' means an agreement that provides for both design and construction of a project by a contractor.

(Added Pub. L. 108–176, title I, § 181(a), Dec. 12, 2003, 117 Stat. 2515.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47143. Non-movement area surveillance surface display systems pilot program

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

(1) the Administrator determines that such systems and sensors would improve safety or capacity in the National Airspace System; and

(2) the non-movement area surveillance surface display systems and sensors supplement existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

(b) PROJECT GRANTS.—

(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The airports selected to participate in the pilot program shall have existing Administration movement area systems and airlines that are participants in Federal Aviation Administration's airport collaborative decision-making process.

(2) DATA EXCHANGE PROCESSES.—As part of the pilot program carried out under this section, the Administrator may establish data exchange processes to allow airport participation in the Administration's airport collaborative decision-making process and fusion of the non-movement surveillance data with the Administration's movement area systems.

(c) SUNSET.—This section shall cease to be effective on March 9, 2024.

(d) DEFINITIONS.—In this section:

(1) NON-MOVEMENT AREA.—The term ''non-movement area'' means the portion of the airfield surface that is not under the control of air traffic control.

(2) NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS AND SENSORS.—The term ''non-movement area surveillance surface display systems and sensors'' means a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

(3) QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term ''qualifying non-movement area surveillance surface display system and sensors'' means a non-movement area surveillance surface display system that—

(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

(B) is on-airport; and

(C) is airport operated.

(Added Pub. L. 115–254, div. B, title I, § 140(a), Oct. 5, 2018, 132 Stat. 3210; amended Pub. L. 118–15, div. B, title II, § 2202(i), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, § 102(i), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

AMENDMENTS

2023—Subsec. (c). Pub. L. 118–34 substituted ''March 9, 2024'' for ''January 1, 2024''.

Pub. L. 118–15 substituted ''January 1, 2024'' for ''October 1, 2023''.

§ 47144. Use of funds for repairs for runway safety repairs

(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of

a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

(1) the airport is a public-use airport;

(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

(3) the runway safety area of the airport was damaged as a result of a natural disaster;

(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.)[1] with respect to the disaster;

(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.

(Added Pub. L. 115–31, div. K, title I, §119F(a), May 5, 2017, 131 Stat. 734.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(4), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

CODIFICATION

Section 119F(a) of Pub. L. 115–31, which directed amendment of ''subchapter I of chapter 471'' by adding at the end this section, was executed by adding this section at the end of subchapter I of chapter 471 of this title to reflect the probable intent of Congress.

SUBCHAPTER II—SURPLUS PROPERTY FOR PUBLIC AIRPORTS

§ 47151. Authority to transfer an interest in surplus property

(a) GENERAL AUTHORITY.—Subject to sections 47152 and 47153 of this title, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may convey to a State, political subdivision of a State, or tax-supported organization any interest in surplus property—

(1) that the Secretary of Transportation decides is—

(A) desirable for developing, improving, operating, or maintaining a public airport (as defined in section 47102 of this title);

(B) reasonably necessary to fulfill the immediate and foreseeable future requirements for developing, improving, operating, or maintaining a public airport; or

(C) needed for developing sources of revenue from nonaviation businesses at a public airport; and

(2) if the Administrator of General Services approves the conveyance and decides the interest is not best suited for industrial use.

(b) ENSURING COMPLIANCE.—Only the Secretary may ensure compliance with an instrument conveying an interest in surplus property under this subchapter. The Secretary may amend the instrument to correct the instrument or to make the conveyance comply with law.

(c) DISPOSING OF INTERESTS NOT CONVEYED UNDER THIS SUBCHAPTER.—An interest in surplus property that could be used at a public airport but that is not conveyed under this subchapter shall be disposed of under other applicable law.

(d) WAIVER OF CONDITION.—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.

(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1278; Pub. L. 106–181, title I, §§125(c), 135(d)(1), 136, Apr. 5, 2000, 114 Stat. 75, 84, 85; Pub. L. 112–95, title I, §152(f), Feb. 14, 2012, 126 Stat. 34.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47151(a)	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.
	50 App.:1622(g)(1).	Oct. 3, 1944, ch. 479, 58 Stat. 765, §13(g)(1); added July 30, 1947, ch. 404, §2, 61 Stat. 678; Aug. 23, 1958, Pub. L. 85–726, §1402(c), 72 Stat. 807; May 21, 1970, Pub. L. 91–258, §52(b)(6), 84 Stat. 235; Sept. 3, 1982, Pub. L. 97–248, §524(c), 96 Stat. 696.
47151(b)	49 App.:1655(c)(1). 50 App.:1622b.	Oct. 1, 1949, ch. 589, §3, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85–726, §1402(c), 72 Stat. 807.
47151(c)	50 App.:1622(g)(5), (6).	Oct. 3, 1944, ch. 479, 58 Stat. 765, §13(g)(5), (6); added July 30, 1947, ch. 404, §2, 61 Stat. 680.

In subsection (a), before clause (1), the words ''Notwithstanding any other provision of this Act'' are omitted as surplus. The words ''Subject to sections 47152 and 47153 of this title'' are substituted for ''but subject to

[1] See References in Text note below.

the terms, conditions, reservations, and restrictions hereinafter provided for'' to eliminate unnecessary words. The words ''a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation'' are substituted for ''any disposal agency designated pursuant to this Act'' for clarity because disposal agencies were Government agencies designated under 50 App.:1619(a), that was repealed by section 602(a)(1) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 399), and Government agencies were all departments, agencies, and instrumentalities of the executive branch of the United States Government and wholly owned Government corporations. The word ''give'' is substituted for ''convey or dispose of . . . without monetary consideration to the United States'', to eliminate unnecessary words. The word ''municipality'' is omitted as being included in ''political subdivision''. The words ''of a State'' are added for clarity and consistency in the revised title and with other titles of the United States Code. The word ''organization'' is substituted for ''institution'' for consistency in the revised title. The words ''all of the right, title, and . . . of the United States . . . and to . . . real or personal'' are omitted as surplus. In clause (1)(A), the words ''essential, suitable, or'' are omitted as surplus. In clause (1)(B), the words ''of the grantee'' are omitted as surplus. In clause (2), the words ''Administrator of General Services'' are substituted for ''[War Assets] Administrator'' in section 13(g)(1) of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) because of section 105 of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 381). The words ''and decides the interest is not best suited for industrial use'' are substituted for ''(exclusive of property the highest and best use of which is determined by the Administrator of General Services to be industrial and which shall be so classified for disposal without regard to the provisions of this subsection)'' to eliminate unnecessary words.

Subsection (b) is substituted for 50 App.:1622b to eliminate unnecessary words.

In subsection (c), the text of 50 App.:1622(g)(5) is omitted as obsolete because 50 App.:1621, 1622(f), and 1627(e) were repealed by section 602(a)(1) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 399). The words ''An interest in surplus property that could be used at a public airport'' are substituted for ''All surplus property within the purview of this subsection'' for clarity. The words ''elsewhere in this Act or other applicable'' are omitted as surplus. The word ''law'' is substituted for ''Federal Statute'' for consistency in the revised title and with other titles of the Code.

Editorial Notes

AMENDMENTS

2012—Subsec. (e). Pub. L. 112–95 struck out ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note))'' after ''subsection (a)''.

2000—Subsec. (a). Pub. L. 106–181, § 135(d)(1)(A)(i), substituted ''convey to'' for ''give'' in introductory provisions.

Subsec. (a)(2). Pub. L. 106–181, § 135(d)(1)(A)(ii), substituted ''conveyance'' for ''gift''.

Subsec. (b). Pub. L. 106–181, § 135(d)(1)(B), substituted ''conveying'' for ''giving'' and ''conveyance'' for ''gift''.

Subsec. (c). Pub. L. 106–181, § 135(d)(1)(C), substituted ''Conveyed'' for ''Given'' in heading and ''conveyed'' for ''given'' in text.

Subsec. (d). Pub. L. 106–181, § 125(c), added subsec. (d).

Subsec. (e). Pub. L. 106–181, § 136, added subsec. (e).

Statutory Notes and Related Subsidiaries

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.

CONSTRUCTION OF 2000 AMENDMENT

Nothing in amendment by section 125(c) of Pub. L. 106–181 to be construed to authorize Secretary of Transportation to issue waiver or make a modification referred to in such amendment, see section 125(e) of Pub. L. 106–181, set out as a note under section 47107 of this title.

§ 47152. Terms of conveyances

Except as provided in section 47153 of this title, the following terms apply to a conveyance of an interest in surplus property under this subchapter:

(1) A State, political subdivision of a State, or tax-supported organization receiving the interest may use, lease, salvage, or dispose of the interest for other than airport purposes only after the Secretary of Transportation gives written consent that the interest can be used, leased, salvaged, or disposed of without materially and adversely affecting the development, improvement, operation, or maintenance of the airport at which the property is located.

(2) The interest shall be used and maintained for public use and benefit without unreasonable discrimination.

(3) A right may not be vested in a person, excluding others in the same class from using the airport at which the property is located—

(A) to conduct an aeronautical activity requiring the operation of aircraft; or

(B) to engage in selling or supplying aircraft, aircraft accessories, equipment, or supplies (except gasoline and oil), or aircraft services necessary to operate aircraft (including maintaining and repairing aircraft, aircraft engines, propellers, and appliances).

(4) The State, political subdivision, or tax-supported organization accepting the interest shall clear and protect the aerial approaches to the airport by mitigating existing, and preventing future, airport hazards.

(5) During a national emergency declared by the President or Congress, the United States Government is entitled to use, control, or possess, without charge, any part of the public airport at which the property is located. However, the Government shall—

(A) pay the entire cost of maintaining the part of the airport it exclusively uses, controls, or possesses during the emergency;

(B) contribute a reasonable share, consistent with the Government's use, of the cost of maintaining the property it uses nonexclusively, or over which the Government has nonexclusive control or possession, during the emergency; and

(C) pay a fair rental for use, control, or possession of improvements to the airport made without Government assistance.

(6) The Government is entitled to the nonexclusive use, without charge, of the landing

area of an airport at which the property is located. The Secretary may limit the use of the landing area if necessary to prevent unreasonable interference with use by other authorized aircraft. However, the Government shall—

(A) contribute a reasonable share, consistent with the Government's use, of the cost of maintaining and operating the landing area; and

(B) pay for damages caused by its use of the landing area if its use of the landing area is substantial.

(7) The State, political subdivision, or tax-supported organization accepting the interest shall release the Government from all liability for damages arising under an agreement that provides for Government use of any part of an airport owned, controlled, or operated by the State, political subdivision, or tax-supported organization on which, adjacent to which, or in connection with which, the property is located.

(8) When a term under this section is not satisfied, any part of the interest in the property reverts to the Government, at the option of the Government, as the property then exists.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1279; Pub. L. 106–181, title I, § 135(d)(2), Apr. 5, 2000, 114 Stat. 85.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47152	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.
	50 App.:1622(g)(2).	Oct. 3, 1944, ch. 479, 58 Stat. 765, § 13(g)(2); added July 30, 1947, ch. 404, § 2, 61 Stat. 678; Oct. 1, 1949, ch. 589, § 1, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85–726, § 1402(c), 72 Stat. 807.

In this section, before paragraph (1), the words ''conditions, reservations, and restrictions'' and ''the authority of'' are omitted as surplus. In paragraph (1), the words ''A State, political subdivision of a State, or tax-supported organization receiving the interest'' are substituted for ''grantee or transferee'' for clarity. The words ''sold'' and ''disposed of under the authority of this subsection'' are omitted as surplus. In paragraph (2), the words ''transferred for airport purposes'' are omitted as surplus. In paragraph (3), before clause (A), the words ''For the purpose of this condition, an exclusive right is defined to mean'' and ''any exclusive right to'' are omitted because of the restatement. The words ''exclusive'' and ''(either directly or indirectly)'' are omitted as surplus. The words ''or persons'' are omitted because of 1:1. The words ''disposed of'' are omitted as surplus. In clause (A), the word ''particular'' is omitted as surplus. In paragraph (4), the words ''removing, lowering, relocating, marking, or lighting or otherwise'' and ''the establishment or creation of'' are omitted as surplus. In paragraphs (5)–(7), the words ''or used'' are omitted as surplus. In paragraph (5), before clause (A), the words ''exclusive or nonexclusive'' and ''as it may desire'' are omitted as surplus. In clause (A), the word ''pay'' is substituted for ''be responsible for'' to eliminate unnecessary words. The words ''during the emergency'' are substituted for ''during the period of such use, possession, or control'' to eliminate unnecessary words and for clarity. In clause (B), the words ''be obligated to'' are omitted as surplus. The words ''during the emergency'' are added for clarity. In clause (C), the words ''exclusively or nonexclusively'' are omitted as surplus. In paragraph (6), before clause (A), the words ''as may be determined at any time'' are omitted as surplus. In clause (B), the words ''be obligated to'' are omitted as surplus. In paragraph (7), the words ''The State, political subdivision, or tax-supported organization accepting the interest'' are substituted for ''Any public agency accepting a conveyance or transfer of surplus property under the provisions of this subsection'' to eliminate unnecessary words and for consistency in this section. The words ''any and . . . it may be under for restoration or other . . lease or other'' are omitted as surplus. The text of 50 App.:1622(g)(2)(G) (proviso) is omitted because 49 App.:1116 was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 235). Paragraph (8) is substituted for 50 App.:1622(g)(2)(H) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2000—Pub. L. 106–181 substituted ''conveyances'' for ''gifts'' in section catchline and ''conveyance'' for ''gift'' in introductory provisions.

Statutory Notes and Related Subsidiaries

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.

§ 47153. Waiving and adding terms

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may waive, without charge, a term of a conveyance of an interest in property under this subchapter if the Secretary decides that—

(A) the property no longer serves the purpose for which it was conveyed; or

(B) the waiver will not prevent carrying out the purpose for which the conveyance was made and is necessary to advance the civil aviation interests of the United States.

(2) The Secretary of Transportation shall waive a term under paragraph (1) of this subsection on terms the Secretary considers necessary to protect or advance the civil aviation interests of the United States.

(b) WAIVERS AND INCLUSION OF ADDITIONAL TERMS ON REQUEST.—On request of the Secretary of Transportation or the Secretary of a military department, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may waive a term required by section 47152 of this title or add another term if the appropriate Secretary decides it is necessary to protect or advance the interests of the United States in civil aviation or for national defense.

(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1280; Pub. L. 106–181, title I, §§ 125(d), 135(d)(3), Apr. 5, 2000, 114 Stat. 76, 85.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47153(a)	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.
	50 App.:1622c.	Oct. 1, 1949, ch. 589, §4, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85–726, §1402(c), 72 Stat. 807.
47153(b)	49 App.:1655(c)(1). 50 App.:1622(g)(3).	Oct. 3, 1944, ch. 479, 58 Stat. 765, §13(g)(3); added July 30, 1947, ch. 404, §2, 61 Stat. 680; Aug. 23, 1958, Pub. L. 85–726, §1402(c), 72 Stat. 807.

In subsection (a), before clause (1), the words ''Notwithstanding any other provision of law'' and ''further'' are omitted as surplus. The word ''waive'' is substituted for ''grant releases from'' and ''and to convey, quitclaim, or release any right or interest reserved to the United States by'' to eliminate unnecessary words. The words ''a term of a gift of an interest in property under this subchapter'' are substituted for ''any of the terms, conditions, reservations, and restrictions contained in . . . any such instrument of disposal'' for clarity and consistency. In clause (1), the words ''transferred by such instrument'' are omitted as surplus. In clause (2), the text of 50 App.:1622c (last proviso) is omitted as executed. The words ''protect or'' are omitted as surplus.

In subsection (b), the words ''In making any disposition of surplus property under this subsection'' are omitted as surplus. The words ''Secretary of a military department'' are substituted for ''the Secretary of the Army, or the Secretary of the Navy'' for consistency with other titles of the United States Code and to eliminate unnecessary words. The words ''Secretary of the Army'' are substituted for ''Secretary of War'' in section 13(g)(3) of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501). The Secretary of the Air Force is included in ''Secretary of a military department'' because of section 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 502, 503). The word ''waive'' is substituted for ''omit from the instrument of disposal'' to eliminate unnecessary words and for consistency in this subchapter. The words ''conditions, reservations, and restrictions'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106–181, §135(d)(3), substituted ''conveyance'' for ''gift'' in introductory provisions and subpar. (B) and ''conveyed'' for ''given'' in subpar. (A).

Subsec. (c). Pub. L. 106–181, §125(d), added subsec. (c).

Statutory Notes and Related Subsidiaries

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.

CONSTRUCTION OF 2000 AMENDMENT

Nothing in amendment by section 125(d) of Pub. L. 106–181 to be construed to authorize Secretary of Transportation to issue waiver or make a modification referred to in such amendment, see section 125(e) of Pub. L. 106–181, set out as a note under section 47107 of this title.

SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

§ 47171. Expedited, coordinated environmental review process

(a) AVIATION PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, general aviation airport construction or improvement projects, aviation safety projects, and aviation security projects that—

(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(2) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—A general aviation airport construction or improvement project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(3) AVIATION SAFETY AND AVIATION SECURITY PROJECTS.—

(A) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(B) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

(i) the importance or urgency of the project;

(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Envi-

ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

(iv) the prospect for undue delay if the project is not designated for priority review; and

(v) for aviation security projects, the views of the Department of Homeland Security.

(c) HIGH PRIORITY OF AND AGENCY PARTICIPATION IN COORDINATED REVIEWS.—

(1) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

(2) AGENCY PARTICIPATION.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(e) STATE AUTHORITY.—Under a coordinated review process being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(f) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

(g) USE OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAMS.—

(1) IN GENERAL.—The Secretary may utilize an interagency environmental impact statement team to expedite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the Secretary shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

(2) RESPONSIBILITY OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAM.—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

(h) LEAD AGENCY RESPONSIBILITY.—The Federal Aviation Administration shall be the lead agency for projects designated under subsection (b)(3) and airport capacity enhancement projects at congested airports and shall be responsible for defining the scope and content of the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

(i) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.— If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what

actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(j) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

(k) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3). Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

(*l*) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (j) and (k), the Secretary shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(m) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

(Added Pub. L. 108–176, title III, § 304(a), Dec. 12, 2003, 117 Stat. 2534; amended Pub. L. 115–254, div. B, title I, § 191(a), title V, § 539(q), Oct. 5, 2018, 132 Stat. 3238, 3371.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(1), (b)(3)(B)(ii), and (*l*), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Executive Order No. 13274, referred to in subsec. (m), is set out as a note under section 301 of this title.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, § 191(a)(1), inserted ''general aviation airport construction or improvement projects,'' after ''congested airports,'' in introductory provisions.

Subsec. (b)(2), (3). Pub. L. 115–254, § 191(a)(2), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (c)(1), (d), (h), (k). Pub. L. 115–254, § 191(a)(3)–(6), substituted ''subsection (b)(3)'' for ''subsection (b)(2)''.

Subsec. (*l*). Pub. L. 115–254, § 539(q), substituted ''4321'' for ''4371''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out an Effective Date of 2003 Amendment note under section 106 of this title.

FINDINGS

Pub. L. 108–176, title III, § 302, Dec. 12, 2003, 117 Stat. 2533, provided that: ''Congress finds that—

''(1) airports play a major role in interstate and foreign commerce;

''(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

''(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

''(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

''(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.''

LIMITATIONS

Pub. L. 108–176, title III, § 308, Dec. 12, 2003, 117 Stat. 2539, provided that: ''Nothing in this subtitle [subtitle A (§§ 301–309) of title III of Pub. L. 108–176, enacting this subchapter, amending sections 40104, 47106, and 47504 of this title, and enacting provisions set out as notes under this section], including any amendment made by this title [enacting this subchapter and amending sections 40104, 40128, 47106, 47503, and 47504 of this title], shall preempt or interfere with—

''(1) any practice of seeking public comment;

''(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

''(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 [4321] et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.''

RELATIONSHIP TO OTHER REQUIREMENTS

Pub. L. 108–176, title III, § 309, Dec. 12, 2003, 117 Stat. 2540, provided that: ''The coordinated review process required under the amendments made by this subtitle [enacting this subchapter and amending sections 40104, 47106, and 47504 of this title] shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 [49 U.S.C. 301 note] (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).''

§ 47172. Air traffic procedures for airport capacity enhancement projects at congested airports

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of an airport capacity enhancement project at a congested airport that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process for the project. If the Administrator determines that noise mitigation flight procedures are consistent with safe and ef-

ficient use of the navigable airspace, the Administrator may commit, at the request of the airport sponsor and in a manner consistent with applicable Federal law, to prescribing such procedures in any record of decision approving the project.

(b) MODIFICATION.—Notwithstanding any commitment by the Administrator under subsection (a), the Administrator may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

(Added Pub. L. 108–176, title III, § 304(a), Dec. 12, 2003, 117 Stat. 2537.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47173. Airport funding of FAA staff

(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants—

(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

(2) to conduct special environmental studies related to an airport project funded with Federal funds;

(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;

(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration; and

(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.

(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

(3) shall remain available until expended.

(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002 (excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862)) for the activities described in subsection (a).

(Added Pub. L. 108–176, title III, § 304(a), Dec. 12, 2003, 117 Stat. 2537; amended Pub. L. 112–95, title V, § 503, Feb. 14, 2012, 126 Stat. 103.)

Editorial Notes

REFERENCES IN TEXT

Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002, referred to in subsec. (d), is section 337 of Pub. L. 107–87, Dec. 18, 2001, 115 Stat. 862, which is not classified to the Code.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–95 substituted ''services of consultants—'' for ''services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.'' and added pars. (1) to (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47174. Authorization of appropriations

In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

(Added Pub. L. 108–176, title III, § 304(a), Dec. 12, 2003, 117 Stat. 2538.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out an Effective Date of 2003 Amendment note under section 106 of this title.

§ 47175. Definitions

In this subchapter, the following definitions apply:

(1) AIRPORT SPONSOR.—The term ''airport sponsor'' has the meaning given the term ''sponsor'' under section 47102.

(2) CONGESTED AIRPORT.—The term ''congested airport'' means an airport that ac-

counted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2004 or any successor report.

(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term ''airport capacity enhancement project'' means—

(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

(4) AVIATION SAFETY PROJECT.—The term ''aviation safety project'' means an aviation project that—

(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

(5) AVIATION SECURITY PROJECT.—The term ''aviation security project'' means a security project at an airport required by the Department of Homeland Security.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means a department or agency of the United States Government.

(7) JOINT USE AIRPORT.—The term ''joint use airport'' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.

(8) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—The term ''general aviation airport construction or improvement project'' means—

(A) a project for the construction or extension of a runway, including any land acquisition, helipad, taxiway, safety area, apron, or navigational aids associated with the runway or runway extension, at a general aviation airport, a reliever airport, or a commercial service airport that is not a primary airport (as such terms are defined in section 47102); and

(B) any other airport development project that the Secretary designates as facilitating aviation capacity building projects at a general aviation airport.

(Added Pub. L. 108–176, title III, § 304(a), Dec. 12, 2003, 117 Stat. 2538; amended Pub. L. 112–95, title I, § 152(g), Feb. 14, 2012, 126 Stat. 34; Pub. L. 115–254, div. B, title I, § 191(b), Oct. 5, 2018, 132 Stat. 3239.)

Editorial Notes

AMENDMENTS

2018—Par. (8). Pub. L. 115–254 added par. (8).

2012—Par. (2). Pub. L. 112–95, § 152(g)(1), substituted ''2004 or any successor report'' for ''2001''.

Par. (7). Pub. L. 112–95, § 152(g)(2), added par. (7).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out an Effective Date of 2003 Amendment note under section 106 of this title.

CHAPTER 473—INTERNATIONAL AIRPORT FACILITIES

Sec.
47301. Definitions.
47302. Providing airport and airway property in foreign territories.
47303. Training foreign citizens.
47304. Transfer of airport and airway property.
47305. Administrative.
47306. Criminal penalty.

§ 47301. Definitions

In this chapter—

(1) ''airport property'' means an interest in property used or useful in operating and maintaining an airport.

(2) ''airway property'' means an interest in property used or useful in operating and maintaining a ground installation, facility, or equipment desirable for the orderly and safe operation of air traffic, including air navigation, air traffic control, airway communication, and meteorological facilities.

(3) ''foreign territory'' means an area—

(A) over which no government or a government of a foreign country has sovereignty;

(B) temporarily under military occupation by the United States Government; or

(C) occupied or administered by the Government or a government of a foreign country under an international agreement.

(4) ''territory outside the continental United States'' means territory outside the 48 contiguous States and the District of Columbia.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47301(1)–(3)	49 App.:1151.	June 16, 1948, ch. 473, § 2, 62 Stat. 450; Aug. 23, 1958, Pub. L. 85–726, § 1403, 72 Stat. 808.
47301(4)	(no source).	

In this section, the words ''the purposes of'' and ''The term'' are omitted as surplus.

In clauses (1) and (2), the words ''real or personal'', ''directly or indirectly'', ''administration'', and ''(including parts and components thereof)'' are omitted as surplus.

