

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44702(a)	49 App.:1422(a) (1st–10th words). 49 App.:1423(a)(1), (b), (c) (as 49 App.:1423(a)(1), (b), (c) relate to issuing certificates). 49 App.:1424(a) (related to issuing certificates). 49 App.:1426 (last sentence). 49 App.:1427 (last sentence). 49 App.:1428. 49 App.:1432(a) (related to issuing certificates). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §§ 314 (less (a) (last sentence related to fees)), 601(b) (1st sentence related to issuing certificates, 2d sentence), 602(a) (1st–8th words), 603(a)(1), (b), (c) (as § 603(a)(1), (b), (c) relate to issuing certificates), 604(a) (related to issuing certificates), 606 (last sentence), 607 (last sentence), 608, 72 Stat. 754, 775, 776, 777, 778, 779. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 612(a) (related to issuing certificates); added May 21, 1970, Pub. L. 91-258, § 51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97-248, § 525(a), 96 Stat. 697. Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444.
44702(b)	49 App.:1421(b) (1st sentence related to issuing certificates).	
44702(c)	49 App.:1655(c)(1). 49 App.:1421(b) (2d sentence).	
44702(d)	49 App.:1655(c)(1). 49 App.:1355 (less (a) (last sentence related to fees)). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in sections 601(b), 602(a), 603(a)(1), 604(a), 606 (last sentence), 607 (last sentence), and 608 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 775, 776, 778, 779) is retained on authority of 49:106(g).

In subsection (a), the reference to a type certificate and production certificate is added for clarity.

In subsection (b)(1), before subclause (A), the word “full” is omitted as surplus. In clause (1)(A), the word “provide” is substituted for “perform” for consistency in the revised title.

In subsection (d)(1), before clause (A), the words “In exercising the powers and duties vested in him by this chapter” and “properly” are omitted as surplus. The words “or employees” are omitted because of 1:1. The word “matter” is substituted for “work, business, or function” to eliminate unnecessary words. In clause (B), the words “in accordance with standards established by him” are omitted as surplus.

In subsection (d)(2), the words “made by him” are omitted as surplus.

In subsection (d)(3), the words “exercising delegated authority” and “with respect to the authority granted under subsection (a) of this section” are omitted as surplus. The words “at any time” are substituted for “either before or after it has become effective”, and the words “If the Administrator decides on reconsideration that the action is unreasonable or unwarranted” are substituted for “If, upon reconsideration by the Secretary of Transportation, it shall appear that the action in question is in any respect unjust or unwarranted”, to eliminate unnecessary words. The words “the action” are substituted for “the same accordingly”, and the words “If the Administrator decides the action is warranted, the Administrator shall affirm the

action” are substituted for “otherwise, such action shall be affirmed”, for clarity. The text of 49 App.:1355(b) (proviso) is omitted as unnecessary because of 5:559 (last sentence).

Editorial Notes

AMENDMENTS

2020—Subsec. (d)(4). Pub. L. 116-260 added par. (4).

2003—Subsec. (a). Pub. L. 108-176 inserted “design organization certificates,” after “airman certificates,” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-176, title II, § 227(a), Dec. 12, 2003, 117 Stat. 2531, provided that the amendment made by section 227(a) is effective on the last day of the 7-year period beginning on Dec. 12, 2003.

DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS

Pub. L. 108-176, title VII, § 706, Dec. 12, 2003, 117 Stat. 2582, provided that: “The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.”

§ 44703. Airman certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

(b) CONTENTS.—(1) An airman certificate shall—

(A) be numbered and recorded by the Administrator of the Federal Aviation Administration;

(B) contain the name, address, and description of the individual to whom the certificate is issued;

(C) contain terms the Administrator decides are necessary to ensure safety in air commerce, including terms on the duration of the certificate, periodic or special examinations, and tests of physical fitness;

(D) specify the capacity in which the holder of the certificate may serve as an airman with respect to an aircraft; and

(E) designate the class the certificate covers.

(2) A certificate issued to a pilot serving in scheduled air transportation shall have the designation “airline transport pilot” of the appropriate class.

(c) PUBLIC INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman’s name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an

airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.

(d) APPEALS.—(1) An individual whose application for the issuance or renewal of an airman certificate has been denied may appeal the denial to the National Transportation Safety Board, except if the individual holds a certificate that—

(A) is suspended at the time of denial; or

(B) was revoked within one year from the date of the denial.

(2) The Board shall conduct a hearing on the appeal at a place convenient to the place of residence or employment of the applicant. The Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration. At the end of the hearing, the Board shall decide whether the individual meets the applicable regulations and standards. The Administrator is bound by that decision.

(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.

(e) RESTRICTIONS AND PROHIBITIONS.—The Administrator of the Federal Aviation Administration may—

(1) restrict or prohibit issuing an airman certificate to an alien; or

(2) make issuing the certificate to an alien dependent on a reciprocal agreement with the government of a foreign country.

(f) CONTROLLED SUBSTANCE VIOLATIONS.—The Administrator of the Federal Aviation Administration may not issue an airman certificate to an individual whose certificate is revoked under section 44710 of this title except—

(1) when the Administrator decides that issuing the certificate will facilitate law enforcement efforts; and

(2) as provided in section 44710(e)(2) of this title.

(g) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for

issuing airman certificates necessary to make the system more effective in serving the needs of airmen and officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) and related to combating acts of terrorism. The modifications shall ensure positive and verifiable identification of each individual applying for or holding a certificate and shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the use of fictitious names and addresses by applicants for those certificates.

(B) the use of stolen or fraudulent identification in applying for those certificates.

(C) the use by an applicant of a post office box or “mail drop” as a return address to evade identification of the applicant’s address.

(D) the use of counterfeit and stolen airman certificates by pilots.

(E) the absence of information about physical characteristics of holders of those certificates.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of U.S. Customs and Border Protection, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(3) For purposes of this section, the term “acts of terrorism” means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airman certificates.

(h)¹ RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

(1) IN GENERAL.—Subject to paragraph (14), before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

¹ See Termination Date note below.

(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and
 (ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces) that has employed the individual as a pilot of a civil or public aircraft at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

(I) section 121.683 of title 14, Code of Federal Regulations;

(II) paragraph (A) of section VI, appendix I, part 121 of such title;

(III) paragraph (A) of section IV, appendix J, part 121 of such title;

(IV) section 125.401 of such title; and

(V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the fur-

nishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.

(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A). A person who receives a request for records under this subsection shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

(B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

(8) STANDARD FORMS.—The Administrator shall promulgate—

(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

(B) standard forms that may be used by an air carrier to—

(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

(ii) inform the individual of—

(I) the request; and

(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a

reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(10) **RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.**—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot who is or has been employed by such carrier, make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B)(i) or (ii) pertaining to the employment of the pilot.

(11) **PRIVACY PROTECTIONS.**—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(12) **PERIODIC REVIEW.**—Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(13) **REGULATIONS.**—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect—

(i) the personal privacy of any individual whose records are requested under paragraph (1) and disseminated under paragraph (15); and

(ii) the confidentiality of those records;

(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

(C) to ensure prompt compliance with any request made under paragraph (1).

(14) **SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.**—

(A) **PILOTS OF CERTAIN SMALL AIRCRAFT.**—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is

not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

(B) **GOOD FAITH EXCEPTION.**—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.

(15) **ELECTRONIC ACCESS TO FAA RECORDS.**—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.

(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).

(i) **FAA PILOT RECORDS DATABASE.**—

(1) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

(2) **PILOT RECORDS DATABASE.**—Not later than April 30, 2017, the Administrator shall establish and make available for use an electronic database (in this subsection referred to as the “database”) containing the following records:

(A) **FAA RECORDS.**—From the Administrator—

(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

(iii) summaries of legal enforcement actions resulting in a finding by the Admin-

istrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for the air carrier or person—

(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time) or person, including records under regulations set forth in—

- (I) section 121.683 of title 14, Code of Federal Regulations;
 - (II) section 121.111(a) of such title;
 - (III) section 121.219(a) of such title;
 - (IV) section 125.401 of such title; and
 - (V) section 135.63(a)(4) of such title;
- and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(4) REPORTING.—

(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

(B) may remove the individual's records from the database after that date.

