

“(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

(C) responsibilities as a designee or representative of the Administrator.

(d) INTERNATIONAL ROLE AND ASSISTANCE OF THE FAA.—

(1) IN GENERAL.—In carrying out subsection (a), 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) INTERNATIONAL PRESENCE.—The Administrator shall maintain an international presence to—

(A) assist foreign civil aviation authorities in—

(i) establishing robust aviation oversight practices and policies;

(ii) harmonizing international aviation standards for air traffic management, operator certification, aircraft certification, airports, and certificated or credentialed individuals;

(iii) validating and accepting foreign aircraft design and production approvals;

(iv) preparing for new aviation technologies, including powered-lift aircraft, products, and articles; and

(v) appropriately adopting continuing airworthiness information, such as airworthiness directives;

(B) encourage the adoption of United States standards, regulations, and policies;

(C) establish, maintain, and update bilateral or multilateral aviation safety agreements and the aviation safety information contained within such agreements;

(D) engage in bilateral and multilateral discussions as required under paragraph (5) and provide technical assistance as described in paragraph (6);¹

(E) validate foreign aviation products and ensure reciprocal validation of products for which the United States is the state of design or production;

(F) support accident and incident investigations, particularly such investigations that involve United States persons and certified products and such investigations where the National Transportation Safety Board is supporting an investigation pursuant to annex 13 of the International Civil Aviation Organization;

(G) support the international safety activities of the United States aviation sector;

(H) maintain valuable relationships with entities with aviation equities, including civil aviation authorities, other governmental bodies, non-governmental organizations, and foreign manufacturers; and

(I) perform other activities as determined necessary by the Administrator.

(3) INTERNATIONAL OFFICES.—In carrying out the responsibilities described in subsection (a), the Administrator—

(A) shall maintain international offices of the Administration;

(B) every 5 years, may review existing international offices to determine—

(i) the effectiveness of such offices in fulfilling the mission described in paragraph (2); and

(ii) the adequacy of resources and staffing to achieve the mission described in paragraph (2); and

(C) shall establish offices to address gaps identified by the review under subparagraph (B) and in furtherance of the mission described in paragraph (2), putting an emphasis on establishing such offices—

(i) where international civil aviation authorities are located;

(ii) where regional intergovernmental organizations are located;

(iii) in countries that have difficulty maintaining a category 1 classification through the International Aviation Safety Assessment program; and

(iv) in regions that have experienced substantial growth in aviation operations or manufacturing.

(4) 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 estab-

¹ See References in Text note below.

lished 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.

(5) BILATERAL AVIATION SAFETY AGREEMENTS.—

(A) IN GENERAL.—The Administrator shall negotiate, enter into, promote, enforce, evaluate the effectiveness of, and seek to update bilateral or multilateral aviation safety agreements, and the parts of such agreements, with international aviation authorities.

(B) PURPOSE.—The Administrator shall seek to enter into bilateral aviation safety agreements under this section to, at a minimum—

- (i) improve global aviation safety;
- (ii) increase harmonization of, and reduce duplicative, requirements, processes, and approvals to advance the aviation interests of the United States;
- (iii) ensure access to international markets for operators, service providers, and manufacturers from the United States; and
- (iv) put in place procedures for recourse when a party to such agreements fails to meet the obligations of such party under such agreements.

(C) SCOPE.—The scope of a bilateral aviation safety agreement entered into under this section shall, as appropriate, cover existing aviation users and concepts and establish a process by which bilateral aviation safety agreements can be updated to include new and novel concepts on an ongoing basis.

(D) CONTENTS.—Bilateral aviation safety agreements entered into under this section shall, as appropriate and consistent with United States law and regulation, include topics such as—

- (i) airworthiness, certification, and validation;
- (ii) maintenance;
- (iii) operations and pilot training;
- (iv) airspace access, efficiencies, and navigation services;
- (v) transport category aircraft;
- (vi) fixed-wing aircraft, rotorcraft, powered-lift aircraft, products, and articles;
- (vii) aerodrome certification;
- (viii) unmanned aircraft and associated elements of such aircraft;
- (ix) flight simulation training devices;
- (x) new or emerging technologies and technology trends; and
- (xi) other topics as determined appropriate by the Administrator.

(E) RULE OF CONSTRUCTION.—Bilateral or multilateral aviation safety agreements entered into under this subsection shall not be construed to diminish or alter any authority of the Administrator under any other provision of law.

(7)² STRATEGIC PLAN.—The Administrator shall maintain a strategic plan for the inter-

national engagement of the Administration that includes—

(A) all elements of the report required under section 243(b) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note);

(B) measures to fulfill the mission described in paragraph (2);

(C) initiatives to attain greater expertise among employees of the Federal Aviation Administration in issues related to dispute resolution, intellectual property, and export control laws;

(D) policy regarding the future direction and strategy of the United States engagement with the International Civil Aviation Organization;

(E) procedures for acceptance of mandatory airworthiness information, such as airworthiness directives, and other safety-related regulatory documents, including procedures to implement the requirements of section 44701(e)(5);

(F) all factors, including funding and resourcing, necessary for the Administration to maintain leadership in the global activities related to aviation safety and air transportation;

(G) establishment of, and a process to regularly track and update, metrics to measure the effectiveness of, and foreign civil aviation authority compliance with, bilateral aviation safety agreements; and

(H) a strategic methodology to facilitate the ability of the United States aerospace industry to efficiently operate and export new aerospace technologies, products, and articles in key markets globally.