In clause (1), the words ''including . . . (1) land; (2) runways, strips, taxiways, and parking aprons; (3) buildings, structures, improvements, and facilities, whether or not used in connection with the landing and take-off of aircraft; and (4) equipment . . . furniture, vehicles, and supplies'' are omitted as being included in ''an interest in property''.

In clause (2), the words ''necessary or'' are omitted as surplus.

In clause (3), before subclause (A), the words ''of land or water'' are omitted as surplus. In subclause (A), the words ''no government or a government of a foreign country'' are substituted for ''no nation or a nation other than the United States'' for consistency in the revised title and with other titles of the United States Code. The words ''(including territory of undetermined sovereignty and the high seas)'' are omitted as surplus. In subclause (C), the words ''government of a foreign country'' are substituted for ''other nation'' for consistency in the revised title and with other titles of the Code.

Clause (4) is derived from the source provisions of the chapter and is included to avoid repeating the phrase ''territory (including Alaska) outside the continental limits of the United States''.

§ 47302. Providing airport and airway property in foreign territories

(a) GENERAL AUTHORITY.—Subject to the concurrence of the Secretary of State and the consideration of objectives of the International Civil Aviation Organization—

(1) the Secretary of Transportation may acquire, establish, and construct airport property and airway property (except meteorological facilities) in foreign territory; and

(2) the Secretary of Commerce may acquire, establish, and construct meteorological facilities in foreign territory.

(b) SPECIFIC APPROPRIATIONS REQUIRED.—Except for airport property transferred under section 47304(b) of this title, an airport (as defined in section 40102(a) of this title) may be acquired, established, or constructed under subsection (a) of this section only if amounts have been appropriated specifically for the airport.

(c) ACCEPTING FOREIGN PAYMENTS.—The Secretary of Transportation or Commerce, as appropriate, may accept payment from a government of a foreign country or international organization for facilities or services sold or provided the government or organization under this chapter. The amount received may be credited to the appropriation current when the expenditures are or were paid, the appropriation current when the amount is received, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47302(a), (b)	49 App.:1152.	June 16, 1948, ch. 473, §3, 62 Stat. 451; Aug. 23, 1958, Pub. L. 85–726, §1403, 72 Stat. 808.
	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.
47302(c)	49 App.:1154.	June 16, 1948, ch. 473, §5, 62 Stat. 451.
	49 App.:1655(c)(1).	

In this chapter, the words ''government of a foreign country'' are substituted for ''foreign government'' for consistency in the revised title and with other titles of the United States Code.

In this section, the title ''Secretary of Commerce'' is substituted for ''Chief of the Weather Bureau of the Department of Commerce'' in section 3, and ''Chief of the Weather Bureau'' in section 5, of the International Aviation Facilities Act (ch. 473, 62 Stat. 451) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318).

In subsection (a), the words ''by contract or otherwise'' are omitted as surplus. The words ''airport property and airway property (except meteorological facilities)'' and ''meteorological facilities'' are substituted for ''within their respective fields'' for clarity.

In subsection (b), the words ''for the airport'' are substituted for ''for such purpose'' for clarity. The words ''by the Congress'' are omitted as surplus.

In subsection (c), the words ''on behalf of the United States'' are omitted as surplus. The words ''sold or provided'' are substituted for ''supplied or . . . performed'' for consistency in this chapter. The words ''by the Secretary of Transportation or the Secretary of Commerce, either directly or indirectly'' and ''the authority of'' are omitted as surplus. The words ''or the Civil Aeronautics Act of 1938, as amended'' are omitted as obsolete because the Act was repealed by section 1401(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 806). The words ''including the operation of airport property and airway property in such countries, the training of foreign nationals, the rendering of technical assistance and advice to such countries, and the performance of other similar services'' are omitted as being included in ''facilities or services sold or provided''. The words ''or both'' are substituted for ''or (C) in part as provided under clause (A) and in part as provided under clause (B)'' to eliminate unnecessary words.

§ 47303. Training foreign citizens

Subject to the concurrence of the Secretary of State, the Secretary of Transportation or Commerce, as appropriate, may train a foreign citizen in a subject related to aeronautics and essential to the orderly and safe operation of civil aircraft. The training may be provided—

(1) directly by the appropriate Secretary or jointly with another department, agency, or instrumentality of the United States Government;

(2) through a public or private agency of the United States (including a State or municipal educational institution); or

(3) through an international organization.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47303	49 App.:1153.	June 16, 1948, ch. 473, §4, 62 Stat. 451.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

In this section, before clause (1), the title ''Secretary of Commerce'' is substituted for ''Chief of the Weather Bureau'' in section 4 of the International Aviation Facilities Act (ch. 473, 62 Stat. 451) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). The words ''within or outside the United States'' are omitted as surplus. The word ''citizen'' is substituted for ''nationals'' as being more appropriate. In clause (1), the word ''jointly'' is substituted for ''or in conjunction'' to eliminate unnecessary words. The words ''department, agency, or instrumentality of the United States Government'' are substituted for ''United States Government agency'' for consistency in the revised title and with other titles of the United States Code.

§ 47304. Transfer of airport and airway property

(a) GENERAL AUTHORITY.—When requested by the government of a foreign country or an inter-

national organization, the Secretary of Transportation or Commerce, as appropriate, may transfer to the government or organization airport property and airway property operated and maintained under this chapter by the appropriate Secretary in foreign territory. The transfer shall be on terms the appropriate Secretary considers proper, including consideration agreed on through negotiations with the government or organization.

(b) PROPERTY INSTALLED OR CONTROLLED BY MILITARY.—Subject to terms to which the parties agree, the Secretary of a military department may transfer without charge to the Secretary of Transportation airport property and airway property (except meteorological facilities), and to the Secretary of Commerce meteorological facilities, that the Secretary of the military department installed or controls in territory outside the continental United States. The transfer may be made if consistent with the needs of national defense and—

(1) the Secretary of the military department finds that the property or facility is no longer required exclusively for military purposes; and

(2) the Secretary of Transportation or Commerce, as appropriate, decides that the transfer is or may be necessary to carry out this chapter.

(c) REPUBLIC OF PANAMA.—(1) The Secretary of Transportation may provide, operate, and maintain facilities and services for air navigation, airway communications, and air traffic control in the Republic of Panama subject to—

(A) the approval of the Secretary of Defense; and

(B) each obligation assumed by the United States Government under an agreement between the Government and the Republic of Panama.

(2) The Secretary of a military department may transfer without charge to the Secretary of Transportation property located in the Republic of Panama when the Secretary of Transportation decides that the transfer may be useful in carrying out this chapter.

(3) Subsection (b) of this section (related to the Secretary of Transportation) and section 47302(a) and (b) of this title do not apply in carrying out this subsection.

(d) RETAKING PROPERTY FOR MILITARY REQUIREMENT.—(1) When necessary for a military requirement, the Secretary of a military department immediately may retake property (with any improvements to it) transferred by the Secretary under subsection (b) or (c) of this section. The Secretary shall pay reasonable compensation to each person (or its successor in interest) that made an improvement to the property that was not made at the expense of the Government. The Secretary or a delegate of the Secretary shall decide on the amount of compensation.

(2) On the recommendation of the Secretary of Transportation or Commerce, as appropriate, the Secretary of a military department may decide not to act under paragraph (1) of this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47304(a)	49 App.:1155.	June 16, 1948, ch. 473, §§6, 8(a), (b), 62 Stat. 452; Aug. 23, 1958, Pub. L. 85–726, §1403, 72 Stat. 808.
	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.
47304(b)	49 App.:1157(a), (b). 49 App.:1655(c)(1).	
47304(c)(1) ..	49 App.:1156(a), (b). 49 App.:1655(c)(1).	June 16, 1948, ch. 473, §§7, 9, 62 Stat. 452, 453.
47304(c)(2) ..	49 App.:1156(c). 49 App.:1655(c)(1).	
47304(c)(3) ..	49 App.:1156(d).	
47304(d)	49 App.:1158. 49 App.:1655(c)(1).	

In this section, the title ''Secretary of Commerce'' is substituted for ''Chief of the Weather Bureau'' in sections 6, 8, and 9 of the International Aviation Facilities Act (ch. 473, 62 Stat. 452) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318).

In subsection (a), the words ''including consideration agreed on'' are substituted for ''including provision for receiving, on behalf of the United States, such payment or other consideration for the property so transferred as may be agreed upon'' to eliminate unnecessary words.

In subsections (b) and (c), the words ''Secretary of a military department'' are substituted for ''National Military Establishment'' (subsequently changed to ''department of the Department of Defense'' because of section 12(a) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591)) because of 5:102 and 10:101.

In subsection (b), before clause (1), the words ''if any, as may be . . . in specific cases'', ''at its discretion'', and ''therefor'' are omitted as surplus. The word ''except'' is substituted for ''exclusive of'' for consistency in this chapter. The word ''controls'' is substituted for ''in the possession of'' for clarity. The word ''considered'' is omitted as surplus. In clause (2), the words ''the purposes of'' are omitted as surplus.

In subsection (c), reference to the Canal Zone is omitted because of the Panama Canal Treaty of 1977.

In subsection (c)(1), before clause (A), the words ''and to do all things necessary in connection with the'' are omitted as surplus. The word ''airway'' is added for consistency in this chapter. In clause (B), the words ''treaty, convention, or'' are omitted as surplus.

In subsection (c)(2), the words ''in its discretion'', ''therefor'', ''airport property or airway property or other real or personal'', and ''the purposes of'' are omitted as surplus.

In subsection (d)(1), the words ''as determined by the Secretary of the department which made the transfer'' are omitted as surplus. The words ''(with any improvements to it)'' are substituted for ''together with any improvements or additions made thereto'' to eliminate unnecessary words. The words ''or persons'' are omitted because of 1:1.

In subsection (d)(2), the words ''decide not to act'' are substituted for ''in any case . . . waive any right or privilege conferred or reserved'' to eliminate unnecessary words.

§ 47305. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Transportation shall consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities), and the Secretary of Commerce may consolidate, operate, protect, maintain, and improve meteorological facilities, that the appropriate Secretary has acquired and that are located in territory outside the continental United States. In carrying out this section, the appropriate Secretary may—

(1) adapt the property or facility to the needs of civil aeronautics;

(2) lease the property or facility for not more than 20 years;

(3) make a contract, or provide directly, for facilities and services;

(4) make reasonable charges for aeronautical services; and

(5) acquire an interest in property.

(b) CREDITING APPROPRIATIONS.—Money received from the direct sale or charge that the Secretary of Transportation or Commerce, as appropriate, decides is equivalent to the cost of facilities and services sold or provided under subsection (a)(3) and (4) of this section is credited to the appropriation from which the cost was paid. The balance shall be deposited in the Treasury as miscellaneous receipts.

(c) USING OTHER GOVERNMENT FACILITIES AND SERVICES.—To carry out this chapter and to use personnel and facilities of the United States Government most advantageously and without unnecessary duplication, the Secretary of Transportation or Commerce, as appropriate, shall request, when practicable, to use a facility or service of an appropriate department, agency, or instrumentality of the Government on a reimbursable basis. A department, agency, or instrumentality receiving a request under this section may provide the facility or service.

(d) ADVERTISING NOT REQUIRED.—Section 6101(b) to (d) of title 41 does not apply to a lease or contract made by the Secretary of Transportation or Commerce under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1282; Pub. L. 111–350, § 5(*o*)(9), Jan. 4, 2011, 124 Stat. 3854.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47305(a)	49 App.:1159(a) (1st sentence), (b).	June 16, 1948, ch. 473, § 10(a) (1st sentence), (b)–(d), 62 Stat. 453, 454.
	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.
47305(b)	49 App.:1159(c).	
	49 App.:1655(c)(1).	
47305(c)	49 App.:1160.	June 16, 1948, ch. 473, § 12, 62 Stat. 454; Aug. 23, 1958, Pub. L. 85–726, § 1403, 72 Stat. 808; Jan. 3, 1975, Pub. L. 93–623, § 3, 88 Stat. 2103.
	49 App.:1655(c)(1).	
47305(d)	49 App.:1159(d).	
	49 App.:1655(c)(1).	

In this section, the title ''Secretary of Commerce'' is substituted for ''Chief of the Weather Bureau'' in section 10(b)–(d), and for ''Chief of the Weather Bureau'' and ''Weather Bureau'' in section 12, of the International Aviation Facilities Act (ch. 473, 62 Stat. 454) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318).

In subsection (a), before clause (1), the words ''do and perform, by contract or otherwise, all acts and things necessary or incident to'' and ''pursuant to this chapter or any other provision of law'' are omitted as surplus. In clause (1), the words ''from time to time'' and ''by construction, installation, reengineering, relocation, or otherwise'' are omitted as surplus. The text of 49 App.:1159(a)(2) is omitted as surplus because of 49:322(a). In clause (2), the words ''under such conditions as he may deem proper'' and ''space or'' are omitted as surplus. The words ''for not more than 20 years'' are substituted for ''and for such periods as may be desirable (not to exceed twenty years)'' to eliminate unnecessary words. The words ''for purposes essential or appropriate to their consolidation, operation, protection, and administration under this chapter'' are omitted as surplus. In clause (3), the words ''the sale of fuel, oil, equipment, food and supplies, hotel accommodations, and other'' and ''necessary or desirable for the operation and administration of such properties'' are omitted as surplus. In clause (4), the word ''reasonable'' is substituted for ''just and reasonable'' for consistency in the revised title and with other titles of the United States Code. The words ''(including but not limited to landing fees and fees for the use of communication services)'' are omitted as surplus. In clause (5), the words ''by purchase or otherwise, real or personal'' and ''which he may consider necessary for the purposes of this section'' are omitted as surplus.

In subsection (b), the words ''including handling charges'' are omitted as surplus. The words ''facilities and services sold or provided'' are substituted for ''of the fuel, oil, equipment, food, supplies, services, shelter, or other assistance or services sold or furnished'' for consistency and to eliminate unnecessary words. The words ''under subsection (a)(3) and (4) of this section'' are added for clarity. The words ''if any'' are omitted as surplus. The words ''deposited in the Treasury as'' are substituted for ''credited to'' for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c), the words ''use personnel and facilities of the United States Government most advantageously and without unnecessary duplication'' are substituted for ''to the end that personnel and facilities of existing United States Government agencies shall be utilized to the fullest possible advantage and not be unnecessarily duplicated'' to eliminate unnecessary words. The word ''request'' is substituted for ''arrange for'' for clarity. The words ''department, agency, or instrumentality of the Government'' are substituted for ''other United States Government agencies'' for consistency in the revised title and with other titles of the Code. The words ''on a reimbursable basis'' are substituted for ''and to reimburse any such agency for such service out of funds appropriated to the Department of Transportation or the Department of Commerce, as the case may be'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2011—Subsec. (d). Pub. L. 111–350 substituted ''Section 6101(b) to (d) of title 41'' for ''Section 3709 of the Revised Statutes (41 U.S.C. 5)''.

Statutory Notes and Related Subsidiaries

ANNETTE ISLAND AIRPORT, ALASKA; RENEWAL OF LEASE

Act May 9, 1956, ch. 241, 70 Stat. 146, provided: ''That the Congress of the United States hereby approves the extension, from year to year, until June 30, 1999, of a lease of certain land comprising part of Annette Island, Alaska, for use by the Civil Aeronautics Administration [now the Federal Aviation Administration] as an airport, entered into by the United States of America and the Council of the Annette Island Reserve on December 13, 1948, section 5 of which lease provides that no renewal thereof shall extend beyond June 30, 1959, unless approved by Congress.''

§ 47306. Criminal penalty

A person that knowingly and willfully violates a regulation prescribed by the Secretary of Transportation to carry out this chapter shall be fined under title 18, imprisoned for not more than 6 months, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47306	49 App.:1159(a) (last sentence).	June 16, 1948, ch. 473, §10(a) (last sentence), 62 Stat. 454.
	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.

The word ''prescribed'' is substituted for ''issued'' for consistency in the revised title and with other titles of the United States Code. The words ''if such violation is committed in any area under the civil jurisdiction of the United States'' are omitted as surplus. The words ''fined under title 18'' are substituted for ''a fine of not more than $500'', and the words ''be deemed guilty of a misdemeanor'' are omitted, for consistency with title 18.

CHAPTER 475—NOISE

SUBCHAPTER I—NOISE ABATEMENT

Sec.
47501. Definitions.
47502. Noise measurement and exposure systems and identifying land use compatible with noise exposure.
47503. Noise exposure maps.
47504. Noise compatibility programs.
47505. Airport noise compatibility planning grants.
47506. Limitations on recovering damages for noise.
47507. Nonadmissibility of noise exposure map and related information as evidence.
47508. Noise standards for air carriers and foreign air carriers providing foreign air transportation.
47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft.
47510. Tradeoff allowance.
47511. CLEEN engine and airframe technology partnership.

SUBCHAPTER II—NATIONAL AVIATION NOISE POLICY

47521. Findings.
47522. Definitions.
47523. National aviation noise policy.
47524. Airport noise and access restriction review program.
47525. Decision about airport noise and access restrictions on certain stage 2 aircraft.
47526. Limitations for noncomplying airport noise and access restrictions.
47527. Liability of the United States Government for noise damages.
47528. Prohibition on operating certain aircraft not complying with stage 3 noise levels.
47529. Nonaddition rule.
47530. Nonapplication of sections 47528(a)–(d) and 47529 to aircraft outside the 48 contiguous States.
47531. Penalties.
47532. Judicial review.
47533. Relationship to other laws.
47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title VII, §743(b), Oct. 5, 2018, 132 Stat. 3413, added item 47511.

2012—Pub. L. 112–95, title V, §506(b)(3), Feb. 14, 2012, 126 Stat. 106, which directed amendment of the analysis for subchapter II of this chapter by substituting ''Penalties'' for ''Penalties for violating sections 47528–47530'' in item 47531 and by adding item 47534, was executed to the analysis for this chapter to reflect the probable intent of Congress.

1994—Pub. L. 103–429, §6(72)(B), Oct. 31, 1994, 108 Stat. 4388, added item 47510.

Pub. L. 103–305, title III, §308(b), Aug. 23, 1994, 108 Stat. 1594, added item 47509.

SUBCHAPTER I—NOISE ABATEMENT

§ 47501. Definitions

In this subchapter—

(1) ''airport'' means a public-use airport as defined in section 47102 of this title.

(2) ''airport operator'' means—

(A) for an airport serving air carriers that have certificates from the Secretary of Transportation, any person holding an airport operating certificate issued under section 44706 of this title; and

(B) for any other airport, the person operating the airport.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47501(1)	49 App.:2101(1).	Feb. 18, 1980, Pub. L. 96–193, §101(1), 94 Stat. 50; restated Sept. 3, 1982, Pub. L. 97–248, §524(b)(1), 96 Stat. 696; Dec. 30, 1987, Pub. L. 100–223, §103(f), 101 Stat. 1489.
	49 App.:2101(3).	Feb. 18, 1980, Pub. L. 96–193, §101(3), 94 Stat. 50.
47501(2)	49 App.:2101(2).	Feb. 18, 1980, Pub. L. 96–193, §101(2), 94 Stat. 50; restated Sept. 3, 1982, Pub. L. 97–248, §524(b)(2), 96 Stat. 696.
	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.

In this section, the words ''the term'' are omitted as surplus.

In clause (1), the text of 49 App.:2101(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (2), the word ''valid'' is omitted as surplus.

Statutory Notes and Related Subsidiaries

MITIGATION OF MILITARY HELICOPTER NOISE

Pub. L. 116–283, div. A, title X, §1087, Jan. 1, 2021, 134 Stat. 3877, provided that:

''(a) PROCESS FOR TRACKING COMPLAINTS.—The Secretary of Defense, in coordination with the Metropolitan Washington Airports Authority, shall develop a process to receive, track, and analyze complaints of military rotary wing aircraft noise in the National Capital Region that are registered on the noise inquiry websites of Ronald Reagan Washington National Airport and Dulles International Airport.

''(b) NATIONAL CAPITAL REGION.—In this section, the term 'National Capital Region' has the meaning given such term in section 2674(f)(2) of title 10, United States Code.''

ADDRESSING COMMUNITY NOISE CONCERNS

Pub. L. 115–254, div. B, title I, §175, Oct. 5, 2018, 132 Stat. 3228, provided that: ''When proposing a new area navigation departure procedure, or amending an existing procedure that would direct aircraft between the

surface and 6,000 feet above ground level over noise sensitive areas, the Administrator of the Federal Aviation Administration shall consider the feasibility of dispersal headings or other lateral track variations to address community noise concerns, if—

''(1) the affected airport operator, in consultation with the affected community, submits a request to the Administrator for such a consideration;

''(2) the airport operator's request would not, in the judgment of the Administrator, conflict with the safe and efficient operation of the national airspace system; and

''(3) the effect of a modified departure procedure would not significantly increase noise over noise sensitive areas, as determined by the Administrator.''

AVIATION NOISE COMPLAINTS

Pub. L. 112–95, title V, §510, Feb. 14, 2012, 126 Stat. 107, provided that: ''Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.''

AIRPORT NOISE STUDY

Pub. L. 106–181, title VII, §745, Apr. 5, 2000, 114 Stat. 178, as amended by Pub. L. 106–528, §7(a), Nov. 22, 2000, 114 Stat. 2521, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall enter into an agreement with the National Academy of Sciences to conduct a study on airport noise in the United States.

''(b) CONTENTS OF STUDY.—In conducting the study, the National Academy of Sciences shall examine—

''(1) the threshold of noise at which health begins to be affected;

''(2) the effectiveness of noise abatement programs at airports located in the United States;

''(3) the impacts of aircraft noise on communities, including schools; and

''(4) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities.

''(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.''

NONMILITARY HELICOPTER NOISE

Pub. L. 106–181, title VII, §747, Apr. 5, 2000, 114 Stat. 179, required the Secretary of Transportation to conduct a study on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States and develop recommendations for the reduction of the effects of nonmilitary helicopter noise, focusing on air traffic control procedures to address helicopter noise problems and the needs of law enforcement, considering the views of representatives of the helicopter industry, and report to Congress a report on the study not later than 1 year after Apr. 5, 2000.

§ 47502. Noise measurement and exposure systems and identifying land use compatible with noise exposure

After consultation with the Administrator of the Environmental Protection Agency and United States Government, State, and interstate agencies that the Secretary of Transportation considers appropriate, the Secretary shall by regulation—

(1) establish a single system of measuring noise that—

(A) has a highly reliable relationship between projected noise exposure and surveyed reactions of individuals to noise; and

(B) is applied uniformly in measuring noise at airports and the surrounding area;

(2) establish a single system for determining the exposure of individuals to noise resulting from airport operations, including noise intensity, duration, frequency, and time of occurrence; and

(3) identify land uses normally compatible with various exposures of individuals to noise.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47502	49 App.:2102.	Feb. 18, 1980, Pub. L. 96–193, §102, 94 Stat. 50.

In this section, before clause (1), the words ''Not later than the last day of the twelfth month which begins after February 18, 1980'' are omitted as obsolete.

§ 47503. Noise exposure maps

(a) SUBMISSION AND PREPARATION.—An airport operator may submit to the Secretary of Transportation a noise exposure map showing the noncompatible uses in each area of the map on the date the map is submitted, a description of estimated aircraft operations during a forecast period that is at least 5 years in the future and how those operations will affect the map. The map shall—

(1) be prepared in consultation with public agencies and planning authorities in the area surrounding the airport; and

(2) comply with regulations prescribed under section 47502 of this title.

(b) REVISED MAPS.—

(1) IN GENERAL.—An airport operator that submits a noise exposure map under subsection (a) shall submit a revised map to the Secretary if, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration.

(2) TIMING.—A submission under paragraph (1) shall be required only if the relevant change in the operation of the airport occurs during—

(A) the forecast period of the applicable noise exposure map submitted by an airport operator under subsection (a); or

(B) the implementation period of the airport operator's noise compatibility program.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1284; Pub. L. 108–176, title III, §324, Dec. 12, 2003, 117 Stat. 2542; Pub. L. 115–254, div. B, title I, §174, Oct. 5, 2018, 132 Stat. 3228.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47503(a)	49 App.:2103(a)(1).	Feb. 18, 1980, Pub. L. 96–193, § 103(a), 94 Stat. 50.
47503(b)	49 App.:2103(a)(2).	

In subsection (a), before clause (1), the words ''After the effective date of the regulations promulgated in accordance with section 2102 of this Appendix'' are omitted as executed. The words ''of an airport'' and ''at such airport'' are omitted as surplus. The word ''how'' is substituted for ''the ways, if any, in which'' to eliminate unnecessary words. In clause (1), the words ''planning authorities'' are substituted for ''planning agencies'' for consistency.

In subsection (b), the words ''to the Secretary'' are added for clarity. The words ''after the submission to the Secretary of a noise exposure map under paragraph (1)'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254 amended subsec. (b) generally. Prior to amendment, text read as follows: ''If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''

2003—Subsec. (a). Pub. L. 108–176, § 324(1), substituted ''a forecast period that is at least 5 years in the future'' for ''1985,'' in introductory provisions.

Subsec. (b). Pub. L. 108–176, § 324(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: ''If a change in the operation of an airport will establish a substantial new noncompatible use in an area surrounding the airport, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use.''