(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—

(A) IN GENERAL.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

(B) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this paragraph shall—

(i) be credited to the appropriation current when the amount is received;

(ii) be merged with and available for the purposes of such appropriation; and

(iii) remain available until expended.

(9) PRIVACY PROTECTIONS.—

(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the

individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(B) DISCLOSURE OF INFORMATION.—

(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552(b)(3)(B) of title 5.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) deidentified, summarized information to explain the need for changes in policies and regulations;

(II) information to correct a condition that compromises safety;

(III) information to carry out a criminal investigation or prosecution;

(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect and secure—

(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

(ii) the confidentiality of those records; and

(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

(A) the air carrier has made a documented good faith attempt to access the information from the database; and

(B) the air carrier has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

(i) the designated individual has received the written consent of the pilot applicant to access the information; and

(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

(14) AUTHORIZED EXPENDITURES.—Of amounts appropriated under section 106(k)(1), a total of \$6,000,000 for fiscal years 2010 through 2013 may be used to carry out this subsection.

(15) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting “45 days” for “30 days”.

(j) LIMITATIONS ON LIABILITY; PREEMPTION OF STATE LAW.—

(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under subsection (h)(2) or (i)(3), against—

- (A) the air carrier requesting the records of that individual under subsection (h)(1) or accessing the records of that individual under subsection (i)(1);
- (B) a person who has complied with such request;
- (C) a person who has entered information contained in the individual's records; or
- (D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (h) or (i).

(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (h) or (i).

(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (h)(1) or who furnished information to the database established under subsection (i)(2), that—

- (A) the person knows is false; and
- (B) was maintained in violation of a criminal statute of the United States.

(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(k) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (h) or (i) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.

(l) TEMPORARY AIRMAN CERTIFICATE.—An individual may obtain a temporary airman certificate from the Administrator after requesting a permanent replacement airman certificate issued under this section. A temporary airman certificate shall be—

- (1) made available—
 - (A) electronically to the individual immediately upon submitting an online application for a replacement certificate to the Administrator; or
 - (B) physically to the individual at a flight standards district office—
 - (i) if the individual submits an online application for a replacement certificate; or
 - (ii) if the individual applies for a permanent replacement certificate other than by online application and such application has been received by the Federal Aviation Administration; and

(2) destroyed upon receipt of the permanent replacement airman certificate from the Administrator.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 106–181, title VII, § 715, Apr. 5, 2000, 114 Stat. 162; Pub. L. 107–71, title I, §§ 129, 138(b), 140(a), Nov. 19, 2001, 115 Stat. 633, 640, 641; Pub. L. 111–216, title II, § 203, Aug. 1, 2010, 124 Stat. 2352; Pub. L. 111–249, § 6(3), (4), Sept. 30, 2010, 124 Stat. 2629; Pub. L. 112–95, title III, §§ 301(a), 310(c), Feb. 14, 2012, 126 Stat. 56, 65; Pub. L. 112–153, § 2(c)(1), Aug. 3, 2012, 126 Stat. 1160; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210; Pub. L. 114–190, title II, § 2101, July 15, 2016, 130 Stat. 619; Pub. L. 118–63, title VIII, § 813, May 16, 2024, 138 Stat. 1327.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44703(a)	49 App.:1422(b)(1) (1st sentence, 2d sentence words before 6th comma).	Aug. 23, 1958, Pub. L. 85–726, § 602(b)(1), 72 Stat. 776; Oct. 19, 1984, Pub. L. 98–499, § 3, 98 Stat. 2313; Aug. 26, 1992, Pub. L. 102–345, § 4, 106 Stat. 926.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44703(b)	49 App.:1422(a) (11th–last words).	Aug. 23, 1958, Pub. L. 85–726, § 602(a) (9th–last words), (c), 72 Stat. 776.
	49 App.:1422(b)(1) (2d sentence words after 6th comma), (c).	
	49 App.:1655(c)(1).	
44703(c)(1) ..	49 App.:1422(b)(1) (3d sentence).	
44703(c)(2) ..	49 App.:1422(b)(1) (4th, 5th sentences, last sentence words before proviso).	
	49 App.:1655(c)(1).	
44703(d)	49 App.:1422(b)(1) (last sentence proviso).	
	49 App.:1655(c)(1).	
44703(e)	49 App.:1422(b)(2)(A), (B).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 602(b)(2)(A), (B); added Oct. 19, 1984, Pub. L. 98–499, § 3, 98 Stat. 2313; restated Nov. 18, 1988, Pub. L. 100–690, § 7204(a), 102 Stat. 4425.
44703(f)(1) ...	49 App.:1422(d).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 602(d); added Nov. 18, 1988, Pub. L. 100–690, § 7205(a), 102 Stat. 4426.
44703(f)(2) ...	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(d), the word “Administrator” in section 602(a), (b)(1), and (c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 776) is retained on authority of 49:106(g).

In subsection (a), the text of 49 App.:1422(b) (1st sentence) is omitted as surplus. The words “is qualified” are substituted for “possesses proper qualifications” to eliminate unnecessary words. The words “to be authorized by the certificate” are substituted for “for which the airman certificate is sought” for clarity.

In subsection (b)(1)(C), the words “conditions, and limitations” are omitted as being included in “terms”.

In subsection (b)(1)(E), the word “designate” is substituted for “be entitled with the designation of” to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words “may appeal . . . to” are substituted for “may file with . . . a petition for review of the Secretary of Transportation’s action” for consistency with section 1109 of the revised title. The words “the individual holds a certificate that” are substituted for “persons whose certificates” for clarity.

In subsection (c)(2), the words “conduct a hearing on the appeal” are substituted for “thereupon assign such petition for hearing” for consistency. The words “In the conduct of such hearing and in determining whether the airman meets the pertinent rules, regulations, or standards” are omitted as surplus. The word “Administrator” is substituted for “Federal Aviation Administration” because of 49:106(b) and (g). The words “meets the applicable regulations” are substituted for “meets the pertinent rules, regulations” because “rules” and “regulations” are synonymous and for consistency in the revised title.

In subsection (d), before clause (1), the words “in his discretion” are omitted as surplus. In clause (2), the words “the terms of” and “entered into” are omitted as surplus. The words “government of a foreign country” are substituted for “foreign governments” for consistency in the revised title and with other titles of the United States Code.

In subsection (f)(1), before clause (A), the words “established under this chapter” and “to pilots” are omitted as surplus.

In subsection (f)(2), the words “Not later than September 18, 1989” and “final” are omitted as obsolete. The words “Administrator of Drug Enforcement” are substituted for “Drug Enforcement Administration of the Department of Justice” because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words “Commissioner of Customs” are substituted for “United States Customs Service” because of 19:2071.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, referred to in subsec. (c)(1), (3), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

The date of the enactment of the Pilot Records Improvement Act of 1996, referred to in subsec. (h)(12), is the date of enactment of Pub. L. 104–264, which was approved Oct. 9, 1996.

The date of enactment of this paragraph, referred to in subsec. (i)(4)(B)(ii), (10), (15)(C), is the date of enactment of Pub. L. 111–216, which was approved Aug. 1, 2010.

CODIFICATION

The text of section 44936(f) to (h) of this title, which was transferred to the end of this section, redesignated as subsecs. (h) to (j), respectively, and amended by Pub. L. 107–71, §§ 138(b), 140(a), was based on Pub. L. 104–264, title V, § 502(a), Oct. 9, 1996, 110 Stat. 3259; amended Pub. L. 105–102, § 2(25), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105–142, § 1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106–181, title V, § 508(b), Apr. 5, 2000, 114 Stat. 140.

AMENDMENTS

2024—Subsec. (l). Pub. L. 118–63 added subsec. (l).

2016—Subsec. (i)(2). Pub. L. 114–190 substituted “Not later than April 30, 2017, the Administrator shall establish and make available for use” for “The Administrator shall establish”.

2012—Subsec. (d)(2). Pub. L. 112–153 struck out “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law” after “Federal Aviation Administration”.

Subsec. (d)(3). Pub. L. 112–95, § 301(a), added par. (3).

Subsec. (i)(9)(B)(i). Pub. L. 112–95, § 310(c), substituted “section 552(b)(3)(B) of title 5” for “section 552 of title 5”.

