

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 individuals with disabilities.

(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; Pub. L. 118–63, title V, §550(a), May 16, 2024, 138 Stat. 1212.)

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. 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, §104, 72 Stat. 740; Oct. 4, 1984, Pub. L. 98–443, §14, 98 Stat. 1711. 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).	
40103(b)(3) ..	49 App.:1655(c)(1). 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.

Editorial Notes

AMENDMENTS

2024—Subsec. (a)(2). Pub. L. 118–63 substituted “individuals with disabilities” for “handicapped individuals”.

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 legitimate [sic] scientific purpose.”

UPDATE OF FAA STANDARDS TO ALLOW DISTRIBUTION AND USE OF CERTAIN RESTRICTED ROUTES AND TERMINAL PROCEDURES

Pub. L. 118–63, title III, §331, May 16, 2024, 138 Stat. 1089, provided that:

“(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall update FAA [Federal Aviation Administration] standards to allow for the distribution and use of the Capstone Restricted Routes and Terminal Procedures by Wide Area Augmentation System-capable navigation equipment.

“(b) CONTENTS.—In updating standards under subsection (a), the Administrator shall ensure that such standards provide a means for allowing modifications and continued development of new routes and procedures proposed by air carriers operating such routes.”

AIRSPACE ACCESS

Pub. L. 118–63, title VI, §604, May 16, 2024, 138 Stat. 1223, provided that:

“(a) COALESCING AIRSPACE.—

“(1) REVIEW OF NATIONAL AIRSPACE SYSTEM.—Not later than 3 years after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration], in coordination with the Secretary of Defense, shall conduct a comprehensive review of the airspace of the national airspace system, including special use airspace.

“(2) STREAMLINING AND EXPEDITING ACCESS.—In carrying out paragraph (1), the Administrator shall identify methods to streamline, expedite, and provide greater flexibility of access to certain categories of airspace for users of the national airspace system who may not regularly have such access.

“(b) BRIEFING.—

“(1) IN GENERAL.—Not later than 3 months after the completion of review the under subsection (a), the Administrator shall brief 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] on the findings of such review and a proposed action plan to improve access to airspace for users of the national airspace system.

“(2) CONTENTS.—In the briefing under paragraph (1), the Administrator shall include, at a minimum, the following:

“(A) An identification of current challenges and barriers faced by airspace users in accessing certain categories of airspace, including special use airspace.

“(B) An evaluation of existing procedures, regulations, and requirements that may impede or delay access to certain categories of airspace for certain users of the national airspace system.

“(C) Actions for streamlining and expediting the airspace access process, including potential regulatory changes, technological advancements, and enhanced coordination among relevant stakeholders and Federal agencies.

“(D) If determined appropriate, an implementation plan for a framework that allows for temporary access to certain categories of airspace, including special use airspace, by users of the national airspace system who do not have regular access to such airspace.

“(E) An assessment of the impact of airspace access improvements described in paragraph (1) on the safety of, efficiency of, and economic opportunities for airspace users, including—

- “(i) military operators;
- “(ii) commercial operators; and
- “(iii) general aviation operators.

“(3) IMPLEMENTATION AND FOLLOW-UP.—

“(A) ACTION PLAN.—The Administrator shall take such actions as are necessary to implement the action plan developed pursuant to this section.

“(B) COORDINATION.—In implementing the action plan under subparagraph (A), the Administrator shall coordinate with relevant stakeholders, including airspace users and the Secretary of Defense, to ensure effective implementation of such action plan, and ongoing collaboration in addressing airspace access challenges.

“(C) PROGRESS REPORTS.—The Administrator shall provide to the appropriate committees of Congress periodic briefings on the implementation of the action plan developed under this subparagraph (A), including updates on—

- “(i) the adoption of streamlined procedures;
- “(ii) technological enhancements; and
- “(iii) any regulatory changes necessary to improve airspace access and flexibility.”

LOW-ALTITUDE ROTORCRAFT AND POWERED-LIFT AIRCRAFT INSTRUMENT FLIGHT ROUTES

Pub. L. 118-63, title VI, §627(b), May 16, 2024, 138 Stat. 1243, provided that:

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall initiate a rulemaking process to establish or update, as appropriate, low altitude routes and flight procedures to ensure safe rotorcraft and powered-lift aircraft operations in the national airspace system.