Statutory Notes and Related Subsidiaries

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.

NOISE DISCLOSURE

Pub. L. 108–176, title III, § 322, Dec. 12, 2003, 117 Stat. 2540, provided that:

''(a) NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

''(b) PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

''(c) NOISE EXPOSURE MAP.—In this section, the term 'noise exposure map' means a noise exposure map prepared under section 47503 of title 49, United States Code.''

§ 47504. Noise compatibility programs

(a) SUBMISSIONS.—(1) An airport operator that submitted a noise exposure map and related information under section 47503(a) of this title may submit a noise compatibility program to the Secretary of Transportation after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) notice and an opportunity for a public hearing.

(2) A program submitted under paragraph (1) of this subsection shall state the measures the operator has taken or proposes to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area covered by the map. The measures may include—

(A) establishing a preferential runway system;

(B) restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft;

(C) constructing barriers and acoustical shielding and soundproofing public buildings;

(D) using flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(E) acquiring land, air rights, easements, development rights, and other interests to ensure that the property will be used in ways compatible with airport operations.

(b) APPROVALS.—(1) The Secretary shall approve or disapprove a program submitted under subsection (a) of this section (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) not later than 180 days after receiving it. The Secretary shall approve the program (except as the program is related to flight procedures referred to in subsection (a)(2)(D)) if the program—

(A) does not place an unreasonable burden on interstate or foreign commerce;

(B) is reasonably consistent with achieving the goal of reducing noncompatible uses and preventing the introduction of additional noncompatible uses; and

(C) provides for necessary revisions because of a revised map submitted under section 47503(b) of this title.

(2) A program (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) is deemed to be approved if the Secretary does not act within the 180-day period.

(3) The Secretary shall submit any part of a program related to flight procedures referred to in subsection (a)(2)(D) of this section to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.

(c) GRANTS.—(1) The Secretary may incur obligations to make grants from amounts available under section 48103 of this title to carry out a project under a part of a noise compatibility program approved under subsection (b) of this section. A grant may be made to—

(A) an airport operator submitting the program; and

(B) a unit of local government in the area surrounding the airport, if the Secretary decides the unit is able to carry out the project.

(2) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title—

(A) for projects to soundproof residential buildings—

(i) if the airport operator received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter;

(B) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof residential buildings located on residential properties, and to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

(i) if the airport operator amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter;

(C) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to carry out any part of a program developed before February 18, 1980, or before implementing regulations were prescribed, if the Secretary decides the program is substantially consistent with reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses and the purposes of this chapter will be furthered by promptly carrying out the program;

(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise;

(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations; and

(F) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) to carry out a project to mitigate noise, if the project—

(i) consists of—

(I) replacement windows, doors, and the installation of through-the-wall air conditioning units; or

(II) a contribution of the equivalent costs to be used for reconstruction if reconstruction is the preferred local solution;

(ii) is located at a school near the airport; and

(iii) is included in a memorandum of agreement entered into before September 30, 2002, even if the airport has not met the requirements of part 150 of title 14, Code of Federal Regulations, and only if the financial limitations of the memorandum are applied.

(3) An airport operator may agree to make a grant made under paragraph (1)(A) of this subsection available to a public agency in the area surrounding the airport if the Secretary decides the agency is able to carry out the project.

(4) The Government's share of a project for which a grant is made under this subsection is the greater of—

(A) 80 percent of the cost of the project; or

(B) the Government's share that would apply if the amounts available for the project were made available under subchapter I of chapter 471 of this title for a project at the airport.

(5) The provisions of subchapter I of chapter 471 of this title related to grants apply to a grant made under this chapter, except—

(A) section 47109(a) and (b) of this title; and

(B) any provision that the Secretary decides is inconsistent with, or unnecessary to carry out, this chapter.

(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.

(d) GOVERNMENT RELIEF FROM LIABILITY.—The Government is not liable for damages from aviation noise because of action taken under this section.

(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant

to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

(C) shall remain available until expended.

(f) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1285; Pub. L. 103–305, title I, § 119, Aug. 23, 1994, 108 Stat. 1580; Pub. L. 103–429, § 6(71), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 106–181, title I, § 154, Apr. 5, 2000, 114 Stat. 88; Pub. L. 108–176, title I, § 189, title III, § 306, Dec. 12, 2003, 117 Stat. 2519, 2539; Pub. L. 112–95, title V, §§ 504, 505, Feb. 14, 2012, 126 Stat. 104; Pub. L. 115–232, div. A, title X, § 1044, Aug. 13, 2018, 132 Stat. 1958.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47504(a)	49 App.:2104(a).	Feb. 18, 1980, Pub. L. 96–193, § 104(a), 94 Stat. 51; Dec. 30, 1987, Pub. L. 100–223, § 301(a), 101 Stat. 1523.
47504(b)	49 App.:2104(b).	Feb. 18, 1980, Pub. L. 96–193, § 104(b), (d), 94 Stat. 52, 53.
47504(c)	49 App.:2104(c).	Feb. 18, 1980, Pub. L. 96–193, § 104(c), 94 Stat. 52; Sept. 3, 1982, Pub. L. 97–248, § 524(b)(4), 96 Stat. 696; Dec. 30, 1987, Pub. L. 100–223, § 301(b), (c), 101 Stat. 1523; Oct. 28, 1991, Pub. L. 102–143, § 336, 105 Stat. 947.
47504(d)	49 App.:2104(d).	

In subsection (a)(1)(A), the words ''the officials of'' are omitted as surplus. The words ''planning authorities'' are substituted for ''planning agencies'' for consistency.

In subsection (a)(2)(A), the word ''establishing'' is substituted for ''the implementation of'' for consistency.

In subsection (a)(2)(B), the words ''the implementation of'' are omitted as surplus.

In subsection (b)(1), before clause (A), the words ''to him'' and ''the measures to be undertaken in carrying out'' are omitted as surplus. In clause (B), the word ''achieving'' is substituted for ''obtaining'' for clarity. The word ''existing'' is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2104(b) (3d sentence) to eliminate unnecessary words.

In subsection (c)(1)(B) and (2), the words ''for which grant applications are made in accordance with such noise compatibility programs'' are omitted as surplus.

In subsection (c)(1), before clause (A), the words ''incur obligations to'' and ''further . . . under this section'' are omitted as surplus. In clause (C), the words ''to carry out any part of a program'' are substituted for ''any project to carry out a noise compatibility program'', and the words ''or before implementing regulations were prescribed'' are substituted for ''or the promulgation of its implementing regulations'', for clarity and consistency. The words ''the purposes of'' before ''reducing'' are omitted as surplus. The word ''noncompatible'' is added after ''existing'' for clarity and consistency. In clause (D), the words ''for any project'' and ''determined to be'' are omitted as surplus.

In subsection (c)(2), the words ''in turn'' are omitted as surplus.

In subsection (c)(4), before clause (A), the words ''All of'' and ''made under section 505 of that Act'' are omitted as surplus. The word ''except'' is substituted for ''unless'' for clarity. In clause (1), the words ''relating to United States share of project costs'' are omitted as surplus. In clause (2), the words ''the purposes of'' are omitted as surplus.

In subsection (d), the words ''by the Secretary or the Administrator of the Federal Aviation Administration'' are omitted as surplus.

PUB. L. 103–429

This redesignates 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) because the subject matter is similar to that of 49:47504(c)(2)(A) and (B) that was added by section 119(2) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1580).

Editorial Notes

REFERENCES IN TEXT

Section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987, referred to in subsec. (c)(2)(A)(i), is section 301(d)(4)(B) of Pub. L. 100–223, which was set out as a note under section 2104 of former Title 49, Transportation, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.

AMENDMENTS

2018—Subsec. (c)(2)(F). Pub. L. 115–232 added subpar. (F).

2012—Subsec. (e). Pub. L. 112–95, § 504, added subsec. (e).

Subsec. (f). Pub. L. 112–95, § 505, added subsec. (f).

2003—Subsec. (b)(4). Pub. L. 108–176, § 189, added par. (4).

Subsec. (c)(2)(C)–(E). Pub. L. 108–176, § 306, realigned margins of subpars. (C) and (D) and added subpar. (E).

2000—Subsec. (c)(6). Pub. L. 106–181 added par. (6).

1994—Subsec. (c)(1)(A). Pub. L. 103–429, § 6(71)(A), inserted ''and'' after semicolon at end.

Subsec. (c)(1)(B). Pub. L. 103–429, § 6(71)(B), substituted a period for semicolon at end.

Subsec. (c)(1)(C), (D). Pub. L. 103–429, § 6(71)(C), redesignated par. (1)(C) as (2)(C) and (1)(D) as (2)(D).

Subsec. (c)(2). Pub. L. 103–305, § 119(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (c)(2)(A)(iii). Pub. L. 103–429, §6(71)(D), struck out ''and'' after semicolon at end.

Subsec. (c)(2)(B)(iii). Pub. L. 103–429, §6(71)(E), substituted a semicolon for period at end.

Subsec. (c)(2)(C), (D). Pub. L. 103–429, §6(71)(F), substituted ''to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection'' for ''an airport operator or unit of local government referred to in clause (A) or (B) of this paragraph''.

Pub. L. 103–429, §6(71)(C), redesignated par. (1)(C) as (2)(C) and (1)(D) as (2)(D).

Subsec. (c)(3). Pub. L. 103–305, §119(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 103–305, §119(3), struck out ''paragraph (1) of'' before ''this subsection'' in introductory provisions.

Pub. L. 103–305, §119(1), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 103–305, §119(1), redesignated par. (4) as (5).

Statutory Notes and Related Subsidiaries

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.

§ 47505. Airport noise compatibility planning grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a sponsor of an airport to develop, for planning purposes, information necessary to prepare and submit—

(1) a noise exposure map and related information under section 47503 of this title, including the cost of obtaining the information; or

(2) a noise compatibility program under section 47504 of this title.

(b) AVAILABILITY OF AMOUNTS AND GOVERNMENT'S SHARE OF COSTS.—A grant under subsection (a) of this section may be made from amounts available under section 48103 of this title. The United States Government's share of the grant is the percent for which a project for airport development at an airport would be eligible under section 47109(a) and (b) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47505	49 App.:2103(b).	Feb. 18, 1980, Pub. L. 96–193, §103(b), 94 Stat. 51; restated Sept. 3, 1982, Pub. L. 97–248, §524(b)(3), 96 Stat. 696.

In subsection (a), before clause (1), the words ''incur obligations to'' are omitted as surplus.

§ 47506. Limitations on recovering damages for noise

(a) GENERAL LIMITATIONS.—A person acquiring an interest in property after February 18, 1980, in an area surrounding an airport for which a noise exposure map has been submitted under section 47503 of this title and having actual or constructive knowledge of the existence of the map may recover damages for noise attributable to the airport only if, in addition to any other elements for recovery of damages, the person shows that—

(1) after acquiring the interest, there was a significant—

(A) change in the type or frequency of aircraft operations at the airport;

(B) change in the airport layout;

(C) change in flight patterns; or

(D) increase in nighttime operations; and

(2) the damages resulted from the change or increase.

(b) CONSTRUCTIVE KNOWLEDGE.—Constructive knowledge of the existence of a map under subsection (a) of this section shall be imputed, at a minimum, to a person if—

(1) before the person acquired the interest, notice of the existence of the map was published at least 3 times in a newspaper of general circulation in the county in which the property is located; or

(2) the person is given a copy of the map when acquiring the interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47506	49 App.:2107.	Feb. 18, 1980, Pub. L. 96–193, §107, 94 Stat. 53.

In subsection (a)(2), the words ''for which recovery is sought have'' are omitted as surplus.

§ 47507. Nonadmissibility of noise exposure map and related information as evidence

No part of a noise exposure map or related information described in section 47503 of this title that is submitted to, or prepared by, the Secretary of Transportation and no part of a list of land uses the Secretary identifies as normally compatible with various exposures of individuals to noise may be admitted into evidence or used for any other purpose in a civil action asking for relief for noise resulting from the operation of an airport.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1287.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47507	49 App.:2106.	Feb. 18, 1980, Pub. L. 96–193, §106, 94 Stat. 53.

The words ''land uses which are'' are omitted as surplus. The words ''civil action'' are substituted for ''suit or action'' for consistency in the revised title and with other titles of the United States Code. The words ''damages or other'' are omitted as surplus.

§ 47508. Noise standards for air carriers and foreign air carriers providing foreign air transportation

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall require each air carrier

and foreign air carrier providing foreign air transportation to comply with noise standards—

(1) the Secretary prescribed for new subsonic aircraft in regulations of the Secretary in effect on January 1, 1977; or

(2) of the International Civil Aviation Organization that are substantially compatible with standards of the Secretary for new subsonic aircraft in regulations of the Secretary at parts 36 and 91 of title 14, Code of Federal Regulations, prescribed between January 2, 1977, and January 1, 1982.

(b) COMPLIANCE AT PHASED RATE.—The Secretary shall require each air carrier and foreign air carrier providing foreign air transportation to comply with the noise standards at a phased rate similar to the rate for aircraft registered in the United States.

(c) NONDISCRIMINATION.—The requirement for air carriers providing foreign air transportation may not be more stringent than the requirement for foreign air carriers.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1287.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47508(a)	49 App.:2122(a) (1st sentence words before last comma, last sentence).	Feb. 18, 1980, Pub. L. 96–193, §302(a), 94 Stat. 56.
47508(b)	49 App.:2122(a) (1st sentence words after last comma).	
47508(c)	49 App.:2122(a) (2d sentence).	

In this section, the word ''providing'' is substituted for ''engaging in'' for consistency in the revised title.

In subsection (a), the words ''acting through the Administrator'' and ''acting through the Administrator of the Federal Aviation Administration (14 CFR part 36)'' are omitted for consistency. Section 6(c)(1) of the Department of Transportation Act (Public Law 89–670, 80 Stat. 938) transferred all duties and powers of the Federal Aviation Agency and the Administrator to the Secretary of Transportation. However, the Secretary was to carry out certain provisions through the Administrator. In addition, various laws enacted since then have vested duties and powers in the Administrator. All provisions of law the Secretary is required to carry out through the Administrator are included in 49:106(g). Before clause (1), the words ''If, by January 1, 1980, the International Civil Aviation Organization (hereafter referred to as 'ICAO') does not reach an agreement'' and ''commence a rulemaking to'' and 49 App.:2122(a) (last sentence) are omitted as executed. In clause (1), the words ''as such regulations were'' are omitted as surplus. In clause (2), the words ''on noise standards and an international schedule'' and ''(annex 16)'' are omitted as surplus. The words ''of the Secretary for new subsonic aircraft in regulations of the Secretary at parts 36 and 91 of title 14, Code of Federal Regulations, prescribed between January 2, 1977, and January 1, 1982'' are substituted for ''set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91) during the 5-year period thereafter'' for clarity and consistency.

In subsection (b), the words ''in effect'' are omitted as surplus.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS

Pub. L. 108–176, title III, §325, Dec. 12, 2003, 117 Stat. 2542, provided that: ''Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.''

STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS

Pub. L. 106–181, title VII, §726, Apr. 5, 2000, 114 Stat. 167, as amended by Pub. L. 113–188, title XV, §1501(f), Nov. 26, 2014, 128 Stat. 2025, provided that:

''(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary [of Transportation] shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

''(b) GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

''(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

''(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

''(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

''(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

''(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.''

AIRCRAFT NOISE RESEARCH PROGRAM

Pub. L. 102–581, title III, §304, Oct. 31, 1992, 106 Stat. 4896, as amended by Pub. L. 109–155, title VII, §706(b), Dec. 30, 2005, 119 Stat. 2937, provided that:

''(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

''(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2010 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

''(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

''(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).''

§ 47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status

of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of the Department of Defense, the Department of the Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

(d) REPORT.—Not less than 280 days after August 23, 1994, the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall transmit to Congress a report on the results of the study required under subsection (a).

(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.

(Added Pub. L. 103–305, title III, §308(a), Aug. 23, 1994, 108 Stat. 1593; amended Pub. L. 104–287, §5(86), Oct. 11, 1996, 110 Stat. 3398.)

Editorial Notes

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–287 substituted ''August 23, 1994'' for ''the date of the enactment of this section''.

§ 47510. Tradeoff allowance

Notwithstanding another law or a regulation prescribed or order issued under that law, the tradeoff provisions contained in appendix C of part 36 of title 14, Code of Federal Regulations, apply in deciding whether an aircraft complies with subpart I of part 91 of title 14.

(Added Pub. L. 103–429, §6(72)(A), Oct. 31, 1994, 108 Stat. 4387.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47510	49 App.:2125.	Feb. 18, 1980, Pub. L. 96–193, §305, 94 Stat. 57.

The word ''prescribed'' is added for consistency in the revised title and with other titles of the United States Code. The words ''subpart I of part 91'' are substituted for ''subpart E of part 91'' because of the restatement of part 91. See 54 Fed. Reg. 34321 (Aug. 18, 1989).

§ 47511. CLEEN engine and airframe technology partnership

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into a cost-sharing cooperative agreement, using a competitive process, with institutions, entities, or consortiums to carry out a program for the development, maturation, and testing of certifiable CLEEN aircraft, engine technologies, and jet fuels for civil subsonic airplanes.

(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term ''CLEEN aircraft and engine technology'' means continuous lower energy, emissions, and noise aircraft and engine technology.

(c) PERFORMANCE OBJECTIVE.—The Administrator shall establish the performance objectives for the program in terms of the specific objectives to reduce fuel burn, emissions and noise.

(Added Pub. L. 115–254, div. B, title VII, §743(a), Oct. 5, 2018, 132 Stat. 3413.)

SUBCHAPTER II—NATIONAL AVIATION NOISE POLICY

§ 47521. Findings

Congress finds that—

(1) aviation noise management is crucial to the continued increase in airport capacity;

(2) community noise concerns have led to uncoordinated and inconsistent restrictions on aviation that could impede the national air transportation system;

(3) a noise policy must be carried out at the national level;

(4) local interest in aviation noise management shall be considered in determining the national interest;

(5) community concerns can be alleviated through the use of new technology aircraft and the use of revenues, including those available from passenger facility charges, for noise management;

(6) revenues controlled by the United States Government can help resolve noise problems and carry with them a responsibility to the national airport system;

(7) revenues derived from a passenger facility charge may be applied to noise management and increased airport capacity; and

(8) a precondition to the establishment and collection of a passenger facility charge is the prescribing by the Secretary of Transportation of a regulation establishing procedures for reviewing airport noise and access restrictions on operations of stage 2 and stage 3 aircraft.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1287; Pub. L. 112–95, title I, §111(c)(2)(A)(vi), (B), Feb. 14, 2012, 126 Stat. 18.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47521	49 App.:2151.	Nov. 5, 1990, Pub. L. 101–508, §9302, 104 Stat. 1388–378.

Editorial Notes

AMENDMENTS

2012—Par. (5). Pub. L. 112–95, §111(c)(2)(B), substituted ''charges'' for ''fees''.

Pars. (7), (8). Pub. L. 112–95, §111(c)(2)(A)(vi), substituted ''charge'' for ''fee''.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT

Pub. L. 115–254, div. B, title I, §172, Oct. 5, 2018, 132 Stat. 3227, provided that:

''(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall initiate a pilot program to permit an operator of a stage 2 aircraft to operate that aircraft in nonrevenue service into not more than 4 medium hub airports or nonhub airports if—

''(1) the airport—

''(A) is certified under part 139 of title 14, Code of Federal Regulations;

''(B) has a runway that—

''(i) is longer than 8,000 feet and not less than 200 feet wide; and

''(ii) is load bearing with a pavement classification number of not less than 38; and

''(C) has a maintenance facility with a maintenance certificate issued under part 145 of such title; and

''(2) the operator of the stage 2 aircraft operates not more than 10 flights per month using that aircraft.

''(b) TERMINATION.—The pilot program shall terminate on the earlier of—

''(1) the date that is 10 years after the date of the enactment of this Act [Oct. 5, 2018]; or

''(2) the date on which the Administrator determines that no stage 2 aircraft remain in service.

''(c) DEFINITIONS.—In this section:

''(1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—The terms 'medium hub airport' and 'nonhub airport' have the meanings given those terms in section 40102 of title 49, United States Code.

''(2) STAGE 2 AIRCRAFT.—The term 'stage 2 aircraft' has the meaning given the term 'stage 2 airplane' in section 91.851 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act [Oct. 5, 2018]).''

§ 47522. Definitions

In this subchapter—

(1) ''air carrier'', ''air transportation'', and ''United States'' have the same meanings given those terms in section 40102(a) of this title.

(2) ''stage 3 noise levels'' means the stage 3 noise levels in part 36 of title 14, Code of Federal Regulations, in effect on November 5, 1990.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47522	49 App.:2157(h).	Nov. 5, 1990, Pub. L. 101–508, §9308(h), 104 Stat. 1388–384.

The definitions are made applicable to all of subchapter II, rather than only to those provisions based on 49 App.:2157 as in the source provisions, because the defined terms appear in several sections of subchapter II and it is assumed they are intended to have the same meaning in each of those sections.

§ 47523. National aviation noise policy

(a) GENERAL REQUIREMENTS.—Not later than July 1, 1991, the Secretary of Transportation shall establish by regulation a national aviation noise policy that considers this subchapter, including the phaseout and nonaddition of stage 2 aircraft as provided in this subchapter and dates for carrying out that policy and reporting requirements consistent with this subchapter and law existing as of November 5, 1990.

(b) DETAILED ECONOMIC ANALYSIS.—The policy shall be based on a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

(1) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;

(2) the impact of competition in the airline and air cargo industries;

(3) the impact on nonhub and small community air service; and

(4) the impact on new entry into the airline industry.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47523	49 App.:2152.	Nov. 5, 1990, Pub. L. 101–508, §9303, 104 Stat. 1388–378.

In this section, the text of 49 App.:2152(c) is omitted as executed.

In subsection (a), the words ''(hereinafter in this chapter referred to as the 'Secretary')'' are omitted because of the restatement. The words ''this subchapter'' (the first time they appear) are substituted for ''the findings, determinations, and provisions of this chapter'' to eliminate unnecessary words.

Subsection (b) is tabulated for clarity.

§ 47524. Airport noise and access restriction review program

(a) GENERAL REQUIREMENTS.—The national aviation noise policy established under section 47523 of this title shall provide for establishing by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft. The program shall provide for adequate public notice and opportunity for comment on the restrictions.

(b) STAGE 2 AIRCRAFT.—Except as provided in subsection (d) of this section, an airport noise or access restriction may include a restriction on the operation of stage 2 aircraft proposed after October 1, 1990, only if the airport operator publishes the proposed restriction and prepares and makes available for public comment at least 180 days before the effective date of the proposed restriction—

(1) an analysis of the anticipated or actual costs and benefits of the existing or proposed restriction;

(2) a description of alternative restrictions;

(3) a description of the alternative measures considered that do not involve aircraft restrictions; and

(4) a comparison of the costs and benefits of the alternative measures to the costs and benefits of the proposed restriction.

(c) STAGE 3 AIRCRAFT.—(1) Except as provided in subsection (d) of this section, an airport noise or access restriction on the operation of stage 3 aircraft not in effect on October 1, 1990, may become effective only if the restriction has been agreed to by the airport proprietor and all aircraft operators or has been submitted to and approved by the Secretary of Transportation after an airport or aircraft operator's request for approval as provided by the program established under this section. Restrictions to which this paragraph applies include—

(A) a restriction on noise levels generated on either a single event or cumulative basis;

(B) a restriction on the total number of stage 3 aircraft operations;

(C) a noise budget or noise allocation program that would include stage 3 aircraft;

(D) a restriction on hours of operations; and

(E) any other restriction on stage 3 aircraft.

(2) Not later than 180 days after the Secretary receives an airport or aircraft operator's request for approval of an airport noise or access restriction on the operation of a stage 3 aircraft, the Secretary shall approve or disapprove the restriction. The Secretary may approve the restriction only if the Secretary finds on the basis of substantial evidence that—

(A) the restriction is reasonable, nonarbitrary, and nondiscriminatory;

(B) the restriction does not create an unreasonable burden on interstate or foreign commerce;

(C) the restriction is not inconsistent with maintaining the safe and efficient use of the navigable airspace;

(D) the restriction does not conflict with a law or regulation of the United States;

(E) an adequate opportunity has been provided for public comment on the restriction; and

(F) the restriction does not create an unreasonable burden on the national aviation system.

(3) Paragraphs (1) and (2) of this subsection do not apply if the Administrator of the Federal Aviation Administration, before November 5, 1990, has formed a working group (outside the process established by part 150 of title 14, Code of Federal Regulations) with a local airport operator to examine the noise impact of air traffic control procedure changes at the airport. However, if an agreement on noise reductions at that airport is made between the airport proprietor and one or more air carriers or foreign air carriers that constitute a majority of the carrier use of the airport, this paragraph applies only to a local action to enforce the agreement.