2010—Subsec. (h)(16). Pub. L. 111–216, § 203(a), added par. (16).

Subsec. (i). Pub. L. 111–216, § 203(b)(2), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 111–216, § 203(c)(1)(A), as amended by Pub. L. 111–249, § 6(3), substituted “Limitations” for “Limitation” in heading.

Pub. L. 111–216, § 203(b)(1), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsec. (j)(1). Pub. L. 111–216, § 203(c)(1)(B)(i), (iii), as amended by Pub. L. 111–249, § 6(3), substituted “subsection (h)(2) or (i)(3)” for “paragraph (2)” in introductory provisions and “subsection (h) or (i)” for “subsection (h)” in concluding provisions.

Subsec. (j)(1)(A). Pub. L. 111–216, § 203(c)(1)(B)(ii), as amended by Pub. L. 111–249, § 6(3), inserted “or accessing the records of that individual under subsection (i)(1)” before semicolon.

Subsec. (j)(2). Pub. L. 111–216, § 203(c)(1)(C), as amended by Pub. L. 111–249, § 6(3), substituted “subsection (h) or (i)” for “subsection (h)”.

Subsec. (j)(3). Pub. L. 111–216, § 203(c)(1)(D), as amended by Pub. L. 111–249, § 6(3), inserted “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)” in introductory provisions.

Subsec. (j)(4). Pub. L. 111–216, § 203(c)(1)(E), as amended by Pub. L. 111–249, § 6(3), added par. (4).

Subsec. (k). Pub. L. 111–216, § 203(c)(2), as amended by Pub. L. 111–249, § 6(4), substituted “subsection (h) or (i)” for “subsection (h)”.

Pub. L. 111–216, § 203(b)(1), redesignated subsec. (j) as (k).

2001—Subsec. (g)(1). Pub. L. 107–71, § 129(1), in first sentence, substituted “needs of airmen” for “needs of pilots” and inserted “and related to combating acts of terrorism” before period at end.

Subsec. (g)(3), (4). Pub. L. 107–71, § 129(2), added pars. (3) and (4).

Subsecs. (h) to (j). Pub. L. 107–71, §§ 138(b), 140(a), amended section identically, redesignating subsecs. (f) to (h) of section 44936 of this title as subsecs. (h) to (j), respectively, of this section, and substituting “subsection (h)” for “subsection (f)” wherever appearing in subsecs. (i) and (j). See Codification note above.

2000—Subsecs. (c) to (g). Pub. L. 106–181 added subsec. (c) and redesignated former subsecs. (c) to (f) as (d) to (g), respectively.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (g)(2) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–249, § 6, Sept. 30, 2010, 124 Stat. 2628, provided that the amendments made by section 6 of Pub. L. 111–249 are effective as of Aug. 1, 2010, and as if included in Pub. L. 111–216 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

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

TERMINATION DATE

Subsec. (h) of this section ceased to be effective beginning on Sept. 9, 2024, pursuant to par. (16) of that subsec. See 14 C.F.R. § 111.5(b).

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

ENHANCED QUALIFICATION PROGRAM FOR RESTRICTED AIRLINE TRANSPORT PILOT CERTIFICATE

Pub. L. 118-63, title III, §372, May 16, 2024, 138 Stat. 1139, provided that:

“(a) PROGRAM.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall establish the requirements for a program to be known as the Enhanced Qualification Program (in this section referred to as the ‘Program’) under which—

“(A) qualified air carriers are certified by the Administrator to provide enhanced training for eligible pilots seeking to obtain restricted airline transport certificates, either directly by the air carrier or by a certified training institution under part 141 or part 142 of title 14, Code of Federal Regulations, that is under contract with the qualified air carrier; and

“(B) qualified instructors and evaluators provide enhanced training to eligible pilots pursuant to the curriculum requirements under paragraph (4).

“(2) QUALIFIED INSTRUCTORS AND EVALUATORS.—Under the Program—

“(A) all testing and training shall be performed by qualified instructors; and

“(B) all evaluations shall be performed by qualified evaluators.

“(3) PILOT ASSESSMENT.—Under the Program, the Administrator shall establish guidelines for an assessment that prospective pilots are required to pass in order to participate in the training under the Program. Such assessment shall include an evaluation of the pilot’s aptitude, ability, and readiness for operation of transport category aircraft.

“(4) PROGRAM CURRICULUM.—Under the Program, the Administrator shall establish requirements for the curriculum to be provided under the Program. Such curriculum shall include—

“(A) a nationally standardized, non-air carrier or aircraft-specific training curriculum which shall—

“(i) ensure prospective pilots have appropriate knowledge at the commercial pilot certificate, multi-engine rating, and instrument rating level;

“(ii) introduce the pilots to concepts associated with air carrier operations;

“(iii) meet all requirements for an ATP Certification Training Program under part 61.156 or part 142 of title 14, Code of Federal Regulations; and

“(iv) include a course of instruction designed to prepare the prospective pilot to take the ATP Multiengine Airplane Knowledge Test;

“(B) an aircraft-specific training curriculum, developed by the air carrier using objectives and learning standards developed by the Administrator, which shall—

“(i) only be administered to prospective pilots who have completed the requirements under subparagraph (A);

“(ii) resemble a type rating training curriculum that includes aircraft ground and flight training that culminates in—

“(I) the completion of a maneuvers evaluation that incorporates elements of a type rating practical test; or

“(II) at the discretion of the air carrier, an actual type rating practical test resulting in the issuance of a type rating for the specific aircraft; and

“(iii) ensure the prospective pilot has an adequate understanding and working knowledge of transport category aircraft automation and autoflight systems; and

“(C) air carrier-specific procedures using objectives and learning standards developed by the Administrator to further expand on the concepts described in subparagraphs (A) and (B), which shall—

“(i) only be administered to prospective pilots who have completed requirements under subparagraphs (A) and (B) and an ATP Multiengine Airplane Knowledge Test;

“(ii) include instructions on air carrier checklist usage and standard operating procedures; and

“(iii) integrate aircraft-specific training in appropriate flight simulation training devices representing the specific aircraft type, including complete crew resource management and scenario-based training.

“(5) APPLICATION AND CERTIFICATION.—Under the Program, the Administrator shall establish a process for air carriers to apply for training program certification. Such process shall include a review to ensure that the training provided by the air carrier will meet the requirements of this section, including—

“(A) the assessment requirements under paragraph (3);

“(B) the curriculum requirements under paragraph (4);

“(C) the requirements for qualified instructors under subsection (d)(5); and

“(D) the requirements for eligible pilots under subsection (d)(2).

“(6) DATA.—Under the Program, the Administrator shall require that each qualified air carrier participating in the Program collect and submit to the Administrator such data from the Program that the Administrator determines is appropriate for the Administrator to provide for oversight of the Program.

“(7) REGULAR INSPECTION.—Under the Program, the Administrator shall provide for the regular inspection of qualified air carriers certified under paragraph (5) to ensure that the air carrier continues to meet the requirements under the Program.

“(b) REGULATIONS.—The Administrator may issue regulations or guidance as determined necessary to carry out the Program.

“(c) CLARIFICATION REGARDING REQUIRED FLIGHT HOURS.—The provisions of this section shall have no effect on the total flight hours required under part 61.159 of title 14, Code of Federal Regulations, to receive an airline transport pilot certificate, or the Administra-

tor's authority under section 217(d) of the Airline Safety and Federal Aviation Administration Extension Act of 2010 [Pub. L. 111-216] (49 U.S.C. 44701 note) (as in effect on the date of enactment of this section [May 16, 2024]).

“(d) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

“(2) ELIGIBLE PILOT.—The term ‘eligible pilot’ means a pilot that—

“(A) has—

“(i) graduated from a United States Armed Forces undergraduate pilot training school;

“(ii) obtained a degree with an aviation major from an institution of higher education (as defined in part 61.1 of title 14, Code of Federal Regulations) that has been issued a letter of authorization by the Administrator under part 61.169 of such title 14; or

“(iii) completed flight and ground training for a commercial pilot certificate in the airplane category and an airplane instrument rating at a certified training institution under part 141 of such title 14;

“(B) has a current commercial pilot certificate under part 61.123 of such title 14, with airplane category multi-engine and instrument ratings under part 61.129 of such title 14; and

“(C) meets the pilot assessment requirements under subsection (a)(3).