“(2) REQUIREMENTS.—In carrying out this subsection, the Administrator shall—

“(A) incorporate instrument flight rules rotorcraft operations into the low-altitude performance based navigation procedure infrastructure;

“(B) prioritize the development of new helicopter area navigation instrument flight rules routes as part of the United States air traffic service route structure that utilize performance based navigation, such as Global Positioning System and Global Navigation Satellite System equipment; and

“(C) consider the impact of such low altitude flight routes on other airspace users and impacted communities to ensure that such routes are designed to minimize—

- “(i) the potential for conflict with existing national airspace system operations;
- “(ii) the workload of air traffic controllers; and
- “(iii) negative effects to impacted communities.

“(3) CONSULTATION.—In carrying out the rulemaking process under paragraph (1), the Administrator shall consult with—

“(A) stakeholders in the airport, heliport, rotorcraft manufacturer and operator, general aviation operator, powered-lift operator, air carrier, and performance based navigation technology manufacturer sectors;

“(B) the United States Helicopter Safety Team;

“(C) exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code; and

“(D) other stakeholders determined appropriate by the Administrator.”

AIRSHOW SAFETY TEAM

Pub. L. 118-63, title VIII, §811, May 16, 2024, 138 Stat. 1326, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] may, as determined necessary by the Administration, coordinate with the General Aviation Joint Safety Committee to establish an Airshow Safety Team focused on airshow and aerial event safety.

“(b) OBJECTIVE.—The objective of the Airshow Safety Team described in subsection (a) shall be to—

- “(1) serve as a mechanism for Federal Government and industry cooperation, communication, and coordination on airshow and aerial event safety; and
- “(2) reduce airshow and aerial event accidents and incidents through non-regulatory, proactive safety strategies.

“(c) ACTIVITIES.—In carrying out the objectives pursuant to subsection (b), the Airshow Safety Team shall, at a minimum—

“(1) perform an analysis of airshow and aerial event accidents and incidents in conjunction with the Safety Analysis Team;

“(2) publish and update every 2 years after initial publication an Airshow Safety Plan that incorporates consensus based and data driven mitigation measures and non-regulatory safety strategies to improve and promote safety of the public, performers, and airport personnel; and

“(3) engage the airshow and aerial event community to—

“(A) communicate non-regulatory, proactive safety strategies identified by the Airshow Safety Plan to mitigate incidents; and

“(B) discuss best practices to uphold and maintain safety at events.

“(d) MEMBERSHIP.—The Administrator may request the Airshow Safety Team be comprised of at least 10 individuals, each of whom shall have knowledge or a background in the planning, execution, operation, or management of an airshow or aerial event.

“(e) MEETINGS.—The Airshow Safety Team shall meet at least twice a year at the direction of the co-chairs of the General Aviation Joint Safety Committee.

“(f) CONSTRUCTION.—Nothing in this section shall be construed to require an amendment to the charter of the General Aviation Joint Safety Committee.”

OPERATING HIGH-SPEED FLIGHTS IN HIGH ALTITUDE CLASS E AIRSPACE

Pub. L. 118-63, title X, §1011, May 16, 2024, 138 Stat. 1392, provided that:

“(a) RESEARCH.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration], in consultation with the Administrator of NASA [National Aeronautics and Space Administration] and any other relevant stakeholders the Administrator determines appropriate, including industry and academia, shall undertake research to identify, to the maximum extent practicable, the minimum altitude above the upper boundary of Class A airspace, at or above which flights operating with speeds above Mach 1 generate sonic booms that do not produce appreciable sonic boom overpressures that reach the surface under prevailing atmospheric conditions.

“(b) HYPERSONIC DEFINED.—In this section, the term ‘hypersonic’ means a flight operating at speeds that exceed Mach 5.”