(4) The Secretary may reevaluate an airport noise or access restriction previously agreed to or approved under this subsection on request of an aircraft operator able to demonstrate to the satisfaction of the Secretary that there has been a change in the noise environment of the affected airport that justifies a reevaluation. The Secretary shall establish by regulation procedures for conducting a reevaluation. A reevaluation—

(A) shall be based on the criteria in paragraph (2) of this subsection; and

(B) may be conducted only after 2 years after a decision under paragraph (2) of this subsection has been made.

(d) NONAPPLICATION.—Subsections (b) and (c) of this section do not apply to—

(1) a local action to enforce a negotiated or executed airport noise or access agreement between the airport operator and the aircraft operators in effect on November 5, 1990;

(2) a local action to enforce a negotiated or executed airport noise or access restriction agreed to by the airport operator and the aircraft operators before November 5, 1990;

(3) an intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990;

(4) a subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990, that does not reduce or limit aircraft operations or affect aircraft safety;

(5)(A) an airport noise or access restriction adopted by an airport operator not later than October 1, 1990, and stayed as of October 1, 1990, by a court order or as a result of litigation, if any part of the restriction is subsequently allowed by a court to take effect; or

(B) a new restriction imposed by an airport operator to replace any part of a restriction described in subclause (A) of this clause that is disallowed by a court, if the new restriction would not prohibit aircraft operations in effect on November 5, 1990; or

(6) a local action that represents the adoption of the final part of a program of a staged airport noise or access restriction if the initial part of the program was adopted during 1988 and was in effect on November 5, 1990.

(e) GRANT LIMITATIONS.—Beginning on the 91st day after the Secretary prescribes a regulation under subsection (a) of this section, a sponsor of a facility operating under an airport noise or access restriction on the operation of stage 3 aircraft that first became effective after October 1, 1990, is eligible for a grant under section 47104 of this title and is eligible to impose a passenger facility charge under section 40117 of this title only if the restriction has been—

(1) agreed to by the airport proprietor and aircraft operators;

(2) approved by the Secretary as required by subsection (c)(1) of this section; or

(3) rescinded.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1288; Pub. L. 112–95, title I, §111(c)(2)(A)(vii), Feb. 14, 2012, 126 Stat. 18.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47524(a)	49 App.:2153(a)(1).	Nov. 5, 1990, Pub. L. 101–508, §9304(a)(1)– (2)(C), (3)–(g), 104 Stat. 1388–379.
47524(b)	49 App.:2153(a)(2)(A), (c).	
47524(c)(1) ..	49 App.:2153(a)(2)(B), (b).	
47524(c)(2) ..	49 App.:2153(d).	
47524(c)(3) ..	49 App.:2153(a)(2)(D).	Nov. 5, 1990, Pub. L. 101–508, §9304(a)(2)(D), 104 Stat. 1388–380; Oct. 31, 1992, Pub. L. 102–581, §136(a), 106 Stat. 4889.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47524(c)(4) ..	49 App.:2153(f), (g).	
47524(d)	49 App.:2153(a)(2)(C).	
47524(e)	49 App.:2153(e).	

In subsection (a), the words ''shall provide for establishing'' are substituted for ''shall require the establishment . . . of'' as being more appropriate. The words ''in accordance with the provisions of this section'' are omitted as surplus.

In subsection (b), the words ''proposed after October 1, 1990'' are substituted for 49 App.:2153(a)(2)(A) to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words ''not in effect on October 1, 1990'' are substituted for 49 App.:2153(a)(2)(B) to eliminate unnecessary words. In clause (B), the words ''direct or indirect'' are omitted as surplus.

In subsection (c)(2)(A)–(D) and (F), the word ''proposed'' is omitted as surplus. In clause (D), the word ''existing'' is omitted as surplus.

In subsection (c)(4), the words ''that justifies a reevaluation'' are substituted for ''and that a review and reevaluation . . . of the previously approved or agreed to noise restriction is therefore justified'' to eliminate unnecessary words.

In subsection (d)(6), the words ''calendar year'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Subsec. (e). Pub. L. 112–95 substituted ''charge'' for ''fee'' in introductory provisions.

§ 47525. Decision about airport noise and access restrictions on certain stage 2 aircraft

The Secretary of Transportation shall conduct a study and decide on the application of section 47524(a)–(d) of this title to airport noise and access restrictions on the operation of stage 2 aircraft with a maximum weight of not more than 75,000 pounds. In making the decision, the Secretary shall consider—

(1) noise levels produced by those aircraft relative to other aircraft;

(2) the benefits to general aviation and the need for efficiency in the national air transportation system;

(3) the differences in the nature of operations at airports and the areas immediately surrounding the airports;

(4) international standards and agreements on aircraft noise; and

(5) other factors the Secretary considers necessary.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47525	49 App.:2154.	Nov. 5, 1990, Pub. L. 101–508, § 9305, 104 Stat. 1388–382.

In this section, before clause (1), the words ''conduct a study and decide on'' are substituted for ''determine by a study'' for clarity. The words ''with a maximum weight of not more than'' are substituted for ''weighing less than'' for consistency with sections 47528 and 47529 of the revised title.

§ 47526. Limitations for noncomplying airport noise and access restrictions

Unless the Secretary of Transportation is satisfied that an airport is not imposing an airport noise or access restriction not in compliance with this subchapter, the airport may not—

(1) receive money under subchapter I of chapter 471 of this title; or

(2) impose a passenger facility charge under section 40117 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1291; Pub. L. 112–95, title I, § 111(c)(2)(A)(viii), Feb. 14, 2012, 126 Stat. 18.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47526	49 App.:2156.	Nov. 5, 1990, Pub. L. 101–508, § 9307, 104 Stat. 1388–382.

In this section, before clause (1), the words ''Under no conditions'' are omitted as surplus. In clause (2), the words ''or collect'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Par. (2). Pub. L. 112–95 substituted ''charge'' for ''fee''.

§ 47527. Liability of the United States Government for noise damages

When a proposed airport noise or access restriction is disapproved under this subchapter, the United States Government shall assume liability for noise damages only to the extent that a taking has occurred as a direct result of the disapproval. The United States Court of Federal Claims has exclusive jurisdiction of a civil action under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47527	49 App.:2155.	Nov. 5, 1990, Pub. L. 101–508, § 9306, 104 Stat. 1388–382.

The words ''under this subchapter'' are added for clarity. The words ''has exclusive jurisdiction of a civil action under this section'' are substituted for ''Action for the resolution of such a case shall be brought solely in'' for clarity and consistency. The words ''Court of Federal Claims'' are substituted for ''Claims Court'' to reflect the change of name of the Court by section 902(b) of the Federal Courts Administration Act of 1992 (Public Law 102–572, 106 Stat. 4516).

§ 47528. Prohibition on operating certain aircraft not complying with stage 3 noise levels

(a) PROHIBITION.—Except as provided in subsection (b) or (f) of this section and section 47530 of this title, a person may operate after December 31, 1999, a civil subsonic turbojet (for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator) with a maximum weight of more than 75,000 pounds to or from an airport in the United States only if the Secretary of Transportation finds that the aircraft complies with the stage 3 noise levels.

(b) WAIVERS.—(1) If, not later than July 1, 1999, at least 85 percent of the aircraft used by an air carrier or foreign air carrier to provide air transportation comply with the stage 3 noise levels, the carrier may apply for a waiver of subsection (a) of this section for the remaining aircraft used by the carrier to provide air transportation. The application must be filed with the Secretary not later than January 1, 1999, or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century and must include a plan with firm orders for making all aircraft used by the carrier to provide air transportation comply with the noise levels not later than December 31, 2003.

(2) The Secretary may grant a waiver under this subsection if the Secretary finds it would be in the public interest. In making the finding, the Secretary shall consider the effect of granting the waiver on competition in the air carrier industry and on small community air service.

(3) A waiver granted under this subsection may not permit the operation of stage 2 aircraft in the United States after December 31, 2003.

(c) SCHEDULE FOR PHASED-IN COMPLIANCE.—The Secretary shall establish by regulation a schedule for phased-in compliance with subsection (a) of this section. The phase-in period shall begin on November 5, 1990, and end before December 31, 1999. The regulations shall establish interim compliance dates. The schedule for phased-in compliance shall be based on—

(1) a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

(A) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;

(B) the impact of competition in the airline and air cargo industries;

(C) the impact on nonhub and small community air service; and

(D) the impact on new entry into the airline industry; and

(2) an analysis of the impact of aircraft noise on individuals residing near airports.

(d) ANNUAL REPORT.—Beginning with calendar year 1992—

(1) each air carrier shall submit to the Secretary an annual report on the progress the carrier is making toward complying with the requirements of this section and regulations prescribed under this section; and

(2) the Secretary shall submit to Congress an annual report on the progress being made toward that compliance.

(e) HAWAIIAN OPERATIONS.—(1) In this subsection, ''turnaround service'' means a flight between places only in Hawaii.

(2)(A) An air carrier or foreign air carrier may not operate in Hawaii, or between a place in Hawaii and a place outside the 48 contiguous States, a greater number of stage 2 aircraft with a maximum weight of more than 75,000 pounds than it operated in Hawaii, or between a place in Hawaii and a place outside the 48 contiguous States, on November 5, 1990.

(B) An air carrier that provided turnaround service in Hawaii on November 5, 1990, using stage 2 aircraft with a maximum weight of more than 75,000 pounds may include in the number of aircraft authorized under subparagraph (A) of this paragraph all stage 2 aircraft with a maximum weight of more than 75,000 pounds that were owned or leased by that carrier on that date, whether or not the aircraft were operated by the carrier on that date.

(3) An air carrier may provide turnaround service in Hawaii using stage 2 aircraft with a maximum weight of more than 75,000 pounds only if the carrier provided the service on November 5, 1990.

(4) An air carrier operating stage 2 aircraft under this subsection may transport stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order—

(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

(B) conduct operations within the limitations of paragraph (2)(B).

(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

(A) sell, lease, or use the aircraft outside the contiguous 48 States;

(B) scrap the aircraft;

(C) obtain modifications to the aircraft to meet stage 3 noise levels;

(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

(2) PROCEDURE TO BE PUBLISHED.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall establish and publish a procedure to implement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1291; Pub. L. 106–113, div. B, §1000(a)(5) [title II,

§ 231(a), (b)(1)], Nov. 29, 1999, 113 Stat. 1536, 1501A–300, 1501A–301; Pub. L. 106–181, title VII, § 721(a)–(c)(1), (d), Apr. 5, 2000, 114 Stat. 164, 165.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47528(a)	49 App.:2157(a).	Nov. 5, 1990, Pub. L. 101–508, § 9308(a)–(c), (g), 104 Stat. 1388–382, 1388–383.
47528(b)	49 App.:2157(b).	
47528(c)	49 App.:2157(c).	
47528(d)	49 App.:2157(g).	
47528(e)	49 App.:2157(i).	Nov. 5, 1990, Pub. L. 101–508, 104 Stat. 1388–382, § 9308(i); added Oct. 28, 1991, Pub. L. 102–143, § 349(b), 105 Stat. 949.

In subsection (e), the words ''the State of'' are omitted as surplus. The words ''place'' and ''places'' are substituted for ''point'' and ''points'' for consistency in title the revised title.

In subsection (e)(1), the words ''the operation of'' are omitted as surplus. The words ''places only in Hawaii'' are substituted for ''two or more points, all of which are within the State of Hawaii'' to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

The date of the enactment of this subsection, referred to in subsec. (f)(2), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

AMENDMENTS

2000—Pub. L. 106–181, § 721(a), repealed Pub. L. 106–113, § 1000(a)(5) [title II, § 231]. See 1999 Amendment notes and Construction of 2000 Amendment note below.

Subsec. (a). Pub. L. 106–181, § 721(b)(1), (c)(1), substituted ''subsection (b) or (f)'' for ''subsection (b)'' and inserted ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet''.

Subsec. (b)(1). Pub. L. 106–181, § 721(d), in first sentence, inserted ''or foreign air carrier'' after ''air carrier'', and, in last sentence, inserted ''or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century'' after ''January 1, 1999,''.

Subsec. (e)(4). Pub. L. 106–181, § 721(b)(2), added par. (4).

Subsecs. (f), (g). Pub. L. 106–181, § 721(b)(3), added subsecs. (f) and (g).

1999—Pub. L. 106–113, § 1000(a)(5) [title II, § 231(a)], which directed the amendment of section 47528 by substituting ''subsection (b) or (f)'' for ''subsection (b)'' in subsec. (a), adding a par. (4) to subsec. (e), and adding subsec. (f) at the end, without specifying the Code title to be amended, was repealed by Pub. L. 106–181, § 721(a). See Construction of 2000 Amendment note below.

Subsec. (a). Pub. L. 106–113, § 1000(a)(5) [title II, § 231(b)(1)], which inserted ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet'', was repealed by Pub. L. 106–181, § 721(a). See Construction of 2000 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

REGULATIONS

Pub. L. 106–181, title VII, § 721(c)(2), Apr. 5, 2000, 114 Stat. 165, provided that: ''Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) [amending this section] on the date of the enactment of this Act [Apr. 5, 2000].''

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106–181, title VII, § 721(a), Apr. 5, 2000, 114 Stat. 164, provided that: ''Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113 [amending this section], is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.''

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d)(2) of this section relating to the requirement that the Secretary submit an annual report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 7th item on page 132 of House Document No. 103–7.

§ 47529. Nonaddition rule

(a) GENERAL LIMITATIONS.—Except as provided in subsection (b) of this section and section 47530 of this title, a person may operate a civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into the United States after November 4, 1990, only if the aircraft—

(1) complies with the stage 3 noise levels; or

(2) was purchased by the person importing the aircraft into the United States under a legally binding contract made before November 5, 1990.

(b) EXEMPTIONS.—The Secretary of Transportation may provide an exemption from subsection (a) of this section to permit a person to obtain modifications to an aircraft to meet the stage 3 noise levels.

(c) AIRCRAFT DEEMED NOT IMPORTED.—In this section, an aircraft is deemed not to have been imported into the United States if the aircraft—

(1) was owned on November 5, 1990, by—

(A) a corporation, trust, or partnership organized under the laws of the United States or a State (including the District of Columbia);

(B) an individual who is a citizen of the United States; or

(C) an entity that is owned or controlled by a corporation, trust, partnership, or individual described in subclause (A) or (B) of this clause; and

(2) enters the United States not later than 6 months after the expiration of a lease agreement (including any extension) between an owner described in clause (1) of this subsection and a foreign carrier.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1292.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47529	49 App.:2158.	Nov. 5, 1990, Pub. L. 101–508, §9309, 104 Stat. 1388–384; Oct. 31, 1992, Pub. L. 102–581, §136(b), 106 Stat. 4889.

§ 47530. Nonapplication of sections 47528(a)–(d) and 47529 to aircraft outside the 48 contiguous States

Sections 47528(a)–(d) and 47529 of this title do not apply to aircraft used only to provide air transportation outside the 48 contiguous States. A civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into a noncontiguous State or a territory or possession of the United States after November 4, 1990, may be used to provide air transportation in the 48 contiguous States only if the aircraft complies with the stage 3 noise levels.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47530	49 App.:2157(d).	Nov. 5, 1990, Pub. L. 101–508, §9308(d), 104 Stat. 1388–383; Oct. 28, 1991, Pub. L. 102–143, §349(a), 105 Stat. 949.

§ 47531. Penalties

A person violating section 47528, 47529, 47530, or 47534 of this title or a regulation prescribed under any of those sections is subject to the same civil penalties and procedures under chapter 463 of this title as a person violating section 44701(a) or (b) or any of sections 44702–44716 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1293; Pub. L. 103–429, §6(73), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 112–95, title V, §506(b)(1), Feb. 14, 2012, 126 Stat. 106.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47531	49 App.:2157(e).	Nov. 5, 1990, Pub. L. 101–508, §9308(e), 104 Stat. 1388–383.

PUB. L. 103–429

This amends 49:47531 to correct a grammatical error and erroneous cross-references.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95 struck out ''for violating sections 47528–47530'' after ''Penalties'' in section catchline and substituted ''47529, 47530, or 47534'' for ''47529, or 47530'' in text.

1994—Pub. L. 103–429 substituted ''section 47528'' for ''sections 47528'' and inserted ''any of'' before ''those'' and ''any of sections'' before ''44702–44716''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 47532. Judicial review

An action taken by the Secretary of Transportation under any of sections 47528–47531 or 47534 of this title is subject to judicial review as provided under section 46110 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1293; Pub. L. 103–429, §6(74), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 112–95, title V, §506(b)(2), Feb. 14, 2012, 126 Stat. 106.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47532	49 App.:2157(f).	Nov. 5, 1990, Pub. L. 101–508, §9308(f), 104 Stat. 1388–383.

PUB. L. 103–429

This amends 49:47532 to correct an erroneous cross-reference.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95 inserted ''or 47534'' after ''47528–47531''.

1994—Pub. L. 103–429 inserted ''any of'' before ''sections''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 47533. Relationship to other laws

Except as provided by section 47524 of this title, this subchapter does not affect—

(1) law in effect on November 5, 1990, on airport noise or access restrictions by local authorities;

(2) any proposed airport noise or access restriction at a general aviation airport if the airport proprietor has formally initiated a regulatory or legislative process before October 2, 1990; or

(3) the authority of the Secretary of Transportation to seek and obtain legal remedies the Secretary considers appropriate, including injunctive relief.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
47533	49 App.:2153(h).	Nov. 5, 1990, Pub. L. 101–508, §9304(h), 104 Stat. 1388–382.

§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2015, a person

may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

(2) To scrap the aircraft.

(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

(7) To provide transport of persons and goods in the relief of an emergency situation.

(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

(e) STATUTORY CONSTRUCTION.—

(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.

(Added Pub. L. 112–95, title V, § 506(a), Feb. 14, 2012, 126 Stat. 105.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (e)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS

Sec.
48101. Air navigation facilities and equipment.
48102. Research and development.
48103. Airport planning and development and noise compatibility planning and programs.
48104. Operations and maintenance.
48105. Weather reporting services.
48106. Airway science curriculum grants.
48107. Civil aviation security research and development.
48108. Availability and uses of amounts.
48109. Submission of budget information and legislative recommendations and comments.
48110. Facilities for advanced training of maintenance technicians for air carrier aircraft.
48111. Funding proposals.
[48112. Repealed.]
48113. Reprogramming notification requirement.
48114. Funding for aviation programs.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title I, § 115, Oct. 5, 2018, 132 Stat. 3201, struck out item 48112 ''Adjustment to AIP program funding''.

2003—Pub. L. 108–176, title I, § 104(b), Dec. 12, 2003, 117 Stat. 2497, added item 48114.

2000—Pub. L. 106–181, title I, §§ 107(b), 108(b), Apr. 5, 2000, 114 Stat. 73, 74, added items 48112 and 48113.

1996—Pub. L. 104–264, title I, §§ 102(b)(2), 103(d)(2), title II, § 275(b), Oct. 9, 1996, 110 Stat. 3216, 3217, 3247, inserted ''and equipment'' after ''facilities'' in item 48101, substituted ''Operations and maintenance'' for ''Certain direct costs and joint air navigation services'' in item 48104, and added item 48111.

§ 48101. Air navigation facilities and equipment

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Not more than a total of the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to acquire, establish, and improve air navigation facilities under section 44502(a)(1)(A) of this title:

(1) $3,330,000,000 for fiscal year 2018.

(2) $3,398,000,000 for fiscal year 2019.

(3) $3,469,000,000 for fiscal year 2020.

(4) $3,547,000,000 for fiscal year 2021.

(5) $3,624,000,000 for fiscal year 2022.

(6) $3,701,000,000 for fiscal year 2023.

(7) $1,287,431,694 for the period beginning on October 1, 2023, and ending on March 8, 2024.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

(c) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under subsection (a), such sums as may be necessary may be used for the following:

(1) The implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.

(2) The acquisition and construction of remote towers (as defined in section 161 of the FAA Reauthorization Act of 2018).

(3) The remediation and elimination of identified cybersecurity vulnerabilities in the air traffic control system.

(4) The construction of facilities dedicated to improving the cybersecurity of the National Airspace System.

(5) Systems associated with the Data Communications program.

(6) The infrastructure, sustainment, and the elimination of the deferred maintenance backlog of air navigation facilities and other facilities for which the Federal Aviation Administration is responsible.

(7) The modernization and digitization of the Civil Aviation Registry.

(8) The construction of necessary Priority 1 National Airspace System facilities.

(9) Cost-beneficial construction, rehabilitation, or retrofitting programs designed to reduce Federal Aviation Administration facility operating costs.

(d) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1294; Pub. L. 103–305, title I, §102(a), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 104–264, title I, §102(a), (b)(1), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 106–6, §3, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–181, title I, §102, Apr. 5, 2000, 114 Stat. 65; Pub. L. 108–176, title I, §102, Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110–330, §7, Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111–12, §7, Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §7, Oct. 1, 2009, 123 Stat. 2056; Pub. L. 111–116, §7, Dec. 16, 2009, 123 Stat. 3033; Pub. L. 111–153, §7, Mar. 31, 2010, 124 Stat. 1086; Pub. L. 111–161, §7, Apr. 30, 2010, 124 Stat. 1128; Pub. L. 111–197, §7, July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §106, Aug. 1, 2010, 124 Stat. 2350; Pub. L. 112–30, title II, §207, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112–91, §7, Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §102, Feb. 14, 2012, 126 Stat. 16; Pub. L. 114–55, title I, §104, Sept. 30, 2015, 129 Stat. 524; Pub. L. 114–141, title I, §104, Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title I, §1104, July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, §105, Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, §105, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115–254, div. B, title I, §112, Oct. 5, 2018, 132 Stat. 3200; Pub. L. 118–15, div. B, title II, §2204, Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, §104, Dec. 26, 2023, 137 Stat. 1114.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48101(a)	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
	49 App.:2205(a)(1) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, §506(a)(1), 96 Stat. 677; restated Dec. 30, 1987, Pub. L. 100–223, §105(a)(2), 101 Stat. 1490; Nov. 5, 1990, Pub. L. 101–508, §9105(b), 104 Stat. 1388–355; Oct. 31, 1992, Pub. L. 102–581, §103(a), 106 Stat. 4877.
48101(b)	49 App.:2202(a)(24).	
	49 App.:2205(a)(2) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, §506(a)(2), 96 Stat. 677; Dec. 30, 1987, Pub. L. 100–223, §105(a)(2), 101 Stat. 1490; restated Oct. 31, 1992, Pub. L. 102–581, §103(b), 106 Stat. 4877.
48101(c)	49 App.:2205(a)(1) (last sentence), (2) (last sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

In subsection (a), the words ''to the Secretary of Transportation'' are added for clarity and consistency in this chapter. The words ''for fiscal years beginning after September 30, 1990'' and ''$2,500,000,000 for fiscal year 1991'' are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 161 of the FAA Reauthorization Act of 2018, referred to in subsec. (c)(2), is section 161 of Pub. L. 115–254, which is set out as a note under section 47104 of this title.

AMENDMENTS

2023—Subsec. (a)(7). Pub. L. 118–34 added par. (7) and struck out former par. (7) which read as follows: ''$740,273,224 for the period beginning on October 1, 2023, and ending on December 31, 2023.''

Pub. L. 118–15 added par. (7).

2018—Subsec. (a)(1) to (4). Pub. L. 115–254, §112(a), added pars. (1) to (4) and struck out former pars. (1) to (4) which read as follows:

''(1) $2,731,000,000 for fiscal year 2012.

''(2) $2,715,000,000 for fiscal year 2013.

''(3) $2,730,000,000 for fiscal year 2014.

''(4) $2,730,000,000 for fiscal year 2015.''

Subsec. (a)(5). Pub. L. 115–254, §112(a), added par. (5) and struck out former par. (5) which read as follows: ''$2,855,000,000 for each of fiscal years 2016 through 2018.''

Pub. L. 115–141, §105(1), substituted ''2016 through 2018'' for ''2016 and 2017''.

Subsec. (a)(6). Pub. L. 115–254, §112(a), added par. (6).

Pub. L. 115–141, §105(2), struck out par. (6) which read as follows: ''$1,423,589,041 for the period beginning on October 1, 2017, and ending on March 31, 2018.''

Subsec. (c). Pub. L. 115–254, §112(b)(2), substituted ''may be used for the following:'' and pars. (1) to (9) for ''may be necessary may be used for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''

Pub. L. 115–254, §112(b)(1), substituted ''Authorized Expenditures'' for ''Automated Surface Observation System/Automated Weather Observing System Upgrade'' in heading.

2017—Subsec. (a)(6). Pub. L. 115–63 added par. (6).

2016—Subsec. (a)(5). Pub. L. 114–190 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''$2,058,333,333 for the period beginning on October 1, 2015, and ending on July 15, 2016.''

Pub. L. 114–141 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''$1,300,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.''

2015—Subsec. (a)(5). Pub. L. 114–55 added par. (5).

2012—Subsec. (a). Pub. L. 112–95, §102(a), added pars. (1) to (4) and struck out former pars. (1) to (8) which authorized appropriations for fiscal years 2004 through 2011, and for the period beginning Oct. 1, 2011, and ending Feb. 17, 2012.

Subsec. (a)(8). Pub. L. 112–91 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''$917,704,544 for the period beginning on October 1, 2011, and ending on January 31, 2012.''