“(3) QUALIFIED AIR CARRIER.—The term ‘qualified air carrier’ means an air carrier that has been issued a part 119 operating certificate for conducting operations under part 121 of title 14, Code of Federal Regulations.

“(4) QUALIFIED EVALUATOR.—The term ‘qualified evaluator’ means an individual that meets the requirements for a training center evaluator under part 142.55 of title 14, Code of Federal Regulations, or for check airmen under part 121.411 of such title.

“(5) QUALIFIED INSTRUCTOR.—The term ‘qualified instructor’ means an individual that—

“(A) is qualified in accordance with the minimum training requirements for an ATP Certification Training Program under paragraphs (1) through (3) of part 121.410(b) of title 14, Code of Federal Regulations;

“(B) if the instructor is a flight instructor, is qualified in accordance with part 121.410(b)(4) of such title;

“(C) if the instructor is administering type rating practical tests, is qualified as an appropriate examiner for such rating;

“(D) received training in threat and error management, facilitation, and risk mitigation determined appropriate by the Administrator; and

“(E) meets any other requirement determined appropriate by the Administrator.”

CIVIL AIRMEN STATISTICS

Pub. L. 118-63, title IV, §402, May 16, 2024, 138 Stat. 1148, provided that:

“(a) PUBLICATION FREQUENCY.—The Administrator [of the Federal Aviation Administration] shall publish the study commonly referred to as the ‘U.S. Civil Airmen Statistics’ on a monthly basis.

“(b) PRESENTATION OF DATA.—The Administrator shall make the data from the study under subsection (a) publicly available on the website of the Administration in a user-friendly, downloadable format.

“(c) EXPANDED DATA CRITERIA.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Administrator shall ensure that data sets and tables published as part of the study described in subsection (a) display information relating to the sex of certificate holders in more instances.

“(d) HISTORICAL DATA.—Not later than 1 year after the date of enactment of this Act, the Administrator shall make all previously published annual data from

the study described in subsection (a) available on the website of the Administration.”

AIRMAN'S MEDICAL BILL OF RIGHTS

Pub. L. 118-63, title IV, §407, May 16, 2024, 138 Stat. 1153, provided that:

“(a) IN GENERAL.—

“(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall develop a document (in this section referred to as the ‘Airman’s Medical Bill of Rights’) detailing the rights of an individual before, during, and after a medical examination conducted by an Aviation Medical Examiner.

“(2) CONTENTS.—The Airman’s Medical Bill of Rights required under paragraph (1) shall, at a minimum, contain information about the right of an individual to—

“(A) bring a trusted companion or request to have a chaperone present for a medical examination;

“(B) terminate an exam in accordance with guidelines from the Administrator for appropriately terminating such exam;

“(C) receive medical examination with respect and recognition of the dignity of the individual;

“(D) be assured of privacy and confidentiality;

“(E) select an Aviation Medical Examiner of the choice of the individual, as long as the Aviation Medical Examiner has the required designations;

“(F) privacy when changing, undressing, and using the restroom;

“(G) ask questions about FAA [Federal Aviation Administration] medical standards and the applicability to the current health status of the individual;

“(H) report an incident of misconduct by an Aviation Medical Examiner to the appropriate authorities, including to the State licensing board of the Aviation Medical Examiner or the FAA;

“(I) report to the Administrator an allegation regarding alleged Aviation Medical Examiner misconduct without fear of retaliation or negative action relating to an airman certificate of the individual; and

“(J) be advised of any known conflicts of interest an Aviation Medical Examiner may have with respect to the medical examination of the individual.

“(3) PUBLIC AVAILABILITY.—The Airman’s Medical Bill of Rights required under paragraph (1) shall be—

“(A) made available to, and acknowledged by, an individual in the MedXpress system (or any successor system);

“(B) made available in a hard-copy format by an Aviation Medical Examiner at the time of exam upon request by an individual; and

“(C) displayed in a common space in the office of the Aviation Medical Examiner.

“(b) EXPECTATIONS FOR MEDICAL EXAMINATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop a simplified document explaining the standard procedures performed during a medical examination conducted by an Aviation Medical Examiner.

“(2) PUBLIC AVAILABILITY.—The document required under paragraph (1) shall be—

“(A) made available to, and acknowledged by, an individual in the MedXpress system (or any successor system);

“(B) made available in a hard-copy format by an Aviation Medical Examiner at the time of exam upon request by an individual; and

“(C) displayed in a common space in the office of the Aviation Medical Examiner.”

IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS

Pub. L. 118-63, title IV, §408, May 16, 2024, 138 Stat. 1154, provided that:

“(a) IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall establish a streamlined process for individuals involved in incidents of alleged misconduct by a designee to report such incidents in a manner that protects the privacy and confidentiality of such individuals.

“(2) PUBLIC ACCESS TO REPORTING PROCESS.—The process for reporting alleged misconduct by a designee shall be made available to the public on the website of the Administration, including—

“(A) the designee locator search webpage; and

“(B) the webpage of the Office of Audit and Evaluation of the FAA [Federal Aviation Administration].

“(3) OBLIGATION TO REPORT CRIMINAL CHARGES.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the orders and policies governing the Designee Management System to clarify that designees are obligated to report any arrest, indictment, or conviction for violation of a local, State, or Federal law within a period of time specified by the Administrator.

“(4) AUDIT OF REPORTING PROCESS BY INSPECTOR GENERAL.—

“(A) IN GENERAL.—Not later than 3 years after the date on which the Administrator finalizes the update of the reporting process under paragraph (1), the inspector general of the Department of Transportation shall conduct an audit of such reporting process.

“(B) CONTENTS.—In conducting the audit of the reporting process described in subparagraph (A), the inspector general shall, at a minimum—

“(i) review the efforts of the Administration to improve the reporting process and solutions developed to respond to and investigate allegations of misconduct;

“(ii) analyze reports of misconduct brought to the Administrator prior to any changes made to the reporting process as a result of the enactment of this Act [Pub. L. 118–63], including the ultimate outcomes of those reports and whether any reports resulted in the Administrator taking action against the accused designee;

“(iii) determine whether the reporting process results in appropriate action, including reviewing, investigating, and closing out reports; and

“(iv) if applicable, make recommendations to improve the reporting process.

“(C) REPORT.—Not later than 1 year after the date of initiation of the audit described in subparagraph (A), the inspector general shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of such audit, including findings and recommendations.

“(b) DESIGNEE DEFINED.—In this section, the term ‘designee’ means an individual who has been designated to act as a representative of the Administrator as—

“(1) an Aviation Medical Examiner (as described in section 183.21 of title 14, Code of Federal Regulations);

“(2) a pilot examiner (as described in section 183.23 of such title); or

“(3) a technical personnel examiner (as described in section 183.25 of such title).”

AEROMEDICAL INNOVATION AND MODERNIZATION WORKING GROUP

Pub. L. 118–63, title IV, §411, May 16, 2024, 138 Stat. 1156, 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 a working group (in this section referred to as the ‘working group’) to review the medical pro-

cesses, policies, and procedures of the Administration and to make recommendations to the Administrator on modernizing such processes, policies, and procedures to ensure timely and efficient certification of airmen.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The working group shall consist of—

“(A) 2 co-chairs described in paragraph (2); and

“(B) not less than 15 individuals appointed by the Administrator, each of whom shall have knowledge or a background in aerospace medicine, psychiatry, neurology, cardiology, or internal medicine.

“(2) CO-CHAIRS.—The working group shall be co-chaired by—

“(A) the Federal Air Surgeon of the FAA [Federal Aviation Administration]; and

“(B) a member described under paragraph (1)(A) to be selected by members of the working group.

“(3) PREFERENCE.—The Administrator, in appointing members pursuant to paragraph (1)(B), shall give preference to—

“(A) Aviation Medical Examiners (as described in section 183.21 of title 14, Code of Federal Regulations);

“(B) licensed medical physicians;

“(C) practitioners holding a pilot certificate; and

“(D) individuals having demonstrated research and expertise in aeromedical research or sciences.