(e) 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.

(f) TRAVEL.—The Administrator and the Secretary of Transportation shall, in carrying out the responsibilities described in subsection (a), delegate to the appropriate supervisors of offices of the Administration the ability to authorize the domestic and international travel of relevant personnel who are not in the Federal Aviation Administration Executive System, without any additional approvals required, for the purposes of—

(1) promoting aviation safety, aircraft operations, air traffic, airport, unmanned aircraft systems, aviation fuels, and other aviation standards, regulations, and initiatives adopted by the United States;

²So in original. No par. (6) has been enacted.

- (2) facilitating the adoption of United States approaches on such aviation standards and recommended practices at the International Civil Aviation Organization;
- (3) supporting the acceptance of Administration design and production approvals by other civil aviation authorities;
- (4) training Administration personnel and training provided to other persons;
- (5) engaging with regulated entities, including performing site visits;
- (6) activities associated with subsections (c) through (e); and
- (7) other activities as determined by the Administrator.

(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; Pub. L. 118-63, title III, §§ 356, 357(a), 358(a)-(c)(1), (d), 359, May 16, 2024, 138 Stat. 1114-1116, 1119, 1120.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40104	49 App.:1346. 49 App.:1346a. 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §305, 72 Stat. 749. July 12, 1976, Pub. L. 94-353, §21, 90 Stat. 884. 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

REFERENCES IN TEXT

Paragraph (6), referred to in subsec. (d)(2)(D), is a reference to par. (6) of subsec. (d) of this section, which does not exist, but may instead be referring to par. (6) of subsec. (e) of section 40113 of this title, which relates to technical assistance to foreign governments and was enacted by the same section of Pub. L. 118-63 that en-

acted subsec. (d)(2) of this section containing the reference.

Section 243(b) of the FAA Reauthorization Act of 2018, referred to in subsec. (d)(7)(A), is section 243(b) of Pub. L. 115-254, which is set out in a note under section 44701 of this title.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-63, §356(1), struck out at end “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.”

Subsec. (b). Pub. L. 118-63, §356(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 118-63, §357(a), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 118-63, §358(a)(1), inserted “and Assistance” after “International Role” in heading.

Pub. L. 118-63, §356(3), redesignated subsec. (b) as (d).

Subsec. (d)(1). Pub. L. 118-63, §358(a)(2), substituted “In carrying out subsection (a), the Administrator” for “The Administrator”.

Subsec. (d)(2). Pub. L. 118-63, §358(a)(4), added par. (2). Former par. (2) redesignated (4).

Subsec. (d)(3). Pub. L. 118-63, §358(b), added par. (3).

Subsec. (d)(4). Pub. L. 118-63, §358(a)(3), redesignated par. (2) as (4).

Subsec. (d)(5). Pub. L. 118-63, §358(c)(1), added par. (5).

Subsec. (d)(7). Pub. L. 118-63, §358(d), added par. (7).

Subsec. (e). Pub. L. 118-63, §356(2), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 118-63, §359, added subsec. (f).

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.

SUPPORT FOR PROFESSIONAL DEVELOPMENT AND
CONTINUING EDUCATION

Pub. L. 118-63, title III, § 357(b), May 16, 2024, 138 Stat. 1115, provided that: “The Administrator [of the Federal Aviation Administration] may take such action as may be necessary to support or launch initiatives that seek to advance the professional development and continuing education of aerospace professionals.”

VALIDATION OF POWERED-LIFT AIRCRAFT

Pub. L. 118-63, title III, § 358(c)(3), May 16, 2024, 138 Stat. 1118, provided that: “In carrying out section 40104(d) of title 49, United States Code (as amended by this Act), the Administrator [of the Federal Aviation Administration] shall ensure coordination with international civil aviation authorities regarding the establishment of mutual processes for efficient validation, acceptance, and working arrangements of certificates and approvals for powered-lift aircraft, products, and articles.”

POWERED-LIFT AIRCRAFT

Pub. L. 118-63, title III, § 358(e), May 16, 2024, 138 Stat. 1119, provided that: “In developing the methodology required under section 40104(d)(7)(H) of title 49, United States Code (as added by subsection (d)), the Administrator [of the Federal Aviation Administration] shall—

“(1) perform an assessment of existing bilateral aviation safety agreements, implementation procedures, and other associated bilateral arrangements to determine how current and future powered-lift products and articles can utilize the most appropriate validation mechanisms and procedures;

“(2) facilitate global acceptance of the approach of the FAA [Federal Aviation Administration] to certification of powered-lift aircraft, products, and articles; and

“(3) consider any other information determined appropriated by the Administrator.”

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—