Subsecs. (c) to (i). Pub. L. 112–95, §102(b), redesignated subsecs. (f) and (g) as (c) and (d), respectively, and struck out former subsecs. (c), (d), (e), (h), and (i), which related, respectively, to enhanced safety and security for aircraft operations in the Gulf of Mexico, operational benefits of wake vortex advisory system, ground-based precision navigational aids, standby power efficiency program, and pilot program to provide incentives for development of new technologies.

2011—Subsec. (a)(7), (8). Pub. L. 112–30 added pars. (7) and (8).

2010—Subsec. (a)(6). Pub. L. 111–216 amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$2,453,539,493 for the period beginning on October 1, 2009, and ending on August 1, 2010.''

Pub. L. 111–197 amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.''

Pub. L. 111–161 amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$1,712,785,083 for the 7-month period beginning on October 1, 2009.''

Pub. L. 111–153 amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$1,466,888,500 for the 6-month period beginning on October 1, 2009.''

2009—Subsec. (a)(5). Pub. L. 111–12 substituted ''$2,742,095,000 for fiscal year 2009'' for ''$1,360,188,750 for the 6-month period beginning on October 1, 2008''.

Subsec. (a)(6). Pub. L. 111–116 amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$733,444,250 for the 3-month period beginning on October 1, 2009.''

Pub. L. 111–69 added par. (6).

2008—Subsec. (a)(5). Pub. L. 110–330 added par. (5).

2003—Subsec. (a)(1) to (5). Pub. L. 108–176, §102(1), added pars. (1) to (4) and struck out formers par. (1) to (5) which read as follows:

''(1) $2,131,000,000 for fiscal year 1999.

''(2) $2,689,000,000 for fiscal year 2000.

''(3) $2,656,765,000 for fiscal year 2001.

''(4) $2,914,000,000 for fiscal year 2002.

''(5) $2,981,022,000 for fiscal year 2003.''

Subsecs. (b) to (e). Pub. L. 108–176, §102(2), (3), added subsecs. (c) to (e), redesignated former subsec. (c) as (b), and struck out former subsecs. (b), (d) and (e), which related, respectively, to major airway capital investment plan changes, universal access systems, and the Alaska National Air Space Interfacility Communications System.

Subsec. (f). Pub. L. 108–176, §102(4), struck out ''for fiscal years beginning after September 30, 2000'' after ''appropriated under subsection (a)'' and inserted ''may be used'' after ''may be necessary''.

Subsecs. (h), (i). Pub. L. 108–176, §102(5), added subsecs. (h) and (i).

2000—Subsec. (a). Pub. L. 106–181, §102(a), added pars. (1) to (5) and struck out former pars. (1) to (3) which read as follows:

''(1) $2,068,000,000 for fiscal year 1997.

''(2) $2,129,000,000 for fiscal year 1998.

''(3) $2,131,000,000 for fiscal year 1999.''

Subsec. (d). Pub. L. 106–181, §102(b), added subsec. (d).

Subsec. (e). Pub. L. 106–181, §102(c), added subsec. (e).

Subsec. (f). Pub. L. 106–181, §102(d), added subsec. (f).

Subsec. (g). Pub. L. 106–181, §102(e), added subsec. (g).

1999—Subsec. (a)(3). Pub. L. 106–6 added par. (3).

1996—Pub. L. 104–264, §102(b)(1), inserted ''and equipment'' after ''facilities'' in section catchline.

Subsec. (a). Pub. L. 104–264, §102(a), added pars. (1) and (2) and struck out former pars. (1) to (4) which read as follows:

''(1) For the fiscal years ending September 30, 1991–1993, $8,200,000,000.

''(2) For the fiscal years ending September 30, 1991–1994, $10,724,000,000.

''(3) For the fiscal years ending September 30, 1991–1995, $13,394,000,000.

''(4) For the fiscal years ending September 30, 1991–1996, $16,129,000,000.''

1994—Subsec. (a)(1). Pub. L. 103–305, §102(a)(1), substituted ''For'' for ''for''.

Subsec. (a)(2). Pub. L. 103–305, §102(a)(2), substituted ''For'' for ''for'' and ''$10,724,000,000'' for ''$11,100,000,000''.

Subsec. (a)(3). Pub. L. 103–305, §102(a)(3), substituted ''For'' for ''for'' and ''$13,394,000,000'' for ''$14,000,000,000''.

Subsec. (a)(4). Pub. L. 103–305, §102(a)(4), added par. (4).

Statutory Notes and Related Subsidiaries

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 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

FACILITIES AND EQUIPMENT REPORTS

Pub. L. 108–176, title I, §184, Dec. 12, 2003, 117 Stat. 2517, directed the Administrator of the Federal Aviation Administration to report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months on the 10 largest programs funded under this section until Dec. 12, 2007.

FUNDING FOR AVIATION PROGRAMS

Pub. L. 106–181, title I, §106(a)–(c), Apr. 5, 2000, 114 Stat. 72, 73, which related to budget resources made available from the Airport and Airway Trust Fund through fiscal year 2003, was repealed by Pub. L. 108–176, title I, §104(c), Dec. 12, 2003, 117 Stat. 2497.

§ 48102. Research and development

(a) AUTHORIZATION OF APPROPRIATIONS.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511–44513 of this title:

(1) for fiscal year 2004, $346,317,000, including—

(A) $65,000,000 for Improving Aviation Safety;

(B) $24,000,000 for Weather Safety Research;

(C) $27,500,000 for Human Factors and Aeromedical Research;

(D) $30,000,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

(E) $7,000,000 for Research Mission Support;

(F) $10,000,000 for the Airport Cooperative Research Program;

(G) $1,500,000 for carrying out subsection (h) of this section;

(H) $42,800,000 for Advanced Technology Development and Prototyping;
(I) $30,300,000 for Safe Flight 21;
(J) $90,800,000 for the Center for Advanced Aviation System Development;
(K) $9,667,000 for Airports Technology-Safety; and
(L) $7,750,000 for Airports Technology-Efficiency;

(2) for fiscal year 2005, $356,192,000, including—
(A) $65,705,000 for Improving Aviation Safety;
(B) $24,260,000 for Weather Safety Research;
(C) $27,800,000 for Human Factors and Aeromedical Research;
(D) $30,109,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;
(E) $7,076,000 for Research Mission Support;
(F) $10,000,000 for the Airport Cooperative Research Program;
(G) $1,650,000 for carrying out subsection (h) of this section;
(H) $43,300,000 for Advanced Technology Development and Prototyping;
(I) $31,100,000 for Safe Flight 21;
(J) $95,400,000 for the Center for Advanced Aviation System Development;
(K) $2,200,000 for Free Flight Phase 2;
(L) $9,764,000 for Airports Technology-Safety; and
(M) $7,828,000 for Airports Technology-Efficiency;

(3) for fiscal year 2006, $352,157,000, including—
(A) $66,447,000 for Improving Aviation Safety;
(B) $24,534,000 for Weather Safety Research;
(C) $28,114,000 for Human Factors and Aeromedical Research;
(D) $30,223,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;
(E) $7,156,000 for Research Mission Support;
(F) $10,000,000 for the Airport Cooperation Research Program;
(G) $1,815,000 for carrying out subsection (h) of this section;
(H) $42,200,000 for Advanced Technology Development and Prototyping;
(I) $23,900,000 for Safe Flight 21;
(J) $100,000,000 for the Center for Advanced Aviation System Development;
(K) $9,862,000 for Airports Technology-Safety; and
(L) $7,906,000 for Airports Technology-Efficiency;

(4) for fiscal year 2007, $356,261,000, including—
(A) $67,244,000 for Improving Aviation Safety;
(B) $24,828,000 for Weather Safety Research;
(C) $28,451,000 for Human Factors and Aeromedical Research;
(D) $30,586,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;
(E) $7,242,000 for Research Mission Support;
(F) $10,000,000 for the Airport Cooperation Research Program;
(G) $1,837,000 for carrying out subsection (h) of this section;
(H) $42,706,000 for Advanced Technology Development and Prototyping;
(I) $24,187,000 for Safe Flight 21;
(J) $101,200,000 for the Center for Advanced Aviation System Development;
(K) $9,980,000 for Airports Technology-Safety; and
(L) $8,000,000 for Airports Technology-Efficiency;

(5) $171,000,000 for fiscal year 2009;
(6) $190,500,000 for fiscal year 2010;
(7) $170,000,000 for fiscal year 2011;
(8) $168,000,000 for each of fiscal years 2012 through 2015;
(9) $166,000,000 for each of fiscal years 2016 and 2017;
(10) $189,000,000 for fiscal year 2018;
(11) $194,000,000 for fiscal year 2019;
(12) $199,000,000 for fiscal year 2020;
(13) $204,000,000 for fiscal year 2021;
(14) $209,000,000 for fiscal year 2022;
(15) $214,000,000 for fiscal year 2023; and
(16) $111,475,410 for the period beginning on October 1, 2023, and ending on March 8, 2024.

(b) RESEARCH PRIORITIES.—(1) The Administrator shall prioritize safety in considering the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

(2) As safety related activities shall be the highest research priority, at least 70 percent of the amount appropriated under subsection (a) of this section shall be for safety research and development projects.

(3) At least 15 percent of the amount appropriated under subsection (a) of this section shall be for long-term research projects.

(c) TRANSFERS BETWEEN CATEGORIES.—(1) Not more than 10 percent of the net amount authorized for a category of projects and activities in a fiscal year under subsection (a) of this section may be transferred to or from that category in that fiscal year.

(2) The Secretary may transfer more than 10 percent of an authorized amount to or from a category only after—
(A) submitting a written explanation of the proposed transfer to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and
(B) 30 days have passed after the explanation is submitted or each Committee notifies the Secretary in writing that it does not object to the proposed transfer.

(d) AIRPORT CAPACITY RESEARCH AND DEVELOPMENT.—(1) Of the amounts made available under subsection (a) of this section, at least $25,000,000 may be appropriated each fiscal year for research and development under section 44505(a) and (c) of this title on preserving and enhancing airport capacity, including research and development on improvements to airport design standards, maintenance, safety, operations, and environmental concerns.

(2) The Administrator shall submit to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on expenditures made under paragraph (1) of this subsection for each fiscal year. The report shall be submitted not later than 60 days after the end of the fiscal year.

(e) AIR TRAFFIC CONTROLLER PERFORMANCE RESEARCH.—Necessary amounts may be appropriated to the Secretary out of amounts in the Fund available for research and development to conduct research under section 44506(a) and (b) of this title.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a) of this section remain available until expended.

(g) ANNUAL SUBMISSION OF THE NATIONAL AVIATION RESEARCH PLAN.—The Administrator shall submit the national aviation research plan to Congress no later than the date of submission of the President's budget request to Congress for that fiscal year, as required under section 44501(c).

(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities and Hispanic Serving Institutions, in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

(A) research projects to be carried out at primarily undergraduate institutions and technical colleges;

(B) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

(C) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

(D) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.

(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1998, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

(B) the scientific and technical merit of the proposed research; and

(C) the potential for participation by undergraduate students in the proposed research.

(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1294; Pub. L. 103–305, title III, § 302, Aug. 23, 1994, 108 Stat. 1589; Pub. L. 104–264, title XI, §§ 1102, 1103, Oct. 9, 1996, 110 Stat. 3278; Pub. L. 104–287, § 5(9), (74), Oct. 11, 1996, 110 Stat. 3389, 3396; Pub. L. 105–155, §§ 2, 3, Feb. 11, 1998, 112 Stat. 5; Pub. L. 106–181, title IX, § 901, Apr. 5, 2000, 114 Stat. 194; Pub. L. 108–176, title VII, §§ 701, 707, Dec. 12, 2003, 117 Stat. 2574, 2582; Pub. L. 110–330, § 8, Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111–12, § 8, Mar. 30, 2009, 123 Stat. 1459; Pub. L. 111–69, § 8, Oct. 1, 2009, 123 Stat. 2056; Pub. L. 111–116, § 8, Dec. 16, 2009, 123 Stat. 3033; Pub. L. 111–153, § 8, Mar. 31, 2010, 124 Stat. 1086; Pub. L. 111–161, § 8, Apr. 30, 2010, 124 Stat. 1128; Pub. L. 111–197, § 8, July 2, 2010, 124 Stat. 1355; Pub. L. 111–216, title I, § 107, Aug. 1, 2010, 124 Stat. 2350; Pub. L. 112–30, title II, § 208, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112–91, § 8, Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title IX, § 901(a), (b), Feb. 14, 2012, 126 Stat. 137; Pub. L. 114–55, title I, § 105, Sept. 30, 2015, 129 Stat. 524; Pub. L. 114–141, title I, § 105, Mar. 30, 2016, 130 Stat. 324; Pub. L. 114–190, title I, § 1105, July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, § 106, Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–141, div. M, title I, § 106, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115–254, div. B, title VII, § 703, Oct. 5, 2018, 132 Stat. 3409; Pub. L. 118–15, div. B, title II, § 2205, Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, § 105, Dec. 26, 2023, 137 Stat. 1115.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48102(a)	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, § 503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, § 103(c)(1), 101 Stat. 1488.
	49 App.:2205(b)(2) (1st sentence).	Sept. 3, 1982, Pub. L. 97–248, § 506(b)(2), 96 Stat. 678; restated Dec. 30, 1987, Pub. L. 100–223, § 105(b)(1), 101 Stat. 1490; Nov. 3, 1988, Pub. L. 100–591, § 7, 102 Stat. 3014; Nov. 5, 1990, Pub. L. 101–508, § 9202, 104 Stat. 1388–372; Oct. 31, 1992, Pub. L. 102–581, § 302, 106 Stat. 4895.
48102(b)	49 App.:2205(b)(2) (last sentence).	
48102(c)	49 App.:2205(b)(3).	Sept. 3, 1982, Pub. L. 97–248, § 506(b)(3), (5), 96 Stat. 678; restated Dec. 30, 1987, Pub. L. 100–223, § 105(b)(1), 101 Stat. 1491.
48102(d)	49 App.:2205(b)(4).	Sept. 30, 1982, Pub. L. 97–248, § 506(b)(4), 96 Stat. 678; restated Dec. 30, 1987, Pub. L. 100–223, § 105(b)(1), 101 Stat. 1491; Nov. 5, 1990, Pub. L. 101–508, § 9203, 104 Stat. 1388–373.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48102(e)	49 App.:1353 (note).	Nov. 3, 1988, Pub. L. 100–591, §8(d), 102 Stat. 3016; Nov. 17, 1988, Pub. L. 100–685, §604, 102 Stat. 4103.
48102(f)	49 App.:2205(b)(5).	

In subsections (a) and (b), as to applicability of section 305(b) of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Pub. L. 102–581, 106 Stat. 4896), see section 6(b) of the bill.

In subsection (a)(1), the word ''solely'' is omitted as surplus. Before clause (1), the words ''to the Secretary of Transportation'' are added for clarity and consistency in this chapter.

In subsection (d)(1), the words ''Notwithstanding any other provision of this subsection'' and ''in each of fiscal years 1988, 1989, 1990, 1991, and 1992'' are omitted as surplus.

In subsection (d)(2), the reference to fiscal years 1988–1992 and the words ''by the Administrator for research and development'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1998, referred to in subsec. (h)(2), is the date of enactment of Pub. L. 105–155, which was approved Feb. 11, 1998.

AMENDMENTS

2023—Subsec. (a)(16). Pub. L. 118–34 added par. (16) and struck out former par. (16) which read as follows: ''$64,098,360 for the period beginning on October 1, 2023, and ending on December 31, 2023.''

Pub. L. 118–15 added par. (16).

2018—Subsec. (a). Pub. L. 115–254, §703(a)(1), struck out ''and, for each of fiscal years 2012 through 2015, under subsection (g)'' after ''this title'' in introductory provisions.

Subsec. (a)(10). Pub. L. 115–254, §703(a)(2), (3), added par. (10) and struck out former par. (10) which read as follows: ''$176,500,000 for fiscal year 2018.''

Pub. L. 115–141 amended par. (10) generally. Prior to amendment, par. (10) read as follows: ''$88,008,219 for the period beginning on October 1, 2017 and ending on March 31, 2018.''

Subsec. (a)(11) to (15). Pub. L. 115–254, §703(a)(2), (3), added pars. (11) to (15).

Subsec. (b)(1). Pub. L. 115–254, §703(b)(1), substituted ''prioritize safety in considering'' for ''consider''.

Subsec. (b)(2), (3). Pub. L. 115–254, §703(b)(2)–(4), added par. (2), redesignated former par. (2) as (3), and struck out former par. (3) which read as follows: ''At least 3 percent of the amount appropriated under subsection (a) of this section shall be available to the Administrator of the Federal Aviation Administration to make grants under section 44511 of this title.''

Subsec. (g). Pub. L. 115–254, §703(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) authorized certain programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c).

2017—Subsec. (a)(10). Pub. L. 115–63 added par. (10).

2016—Subsec. (a)(9). Pub. L. 114–190 amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''$124,093,750 for the period beginning on October 1, 2015, and ending on July 15, 2016.''

Pub. L. 114–141 amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''$78,375,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.''

2015—Subsec. (a)(9). Pub. L. 114–55 added par. (9).

2012—Subsec. (a). Pub. L. 112–95, §901(a)(1), substituted ''of this title and, for each of fiscal years 2012 through 2015, under subsection (g)'' for ''of this title'' in introductory provisions.

Subsec. (a)(1) to (15). Pub. L. 112–95, §901(a)(2)–(5), redesignated pars. (9) to (15) as (1) to (7), respectively, inserted ''and'' at end of par. (3)(K), struck out ''and'' at end of par. (3)(L), added par. (8), and struck out former pars. (1) to (8) which related to appropriations for fiscal years 1995 to 2002.

Subsec. (a)(16). Pub. L. 112–95, §901(a)(5), struck out par. (16) which read as follows: ''$64,092,459 for the period beginning on October 1, 2011, and ending on February 17, 2012.''

Pub. L. 112–91 amended par. (16) generally. Prior to amendment, par. (16) read as follows: ''$57,016,885 for the period beginning on October 1, 2011, and ending on January 31, 2012.''

Subsec. (g). Pub. L. 112–95, §901(b), added subsec. (g).

2011—Subsec. (a)(15), (16). Pub. L. 112–30 added pars. (15) and (16).

2010—Subsec. (a)(14). Pub. L. 111–216 amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''$159,184,932 for the period beginning on October 1, 2009, and ending on August 1, 2010.''

Pub. L. 111–197 amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''$144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.''

Pub. L. 111–161 amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''$111,125,000 for the 7-month period beginning on October 1, 2009.''

Pub. L. 111–153 amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''$92,500,000 for the 6-month period beginning on October 1, 2009.''

2009—Subsec. (a)(13). Pub. L. 111–12 substituted ''$171,000,000 for fiscal year 2009'' for ''$85,507,500 for the 6-month period beginning on October 1, 2008''.

Subsec. (a)(14). Pub. L. 111–116 amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''$46,250,000 for the 3-month period beginning on October 1, 2009.''

Pub. L. 111–69 added par. (14).

2008—Subsec. (a)(11) to (13). Pub. L. 110–330 struck out ''and'' at end of subpar. (K) of par. (11), substituted ''; and'' for period at end of subpar. (L) of par. (12), and added par. (13).

2003—Subsec. (a). Pub. L. 108–176, §701(1), substituted ''for conducting civil aviation research and development under sections 44504'' for ''to carry out sections 44504'' in introductory provisions.

Subsec. (a)(9) to (12). Pub. L. 108–176, §701(2)–(4), added pars. (9) to (12).

Subsec. (h)(1)(D). Pub. L. 108–176, §707, added subpar. (D).

2000—Subsec. (a)(6) to (8). Pub. L. 106–181 added pars. (6) to (8).

1998—Subsec. (a)(4). Pub. L. 105–155, §2, added par. (4).

Subsec. (a)(4)(J). Pub. L. 105–155, §3(b), inserted '', of which $750,000 shall be for carrying out the grant program established under subsection (h)'' after ''projects and activities''.

Subsec. (a)(5). Pub. L. 105–155, §2, added par. (5).

Subsec. (h). Pub. L. 105–155, §3(a), added subsec. (h).

1996—Subsec. (a)(3). Pub. L. 104–264, §1102, added par. (3).

Subsec. (b). Pub. L. 104–264, §1103, substituted ''RESEARCH PRIORITIES'' for ''AVAILABILITY FOR RESEARCH'' in heading, added par. (1), and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (c)(2)(A). Pub. L. 104–287, §5(74), substituted ''Committees on Science'' for ''Committees on Science, Space, and Technology''.

Subsec. (d)(2). Pub. L. 104–287, §5(74), substituted ''Committees on Science'' for ''Committees on Science, Space, and Technology''.

Pub. L. 104–287, §5(9), substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

1994—Subsec. (a)(1), (2). Pub. L. 103–305 inserted pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) for the fiscal year ending September 30, 1993—

''(A) $14,700,000 only for management and analysis projects and activities.

''(B) $87,000,000 only for capacity and air traffic management technology projects and activities.

''(C) $28,000,000 only for communications, navigation, and surveillance projects and activities.

''(D) $7,700,000 only for weather projects and activities.

''(E) $6,800,000 only for airport technology projects and activities.

''(F) $44,000,000 only for aircraft safety technology projects and activities.

''(G) $41,100,000 only for system security technology projects and activities.

''(H) $31,000,000 only for human factors and aviation medicine projects and activities.

''(I) $4,500,000 for environment and energy projects and activities.

''(J) $5,200,000 for innovative and cooperative research projects and activities.

''(2) for the fiscal year ending September 30, 1994, $297,000,000.''

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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 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.

NOTICES

Pub. L. 105–155, §4, Feb. 11, 1998, 112 Stat. 6, provided that:

''(a) REPROGRAMMING.—If any funds authorized by the amendments made by this Act [amending this section] are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science [now Science, Space, and Technology] and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science [now Science, Space, and Technology], Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization (as determined by the Administrator) of any program of the Federal Aviation Administration for which funds are authorized by this Act.''

§ 48103. Airport planning and development and noise compatibility planning and programs

(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

(1) $3,350,000,000 for fiscal year 2018;

(2) $3,350,000,000 for fiscal year 2019;

(3) $3,350,000,000 for fiscal year 2020;

(4) $3,350,000,000 for fiscal year 2021;

(5) $3,350,000,000 for fiscal year 2022;

(6) $3,350,000,000 for fiscal year 2023; and

(7) $1,464,480,874 for the period beginning October 1, 2023, and ending on March 8, 2024.

(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1296; Pub. L. 103–305, title I, §101(a), Aug. 23, 1994, 108 Stat. 1570; Pub. L. 104–264, title I, §101(a), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 105–277, div. C, title I, §110(b)(1), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 106–6, §2(a), Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, §6002(a), May 21, 1999, 113 Stat. 113; Pub. L. 106–59, §1(a), Sept. 29, 1999, 113 Stat. 482; Pub. L. 106–181, title I, §101(a), Apr. 5, 2000, 114 Stat. 65; Pub. L. 108–176, title I, §101(a), Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110–190, §4(a)(1), Feb. 28, 2008, 122 Stat. 643; Pub. L. 110–253, §4(a), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, §4(a)(1), Sept. 30, 2008, 122 Stat. 3717; Pub. L. 111–12, §4(a), Mar. 30, 2009, 123 Stat. 1457; Pub. L. 111–69, §4(a)(1), Oct. 1, 2009, 123 Stat. 2054; Pub. L. 111–116, §4(a)(1), Dec. 16, 2009, 123 Stat. 3031; Pub. L. 111–153, §4(a)(1), Mar. 31, 2010, 124 Stat. 1084; Pub. L. 111–161, §4(a)(1), Apr. 30, 2010, 124 Stat. 1126; Pub. L. 111–197, §4(a)(1), July 2, 2010, 124 Stat. 1353; Pub. L. 111–249, §4(a)(1), Sept. 30, 2010, 124 Stat. 2627; Pub. L. 111–329, §4(a)(1), Dec. 22, 2010, 124 Stat. 3566; Pub. L. 112–7, §4(a)(1), Mar. 31, 2011, 125 Stat. 31; Pub. L. 112–16, §4(a)(1), May 31, 2011, 125 Stat. 218; Pub. L. 112–21, §4(a)(1), June 29, 2011, 125 Stat. 233; Pub. L. 112–27, §4(a)(1), Aug. 5, 2011, 125 Stat. 270; Pub. L. 112–30, title II, §204(a)(1), Sept. 16, 2011, 125 Stat. 357; Pub. L. 112–91, §4(a)(1), Jan. 31, 2012, 126 Stat. 3; Pub. L. 112–95, title I, §101(a), Feb. 14, 2012, 126 Stat. 15; Pub. L. 114–55, title I, §101(a)(1), Sept. 30, 2015, 129 Stat. 522; Pub. L. 114–141, title I, §101(a)(1), Mar. 30, 2016, 130 Stat. 322; Pub. L. 114–190, title I, §1101(a), July 15, 2016, 130 Stat. 617; Pub. L. 115–63, title I, §101(a)(1), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115–141, div. M, title I, §101(a), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115–254, div. B, title I, §111(a), Oct. 5, 2018, 132 Stat. 3199; Pub. L. 118–15, div. B, title II, §2201(a), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118–34, title I, §101(a), Dec. 26, 2023, 137 Stat. 1112.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48103	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
	49 App.:2204(a) (2d sentence).	Sept. 3, 1982, Pub. L. 97–248, §505(a) (2d sentence), 96 Stat. 676; Jan. 6, 1983, Pub. L. 97–424, §426(b)(1)–(5), 96 Stat. 2167; restated Dec. 30, 1987, Pub. L. 100–223, §105(e), 101 Stat. 1493; Nov. 5, 1990, Pub. L. 101–508, §9104(1), 104 Stat. 1388–355; Oct. 31, 1992, Pub. L. 102–581, §102(a), 106 Stat. 4876.

