

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

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44501.	Plans and policy.
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#### Editorial Notes

##### AMENDMENTS

2024—Pub. L. 118–63, title III, §337, title IV, §401(b), title VI, §618(b)(2), title X, §1017(b), May 16, 2024, 138 Stat. 1093, 1148, 1231, 1397, added items 44505 and 44520 and struck out former item 44505 “Systems, procedures, facilities, and devices” and items 44510 “Airway science curriculum grants”, 44514 “Flight service stations”, and 44515 “Advanced training facilities for maintenance technicians for air carrier aircraft”.

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 of air navigation facilities and services, 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, procurement, and development pro-

grams and the facilities, services, 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 second 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, procurement, and development required to improve safety, system capacity, and efficiency; and

(C) personnel levels required for the activities described in subparagraphs (A) and (B);

(3) for the third, fourth, and fifth 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, services, 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 the aerospace industry 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 that is 30 days after the date of submission of the President’s budget to Congress. If such report cannot be prepared and submitted by the date that is 30 days after the date of submission of the President’s budget to Congress, the Administrator shall submit, before such date, a letter to the Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and the Committee of<sup>1</sup> Science, Space, and Technology of the House of Representatives stating the reason for delayed submission, impacts of

<sup>1</sup> So in original. Probably should be “on”.

the delay, and actions taken to address circumstances that led to the delay.

(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 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 44912(d)(2) and regulations prescribed under such section, 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.

(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; Pub. L. 118–63, title VI, §618(a), title X, §1004(a), title XI, §1101(j), May 16, 2024, 138 Stat. 1230, 1386, 1413.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44501(a) .....	49 App.:1353(a). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §312(a), 72 Stat. 752. 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

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

2024—Subsec. (a). Pub. L. 118–63, §618(a)(1), substituted “development of air navigation facilities and services” for “development and location of air navigation facilities”.

Subsec. (b)(1). Pub. L. 118–63, §618(a)(2)(A), (B), substituted “procurement, and development” for “and development” and “facilities, services, and equipment” for “facilities and equipment” in introductory provisions.

Subsec. (b)(2). Pub. L. 118–63, §618(a)(2)(C)(i), substituted “first and second years” for “first and 2d years” in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 118–63, §618(a)(2)(A), substituted “procurement, and development” for “and development”.

Subsec. (b)(2)(C). Pub. L. 118–63, § 618(a)(2)(C)(ii), substituted “subparagraphs (A) and (B)” for “subclauses (A) and (B) of this clause”.

Subsec. (b)(3). Pub. L. 118–63, § 618(a)(2)(D), substituted “the third, fourth, and fifth” for “the 3d, 4th, and 5th” and “systems, services, and facilities” for “systems and facilities”.

Subsec. (b)(4)(B). Pub. L. 118–63, § 618(a)(2)(E), substituted “growth of the aerospace industry” for “growth of aviation”.

Subsec. (c)(1). Pub. L. 118–63, § 1004(a), substituted “not later than the date that is 30 days after the date of submission” for “not later than the date of submission” and inserted at end “If such report cannot be prepared and submitted by the date that is 30 days after the date of submission of the President’s budget to Congress, the Administrator shall submit, before such date, a letter to the Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and the Committee of Science, Space, and Technology of the House of Representatives stating the reason for delayed submission, impacts of the delay, and actions taken to address circumstances that led to the delay.”

Subsec. (c)(2)(B)(i). Pub. L. 118–63, § 1101(j)(1), struck out “40119,” after “under sections”.

Subsec. (c)(3). Pub. L. 118–63, § 1101(j)(2), substituted “Subject to section 44912(d)(2) and regulations prescribed under such section,” for “Subject to section 40119(b) of this title and regulations prescribed under section 40119(b).”

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.

#### RULE OF CONSTRUCTION REGARDING COLLABORATIONS

Pub. L. 118–63, title X, § 1031, May 16, 2024, 138 Stat. 1406, provided that: “Nothing in this title [enacting sections 44520, 44813, and 44814 of this title, amending sections 44501, 44518, 47511, and 48102 of this title, enacting provisions set out as notes under sections 40101, 40103, 45501, 44504, 44505, 44701, and 47101 of this title, and amending provisions set out as a note under section 44505 of this title] may be construed as modifying or limiting existing collaborations, or limiting potential engagement on future collaborations, between the Administrator [of the Federal Aviation Administration], stakeholders, and labor organizations, including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, pertaining to FAA [Federal Aviation Administration] research, engineering, development, demonstration, and testing activities.”

#### ADVANCED AVIATION TECHNOLOGY AND INNOVATION STEERING COMMITTEE

Pub. L. 118–63, title II, § 229, May 16, 2024, 138 Stat. 1064, provided that:

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall establish an Advanced Aviation Technology and Innovation Steering Committee (in this section referred to as the ‘Steering Committee’) to assist the FAA [Federal Aviation Administration] in planning for and integrating advanced aviation technologies.

“(b) PURPOSE.—The Steering Committee shall—

“(1) create and regularly update a comprehensive strategy and action plan for integrating advanced aviation technologies into the national airspace system and aviation ecosystem; and

“(2) provide direction and resolution for complex issues related to advanced aviation technologies that span multiple offices or lines of business of the FAA, as needed.

“(c) CHAIR.—The Deputy Administrator of the FAA shall serve as the Chair of the Steering Committee.

“(d) COMPOSITION.—In addition to the Chair, the Steering Committee shall consist of the Assistant or Associate Administrator, or the designee of such Administrator, of each of the following FAA offices:

“(1) Office of Aviation Safety.

“(2) Air Traffic Organization.

“(3) Office of Airports.

“(4) Office of Commercial Space Transportation.

“(5) Office of Finance and Management.

“(6) Office of the Chief Counsel.

“(7) Office of Rulemaking and Regulatory Improvement.

“(8) Office of Policy, International Affairs, and Environment.

“(9) Office of Security and Hazardous Materials Safety.

“(10) Any other Office the Administrator determines necessary.”

#### 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