RULEMAKING RELATED TO OPERATING HIGH-SPEED
FLIGHTS IN HIGH ALTITUDE CLASS E AIRSPACE

Pub. L. 118-63, title XI, § 1108, May 16, 2024, 138 Stat. 1417, provided that:

“Not later than 2 years after the date on which the Administrator [of the Federal Aviation Administration] identifies the minimum altitude pursuant to section 1011 [of Pub. L. 118-63, set out as a note above], the Administrator shall publish in the Federal Register a notice of proposed rulemaking to amend sections 91.817 and 91.818 of title 14, Code of Federal Regulations, and such other regulations as appropriate, to permit flight operations with speeds above Mach 1 at or above the minimum altitude identified under section 1011 without specific authorization, provided that such flight operations—

“(1) show compliance with airworthiness requirements;

“(2) do not produce appreciable sonic boom overpressures that reach the surface under prevailing atmospheric conditions;

“(3) have ordinary instrument flight rules clearances necessary to operate in controlled airspace; and

“(4) comply with applicable environmental requirements.”

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 in-

requent 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. 118-63, title XI, §1115(a), May 16, 2024, 138 Stat. 1421, provided that:

“(a) REQUIRED COORDINATION.—

“(1) IN GENERAL.—On an annual basis, the Administrator [of the Federal Aviation Administration] shall convene a meeting with representatives of FAA [Federal Aviation Administration]-approved air shows, the general aviation community, stadiums and other large outdoor events and venues or organizations that run such events, the Department of Homeland Security, and the Department of Justice—

“(A) to identify scheduling conflicts between FAA-approved air shows and large outdoor events and venues where—

“(i) flight restrictions will be imposed pursuant to section 521 of division F of the Consolidated Appropriations Act, 2004 [Pub. L. 108-199] (49 U.S.C. 40103 note); or

“(ii) any other restriction will be imposed pursuant to FAA Flight Data Center Notice to Airmen 4/3621 (or any successor notice to airmen); and

“(B) in instances where a scheduling conflict between events is identified or is found to be likely to occur, develop appropriate operational and communication procedures to ensure for the safety and security of both events.

“(2) SCHEDULING CONFLICT.—If the Administrator or any other stakeholder party to the required annual coordination required in paragraph (1) identifies a scheduling conflict outside of the annual meeting at any point prior to the scheduling conflict, the Administrator shall work with impacted stakeholders to develop appropriate operational and communication procedures to ensure for the safety and security of both events.”

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; Pub. L. 118-41, title I, §102(u), Mar. 8, 2024, 138 Stat. 22; Pub. L. 118-63, title VI, §610, May 16, 2024, 138 Stat. 1226, 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.—In this section:

“(1) CERTAIN NEXTGEN AVIONICS.—The term ‘certain NextGen avionics’ means those avionics and baseline capabilities as recommended in the report of the NextGen Advisory Committee titled ‘Minimum Capabilities List (MCL) Ad Hoc Team NAC Task 19-1 Report’, issued on November 17, 2020.

“(2) PREFERENTIAL BASIS.—The term ‘preferential basis’ means prioritizing aircraft equipped with certain NextGen avionics by providing them more efficient service, shorter queuing, or priority clearances to the maximum extent possible without reducing overall capacity or safety of the national airspace system.

“(e) SUNSET.—The pilot program established under subsection (a) shall terminate on September 30, 2028.

“(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, as amended by Pub. L. 118-63, title XI, §1115(b), May 16, 2024, 138 Stat. 1421, 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 (or attendees approved by) 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;

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

“(vi) to permit the safe operation of an aircraft that is operated by an airshow performer in connection with an airshow, provided such aircraft is not permitted to operate directly over the stadium (or adjacent parking facilities) during the sporting event; 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.

(b) 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.

(c) EDUCATIONAL AND PROFESSIONAL DEVELOPMENT.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall support and undertake efforts to promote and support the education and professional development of current and future aerospace professionals.

(2) EDUCATIONAL MATERIALS.—Based on the availability of resources, the Administrator shall—

(A) develop and distribute civil aviation information and educational materials; and

(B) provide expertise to State and local school administrators, college and university officials, and officers of other interested organizations and entities.

(3) CONTENT.—In developing the educational materials under paragraph (2), the Administrator shall ensure such materials, including presentations, cover topics of broad relevance, including—

(A) ethical decision-making and the responsibilities of aerospace professionals;

(B) managing a workforce, encouraging proper reporting of prospective safety issues, and educating employees on safety management systems; and