In this section, references to the aggregate amounts for fiscal years ending before October 1, 1987–1992, are omitted as obsolete. The words ''of which $475,000,000 shall be credited to the supplementary discretionary fund established by section 2206(a)(3)(B)'' are omitted as executed. In restating section 505(a) (2d sentence) of the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 676), the cross-reference to the discretionary fund was retained but is incorrect because of the restatement of section 507 of the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 679) by section 426(a) of the Highway Improvement Act of 1982 (Public Law 97–424, 96 Stat. 2167). See section 47115 of the revised title.

Editorial Notes

REFERENCES IN TEXT

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 9502 of Title 26, Internal Revenue Code.

AMENDMENTS

2023—Subsec. (a)(7). Pub. L. 118–34 added par. (7) and struck out former par. (7) which read as follows: ''$842,076,502 for the period beginning on October 1, 2023, and ending on December 31, 2023.''

Pub. L. 118–15 added par. (7).

2018—Subsec. (a). Pub. L. 115–254 substituted ''section 47504(c)—'' and pars. (1) to (6) for ''section 47504(c) $3,350,000,000 for each of fiscal years 2012 through 2018.''

Pub. L. 115–141 substituted ''2012 through 2018.'' for ''2012 through 2017 and $1,670,410,959 for the period beginning on October 1, 2017, and ending on March 31, 2018.''

2017—Subsec. (a). Pub. L. 115–63 inserted before period at end ''and $1,670,410,959 for the period beginning on October 1, 2017, and ending on March 31, 2018''.

2016—Subsec. (a). Pub. L. 114–190 substituted ''fiscal years 2012 through 2017.'' for ''fiscal years 2012 through 2015 and $2,652,083,333 for the period beginning on October 1, 2015, and ending on July 15, 2016..''

Pub. L. 114–141 substituted ''$2,652,083,333 for the period beginning on October 1, 2015, and ending on July 15, 2016.'' for ''$1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016''.

2015—Subsec. (a). Pub. L. 114–55 inserted ''and $1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016'' before period at end.

2012—Pub. L. 112–95 amended section generally. Prior to amendment, section listed amounts available out of the Airport and Airway Trust Fund for fiscal years 2004 through 2011 and for the period beginning on Oct. 1, 2011, and ending on Feb. 17, 2012.

Par. (9). Pub. L. 112–91 amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''$1,181,270,492 for the period beginning on October 1, 2011, and ending on January 31, 2012.''

2011—Par. (8). Pub. L. 112–30 added par. (8) and struck out former par. (8) which read as follows: ''$3,380,178,082 for the period beginning on October 1, 2010, and ending on September 16, 2011.''

Pub. L. 112–27 added par. (8) and struck out former par. (8) which read as follows: ''$2,840,890,411 for the period beginning on October 1, 2010, and ending on July 22, 2011.''

Pub. L. 112–21 added par. (8) and struck out former par. (8) which read as follows: ''$2,636,250,000 for the 9-month period beginning on October 1, 2010.''

Pub. L. 112–16 added par. (8) and struck out former par. (8) which read as follows: ''$2,466,666,667 for the 8-month period beginning on October 1, 2010.''

Par. (8). Pub. L. 112–7 added par. (8) and struck out two former pars. (8) which read as follows:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.

''(8) $1,850,000,000 for the 6-month period beginning on October 1, 2010.''

Par. (9). Pub. L. 112–30, §204(a)(1)(B), added par. (9).

2010—Par. (6). Pub. L. 111–329, §4(a)(1)(A), which directed striking out ''and'' at the end, could not be executed because the word ''and'' did not appear subsequent to amendment by Pub. L. 111–249.

Pub. L. 111–249, §4(a)(1)(A), struck out ''and'' at the end.

Par. (7). Pub. L. 111–329, §4(a)(1)(B), which directed substitution of ''; and'' for the period at the end, could not be executed because no period appeared subsequent to amendment by Pub. L. 111–249.

Pub. L. 111–249, §4(a)(1)(B), substituted ''; and'' for the period at the end.

Pub. L. 111–197 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010.''

Pub. L. 111–161 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$2,333,333,333 for the 7-month period beginning on October 1, 2009.''

Pub. L. 111–153 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$2,000,000,000 for the 6-month period beginning on October 1, 2009.''

Par. (8). Pub. L. 111–329, §4(a)(1)(C), added par. (8) relating to the 6-month period beginning on October 1, 2010.

Pub. L. 111–249, §4(a)(1)(C), added par. (8) relating to the 3-month period beginning on October 1, 2010.

2009—Par. (6). Pub. L. 111–12 substituted ''$3,900,000,000 for fiscal year 2009'' for ''$1,950,000,000 for the 6-month period beginning on October 1, 2008''.

Par. (7). Pub. L. 111–116 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$1,000,000,000 for the 3-month period beginning on October 1, 2009.''

Par. (7). Pub. L. 111–69 added par. (7).

2008—Par. (5). Pub. L. 110–253 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''$2,756,250,000 for the 9-month period beginning October 1, 2007.''

Pub. L. 110–190 added par. (5).

Par. (6). Pub. L. 110–330 added par. (6).

2003—Pub. L. 108–176, §101(a)(1), substituted ''September 30, 2003'' for ''September 30, 1998'' in introductory provisions.

Pars. (1) to (5). Pub. L. 108–176, §101(a)(2), added pars. (1) to (4) and struck out former pars. (1) to (5) which read as follows:

''(1) $2,410,000,000 for fiscal year 1999;

''(2) $2,475,000,000 for fiscal year 2000;

''(3) $3,200,000,000 for fiscal year 2001;

''(4) $3,300,000,000 for fiscal year 2002; and

''(5) $3,400,000,000 for fiscal year 2003.''

2000—Pub. L. 106–181 substituted ''shall be—'' along with pars. (1) to (5) and concluding provisions for ''shall be $2,410,000,000 for the fiscal year ending September 30, 1999.''

1999—Pub. L. 106–59 substituted ''$2,410,000,000 for the fiscal year ending September 30, 1999.'' for ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.''

Pub. L. 106–31 substituted ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.'' for ''$1,607,000,000 for the 8-month period beginning October 1, 1998.''.

Pub. L. 106–6 substituted ''$1,607,000,000 for the 8-month period beginning October 1, 1998.'' for ''$1,205,000,000 for the six-month period beginning October 1, 1998''.

1998—Pub. L. 105–277 substituted ''September 30, 1998'' for ''September 30, 1996'' and ''$1,205,000,000 for the six-month period beginning October 1, 1998'' for ''$2,280,000,000 for fiscal years ending before October 1, 1997, and $4,627,000,000 for fiscal years ending before October 1, 1998.''

1996—Pub. L. 104–264 substituted ''September 30, 1996'' for ''September 30, 1981'' and ''$2,280,000,000 for fiscal years ending before October 1, 1997, and $4,627,000,000 for fiscal years ending before October 1, 1998.'' for ''$17,583,500,000 for fiscal years ending before October 1, 1994, $19,744,500,000 for fiscal years ending before October 1, 1995, and $21,958,500,000 for fiscal years ending before October 1, 1996.''

1994—Pub. L. 103–305 substituted ''The total amounts which shall be available after September 30, 1981, to the Secretary of Transportation'' for ''Not more than a total of $15,966,700,000 is available to the Secretary of Transportation for the fiscal years ending September 30, 1982–1993,'' and inserted before period at end ''shall be $17,583,500,000 for fiscal years ending before October 1, 1994, $19,744,500,000 for fiscal years ending before October 1, 1995, and $21,958,500,000 for fiscal years ending before October 1, 1996''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–253 effective July 1, 2008, see section 4(c) of Pub. L. 110–253, set out as a note under section 47104 of this title.

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 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.

NOTICE OF GRANTS

Pub. L. 106–181, title I, §159, Apr. 5, 2000, 114 Stat. 90, provided that:

''(a) TIMELY ANNOUNCEMENT.—The Secretary [of Transportation] shall announce a grant to be made with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation concerning the grant from the Administrator [of the Federal Aviation Administration].

''(b) NOTICE TO COMMITTEES.—If the Secretary provides any committee of Congress advance notice of a grant to be made with funds made available under section 48103 of title 49, United States Code, the Secretary shall provide, on the same date, such notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''

§ 48104. Operations and maintenance

The balance of the money available in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) may be appropriated to the Secretary of Transportation out of the Fund for—

(1) direct costs the Secretary incurs to flight check, operate, and maintain air navigation facilities referred to in section 44502(a)(1)(A) of this title safely and efficiently; and

(2) the costs of services provided under international agreements related to the joint financing of air navigation services assessed against the United States Government.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1296; Pub. L. 103–305, title I, §102(b), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 104–264, title I, §103(b), (d)(1), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 104–287, §5(87), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 106–181, title I, §106(d), Apr. 5, 2000, 114 Stat. 73; Pub. L. 115–254, div. B, title V, §539(r), Oct. 5, 2018, 132 Stat. 3371.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48104(a)	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, §103(c)(1), 101 Stat. 1488.
	49 App.:2205(c)(1).	Sept. 3, 1982, Pub. L. 97–248, §506(c)(1), 96 Stat. 678; Dec. 30, 1987, Pub. L. 100–223, §105(g)(2)(A), (C), 101 Stat. 1494.
48104(b)	49 App.:2205(c)(2).	Sept. 3, 1982, Pub. L. 97–248, §506(c)(2), 96 Stat. 678; Jan. 6, 1983, Pub. L. 97–424, §426(c), 96 Stat. 2168; Dec. 30, 1987, Pub. L. 100–223, §105(g)(2)(B), (C), 101 Stat. 1494.
	49 App.:2205(c)(3).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §506(c)(3); added Dec. 30, 1987, Pub. L. 100–223, §105(c)(1), 101 Stat. 1492; Nov. 5, 1990, Pub. L. 101–508, §9107(a), 104 Stat. 1388–355.
	49 App.:2205(c)(4).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §506(c)(4); added Nov. 5, 1990, Pub. L. 101–508, §9107(b), 104 Stat. 1388–355; Oct. 31, 1992, Pub. L. 102–581, §103(c)(1), 106 Stat. 4877.

In subsection (a), before clause (1), the words ''Except as provided in this section'' are added for clarity. The words ''to the Secretary of Transportation'' are added for clarity and consistency in this chapter.

In subsection (b), the text of 49 App.:2205(c)(2) and (3) and the reference to fiscal years 1991 and 1992 in 49 App:2205(c)(4) are omitted as obsolete.

PUB. L. 104–287

This makes a clarifying amendment to the catchline for 49:48104(b).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, which directed substitution of ''The'' for ''(a) AUTHORIZATION OF APPROPRIATIONS.—the'' in section 48104, without specifying the Code title to be amended, was executed by making the substitution in this section, to reflect the probable intent of Congress.

2000—Subsec. (a). Pub. L. 106–181, §106(d)(1), struck out ''Except as provided in this section,'' before ''the balance of the money'' in introductory provisions.

Subsecs. (b), (c). Pub. L. 106–181, §106(d)(2), struck out heading and text of subsecs. (b) and (c), which set out funding limitations for fiscal year 1993 and fiscal years 1994 to 1998, respectively.

1996—Pub. L. 104–264, §103(d)(1), substituted ''Operations and maintenance'' for ''Certain direct costs and joint air navigation services'' in section catchline.

Subsec. (b). Pub. L. 104–287 substituted ''YEAR'' for ''YEARS'' in heading.

Subsec. (c). Pub. L. 104–264, §103(b)(1), (2), substituted ''1998'' for ''1996'' in heading and ''1994 through 1998'' for ''1994, 1995, and 1996'' in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 104–264, §103(b)(3), substituted ''72.5 percent'' for ''70 percent''.

1994—Subsec. (b). Pub. L. 103–305, §102(b)(1), (2), inserted ''FOR FISCAL YEARS 1993'' in heading and substituted ''fiscal year 1993'' for ''each of the fiscal years ending September 30, 1993–1995,'' in introductory provisions.

Subsec. (c). Pub. L. 103–305, §102(b)(3), added subsec. (c).

Statutory Notes and Related Subsidiaries

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.

§ 48105. Weather reporting services

To sustain the aviation weather reporting programs of the Federal Aviation Administration, the Secretary of Transportation may expend from amounts available under section 48104 of this title not more than the following amounts:

(1) for the fiscal year ending September 30, 1993, $35,596,000.

(2) for the fiscal year ending September 30, 1994, $37,800,000.

(3) for the fiscal year ending September 30, 1995, $39,000,000.

(4) $39,000,000 for each of fiscal years 2019 through 2023.

(5) $17,049,180 for the period beginning on October 1, 2023, and ending on March 8, 2024.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1296; Pub. L. 115–254, div. B, title I, §114, Oct. 5, 2018, 132 Stat. 3201; Pub. L. 118–15, div. B, title II, §2202(j), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(j), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48105	49 App.:2205(d).	Sept. 3, 1982, Pub. L. 97–248, §506(d), 96 Stat. 678; Dec. 30, 1987, Pub. L. 100–223, §105(c)(2), 101 Stat. 1493; Nov. 5, 1990, Pub. L. 101–508, §§9108, 9204, 104 Stat. 1388–355, 1388–373; Oct. 31, 1992, Pub. L. 102–581, §103(d), 106 Stat. 4877.

The words ''for fiscal years beginning after September 30, 1982'' are omitted as obsolete. The words ''Secretary of Commerce'' are substituted for ''National Oceanic and Atmospheric Administration'' because of 15:1501. The words ''The Federal Aviation Administration with'' are omitted as surplus.

Editorial Notes

AMENDMENTS

2023—Par. (5). Pub. L. 118–34 added par. (5) and struck out former par. (5) which read as follows: ''$9,803,278 for the period beginning on October 1, 2023, and ending on December 31, 2023.''

Pub. L. 118–15 added par. (5).

2018—Pub. L. 115–254, §114(1), substituted ''To sustain the aviation weather reporting programs of the Federal Aviation Administration, the Secretary of Transportation'' for ''To reimburse the Secretary of Commerce for the cost incurred by the National Oceanic and Atmospheric Administration of providing weather reporting services to the Federal Aviation Administration, the Secretary of Transportation'' in introductory provisions.

Par. (4). Pub. L. 115–254, §114(2), added par. (4).

§ 48106. Airway science curriculum grants

Amounts are available from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out section 44510 of this title. The amounts remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1296.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48106	49 App.:1354a (2d sentence).	Nov. 5, 1990, Pub. L. 101–516, (2d sentence in par. under heading ''Facilities and Equipment''), 104 Stat. 2160. Oct. 28, 1991, Pub. L. 102–143, (2d sentence in par. under heading ''Facilities and Equipment''), 105 Stat. 922. Oct. 6, 1992, Pub. L. 102–388, (2d sentence in par. under heading ''Facilities and Equipment''), 106 Stat. 1526.

This section is substituted for the source provisions for clarity and because of the restatement.

§ 48107. Civil aviation security research and development

After the review under section 44912(b) of this title is completed, necessary amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to make grants under section 44912(a)(4)(A).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48107	49 App.:1357(d)(9).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(d)(9); added Nov. 16, 1990, Pub. L. 101–604, §107, 104 Stat. 3077.

The words ''to the Secretary of Transportation'' are added for clarity and consistency in this chapter.

§ 48108. Availability and uses of amounts

(a) AVAILABILITY OF AMOUNTS.—Amounts equal to the amounts authorized under sections

48101–48105 of this title remain in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) until appropriated for the purposes of sections 48101–48105.

(b) LIMITATIONS ON USES.—(1) Amounts in the Fund may be appropriated only to carry out a program or activity referred to in this chapter.

(2) Amounts in the Fund may be appropriated for administrative expenses of the Department of Transportation or a component of the Department only to the extent authorized by section 48104 of this title.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—In a fiscal year beginning after September 30, 1998, the Secretary of Transportation may obligate or expend an amount appropriated out of the Fund under section 48104 of this title only if a law expressly amends section 48104.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1297; Pub. L. 103–305, title I, § 102(c), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 104–264, title I, § 103(c), Oct. 9, 1996, 110 Stat. 3216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48108(a)	49 App.:2202(a)(24).	Sept. 3, 1982, Pub. L. 97–248, § 503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100–223, § 103(c)(1), 101 Stat. 1488.
	49 App.:2205(e)(2).	Sept. 3, 1982, Pub. L. 97–248, § 506(e)(2), 96 Stat. 679; Dec. 30, 1987, Pub. L. 100–223, § 105(g)(3), 101 Stat. 1494.
48108(b)(1) ..	49 App.:2205(e)(1).	Sept. 3, 1982, Pub. L. 97–248, § 506(e)(1), 96 Stat. 679; Dec. 30, 1987, Pub. L. 100–223, § 105(d)(1), 101 Stat. 1493.
48108(b)(2) ..	49 App.:2205(e)(3).	Sept. 3, 1982, Pub. L. 97–248, § 506(e)(3), 96 Stat. 679.
48108(c)	49 App.:2205(e)(5).	Sept. 3, 1982, Pub. L. 97–248, § 506(e)(5), 96 Stat. 679; Dec. 30, 1987, Pub. L. 100–223, § 105(d)(2), 101 Stat. 1493; Oct. 31, 1992, Pub. L. 102–581, § 103(c)(2), 106 Stat. 4877.

In subsection (a), the words ''for each fiscal year'' are omitted as surplus.

In subsection (b)(1), the words ''Notwithstanding any other provision of law to the contrary'' are omitted as surplus. The reference to ''this chapter'' is intended to include sections 48106 and 48107 of the revised title for accuracy because the source provisions for those sections were enacted after the source provisions being restated in this section.

In subsection (b)(2), the words ''for any fiscal year'' are omitted as surplus.

In subsection (c), the words ''be construed as'' and ''the purposes described in'' are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–264 substituted ''1998'' for ''1996''.

1994—Subsec. (c). Pub. L. 103–305 substituted ''1996'' for ''1995''.

Statutory Notes and Related Subsidiaries

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.

§ 48109. Submission of budget information and legislative recommendations and comments

When the Administrator of the Federal Aviation Administration submits to the Secretary of Transportation, the President, or the Director of the Office of Management and Budget any budget information, legislative recommendation, or comment on legislation about amounts authorized in section 48101 or 48102 of this title, the Administrator concurrently shall submit a copy of the information, recommendation, or comment to the Speaker of the House of Representatives, the Committees on Transportation and Infrastructure and Appropriations of the House, the President of the Senate, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1297; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48109	49 App.:2205(f).	Sept. 3, 1982, Pub. L. 97–248, § 506(f), 96 Stat. 679.

The words ''Director of the Office of Management and Budget'' are substituted for ''Office of Management and Budget'' because of 31:502(a). The words ''or transmits . . . budget estimate, budget request, supplemental budget estimate, or other'' and ''thereof'' are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation''.

§ 48110. Facilities for advanced training of maintenance technicians for air carrier aircraft

For the fiscal years ending September 30, 1993–1995, amounts necessary to carry out section 44515 of this title may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502). The amounts remain available until expended.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
48110	49 App.:1354 (note).	Oct. 31, 1992, Pub. L. 102–581, § 119(d), 106 Stat. 4884.

The words ''to the Secretary of Transportation'' are added for clarity and consistency in this chapter.

§ 48111. Funding proposals

(a) INTRODUCTION IN THE SENATE.—Within 15 days (not counting any day on which the Senate is not in session) after a funding proposal is submitted to the Senate by the Secretary of Trans-

portation under section 274(c) of the Air Traffic Management System Performance Improvement Act of 1996, an implementing bill with respect to such funding proposal shall be introduced in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate.

(b) CONSIDERATION IN THE SENATE.—An implementing bill introduced in the Senate under subsection (a) shall be referred to the Committee on Commerce, Science, and Transportation. The Committee on Commerce, Science, and Transportation shall report the bill with its recommendations within 60 days following the date of introduction of the bill. Upon the reporting of the bill by the Committee on Commerce, Science, and Transportation, the reported bill shall be referred sequentially to the Committee on Finance for a period of 60 legislative days.

(c) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) IMPLEMENTING BILL.—The term ''implementing bill'' means only a bill of the Senate which is introduced as provided in subsection (a) with respect to one or more Federal Aviation Administration funding proposals which contain changes in existing laws or new statutory authority required to implement such funding proposal or proposals.

(2) FUNDING PROPOSAL.—The term ''funding proposal'' means a proposal to provide interim or permanent funding for operations of the Federal Aviation Administration.

(d) RULES OF THE SENATE.—The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(Added Pub. L. 104–264, title II, §275(a), Oct. 9, 1996, 110 Stat. 3246.)

Editorial Notes

REFERENCES IN TEXT

Section 274(c) of the Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (a), is section 274(c) of Pub. L. 104–264, which is set out as a note under section 40101 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

[§ 48112. Repealed. Pub. L. 115–254, div. B, title I, § 115, Oct. 5, 2018, 132 Stat. 3201]

Section, added Pub. L. 106–181, title I, §107(a), Apr. 5, 2000, 114 Stat. 73, related to adjustment to AIP program funding.

§ 48113. Reprogramming notification requirement

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall transmit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Added Pub. L. 106–181, title I, §108(a), Apr. 5, 2000, 114 Stat. 73.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 48114. Funding for aviation programs

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—

(i) in fiscal year 2013, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

(ii) in fiscal years 2014 through 2018, be equal to the sum of—

(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for the aviation investment programs listed in subsection (b)(1).

(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b)(1) unless the amount described in subparagraph (A) has been provided.

(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2018, if the amount described in paragraph (1) is appropriated, there is further authorized to be ap-

propriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this title and for which appropriations are provided pursuant to authorizations contained in this title:

(A) 69–8106–0–7–402 (Grants in Aid for Airports).

(B) 69–8107–0–7–402 (Facilities and Equipment).

(C) 69–8108–0–7–402 (Research and Development).

(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

(2) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST.—The term ''estimated level of receipts plus interest'' means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—

(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2018 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.

(Added Pub. L. 108–176, title I, § 104(a), Dec. 12, 2003, 117 Stat. 2496; amended Pub. L. 112–95, title I, § 104, Feb. 14, 2012, 126 Stat. 16; Pub. L. 114–55, title I, § 106(a), Sept. 30, 2015, 129 Stat. 524; Pub. L. 114–190, title I, § 1106(a), July 15, 2016, 130 Stat. 618; Pub. L. 115–63, title I, § 107(a), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115–254, div. B, title I, § 116, Oct. 5, 2018, 132 Stat. 3201.)

Editorial Notes

REFERENCES IN TEXT

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (b)(2), is classified to section 9502 of Title 26, Internal Revenue Code.

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (b)(2), is classified to section 907 of Title 2, The Congress.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1)(A)(ii). Pub. L. 115–254 substituted ''in fiscal years 2014 through 2018'' for ''in fiscal year 2014 and each fiscal year thereafter'' in introductory provisions.

2017—Subsec. (a)(2). Pub. L. 115–63, § 107(a)(1), substituted ''2018'' for ''2017''.

Subsec. (c)(2). Pub. L. 115–63, § 107(a)(2), substituted ''2018'' for ''2017''.

2016—Subsec. (a)(2). Pub. L. 114–190, § 1106(a)(1), substituted ''fiscal year 2017,'' for ''fiscal year 2016,''.

Subsec. (c)(2). Pub. L. 114–190, § 1106(a)(2), substituted ''fiscal year 2017'' for ''fiscal year 2016''.

2015—Subsec. (a)(2). Pub. L. 114–55, § 106(a)(1), substituted ''2016' for ''2015''.

Subsec. (c)(2). Pub. L. 114–55, § 106(a)(2), substituted ''2016'' for ''2015''.

2012—Subsec. (a)(1)(A). Pub. L. 112–95, § 104(a), amended subpar. (A) generally. Prior to amendment, text read as follows: ''The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2007 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).''

Subsec. (a)(1)(B). Pub. L. 112–95, § 104(b), substituted ''subsection (b)(1)'' for ''subsection (b)''.

Subsec. (a)(2). Pub. L. 112–95, § 104(c), substituted ''2015'' for ''2007''.

Subsec. (b)(2). Pub. L. 112–95, § 104(d), substituted ''Estimated level'' for ''Level'' in heading and ''estimated level of receipts plus interest'' for ''level of receipts plus interest'' in text.

Subsec. (c)(2). Pub. L. 112–95, § 104(e), substituted ''2015'' for ''2007''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES

Sec.
48201. Advance appropriations.

§ 48201. Advance appropriations

(a) MULTIYEAR AUTHORIZATIONS.—Beginning with fiscal year 1999, any authorization of appro-

priations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

(b) MULTIYEAR APPROPRIATIONS.—Beginning with fiscal year 1999, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.