“(c) ACTIVITIES.—In reviewing the aeromedical decision-making processes, policies, and procedures of the Administration in accordance with subsection (a), the working group, at a minimum, shall—

“(1) assess the medical conditions an Aviation Medical Examiner may issue a medical certificate directly to an individual;

“(2) determine the appropriateness of the list of such medical conditions as of the date of enactment of this Act;

“(3) assess the special issuance process;

“(4) determine the appropriateness of whether a renewal of a special issuance can be based on a medical evaluation and treatment plan by the treating medical specialist of the individual pursuant to approval from an Aviation Medical Examiner;

“(5) evaluate advancements in technologies to address forms of red-green color blindness and determine whether such technologies may be approved for use by airmen;

“(6) review policies and guidance relating to Attention-Deficit Hyperactivity Disorder and Attention Deficit Disorder;

“(7) evaluate whether medications used to treat such disorders may be safely prescribed to airmen;

“(8) review protocols pertaining to the Human Intervention Motivation Study of the FAA;

“(9) review protocols and policies relating to—

“(A) neurological disorders; and

“(B) cardiovascular conditions to ensure alignment with medical best practices, latest research;

“(10) review mental health protocols and medications approved for treating such mental health conditions, including such actions taken resulting from recommendations by the Mental Health and Aviation Medical Clearances Rulemaking Committee;

“(11) assess processes and protocols pertaining to recertification of airmen receiving disability insurance post-recovery from the medical condition, injury, or disability that precludes airmen from exercising the privileges of an airman certificate;

“(12) assess processes and protocols pertaining to the certification of veterans reporting a disability rating from the Department of Veterans Affairs; and

“(13) assess and evaluate the user interface and information-sharing capabilities of any online medical portal administered by the FAA.

“(d) AVIATION WORKFORCE MENTAL HEALTH TASK GROUP.—

“(1) ESTABLISHMENT.—Not later than 120 days after the working group pursuant to subsection (a) is established, the co-chairs of such working group shall

establish an aviation workforce mental health task group (referred to in this subsection as the ‘task group’) to oversee, monitor, and evaluate efforts of the Administrator related to supporting the mental health of the aviation workforce.

“(2) COMPOSITION.—The co-chairs of such working group shall appoint—

“(A) a Chair of the task group; and

“(B) members of the task group from among the members of the working group appointed by the Administrator under subsection (b)(1).

“(3) DUTIES.—The duties of the task group shall include—

“(A) carrying out the activities described in subsection (c)(10);

“(B) soliciting feedback from aviation industry professionals or other licensed professionals representing air carrier operations under part 121 and part 135 of title 14, Code of Federal Regulations, and general aviation operations under part 91 of title 14, Code of Federal Regulations;

“(C) reviewing and evaluating guidance issued by the International Civil Aviation Organization on aviation workforce mental health;

“(D) providing advice, as appropriate, on the implementation of the final recommendations issued by the inspector general of the Department of Transportation in the report titled, ‘FAA Conduct Comprehensive Evaluations of Pilots With Mental Health Challenges, but Opportunities Exist to Further Mitigate Safety Risks’, published on July 12, 2023 (AV2023038);

“(E) monitoring and evaluating the implementation of recommendations by the Mental Health and Aviation Medical Clearances Rulemaking Committee;

“(F) expanding and improving mental health outreach, education, and assistance programs for the aviation workforce; and

“(G) reducing the stigma associated with mental healthcare in the aviation workforce.

“(4) REPORT.—Not later than 2 years after the date of the establishment of the task group, the task group shall submit to the Secretary [of Transportation] and the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report detailing—

“(A) the results of the review under paragraph (3)(A); and

“(B) progress on the implementation of recommendations pursuant to subparagraphs (D) and (E) of paragraph (3); and

“(C) the activities carried out pursuant to fulfilling the duties described in subparagraphs (F) and (G) of paragraph (3).

“(e) SUPPORT.—The Administrator shall seek to enter into 1 or more agreements with the National Academies to support the activities of the working group described in subsection (c).

“(f) FINDINGS AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the working group shall submit to the Administrator and the appropriate committees of Congress a report on the findings and recommendations resulting from the activities carried out under subsection (c).

“(g) IMPLEMENTATION.—Not later than 1 year after receiving recommendations outlined in the report under subsection (f), the Administrator may take such action, as appropriate, to implement such recommendations.

“(h) SUNSET.—The working group shall terminate on October 1, 2028.”

MEDICAL PORTAL MODERNIZATION TASK GROUP

Pub. L. 118-63, title IV, §413, May 16, 2024, 138 Stat. 1159, provided that:

“(a) ESTABLISHMENT.—Not later than 120 days after the working group pursuant to section 411 [of Pub. L.

118-63, set out as a note above] is established, the co-chairs of such working group shall establish a medical portal modernization task group (in this section referred to as the ‘task group’) to evaluate the user interface and information sharing capabilities of an online medical portal administered by the FAA [Federal Aviation Administration].

“(b) COMPOSITION.—The co-chairs of the working group provided for in section 411 shall appoint—

“(1) a Chair of the task group; and

“(2) members of the task group from among the members of the working group appointed by the Administrator [of the Federal Aviation Administration] under section 411(b).

“(c) ASSESSMENT; RECOMMENDATIONS.—The task group shall, at a minimum, assess and evaluate the capabilities of any such medical portal and provide recommendations to improve the following:

“(1) The cybersecurity protections and protocols of any such medical portal, including the secure exchange of health information and records between Aviation Medical Examiners and pilots, or their designee, including the ability for airmen to submit additional information requested by the Administrator.

“(2) The status of an airman’s medical application and the disclosure of how long an airman can expect to wait for a final determination to be issued by the Administrator.

“(3) The disclosure of the name and contact information of the Administrator’s representative managing an airman’s case so that an Aviation Medical Examiner has a point of contact within the Administration who is familiar with an airman’s application.

“(d) CONSULTATION.—In carrying out the duties described in subsection (c), the task group may consult with cybersecurity experts and individuals with a knowledge of securing electronic health care transactions.

“(e) REPORT.—Not later than 1 year after the date of the establishment of the task group, the task group shall submit to the Administrator and the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report detailing activities and recommendations of the task group.

“(f) IMPLEMENTATION.—Not later than 1 year after receiving the report described in subsection (e), the Administrator may take such action as may be necessary to implement recommendations of the task group to improve any such medical portal.”

MILITARY AVIATION MAINTENANCE TECHNICIANS RULE

Pub. L. 118-63, title IV, §426, May 16, 2024, 138 Stat. 1168, provided that:

“(a) STREAMLINED CERTIFICATION FOR ELIGIBLE MILITARY MAINTENANCE TECHNICIANS.—

“(1) RULEMAKING.—Not later than 18 months after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall issue a notice of proposed rulemaking to revise part 65 of title 14, Code of Federal Regulations, to—

“(A) create a military mechanic written competency test that addresses gaps between military and civilian experience; and

“(B) develop, as necessary, a relevant Airman Certification Standard to qualify eligible military maintenance technicians for a civilian mechanic certificate with airframe or powerplant ratings.

“(2) CONSIDERATION.—In carrying out paragraph (1), the Administrator shall evaluate and consider—

“(A) whether to allow a certificate of eligibility from the Joint Services Aviation Maintenance Technician Certification Council (in this section referred to as the ‘JSAMTCC’) evidencing completion of a training curriculum for any rating sought to serve as a substitute to fulfill the requirement under such part 65 for oral and practical tests administered by a designated mechanic examiner for eligible military maintenance technicians;

“(B) aeronautical knowledge subject areas contained in the Aviation Mechanic General, Airframe, and Powerplant Airman Certification Standards as described in section 65.75 of title 14, Code of Federal Regulations, as appropriate, to the rating sought; and

“(C) any applicable recommendations by the Aviation Rulemaking Advisory Committee Airman Certification System Working Group.

“(b) EXPANSION OF TESTING LOCATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall determine—

“(1) whether an expansion of the number of active testing locations operated within military installation testing centers would increase access to testing; and

“(2) how to implement such expansion, if appropriate.

“(c) OUTREACH AND AWARENESS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, shall develop a plan to increase outreach and awareness regarding services made available by the JSAMTCC and how such services can assist in facilitating the transition between military and civilian aviation maintenance careers.

“(d) BRIEFINGS.—

“(1) INITIAL BRIEFING.—Not later than 180 days after the date on which the Administrator develops the outreach and awareness plan pursuant to subsection (c), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Veterans’ Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Veterans’ Affairs of the House of Representatives a briefing on the activities planned to implement the outreach and awareness plan.