(Added Pub. L. 104–264, title II, §277(a), Oct. 9, 1996, 110 Stat. 3248.)

Editorial Notes

REFERENCES IN TEXT

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 9502 of Title 26, Internal Revenue Code.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

[CHAPTER 483—REPEALED]

[§ 48301. Repealed. Pub. L. 115–254, div. K, title I, § 1991(i)(1), Oct. 5, 2018, 132 Stat. 3645]

Section, added Pub. L. 107–71, title I, §118(c)(1), Nov. 19, 2001, 115 Stat. 627; amended Pub. L. 108–458, title IV, §4029, Dec. 17, 2004, 118 Stat. 3727; Pub. L. 110–53, title XVI, §1618, Aug. 3, 2007, 121 Stat. 489, related to aviation security funding.

PART D—PUBLIC AIRPORTS

CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

Sec.
49101. Findings.
49102. Purpose.
49103. Definitions.
49104. Lease of Metropolitan Washington Airports.
49105. Capital improvements, construction, and rehabilitation.
49106. Metropolitan Washington Airports Authority.
49107. Federal employees at Metropolitan Washington Airports.
[49108. Repealed.]
49109. Nonstop flights.
49110. Use of Dulles Airport Access Highway.
49111. Relationship to and effect of other laws.
49112. Separability and effect of judicial order.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95, title I, §150, Feb. 14, 2012, 126 Stat. 32, struck out item 49108 ''Limitations''.

§ 49101. Findings

Congress finds that—

(1) the 2 federally owned airports in the metropolitan area of the District of Columbia constitute an important and growing part of the commerce, transportation, and economic patterns of Virginia, the District of Columbia, and the surrounding region;

(2) Baltimore/Washington International Airport, owned and operated by Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

(3) the United States Government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

(4) operation of the Metropolitan Washington Airports by an independent local authority will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95–504; 92 Stat. 1705);

(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

(6) any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the United States Government and State governments involved;

(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary of Transportation has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States;

(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;

(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by Virginia and the District of Columbia; and

(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49101	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6002, 100 Stat. 1783–373. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6002, 100 Stat. 3341–376.

In clause (4), the word ''authority'' is substituted for ''agency'' for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

The Airline Deregulation Act of 1978, referred to in par. (4), is Pub. L. 95–504, Oct. 24, 1978, 92 Stat. 1705, which was classified principally to sections of former Title 49, Transportation. The Act was substantially repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

PRIOR PROVISIONS

A prior section 49101 was renumbered section 50101 of this title.

§ 49102. Purpose

(a) GENERAL.—The purpose of this chapter is to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT NOT PRECLUDED.—This chapter does not prohibit the Airports Authority and Maryland from making an agreement to make Baltimore/Washington International Airport part of a regional airports authority, subject to terms agreed to by the Airports Authority, the Secretary of Transportation, Virginia, the District of Columbia, and Maryland.

(Added Pub. L. 105–102, § 2(26), Nov. 20, 1997, 111 Stat. 2207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49102(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6003(a), 100 Stat. 1783–374. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6003(a), 100 Stat. 3341–377.
49102(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6003(b), 100 Stat. 1783–374. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6003(b), 100 Stat. 3341–377.

In subsection (b), the words ''and conditions'' are omitted as being included in ''terms''.

Editorial Notes

PRIOR PROVISIONS

A prior section 49102 was renumbered section 50102 of this title.

§ 49103. Definitions

In this chapter—

(1) ''Airports Authority'' means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

(2) ''employee'' means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

(3) ''Metropolitan Washington Airports'' means Ronald Reagan Washington National Airport and Washington Dulles International Airport.

(4) ''Washington Dulles International Airport'' means the airport constructed under the Act of September 7, 1950 (ch. 905, 64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between Interstate Routes I–495 and I–66.

(5) ''Ronald Reagan Washington National Airport'' means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

(Added Pub. L. 105–102, § 2(26), Nov. 20, 1997, 111 Stat. 2207; amended Pub. L. 105–154, § 2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49103	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6004, 100 Stat. 1783–374. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6004, 100 Stat. 3341–377.

In this section, the text of section 6004(1) and (5) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–374, 1783–375, Public Law 99–591, 100 Stat. 3341–378) is omitted as surplus because the complete names of the Administrator of the Federal Aviation Administration and the Secretary of Transportation are used the first time those terms appear in a section.

In clause (1), the words ''an organization within the Federal Aviation Administration'' are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Act of September 7, 1950, ch. 905, 64 Stat. 770, referred to in par. (4), was classified to subchapter II (§ 2421 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103–272, July 5, 1994, 108 Stat. 745.

Act of June 29, 1940, ch. 444, 54 Stat. 686, referred to in par. (5), was classified to subchapter I (§ 2401 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103–272, July 5, 1994, 108 Stat. 745.

PRIOR PROVISIONS

A prior section 49103 was renumbered section 50103 of this title.

AMENDMENTS

1998—Pars. (3), (5). Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 105–154, §1, Feb. 6, 1998, 112 Stat. 3, provided that: ''The airport described in the Act entitled 'An Act to provide for the administration of the Washington National Airport, and for other purposes', approved June 29, 1940 (54 Stat. 686) [section 2401 et seq. of former Title 49, Transportation, see References in Text note above], and known as the Washington National Airport, shall be known and designated as the 'Ronald Reagan Washington National Airport'.''

Pub. L. 105–154, §2(b), Feb. 6, 1998, 112 Stat. 4, provided that: ''Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the 'Ronald Reagan Washington National Airport'.''

§ 49104. Lease of Metropolitan Washington Airports

(a) GENERAL.—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500; 100 Stat. 1783–375; Public Law 99–591; 100 Stat. 3341–378), for the Metropolitan Washington Airports must provide during its 50-year term at least the following:

(1) The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

(2)(A) In this paragraph, ''airport purposes'' means a use of property interests (except a sale) for—

(i) aviation business or activities;

(ii) activities necessary or appropriate to serve passengers or cargo in air commerce;

(iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation; or

(iv) a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.

(B) During the period of the lease, the real property constituting the Metropolitan Washington Airports shall be used only for airport purposes.

(C) If the Secretary decides that any part of the real property leased to the Airports Authority under this chapter is used for other than airport purposes, the Secretary shall—

(i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

(ii) retake possession of the property if the Airports Authority fails to have that part of the property be used for airport purposes within a reasonable period of time, as the Secretary decides.

(3) The Airports Authority is subject to section 47107(a)–(c) and (e) of this title and to the assurances and conditions required of grant recipients under the Airport and Airway Improvement Act of 1982 (Public Law 97–248; 96 Stat. 671) as in effect on June 7, 1987. Notwithstanding section 47107(b) of this title, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of the Metropolitan Washington Airports.

(4) In acquiring by contract supplies or services for an amount estimated to be more than $200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.

(5)(A) Except as provided in subparagraph (B) of this paragraph, all regulations of the Metropolitan Washington Airports (14 CFR part 159) become regulations of the Airports Authority as of June 7, 1987, and remain in effect until modified or revoked by the Airports Authority under procedures of the Airports Authority.

(B) Sections 159.59(a) and 159.191 of title 14, Code of Federal Regulations, do not become regulations of the Airports Authority.

(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 CFR 93.121 et seq.) at Ronald Reagan Washington National Airport on October 18, 1986, and may not impose a limitation on the number of passengers taking off or landing at Ronald Reagan Washington National Airport.

(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41718.

(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

(B) The procedure for disputes resolution contained in any contract entered into on behalf of the United States Government before June 7, 1987, continues to govern the performance of the contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the Government as the owner and operator of the Metropolitan Washington Airports, arising before June 7, 1987, shall be adjudicated as if the lease had not been entered into.

(C) The Administration is responsible for reimbursing the Employees' Compensation Fund, as provided in section 8147 of title 5, for

compensation paid or payable after June 7, 1987, in accordance with chapter 81 of title 5 for any injury, disability, or death due to events arising before June 7, 1987, whether or not a claim was filed or was final on that date.

(D) The Airports Authority shall continue all collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before June 7, 1987.

(7) The Comptroller General may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under regulations the Comptroller General may prescribe. An audit shall be conducted where the Comptroller General considers it appropriate. All records and property of the Airports Authority shall remain in possession and custody of the Airports Authority.

(8) The Airports Authority shall develop a code of ethics and financial disclosure to ensure the integrity of all decisions made by its board of directors and employees. The code shall include standards by which members of the board will decide, for purposes of section 49106(d) of this title, what constitutes a substantial financial interest and the circumstances under which an exception to the conflict of interest prohibition may be granted.

(9) A landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

(A) at Washington Dulles International Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Ronald Reagan Washington National Airport; and

(B) at Ronald Reagan Washington National Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

(11) The Secretary shall include other terms applicable to the parties to the lease that are consistent with, and carry out, this chapter.

(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, equal to $3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. The Attorney General or an aggrieved party may bring an action on behalf of the Government.

(d) EXTENSION OF LEASE.—The Secretary and the Airports Authority may at any time negotiate an extension of the lease.

(Added Pub. L. 105–102, § 2(26), Nov. 20, 1997, 111 Stat. 2207; amended Pub. L. 105–154, § 2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3; Pub. L. 106–181, title II, § 231(e)(2), Apr. 5, 2000, 114 Stat. 113; Pub. L. 112–95, title IV, § 414(e), Feb. 14, 2012, 126 Stat. 92.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49104(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §§ 6005(a), (d), 6007(d) (last sentence), 100 Stat. 1783–375, 1783–376, 1783–380. Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(c), 100 Stat. 1783–376; Oct. 9, 1996, Pub. L. 104–264, title IX, § 902, 110 Stat. 3274. Oct. 30, 1986, Pub. L. 99–591, title VI, §§ 6005(a), (d), 6007(d) (last sentence), 100 Stat. 3341–378, 3341–379, 3341–383. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(c), 100 Stat. 3341–379; Oct. 9, 1996, Pub. L. 104–264, title IX, § 902, 110 Stat. 3274.
49104(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(b), 100 Stat. 1783–375. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(b), 100 Stat. 3341–378.
49104(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(e), 100 Stat. 1783–378. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(e), 100 Stat. 3341–381.
49104(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6010, 100 Stat. 1783–385. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6010, 100 Stat. 3341–388.

In subsection (a), before clause (1), the text of section 6005(a) and (d) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, 1783–378, Public Law 99–591, 100 Stat. 3341–378, 3341–381) is omitted as executed. The words ''conditions and requirements'' are omitted as surplus. In clause (5)(B), the words ''(relating to new-technology aircraft)'' and ''(relating to violations of Federal Aviation Administration regulations as Federal misdemeanors)'' are omitted as surplus. In clause (5)(C), the words ''after the date the lease takes effect'' are omitted as obsolete. In clause (6)(A), the words ''(tangible and incorporeal, present and executory)'' are omitted as surplus. The words ''The Airports Authority must'' are substituted for ''Before the date the lease takes effect, the Secretary shall also assure that the Airports Authority has agreed to'' to eliminate obsolete words. The words ''duties and powers'' are substituted for ''functions'' for consistency in the revised title and with other titles of the United States Code. In clause (7), the words ''or places'' are omitted because of 1:1. The words ''books, accounts . . . reports, files, papers'' are omitted as being included in ''reports''. In clause (8), the words ''for purposes of section 49106(d) of this title'' are added for clarity. In clause (9), before subclause (A), the words ''Notwithstanding any other provision of law'' are omitted as surplus. In clause (11), the words ''and conditions'' are omitted as being included in ''terms''.

In subsection (b), the text of section 6005(b)(2) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378) is omitted as executed.

Editorial Notes

REFERENCES IN TEXT

Section 6005(a) of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (a), is section 6005(a) of Pub. L. 99–500, title VI, Oct. 18, 1986, 100 Stat. 1783–375, and Pub. L. 99–591, title VI, Oct. 30, 1986, 100 Stat. 3341–378, which was classified to section 2454(a) of former Title 49, Transportation, and was repealed and reenacted as subsec. (a) of this section by Pub. L. 105–102, §§2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

The Airport and Airway Improvement Act of 1982, referred to in subsec. (a)(3), is title V of Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 671, which was classified principally to chapter 31 (§2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as subchapter I of chapter 471 of Title 49, Transportation.

PRIOR PROVISIONS

A prior section 49104 was renumbered section 50104 of this title.

AMENDMENTS

2012—Subsec. (a)(2)(A)(iv). Pub. L. 112–95 added cl. (iv).

2000—Subsec. (a)(5)(D). Pub. L. 106–181 added subpar. (D).

1998—Subsec. (a)(5)(C), (9)(A), (B). Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport'' wherever appearing.

Statutory Notes and Related Subsidiaries

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.

§ 49105. Capital improvements, construction, and rehabilitation

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Metropolitan Washington Airports Authority—

(1) should pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Ronald Reagan Washington National Airport simultaneously; and

(2) to the extent practicable, should cause the improvement, construction, and rehabilitation proposed by the Secretary of Transportation to be completed at Washington Dulles International Airport and Ronald Reagan Washington National Airport within 5 years after March 30, 1988.

(b) SECRETARY'S ASSISTANCE.—The Secretary shall assist the 3 airports serving the District of Columbia metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for United States Government financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2210; amended Pub. L. 105–154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49105(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6006(a), 100 Stat. 1783–378. Oct. 30, 1986, Pub. L. 99–591, title VI, §6006(a), 100 Stat. 3341–381.
49105(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6006(b), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, §6006(b), 100 Stat. 3341–382.

Editorial Notes

PRIOR PROVISIONS

A prior section 49105 was renumbered section 50105 of this title.

AMENDMENTS

1998—Subsec. (a)(1), (2). Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport''.

§ 49106. Metropolitan Washington Airports Authority

(a) STATUS.—The Metropolitan Washington Airports Authority shall be—

(1) a public body corporate and politic with the powers and jurisdiction—

(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

(B) that at least meet the specifications of this section and section 49108[1] of this title;

(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be authorized—

(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

(E) to levy fees or other charges; and

(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1986.

(2) Bonds issued under paragraph (1)(B) of this subsection—

[1] See References in Text note below.

(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 17 members:

(A) 7 members appointed by the Governor of Virginia;

(B) 4 members appointed by the Mayor of the District of Columbia;

(C) 3 members appointed by the Governor of Maryland; and

(D) 3 members appointed by the President with the advice and consent of the Senate.

(2) The chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

(3) Members of the board shall be appointed to the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member's term(s).

(4) A member of the board—

(A) may not hold elective or appointive political office;

(B) serves without compensation except for reasonable expenses incident to board functions; and

(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

(C) A member appointed by the President may be removed by the President for cause. A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction[2] from which the member is appointed.

(7) Ten votes are required to approve bond issues and the annual budget.

[2] So in original. Probably should be preceded by ''the''.

(d) CONFLICTS OF INTEREST.—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 105–102, § 2(26), Nov. 20, 1997, 111 Stat. 2210; amended Pub. L. 105–225, § 7(c)(1)(A), (B), Aug. 12, 1998, 112 Stat. 1511; Pub. L. 106–181, title II, § 231(i), Apr. 5, 2000, 114 Stat. 115; Pub. L. 112–55, div. C, title I, § 191, Nov. 18, 2011, 125 Stat. 671.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49106(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(a), (b), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(a), (b), 100 Stat. 3341–382.
49106(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(c), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(c), 100 Stat. 3341–382.
49106(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(e), 100 Stat. 1783–380; Oct. 9, 1996, Pub. L. 104–264, title IX, § 903, 110 Stat. 3275. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(e), 100 Stat. 3341–383; Oct. 9, 1996, Pub. L. 104–264, title IX, § 903, 110 Stat. 3275.
49106(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(d) (1st, 2d sentences), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(d) (1st, 2d sentences), 100 Stat. 3341–382.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49106(e)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(f), 100 Stat. 1783–382; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(a), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(f), 100 Stat. 3341–385; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(a), 110 Stat. 3276.
49106(f)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(h), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L. 102–240, title VII, §7002(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(b), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(h), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, §7002(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(b), 110 Stat. 3276.
49106(g)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(g), as added Dec. 18, 1991, Pub. L. 102–240, title VII, §7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(a), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(g), as added Dec. 18, 1991, Pub. L. 102–240, title VII, §7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(a), 110 Stat. 3276.

In subsection (b)(2)(A), the words ''Virginia, the District of Columbia'' are substituted for ''either jurisdiction'' for clarity.

In subsection (c)(6)(C), the words ''the limitations described in'' are omitted as unnecessary. The word ''until'' is substituted for ''for the period beginning on October 1, 1997, and ending on the first day on which'' to eliminate unnecessary words.

In subsection (d), the words ''The Airports Authority shall be subject to a conflict-of-interest provision providing that'' are omitted as surplus.

In subsection (g), the words ''Committee on Transportation and Infrastructure'' are substituted for ''Committee on Public Works and Transportation'' because of the amendment of clause 1(q) of Rule X of the Rules of the House of Representatives by section 202(a) of H. Res. 6, approved January 4, 1995.

Editorial Notes

REFERENCES IN TEXT

Section 49108 of this title, referred to in subsec. (a)(1)(B), was repealed by Pub. L. 112–95, title I, §150, Feb. 14, 2012, 126 Stat. 32.

AMENDMENTS

2011—Subsec. (c)(1). Pub. L. 112–55, §191(a)(1), substituted ''17 members'' for ''13 members'' in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 112–55, §191(a)(2), substituted ''7 members'' for ''5 members''.

Subsec. (c)(1)(B). Pub. L. 112–55, §191(a)(3), substituted ''4 members'' for ''3 members''.

Subsec. (c)(1)(C). Pub. L. 112–55, §191(a)(4), substituted ''3 members'' for ''2 members''.

Subsec. (c)(3). Pub. L. 112–55, §191(b), substituted ''Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member's term(s).'' for ''A member may serve after the expiration of that member's term until a successor has taken office.''

Subsec. (c)(6)(C). Pub. L. 112–55, §191(c), inserted at end ''A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed.''

Subsec. (c)(7). Pub. L. 112–55, §191(d), substituted ''Ten votes'' for ''Eight votes''.

2000—Subsec. (c)(6)(C), (D). Pub. L. 106–181 redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: ''The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airports Authority are subject to the limitations of section 49108 of this title until all members referred to in paragraph (1)(D) are appointed.''

1998—Subsec. (b)(1)(F). Pub. L. 105–225, §7(c)(1)(A), substituted ''1986'' for ''1996''.

Subsec. (c)(3). Pub. L. 105–225, §7(c)(1)(B), substituted ''to the board'' for ''by the board''.

Statutory Notes and Related Subsidiaries

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 1998 AMENDMENT

Pub. L. 105–225, §7(c)(3), Aug. 12, 1998, 112 Stat. 1512, provided that: ''The amendments made by this subsection [amending this section and sections 49107 and 49111 of this title and provisions set out as a note preceding section 101 of this title] are effective as of November 20, 1997.''

§ 49107. Federal employees at Metropolitan Washington Airports

(a) LABOR AGREEMENTS.—(1) The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

(2) Employee protection arrangements made under this section shall ensure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred to the Airports Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter III of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

(c) ACCESS TO RECORDS.—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2212; amended Pub. L. 105–225, §7(c)(1)(C), Aug. 12, 1998, 112 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49107(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6008(a)–(d), (f), 100 Stat. 1783–382, 1783–383. Oct. 30, 1986, Pub. L. 99–591, title VI, §6008(a)–(d), (f), 100 Stat. 3341–385, 3341–387.
49107(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6008(e), 100 Stat. 1783–383. Oct. 30, 1986, Pub. L. 99–591, title VI, §6008(e), 100 Stat. 3341–386.
49107(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6008(g), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, §6008(g), 100 Stat. 3341–387.

In subsection (a)(1), the text of section 6008(a), (b)(2d and last sentences), (c), (d), and (f) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat, 1783–382, 1783–383, Public Law 99–591, 100 Stat. 3341–385, 3341–386, 3341–387) is omitted as obsolete.

In subsection (c), the words ''duty or power'' are substituted for ''functions'' for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

1998—Subsec. (b). Pub. L. 105–225 substituted ''is subject to subchapter III'' for ''is subject to subchapter II''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–225 effective Nov. 20, 1997, see section 7(c)(3) of Pub. L. 105–225, set out as a note under section 49106 of this title.

RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF POLICE FORCE OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Pub. L. 106–554, §1(a)(3) [title VI, §636], Dec. 21, 2000, 114 Stat. 2763, 2763A–164, provided that:

''(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term 'qualified MWAA police officer' means any individual who, as of the date of the enactment of this Act [Dec. 21, 2000]—

''(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereafter in this section referred to as an 'MWAA police officer'); and

''(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

''(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

''(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

''(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

''(A) an MWAA police officer; or

''(B) a member of the police force of the Federal Aviation Administration (hereafter in this section referred to as an 'FAA police officer').

''(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

''(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

''(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

''(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

''(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

''(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

''(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

''(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

''(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

''(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

''(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

''(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).''

[§ 49108. Repealed. Pub. L. 112–95, title I, § 150, Feb. 14, 2012, 126 Stat. 32]

Section, added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 106–181, title II, §231(h), Apr. 5, 2000, 114 Stat. 115; Pub. L. 108–176, title VIII, §804, Dec. 12, 2003, 117 Stat. 2587; Pub. L. 110–330, §5(h), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §5(g), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §5(h), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §5(g), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §5(g), Mar. 31, 2010, 124 Stat.

1085; Pub. L. 111–161, §5(g), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §5(g), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §104(g), Aug. 1, 2010, 124 Stat. 2350; Pub. L. 111–249, §5(h), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §5(g), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §5(g), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §5(g), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §5(g), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §5(g), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §205(h), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §5(h), Jan. 31, 2012, 126 Stat. 4, related to limitations on Secretary of Transportation's authority to approve an application of the Metropolitan Washington Airports Authority.

§ 49109. Nonstop flights

An air carrier may not operate an aircraft nonstop in air transportation between Ronald Reagan Washington National Airport and another airport that is more than 1,250 statute miles away from Ronald Reagan Washington National Airport.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 105–154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49109	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6012, 100 Stat. 1783–385. Oct. 30, 1986, Pub. L. 99–591, title VI, §6012, 100 Stat. 3341–388.

Editorial Notes

AMENDMENTS

1998—Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport'' in two places.

§ 49110. Use of Dulles Airport Access Highway

The Metropolitan Washington Airports Authority shall continue in effect and enforce section 4.2(1) and (2) of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995. The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with this section. The Attorney General or an aggrieved party may bring an action on behalf of the United States Government.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49110	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6013, as added Oct. 9, 1996, Pub. L. 104–264, title IX, §906, 110 Stat. 3277. Oct. 30, 1986, Pub. L. 99–591, title VI, §6013, as added Oct. 9, 1996, Pub. L. 104–264, title IX, §906, 110 Stat. 3277.

The words ''Except as provided by subsection (b)'' and ''the requirements of'' are omitted as unnecessary.

§ 49111. Relationship to and effect of other laws

(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To ensure that the Metropolitan Washington Airports Authority has the same proprietary powers and is subject to the same restrictions under United States law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by section 6005 of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500; 100 Stat. 1783–375; Public Law 99–591; 100 Stat. 3341–378) is in effect—

(1) the Metropolitan Washington Airports are deemed to be public airports for purposes of chapter 471 of this title; and

(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not apply to the operation of the Metropolitan Washington Airports, and the Secretary of Transportation is relieved of all responsibility under those Acts.

(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airports Authority are not subject to the requirements of any law solely by reason of the retention by the United States Government of the fee simple title to those airports.

(c) POLICE POWER.—Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of Virginia may exercise jurisdiction over Ronald Reagan Washington National Airport.

(d) PLANNING.—(1) The authority of the National Capital Planning Commission under section 8722 of title 40 does not apply to the Airports Authority.

(2) The Airports Authority shall consult with—

(A) the Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport; and

(B) the Commission before undertaking development that would alter the skyline of Ronald Reagan Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

(Added Pub. L. 105–102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 105–154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3; Pub. L. 105–225, §7(c)(1)(D), Aug. 12, 1998, 112 Stat. 1511; Pub. L. 106–181, title II, §231(j)(1), Apr. 5, 2000, 114 Stat. 115; Pub. L. 107–217, §3(n)(9), Aug. 21, 2002, 116 Stat. 1303.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49111(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6009(a), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, §6009(a), 100 Stat. 3341–387.
49111(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6009(b), 100 Stat. 1783–384; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(c)(1), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99–591, title VI, §6009(b), 100 Stat. 3341–387; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(c)(1), 110 Stat. 3276.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49111(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(c), 100 Stat. 1783–384.
		Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(c), 100 Stat. 3341–387.
49111(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(d), 100 Stat. 1783–384.
		Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(d), 100 Stat. 3341–387.
49111(e)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(e), 100 Stat. 1783–384.
		Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(e), 100 Stat. 3341–388.

In subsection (a)(1), the word ''deemed'' is substituted for ''considered'' for consistency in the revised title and with other titles of the United States Code.

In subsection (e), the text of section 6009(e)(2) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–385, Public Law 99–591, 100 Stat. 3341–388) is omitted as executed.

Editorial Notes

REFERENCES IN TEXT

Section 6005 of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (a), is section 6005 of Pub. L. 99–500, title VI, Oct. 18, 1986, 100 Stat. 1783–375, and Pub. L. 99–591, title VI, Oct. 30, 1986, 100 Stat. 3341–378, which was classified to section 2454 of former Title 49, Transportation, and was repealed and reenacted as this section by Pub. L. 105–102, §§ 2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

Act of June 29, 1940, ch. 444, 54 Stat. 686, referred to in subsec. (a)(2), was classified to subchapter I (§ 2401 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103–272, July 5, 1994, 108 Stat. 745.

The First Supplemental Civil Functions Appropriations Act, 1941, referred to in subsec. (a)(2), is act Oct. 9, 1940, ch. 780, 54 Stat. 1030. For complete classification of this Act to the Code, see Tables.

Act of September 7, 1950, ch. 905, 64 Stat. 770, referred to in subsec. (a)(2), was classified to subchapter II (§ 2421 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103–272, July 5, 1994, 108 Stat. 745.

AMENDMENTS

2002—Subsec. (d)(1). Pub. L. 107–217 substituted ''section 8722 of title 40'' for ''section 5 of the Act of June 6, 1924 (40 U.S.C. 71d),''.

2000—Subsec. (e). Pub. L. 106–181 struck out heading and text of subsec. (e). Text read as follows: ''The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 CFR 93.121 et seq.) at Ronald Reagan Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.''

1998—Subsec. (b). Pub. L. 105–225 substituted ''retention by'' for ''retention of''.

Subsecs. (c), (d)(2)(B), (e). Pub. L. 105–154 substituted ''Ronald Reagan Washington National Airport'' for ''Washington National Airport''.

Statutory Notes and Related Subsidiaries

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 1998 AMENDMENT

Amendment by Pub. L. 105–225 effective Nov. 20, 1997, see section 7(c)(3) of Pub. L. 105–225, set out as a note under section 49106 of this title.

§ 49112. Separability and effect of judicial order

(a) SEPARABILITY.—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

(b) EFFECT OF JUDICIAL ORDER.—(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104–264; 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108[1] of this title from the day after the day the order is issued.

(2) Any action of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500; 100 Stat. 1783–380; Public Law 99–599; 100 Stat. 3341–383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.

(Added Pub. L. 105–102, § 2(26), Nov. 20, 1997, 111 Stat. 2214.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49112(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6011, 100 Stat. 1783–385; Oct. 9, 1996, Pub. L. 104–264, title IX, § 904(c)(2), 110 Stat. 3276.
		Oct. 30, 1986, Pub. L. 99–591, title VI, § 6011, 100 Stat. 3341–388; Oct. 9, 1996, Pub. L. 104–264, title IX, § 904(c)(2), 110 Stat. 3276.
49112(b)(1) ..	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104–264, title IX, § 907, 110 Stat. 3277.
		Oct. 30, 1986, Pub. L. 99–591, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104–264, title IX, § 907, 110 Stat. 3277.
49112(b)(2) ..	(uncodified).	Oct. 9, 1996, Pub. L. 104–264, title IX, § 904(d), 110 Stat. 3276.

In subsection (a), the word ''thereby'' is omitted as surplus.

In subsection (b)(1), the words ''the limitations described in'' are omitted as unnecessary.

Editorial Notes

REFERENCES IN TEXT

The Metropolitan Washington Airports Amendments Act of 1996, referred to in subsec. (b)(1), is title IX of Pub. L. 104–264, Oct. 9, 1996, 110 Stat. 3274, which amended the Metropolitan Washington Airports Act of 1986,

[1] See References in Text note below.

title VI of Pub. L. 99–500, Oct. 18, 1986, 100 Stat. 1783–373, and title VI of Pub. L. 99–591, Oct. 30, 1986, 100 Stat. 3341–376, as amended. The Metropolitan Washington Airports Act of 1986 was classified generally to subchapter III (§ 2451 et seq.) of chapter 33 of former Title 49, Transportation, and was repealed and reenacted as this chapter by Pub. L. 105–102, §§ 2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

Section 49108 of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 112–95, title I, § 150, Feb. 14, 2012, 126 Stat. 32.

Section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (b)(2), is section 6007(f)(4) of Pub. L. 99–500, title VI, Oct. 18, 1986, 100 Stat. 1783–379, and Pub. L. 99–591, title VI, Oct. 30, 1986, 100 Stat. 3341–382, which related to a Board of Review and was classified to section 2456(f)(4) of former Title 49, Transportation. Subsec. (f) of section 6007 was repealed and subsec. (g) redesignated (f) by Pub. L. 104–264, title IX, § 904(a), Oct. 9, 1996, 110 Stat. 3276. Section 6007 was subsequently repealed and reenacted as section 49106 of Title 49, Transportation, by Pub. L. 105–102, §§ 2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217, and does not contain provisions relating to a Board of Review.

PART E—MISCELLANEOUS

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–287, § 5(88)(A), Oct. 11, 1996, 110 Stat. 3398, redesignated part D of this subtitle as this part.

CHAPTER 501—BUY-AMERICAN PREFERENCES

Sec.

50101. Buying goods produced in the United States.
50102. Restricting contract awards because of discrimination against United States goods or services.
50103. Contract preference for domestic firms.
50104. Restriction on airport projects using products or services of foreign countries denying fair market opportunities.
50105. Fraudulent use of ''Made in America'' label.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–287, § 5(88)(B), (C), Oct. 11, 1996, 110 Stat. 3398, redesignated chapter 491 of this title as this chapter and items 49101 to 49105 as 50101 to 50105, respectively.

§ 50101. Buying goods produced in the United States

(a) PREFERENCE.—The Secretary of Transportation may obligate an amount that may be appropriated to carry out section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except section 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title for a project only if steel and manufactured goods used in the project are produced in the United States.

(b) WAIVER.—The Secretary may waive subsection (a) of this section if the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) the steel and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(3) when procuring a facility or equipment under section 44502(a)(2) or 44509, subchapter I of chapter 471 (except section 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title—

(A) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the facility or equipment; and

(B) final assembly of the facility or equipment has occurred in the United States; or

(4) including domestic material will increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—In this section, labor costs involved in final assembly are not included in calculating the cost of components.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1298, § 49101; renumbered § 50101 and amended Pub. L. 104–287, § 5(88)(D), (89), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49101(a)	49 App.:2226a(a).	Nov. 5, 1990, Pub. L. 101–508, § 9129, 104 Stat. 1388–371.
49101(b)	49 App.:2226a(b).	
49101(c)	49 App.:2226a(c).	

In this chapter, the word ''goods'' is substituted for ''product'' and ''products'' for consistency.

In subsection (a), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''after November 5, 1990'' are omitted as obsolete.

In subsection (b), before clause (1), the words ''The Secretary may waive'' are substituted for ''shall not apply'' for consistency. In clause (2), the words ''steel and goods'' are substituted for ''materials and products'' for consistency. In clause (4), the word ''contract'' is omitted as surplus.

PUB. L. 104–287, § 5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1573).

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–287, § 5(88)(D), renumbered section 49101 of this title as this section.

Subsecs. (a), (b)(3). Pub. L. 104–287, § 5(89), substituted ''section 47127'' for ''sections 47106(d) and 47127''.

Statutory Notes and Related Subsidiaries

BUY AMERICA REQUIREMENTS

Pub. L. 115–254, div. B, title I, § 167, Oct. 5, 2018, 132 Stat. 3227, provided that:

''(a) NOTICE OF WAIVERS.—If the Secretary of Transportation determines that it is necessary to waive the application of section 50101(a) of title 49, United States Code, based on a finding under section 50101(b) of that title, the Secretary, at least 10 days before the date on which the waiver takes effect, shall—

''(1) make publicly available, in an easily identifiable location on the website of the Department of Transportation, a detailed written justification of the waiver determination; and

''(2) provide an informal public notice and comment opportunity on the waiver determination.

''(b) ANNUAL REPORT.—For each fiscal year, the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on waivers issued under section 50101 of title 49, United States Code, during the fiscal year.''

USE OF DOMESTIC PRODUCTS

Pub. L. 103–305, title III, § 305, Aug. 23, 1994, 108 Stat. 1592, provided that:

''(a) PROHIBITION AGAINST FRAUDULENT USE OF 'MADE IN AMERICA' LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of 'Made in America', or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

''(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under 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 40101 of this title], including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

''(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each office within the Federal Aviation Administration that conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 ([former] 41 U.S.C. 10a through 10c, popularly known as the 'Buy American Act' [see 41 U.S.C. 8301 et seq.]).

''(2) This subsection shall apply only to procurements made for which—

''(A) amounts are authorized by this title to be made available; and

''(B) solicitations for bids are issued after the date of the enactment of this Act [Aug. 23, 1994].

''(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

''(c) DEFINITIONS.—For the purposes of this section, the term 'domestic product' means a product—

''(1) that is manufactured or produced in the United States; and

''(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.''

Similar provisions were contained in the following prior authorization act: Pub. L. 102–581, title III, § 305, Oct. 31, 1992, 106 Stat. 4896.

PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS

Pub. L. 103–305, title III, § 306, Aug. 23, 1994, 108 Stat. 1593, provided that:

''(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under 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 40101 of this title], or under any amendment made by this title, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this title, or under any amendment made by this title, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.''

§ 50102. Restricting contract awards because of discrimination against United States goods or services

A person or enterprise domiciled or operating under the laws of a foreign country may not make a contract or subcontract under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except section 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353) if the government of that country unfairly maintains, in government procurement, a significant and persistent pattern of discrimination against United States goods or services that results in identifiable harm to United States businesses, that the President identifies under section 305(g)(1)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1298, § 49102; renumbered § 50102 and amended Pub. L. 104–287, § 5(88)(D), (89), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49102	49 App.:2226c.	Nov. 5, 1990, Pub. L. 101–508, § 9131, 104 Stat. 1388–372; Oct. 31, 1992, Pub. L. 102–581, § 118(b), 106 Stat. 4883.

The words ''government of that country'' are substituted for ''that government'' for consistency in the revised title and with other titles of the United States Code.

PUB. L. 104–287, § 5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1573).

Editorial Notes

REFERENCES IN TEXT

Subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990, referred to in text, is subtitle B (§§ 9101–9131) of title IX of Pub. L. 101–508, Nov. 5, 1990, 104 Stat. 1388–353, known as the Aviation Safety and Capacity Expansion Act of 1990. Sections 9102 to 9105, 9107 to 9112(b), 9113 to 9115, 9118, 9121 to 9123, 9124 ''Sec. 613(c)'', 9125, 9127, and 9129 to 9131 of title IX of Pub. L. 101–508 were repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see table at the beginning of Title 49.

AMENDMENTS

1996—Pub. L. 104–287, § 5(89), substituted ''section 47127'' for ''sections 47106(d) and 47127''.

Pub. L. 104–287, § 5(88)(D), renumbered section 49102 of this title as this section.

§ 50103. Contract preference for domestic firms

(a) DEFINITIONS.—In this section—

(1) ''domestic firm'' means a business entity incorporated, and conducting business, in the United States.

(2) ''foreign firm'' means a business entity not described in clause (1) of this subsection.

(b) PREFERENCE.—Subject to subsections (c) and (d) of this section, the Administrator of the Federal Aviation Administration may make, with a domestic firm, a contract related to a grant made under section 44511, 44512, or 44513 of this title that, under competitive procedures, would be made with a foreign firm, if—

(1) the Administrator decides, and the Secretary of Commerce and the United States Trade Representative concur, that the public interest requires making the contract with the domestic firm, considering United States international obligations and trade relations;

(2) the difference between the bids submitted by the foreign firm and the domestic firm is not more than 6 percent;

(3) the final product of the domestic firm will be assembled completely in the United States; and

(4) at least 51 percent of the final product of the domestic firm will be produced in the United States.

(c) NONAPPLICATION.—Subsection (b) of this section does not apply if—

(1) compelling national security considerations require that subsection (b) of this section not apply; or

(2) the Trade Representative decides that making the contract would violate the multilateral trade agreements (as defined in section 3501(4) of title 19) or an international agreement to which the United States is a party.

(d) APPLICATION TO CERTAIN GRANTS.—This section applies only to a contract related to a grant made under section 44511, 44512, or 44513 of this title for which—

(1) an amount is authorized by section 48102(a), (b), or (d) of this title to be made available for the fiscal years ending September 30, 1991, and September 30, 1992; and

(2) a solicitation for bid is issued after November 5, 1990.

(e) REPORT.—The Administrator shall submit a report to Congress on—

(1) contracts to which this section applies that are made with foreign firms in the fiscal years ending September 30, 1991, and September 30, 1992;

(2) the number of contracts that meet the requirements of subsection (b) of this section, but that the Trade Representative decides would violate the multilateral trade agreements (as defined in section 3501(4) of title 19) or an international agreement to which the United States is a party; and

(3) the number of contracts made under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1298, § 49103; renumbered § 50103, Pub. L. 104–287, § 5(88)(D), Oct. 11, 1996, 110 Stat. 3398; amended Pub. L. 106–36, title I, § 1002(i), June 25, 1999, 113 Stat. 134.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49103(a)	49 App.:2226d(e).	Nov. 5, 1990, Pub. L. 101–508, § 9207, 104 Stat. 1388–375.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49103(b)	49 App.:2226d(a).	
49103(c)	49 App.:2226d(b).	
49103(d)	49 App.:2226d(c).	
49103(e)	49 App.:2226d(d).	

In subsection (a), the text of 49 App.:2226d(e)(1) is omitted because the complete name of the Administrator of the Federal Aviation Administration is used the first time the term appears in a section.

In subsection (b), before clause (1), the words ''Subject to subsections (c) and (d) of this section'' are added to alert the reader to the limitations in those subsections. In clause (1), the words ''requires making the contract with the domestic firm'' are substituted for ''so requires'' for clarity. The words ''considering United States international obligations and trade relations'' are substituted for ''In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations'' to eliminate unnecessary words. In clause (4), the words ''when completely assembled'' are omitted as surplus. The words ''produced in the United States'' are substituted for ''domestically produced'' for consistency with clause (3).

In subsection (c), the words ''(1) such applicability would not be in the public interest'' are omitted as redundant to subsection (b)(1) of the revised section.

In subsection (e)(1), the words ''foreign firms'' are substituted for ''foreign entities'' for consistency in the revised section.

Subsection (e)(3) is substituted for ''the number of contracts covered under this subtitle (including the amendments made by this subtitle) and awarded based upon the parameters of this section'' to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

1999—Subsecs. (c)(2), (e)(2). Pub. L. 106–36 substituted ''multilateral trade agreements (as defined in section 3501(4) of title 19)'' for ''General Agreement on Tariffs and Trade''.

1996—Pub. L. 104–287 renumbered section 49103 of this title as this section.

§ 50104. Restriction on airport projects using products or services of foreign countries denying fair market opportunities

(a) DEFINITION AND RULES FOR CONSTRUING SECTION.—In this section—

(1) ''project'' has the same meaning given that term in section 47102 of this title.

(2) each foreign instrumentality and each territory and possession of a foreign country administered separately for customs purposes is a separate foreign country.

(3) an article substantially produced or manufactured in a foreign country is a product of the country.

(4) a service provided by a person that is a national of a foreign country or that is controlled by a national of a foreign country is a service of the country.

(b) LIMITATION ON USE OF AVAILABLE AMOUNTS.—(1) An amount made available under subchapter I of chapter 471 of this title (except section 47127) may not be used for a project that uses a product or service of a foreign country during any period the country is on the list maintained by the United States Trade Rep-

resentative under subsection (d)(1) of this section.

(2) Paragraph (1) of this subsection does not apply when the Secretary of Transportation decides that—

(A) applying paragraph (1) to the product, service, or project is not in the public interest;

(B) a product or service of the same class or type and of satisfactory quality is not produced or offered in the United States, or in a foreign country not listed under subsection (d)(1) of this section, in a sufficient and reasonably available amount; and

(C) the project cost will increase by more than 20 percent if the product or service is excluded.

(c) DECISIONS ON DENIAL OF FAIR MARKET OPPORTUNITIES.—Not later than 30 days after a report is submitted to Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the Trade Representative, for a construction project of more than $500,000 for which the government of a foreign country supplies any part of the amount, shall decide whether the foreign country denies fair market opportunities for products and suppliers of the United States in procurement or for United States bidders. In making the decision, the Trade Representative shall consider information obtained in preparing the report and other information the Trade Representative considers relevant.

(d) LIST OF COUNTRIES DENYING FAIR MARKET OPPORTUNITIES.—(1) The Trade Representative shall maintain a list of each foreign country the Trade Representative finds under subsection (c) of this section is denying fair market opportunities. The country shall remain on the list until the Trade Representative decides the country provides fair market opportunities.

(2) The Trade Representative shall publish in the Federal Register—

(A) annually the list required under paragraph (1) of this subsection; and

(B) any modification of the list made before the next list is published.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1299, § 49104; renumbered § 50104 and amended Pub. L. 104–287, § 5(88)(D), (89), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49104(a)(1) ..	(no source).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 533; added Dec. 30, 1987, Pub. L. 100–223, § 115, 101 Stat. 1505.
49104(a)(2)–(4).	49 App.:2226(d).	
49104(b)	49 App.:2226(a).	
49104(c)	49 App.:2226(b).	
49104(d)	49 App.:2226(c).	

Subsection (a)(1) is added for clarity.

In subsection (b)(1), the words ''subchapter I of chapter 471 of this title (except sections 47106(d) and 47127)'' are substituted for ''Act'' in section 533(a)(1) of the Airport and Airway Development Act of 1982, as added by section 115 of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223, 101 Stat. 1505) to correct a mistake.

In subsection (b)(2), before clause (A), the words ''with respect to the use of a product or service in a project'' are omitted as surplus. In clause (B), the words ''or service'' are added for clarity and consistency in this section. In clause (C), the words ''overall'' and ''contract'' are omitted as surplus.

In subsection (c), the words ''the date which is'', ''the date on which'', ''or not'', and ''and equitable'' are omitted as surplus.

In subsection (d)(1), the words ''finds under subsection (c) of this section is denying fair market opportunities'' are substituted for ''with respect to which an affirmative determination is made under subsection (b)'' for clarity.

In subsection (d)(2)(A), the word ''entire'' is omitted as surplus.

PUB. L. 104–287, § 5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1573).

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–287, § 5(88)(D), renumbered section 49104 of this title as this section.

Subsec. (b)(1). Pub. L. 104–287, § 5(89), substituted ''section 47127'' for ''sections 47106(d) and 47127''.

§ 50105. Fraudulent use of "Made in America" label

If the Secretary of Transportation decides that a person intentionally affixed a ''Made in America'' label to goods sold in or shipped to the United States that are not made in the United States, the Secretary shall declare the person ineligible, for not less than 3 nor more than 5 years, to receive a contract or grant from the United States Government related to a contract made under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except section 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353). The Secretary may bring a civil action to enforce this section in any district court of the United States.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1300, § 49105; renumbered § 50105 and amended Pub. L. 104–287, § 5(88)(D), (89), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49105	49 App.:2226b.	Nov. 5, 1990, Pub. L. 101–508, § 9130, 104 Stat. 1388–372; Oct. 31, 1992, Pub. L. 102–581, § 118(a), 106 Stat. 4883.

PUB. L. 104–287, § 5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1573).

Editorial Notes

REFERENCES IN TEXT

Subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990, referred to in text, is subtitle B (§§ 9101–9131) of title IX of Pub. L. 101–508, Nov. 5, 1990, 104 Stat. 1388–353, known as the Aviation Safety and Capacity Expansion Act of 1990. Sections 9102 to 9105, 9107 to 9112(b), 9113 to 9115, 9118, 9121 to 9123, 9124 ''Sec. 613(c)'', 9125, 9127, and 9129 to 9131 of title IX of Pub. L. 101–508 were repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, Transportation, see table at the beginning of Title 49.

AMENDMENTS

1996—Pub. L. 104–287, § 5(89), substituted ''section 47127'' for ''sections 47106(d) and 47127''.

Pub. L. 104–287, § 5(88)(D), renumbered section 49105 of this title as this section.

SUBTITLE VIII—PIPELINES

Chapter		Sec.
601.	**Safety**	**60101**
603.	**User Fees**	**60301**
605.	**Interstate Commerce Regulation**	**60501**

CHAPTER 601—SAFETY

Sec.
60101. Definitions.
60102. Purpose and general authority.
60103. Standards for liquefied natural gas pipeline facilities.
60104. Requirements and limitations.
60105. State pipeline safety program certifications.
60106. State pipeline safety agreements.
60107. State pipeline safety grants.
60108. Inspection and maintenance.
60109. High-density population areas and environmentally sensitive areas.
60110. Excess flow valves.
60111. Financial responsibility for liquefied natural gas facilities.
60112. Pipeline facilities hazardous to life and property.
60113. Customer-owned natural gas service lines.
60114. One-call notification systems.
60115. Technical safety standards committees.
60116. Public education programs.
60117. Administrative.
60118. Compliance and waivers.
60119. Judicial review.
60120. Enforcement.
60121. Actions by private persons.
60122. Civil penalties.
60123. Criminal penalties.
60124. Biennial reports.
60125. Authorization of appropriations.
60126. Risk management.
60127. Population encroachment and rights-of-way.
60128. Dumping within pipeline rights-of-way.
60129. Protection of employees providing pipeline safety information.
60130. Pipeline safety information grants to communities.
60131. Verification of pipeline qualification programs.
60132. National pipeline mapping system.
60133. Coordination of environmental reviews.
60134. State damage prevention programs.
60135. Enforcement transparency.
60136. Petroleum product transportation capacity study.
60137. Pipeline control room management.
60138. Response plans.
60139. Maximum allowable operating pressure.
60140. Cover over buried pipelines.
60141. Standards for underground natural gas storage facilities.
60142. Pipeline safety enhancement programs.
60143. Idled pipelines.

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–260, div. R, title I, §§ 104(b), 109(b), Dec. 27, 2020, 134 Stat. 2219, 2224, added items 60142 and 60143.

2016—Pub. L. 114–183, § 12(d)(1), June 22, 2016, 130 Stat. 524, added item 60141.

2012—Pub. L. 112–90, §§ 6(c)(2), 23(b), 28(b), Jan. 3, 2012, 125 Stat. 1910, 1919, 1921, added items 60138 to 60140.

2006—Pub. L. 109–468, §§ 2(b)(3), 6(b), 8(b), 12(b), Dec. 29, 2006, 120 Stat. 3489, 3491, 3492, 3495, added items 60134 to 60137.

2002—Pub. L. 107–355, §§ 6(c), 9(c), 11(b), 13(a)(2), 15(b), 16(b), 20(a)(2)(B), Dec. 17, 2002, 116 Stat. 2993, 2995, 2997, 3001, 3006, 3008, 3010, substituted ''Purpose and general authority'' for ''General authority'' in item 60102 and ''Population encroachment and rights-of-way'' for ''Population encroachment'' in item 60127 and added items 60129 to 60133.

1996—Pub. L. 104–304, §§ 5(f)[(b)], 15(c)[(b)], 16(b), 18(b)(2), 20(e), Oct. 12, 1996, 110 Stat. 3800, 3803, 3804, substituted ''State pipeline safety program certifications'' for ''State certifications'' in item 60105, ''State pipeline safety agreements'' for ''State agreements'' in item 60106, ''State pipeline safety grants'' for ''State grants'' in item 60107, and ''Biennial reports'' for ''Annual reports'' in item 60124 and added items 60126, 60127, and 60128.

Executive Documents

EXPEDITING REVIEW OF PIPELINE PROJECTS FROM CUSHING, OKLAHOMA, TO PORT ARTHUR, TEXAS, AND OTHER DOMESTIC PIPELINE INFRASTRUCTURE PROJECTS

Memorandum of President of the United States, Mar. 22, 2012, 77 F.R. 18891, provided:

Memorandum for the Heads of Executive Departments and Agencies

In an economy that relies on oil, rising prices at the pump affect all of us. With crude oil prices controlling about three-quarters of gasoline prices, the most important driver of the price here at home is the world oil price—making our economy vulnerable to events halfway around the globe. There are no quick fixes to this problem. In the long run we need to reduce America's dependence on oil—which is why my Administration is implementing historic fuel economy standards for cars and trucks, launching new programs to improve energy efficiency in our buildings, and facilitating the safe and responsible development of our natural gas resources.

But for the foreseeable future, we will continue to rely on oil to help fuel our transportation system. As a result, we must safely and responsibly develop our oil resources here at home, as part of an all-of-the-above energy strategy to grow our economy and make us more secure.

Because of rising oil production, more efficient cars and trucks, and a world-class refining sector that last year was a net exporter of petroleum products for the first time in 60 years, we have cut net imports by a million barrels a day in the last year alone. By reducing our dependence on foreign oil, we will make our Nation more secure and improve our trade balance—creating jobs and supporting domestic industry.

In order to realize these potential benefits, we need an energy infrastructure system that can keep pace with advances in production. To promote American energy sources, we must not only extract oil—we must also be able to transport it to our world-class refineries, and ultimately to consumers.