“(2) PERIODIC BRIEFING.—Not later than 2 years after the date of enactment of this Act, and 2 years thereafter, the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Veterans’ Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Veterans’ Affairs of the House of Representatives a briefing on any rulemaking activities carried out pursuant to subsection (a), including a timeline for the issuance of a final rule.

“(e) ELIGIBLE MILITARY MAINTENANCE TECHNICIAN DEFINED.—For purposes of this section, the term ‘eligible military maintenance technician’ means an individual who—

“(1) has been a maintenance technician during service in the armed forces who was honorably discharged or has retired from the armed forces (as defined in section 101 of title 10, United States Code);

“(2) presents an official record of service in the armed forces confirming that the individual has been a military aviation maintenance technician, holding an appropriate Military Occupational Specialty Code, as determined by the Administrator, in coordination with the Secretary of Defense; and

“(3) presents documentary evidence of experience in accordance with the requirements under section 65.77 of title 14, Code of Federal Regulations.”

TIMELY RESOLUTION OF INVESTIGATIONS

Pub. L. 118-63, title VIII, §805, May 16, 2024, 138 Stat. 1323, provided that:

“(a) IN GENERAL.—Not later than 2 years after the date of issuance of a letter of investigation to any person, as required by section 2(b) of the Pilot’s Bill of Rights [Pub. L. 112-153] (49 U.S.C. 44703 note), the Administrator [of the Federal Aviation Administration] shall—

“(1) make a determination regarding such investigation and pursue subsequent action; or

“(2) close such investigation.

“(b) EXTENSION.—

“(1) IN GENERAL.—If, upon review of the facts and status of an investigation described in subsection (a), the Administrator determines that the time provided to make a final determination or close such investigation is insufficient, the Administrator shall approve an extension of such investigation for 2 years.

“(2) ADDITIONAL EXTENSIONS.—The Administrator may approve consecutive extensions under paragraph (1).

“(c) DELEGATION.—The Administrator may not delegate the authority to approve an extension described in subsection (b) to anyone other than the leadership of the Administration as described in section 106(b) of title 49, United States Code.”

ALL MAKES AND MODELS AUTHORIZATION

Pub. L. 118-63, title VIII, §806, May 16, 2024, 138 Stat. 1323, provided that:

“(a) IN GENERAL.—

“(1) UNLIMITED LETTER OF AUTHORIZATION.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall take such action as may be necessary to allow for the issuance of letters of authorizations to airmen with the authorization for—

“(A) all types and makes of experimental high-performance single engine piston powered aircraft; and

“(B) all types and makes of experimental high-performance multiengine piston powered aircraft.

“(2) REQUIREMENTS.—An individual who holds a letter of authorization and applies for an authorization described in paragraph (1)(A) or (1)(B)—

“(A) shall be given an all-makes and models authorization of—

“(i) experimental single-engine piston powered authorized aircraft; or

“(ii) experimental multiengine piston powered authorized aircraft;

“(B) shall hold the appropriate category and class rating for the authorized aircraft;

“(C) shall hold 3 experimental aircraft authorizations in aircraft of the same category and class rating for the authorization sought; and

“(D) may become qualified in additional experimental aircraft by completing aircraft-specific ground and flight training.

“(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to disallow an individual from being given both an authorization described in paragraph (1)(A) and an authorization described in paragraph (1)(B).

“(c) FAILURE TO COMPLY.—

“(1) IN GENERAL.—If the Administrator fails to implement subsection (a) within the time period prescribed in such subsection, 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 status of the implementation of such subsection on a monthly basis until the implementation is complete.

“(2) NO DELEGATION.—The Administrator may not delegate the briefing described in paragraph (1).”

BASICMED FOR EXAMINERS ADMINISTERING TESTS OR PROFICIENCY CHECKS

Pub. L. 118-63, title VIII, §815, May 16, 2024, 138 Stat. 1323, provided that:

“(a) EQUIVALENT PILOT-IN-COMMAND MEDICAL REQUIREMENTS.—Notwithstanding section 61.23(a)(3)(iv) of title 14, Code of Federal Regulations, an examiner may administer a practical test or proficiency check if such examiner meets the medical qualification requirements under part 68 of title 14, Code of Federal Regulations,

if the operation being conducted is in a covered aircraft, as such term is defined in section 2307(j) of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 44703 note).

“(b) RULEMAKING.—Not later than 3 years after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall issue a final rule to update part 61 of title 14, Code of Federal Regulations, to implement the requirements under subsection (a), in addition to any related requirements the Administrator finds are in the interest of aviation safety.”

DESIGNEE LOCATOR TOOL IMPROVEMENTS

Pub. L. 118-63, title VIII, § 816, May 16, 2024, 138 Stat. 1328, provided that: “Not later than 3 years after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall ensure that the designee locator search function of the public website of the Designee Management System of the Administration has the functionality to—

“(1) filter a search for an Aviation Medical Examiner (as described in section 183.21 of title 14, Code of Federal Regulations) by sex, if such information is available;

“(2) display credentials and aircraft qualifications of a designated pilot examiner (as described in section 183.23 of such title); and

“(3) display the scheduling availability of a designated pilot examiner (as described in section 183.23 of such title) to administer a test or proficiency check to an airman.”

NATIONAL COORDINATION AND OVERSIGHT OF DESIGNATED PILOT EXAMINERS

Pub. L. 118-63, title VIII, § 833, May 16, 2024, 138 Stat. 1339, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall establish an office to provide oversight and facilitate national coordination of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations.

“(b) RESPONSIBILITIES.—The office described in subsection (a) shall be responsible for the following:

“(1) Oversight of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations.

“(2) Coordinating with other offices, as appropriate, to support the standardization of policy, guidance, and regulations across the FAA [Federal Aviation Administration] pertaining to the selection, training, duties, and deployment of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations, including evaluating the consistency by which such examiners apply Administration policies, orders, and guidance.

“(3) Evaluating the consistency by which such examiners apply FAA policies, orders, and guidance.

“(4) Coordinating placement and deployment of such examiners across regions based on demand for examinations from the pilot community.

“(5) Developing a code of conduct for such examiners.

“(6) Deploying a survey system to track the performance and merit of such examiners.

“(7) Facilitating an industry partnership to create a formal mentorship program for such examiners.

“(c) COORDINATION.—In carrying out the responsibilities listed in subsection (b), the Administrator shall ensure the office—

“(1) coordinates on an ongoing basis with flight standards district offices, designated pilot examiner managing specialists, and aviation industry stakeholders, including representatives of the general aviation community; and

“(2) considers whether to implement the final recommendations report issued by the Designated Pilot Examiner Reforms Working Group and accepted by the Aviation Rulemaking Advisory Committee on June 17, 2021.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], and biennially thereafter through fiscal year 2028, 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 that evaluates the use of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations (or any successor regulation), for testing, including both written and practical tests.

“(2) CONTENTS.—The report under paragraph (1) shall include an analysis of—

“(A) the methodology and rationale by which designated pilot examiners are deployed;

“(B) with respect to the previous fiscal year, the average time an individual in each region must wait to schedule an appointment with a designated pilot examiner;

“(C) with respect to the previous fiscal year, the estimated total time individuals in each region were forced to wait to schedule an appointment with a designated pilot examiner;

“(D) the primary reasons and best ways to reduce wait times described in subparagraph (C);

“(E) the number of tests conducted by designated pilot examiners;

“(F) the number and percentage of available designated pilot examiners that perform such tests; and

“(G) the average rate of retests, including of both written and practical tests.”

APPLICABILITY OF MEDICAL CERTIFICATION STANDARDS TO OPERATORS OF AIR BALLOONS

Pub. L. 115-254, div. B, title III, § 318, Oct. 5, 2018, 132 Stat. 3269, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Commercial Balloon Pilot Safety Act of 2018’.

“(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall revise section 61.3(c) of title 14, Code of Federal Regulations (relating to second-class medical certificates), to apply to an operator of an air balloon to the same extent such regulations apply to a pilot flight crew-member of other aircraft.

“(c) AIR BALLOON DEFINED.—In this section, the term ‘air balloon’ has the meaning given the term ‘balloon’ in section 1.1 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).”

DESIGNATED PILOT EXAMINER REFORMS

Pub. L. 115-254, div. B, title III, § 319, Oct. 5, 2018, 132 Stat. 3269, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall assign to the Aviation Rulemaking Advisory Committee (in this section referred to as the ‘Committee’) the task of reviewing all regulations and policies related to designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations. The Committee shall focus on the processes and requirements by which the FAA [Federal Aviation Administration] selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties. The Committee also shall make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designated pilot examiner without regard to any individual managing office.

“(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under

subsection (a), the Administrator shall take such action as the Administrator considers appropriate with respect to those recommendations.”

PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING FLIGHT TIMES

Pub. L. 118-63, title VIII, § 826, May 16, 2024, 138 Stat. 1332, provided that:

“(a) FORESTRY AND FIRE PROTECTION FLIGHT TIME LOGGING.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, aircraft under the direct operational control of forestry and fire protection agencies are eligible to log pilot flight times, if the flight time was acquired by the pilot while engaged on an official forestry or fire protection flight, in the same manner as aircraft under the direct operational control of a Federal, State, county, or municipal law enforcement agency.

“(2) RETROACTIVE APPLICATION.—Paragraph (1) shall be applied as if enacted on October 5, 2018.

“(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall make such regulatory changes as are necessary to conform to the requirements of this section.”

Pub. L. 115-254, div. B, title V, § 517, Oct. 5, 2018, 132 Stat. 3359, provided that: “The Administrator [of the Federal Aviation Administration] shall issue regulations modifying section 61.51(j)(4) of title 14, Code of Federal Regulations, so as to include aircraft under the direct operational control of forestry and fire protection agencies as public aircraft eligible for logging flight times.”

PORTABILITY OF REPAIRMAN CERTIFICATES

Pub. L. 115-254, div. B, title V, § 582, Oct. 5, 2018, 132 Stat. 3399, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall assign to the Aviation Rulemaking Advisory Committee the task of making recommendations with respect to the regulatory and policy changes, as appropriate, to allow a repairman certificate issued under section 65.101 of title 14, Code of Federal Regulations, to be portable from one employing certificate holder to another.

“(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a), the Administrator may take such action as the Administrator considers appropriate with respect to those recommendations.”

MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS

Pub. L. 114-190, title II, § 2307, July 15, 2016, 130 Stat. 641, as amended by Pub. L. 118-63, title VIII, § 828(a), May 16, 2024, 138 Stat. 1336, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

“(1) the individual possesses a valid driver’s license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

“(2) the individual holds a medical certificate issued by the Federal Aviation Administration or has held such a certificate at any time after July 14, 2006;

“(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

“(A) indicates whether the certificate is first, second, or third class;

“(B) may include authorization for special issuance;

“(C) may be expired;

“(D) cannot have been revoked or suspended; and

“(E) cannot have been withdrawn;

“(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

“(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

“(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

“(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 calendar months and—

“(A) prior to the examination, the individual—

“(i) completed the individual’s section of the checklist described in subsection (b); and

“(ii) provided the completed checklist to the physician performing the examination; and

“(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

“(8) the individual is operating in accordance with the following conditions:

“(A) The covered aircraft is carrying not more than 6 passengers.

“(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

“(C) The flight, including each portion of that flight, is not carried out—

“(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

“(ii) at an altitude that is more than 18,000 feet above mean sea level;

“(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

“(iv) at an indicated air speed exceeding 250 knots.

“(b) COMPREHENSIVE MEDICAL EXAMINATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

“(2) REQUIREMENTS.—The checklist shall contain—

“(A) a section, for the individual to complete that contains—

“(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500-8 (3-99) (or any successor form); and

“(ii) a signature line for the individual to affirm that—

“(I) the answers provided by the individual on that checklist, including the individual’s answers regarding medical history, are true and complete;

“(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

“(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

“(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

“(C) a section, for the physician to complete, that instructs the physician—

“(i) to perform a clinical examination of—

“(I) head, face, neck, and scalp;

“(II) nose, sinuses, mouth, and throat;

“(III) ears, general (internal and external canals), and eardrums (perforation);

“(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

“(V) lungs and chest (not including breast examination);

“(VI) heart (precordial activity, rhythm, sounds, and murmurs);

“(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

“(VIII) abdomen and viscera (including hernia);

“(IX) anus (not including digital examination);

“(X) skin;

“(XI) G-U system (not including pelvic examination);

“(XII) upper and lower extremities (strength and range of motion);

“(XIII) spine and other musculoskeletal;

“(XIV) identifying body marks, scars, and tattoos (size and location);

“(XV) lymphatics;

“(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

“(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

“(XVIII) general systemic;

“(XIX) hearing;

“(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

“(XXI) blood pressure and pulse; and

“(XXII) anything else the physician, in his or her medical judgment, considers necessary;

“(i) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

“(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

“(iv) to sign the checklist, stating: ‘I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual’s ability to safely operate an aircraft.’; and

“(v) to provide the date the comprehensive medical examination was completed, and the physician’s full name, address, telephone number, and State medical license number.

“(3) LOGBOOK.—The completed checklist shall be retained in the individual’s logbook and made available on request.

“(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

“(1) be available on the Internet free of charge;

“(2) be developed and periodically updated in coordination with representatives of relevant nonprofit

and not-for-profit general aviation stakeholder groups;

“(3) educate pilots on conducting medical self-assessments;

“(4) advise pilots on identifying warning signs of potential serious medical conditions;

“(5) identify risk mitigation strategies for medical conditions;

“(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

“(7) encourage regular medical examinations and consultations with primary care physicians;

“(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

“(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

“(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

“(A) a certification of completion of the medical education course, which shall be printed and retained in the individual’s logbook and made available upon request, and shall contain the individual’s name, address, and airman certificate number;

“(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual’s driving record;

“(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under subsection (a)(6);

“(D) a form that includes—

“(i) the name, address, telephone number, and airman certificate number of the individual;

“(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

“(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

“(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

“(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ‘I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.’

“(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

“(e) SPECIAL ISSUANCE PROCESS.—

“(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

“(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

“(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

“(ii) psychosis, defined as a case in which an individual—

“(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

“(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

“(iii) bipolar disorder; or

“(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

“(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

“(i) Epilepsy.

“(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

“(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

“(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

“(i) Myocardial infraction [sic].

“(ii) Coronary heart disease that has required treatment.

“(iii) Cardiac valve replacement.

“(iv) Heart replacement.

“(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

“(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

“(A) IN GENERAL.—In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

“(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

“(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

“(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

“(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

“(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

“(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

“(A) IN GENERAL.—In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

“(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

“(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

“(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

“(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

“(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a neu-

rological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

“(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR CACI PROGRAM.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

“(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

“(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report listing the medical conditions that have been added to the CACI program under paragraph (1).

“(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

“(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

“(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

“(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

“(h) REPORT REQUIRED.—Not later than 4 years after the date of enactment of the FAA Reauthorization Act of 2024 [May 16, 2024], the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

“(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

“(j) COVERED AIRCRAFT DEFINED.—In this section, the term ‘covered aircraft’ means an aircraft that—

“(1) is authorized under Federal law to carry not more than 7 occupants;

“(2) has a maximum certificated takeoff weight of not more than 12,500 pounds; and

“(3) is not a transport category rotorcraft certified to airworthiness standards under part 29 of title 14, Code of Federal Regulations.

“(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

“(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

“(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator’s Safety Hotline, that reflects on an individual’s ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

“(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.”

[Pub. L. 118-63, title VIII, § 828(b), (c), May 16, 2024, 138 Stat. 1336, provided that:

[(b) RULEMAKING.—The Administrator [of the Federal Aviation Administration] shall update regulations in parts 61 and 68 of title 14, Code of Federal Regulations, as necessary, to implement the amendments made by this section [amending section 2307 of Pub. L. 114-190, set out above].

[(c) APPLICABILITY.—Beginning on the date that is 180 days after the date of enactment of this Act [May 16, 2024], the Administrator shall apply parts 61 and 68, Code of Federal Regulations, in a manner reflecting the amendments made by this section.”]

FEDERAL AVIATION ADMINISTRATION ENFORCEMENT
PROCEEDINGS AND ELIMINATION OF DEFERENCE

Pub. L. 112-153, § 2, Aug. 3, 2012, 126 Stat. 1159, as amended by Pub. L. 115-254, div. B, title III, § 392, Oct. 5, 2018, 132 Stat. 3323; Pub. L. 118-63, title VIII, § 807, May 16, 2024, 138 Stat. 1324, provided that:

“(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure [28 U.S.C. App.] and the Federal Rules of Evidence [28 U.S.C. App.].

“(b) ACCESS TO INFORMATION.—

“(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the ‘Administrator’) shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

“(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

“(A) of the nature of the investigation and the specific activity on which the investigation is based;

“(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

“(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

“(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

“(E) that the releasable portions of the Administrator’s investigative report will be available to the individual; and

“(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

“(3) EXCEPTION.—The Administrator may delay notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

“(4) ACCESS TO AIR TRAFFIC DATA.—

“(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual’s ability to productively participate in a proceeding relating to an investigation described in such paragraph.

“(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term ‘air traffic data’ includes—

“(i) relevant air traffic communication tapes;

“(ii) radar information;

“(iii) air traffic controller statements;

“(iv) flight data;

“(v) investigative reports; and

“(vi) any other air traffic or flight data in the Federal Aviation Administration’s possession that would facilitate the individual’s ability to productively participate in the proceeding.

“(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

“(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual’s ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

“(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

“(I) describes the facility at which such information is located; and

“(II) identifies the date on which such information was generated.

“(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

“(I) request the contractor to provide the requested information; and

“(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

“(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(e)(2) or 46105(c) [of title 49, United States Code], the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

“(6) RESPONSE TO LETTER OF INVESTIGATION.—

“(A) IN GENERAL.—If an individual decides to respond to a Letter of Investigation described in paragraph (2)(B), such individual may respond not later than 30 days after receipt of such Letter, including providing written comments on the incident to the investigating office.

“(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to diminish the authority of the Administrator (as of the day before the date of enactment of the FAA Reauthorization Act of 2024 [May 16, 2024]) to take emergency action relating to an airman certificate.

“(c) AMENDMENTS TO TITLE 49.—

“(1) AIRMAN CERTIFICATES.—[Amended this section.]

“(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—[Amended section 44709 of this title.]

“(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—[Amended section 44710 of this title.]

“(d) APPEAL FROM CERTIFICATE ACTIONS.—

“(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a

final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

“(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act [amending this section and sections 44709 and 44710 of this title and enacting provisions set out as notes under this section and sections 40101 and 44701 of this title].

“(e) STANDARD OF REVIEW.—

“(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

“(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

“(f) RELEASE OF INVESTIGATIVE REPORTS.—

“(1) IN GENERAL.—

“(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide, upon request, to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time of the request, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report not later than 5 days after its completion.

“(B) OTHER ORDERS.—In any nonemergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

“(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph,

the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

“(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

“(A) Information that is privileged.

“(B) Information that constitutes work product or reflects internal deliberative process.

“(C) Information that would disclose the identity of a confidential source.

“(D) Information the disclosure of which is prohibited by any other provision of law.

“(E) Information that is not relevant to the subject matter of the proceeding.

“(F) Information the Administrator can demonstrate is withheld for good cause.

“(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

“(A) information in addition to the information included in the releasable portion of the investigative report; or

“(B) a copy of the investigative report before the Administrator issues a complaint.”

MEDICAL CERTIFICATION

Pub. L. 112-153, §4, Aug. 3, 2012, 126 Stat. 1162, provided that:

“(a) ASSESSMENT.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2012], the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

“(2) REPORT.—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

“(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

“(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

“(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

“(b) GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.—The goals of the Federal Aviation Administration's medical certification process are—

“(1) to provide questions in the medical application form that—

“(A) are appropriate without being overly broad;

“(B) are subject to a minimum amount of misinterpretation and mistaken responses;

“(C) allow for consistent treatment and responses during the medical application process; and

“(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

“(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

“(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

“(4) to ensure that—

“(A) the application of such medical standards provides an appropriate and fair evaluation of an individual’s qualifications; and

“(B) the individual understands the basis for determining medical qualifications.

“(C) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

“(d) FEDERAL AVIATION ADMINISTRATION RESPONSE.—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.”

REEXAMINATION OF AN AIRMAN CERTIFICATE

Pub. L. 112-153, § 5, as added by Pub. L. 118-63, title VIII, § 801, May 16, 2024, 138 Stat. 1320, provided that:

“(a) IN GENERAL.—The Administrator shall provide timely, written notification to an individual subject to a reexamination of an airman certificate issued under chapter 447 of title 49, United States Code.

“(b) INFORMATION REQUIRED.—In providing notification under subsection (a), the Administrator shall inform the individual—

“(1) of the nature of the reexamination and the specific activity on which the reexamination is necessitated;

“(2) that the reexamination shall occur within 1 year from the date of the notice provided by the Administrator, however, if the reexamination is not conducted within 30 days, the Administrator may restrict passenger carrying operations;

“(3) that if such reexamination is not conducted after 1 year from date of notice, the airman certificate of the individual may be suspended or revoked; and

“(4) when, as determined by the Administrator, an oral or written response to the notification from the Administrator is not required.

“(c) EXCEPTION.—Nothing in this section prohibits the Administrator from reexamining a certificate holder if the Administrator has reasonable grounds—

“(1) to establish that an airman may not be qualified to exercise the privileges of a certificate or rating based upon an act or omission committed by the airman while exercising such privileges or performing ancillary duties associated with the exercise of such privileges; or

“(2) to demonstrate that the airman obtained such a certificate or rating through fraudulent means or through an examination that was inadequate to establish the qualifications of an airman.

“(d) STANDARD OF REVIEW.—An order issued by the Administrator to amend, modify, suspend, or revoke an airman certificate after reexamination of the airman is subject to the standard of review provided for under section 2 of this Act [Pub. L. 112-153, set out as a note above].”

IMPROVED PILOT LICENSES

Pub. L. 112-95, title III, § 321, Feb. 14, 2012, 126 Stat. 71, which related to the issuance by the Administrator of the Federal Aviation Administration of improved pilot licenses and required reports to Congress, was repealed by Pub. L. 118-63, title II, § 218(j)(2), May 16, 2024, 138 Stat. 1056.

Pub. L. 108-458, title IV, § 4022, Dec. 17, 2004, 118 Stat. 3723, which related to the issuance of improved pilot licenses, was repealed by Pub. L. 118-63, title II, § 218(j)(1), May 16, 2024, 138 Stat. 1056.

CREDITING OF LAW ENFORCEMENT FLIGHT TIME

Pub. L. 106-424, § 14, Nov. 1, 2000, 114 Stat. 1888, provided that: “In determining whether an individual meets the aeronautical experience requirements im-

posed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

“(1) identifiable by category and class; and

“(2) used in law enforcement activities.”

§ 44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates

(a) TYPE CERTIFICATES.—

(1) ISSUANCE, INVESTIGATIONS, AND TESTS.—The Administrator of the Federal Aviation Administration shall issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under paragraph (2)(A) of this subsection when the Administrator finds that the aircraft, aircraft engine, propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a) of this title. On receiving an application for a type certificate, the Administrator shall investigate the application and may conduct a hearing. The Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.

(2) SPECIFICATIONS.—The Administrator may—

(A) specify in regulations those appliances that reasonably require a type certificate in the interest of safety;

(B) include in a type certificate terms required in the interest of safety; and

(C) record on the certificate a numerical specification of the essential factors related to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

(3) SPECIAL RULES FOR NEW AIRCRAFT AND APPLIANCES.—Except as provided in paragraph (4), if the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.

(4) LIMITATION FOR AIRCRAFT MANUFACTURED BEFORE AUGUST 5, 2004.—Paragraph (3) shall not apply to a person who began the manufacture of an aircraft before August 5, 2004, and who demonstrates to the satisfaction of the Administrator that such manufacture began before August 5, 2004, if the name of the holder of the type certificate for the aircraft does not appear on the airworthiness certificate or identification plate of the aircraft. The holder of the type certificate for the aircraft shall not be responsible for the continued airworthiness of the aircraft. A person may invoke the exception provided by this paragraph with regard to the manufacture of only one aircraft.