

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254 amended subsec. (b) generally. Prior to amendment, text read as follows: "An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information."

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of this section to begin to apply 60 days after Feb. 14, 2012, except as otherwise provided, see section 415(c) of Pub. L. 112-95, set out as a note under section 42301 of this title.

§ 42304. Widespread disruptions

(a) GENERAL REQUIREMENTS.—In the event of a widespread disruption, a covered air carrier shall immediately publish, via a prominent link on the air carrier's public internet website, a clear statement indicating whether, with respect to a passenger of the air carrier whose travel is interrupted as a result of the widespread disruption, the air carrier will—

- (1) provide for hotel accommodations;
(2) arrange for ground transportation;
(3) provide meal vouchers;
(4) arrange for air transportation on another air carrier or foreign air carrier to the passenger's destination; and
(5) provide for sleeping facilities inside the airport terminal.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) WIDESPREAD DISRUPTION.—The term "widespread disruption" means, with respect to a covered air carrier, the interruption of all or the overwhelming majority of the air carrier's systemwide flight operations, including flight delays and cancellations, as the result of the failure of 1 or more computer systems or computer networks of the air carrier.

(2) COVERED AIR CARRIER.—The term "covered air carrier" means an air carrier that provides scheduled passenger air transportation by operating an aircraft that as originally designed has a passenger capacity of 30 or more seats.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to modify, abridge, or repeal any obligation of an air carrier under section 42301.

(Added Pub. L. 115-254, div. B, title IV, §428(a), Oct. 5, 2018, 132 Stat. 3341.)

SUBPART III—SAFETY

CHAPTER 441—REGISTRATION AND RECORDATION OF AIRCRAFT

Table with 2 columns: Sec. and description. Rows include 44101. Operation of aircraft, 44102. Registration requirements, 44103. Registration of aircraft, 44104. Registration of aircraft components and dealers' certificates of registration, 44105. Suspension and revocation of aircraft certificates.

Table with 2 columns: Sec. and description. Rows include 44106. Revocation of aircraft certificates for controlled substance violations, 44107. Recordation of conveyances, leases, and security instruments, 44108. Validity of conveyances, leases, and security instruments, 44109. Reporting transfer of ownership, 44110. Information about aircraft ownership and rights, 44111. Modifications in registration and recordation system for aircraft not providing air transportation, 44112. Limitation of liability, 44113. Definitions.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-297, §6(b), Aug. 9, 2004, 118 Stat. 1097, added item 44113.

§ 44101. Operation of aircraft

(a) REGISTRATION REQUIREMENT.—Except as provided in subsection (b) of this section, a person may operate an aircraft only when the aircraft is registered under section 44103 of this title.

(b) EXCEPTIONS.—A person may operate an aircraft in the United States that is not registered—

- (1) when authorized under section 40103(d) or 41703 of this title;
(2) when it is an aircraft of the national defense forces of the United States and is identified in a way satisfactory to the Administrator of the Federal Aviation Administration; and
(3) for a reasonable period of time after a transfer of ownership, under regulations prescribed by the Administrator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), and Source (Statutes at Large). Rows show changes to 44101(a) and 44101(b) from previous versions of the Code and Statutes at Large.

In this section, the word "navigate" is omitted as being included in the definition of "operate aircraft" in section 40102(a) of the revised title.

In subsection (a), the words "Except as provided in subsection (b) of this section" are added for clarity. The words "a person may . . . an aircraft only when the aircraft is registered under section 44103 of this title" are substituted for "It shall be unlawful . . . any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or . . . any aircraft not eligible for registration" for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words "A person may operate an aircraft in the United States that is not registered" are substituted for "may be operated and navigated without being so registered" and "may

. . . permit the operation and navigation of aircraft without registration” for clarity. In clause (2), the words “identified in a way” are substituted for “identified, by the agency having jurisdiction over them, in a manner” to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-297, §7, Aug. 9, 2004, 118 Stat. 1097, provided that: “This Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act, shall take effect on the date the Cape Town Treaty (as defined in section 44113 of title 49, United States Code) enters into force with respect to the United States and shall not apply to any registration or recordation that was made before such effective date under chapter 441 of such title or any legal rights relating to such registration or recordation.” [The Cape Town Treaty entered into force with respect to the United States on Mar. 1, 2006. See 71 F.R. 8457.]

REGULATIONS

Pub. L. 108-297, §4, Aug. 9, 2004, 118 Stat. 1096, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue regulations necessary to carry out this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act.

“(b) CONTENTS OF REGULATIONS.—Regulations to be issued under this Act shall specify, at a minimum, the requirements for—

“(1) the registration of aircraft previously registered in a country in which the Cape Town Treaty is in effect; and

“(2) the cancellation of registration of a civil aircraft of the United States based on a request made in accordance with the Cape Town Treaty.

“(c) EXPEDITED RULEMAKING PROCESS.—

“(1) FINAL RULE.—The Administrator shall issue regulations under this section by publishing a final rule by December 31, 2004.

“(2) EFFECTIVE DATE.—The final rule shall not be effective before the date the Cape Town Treaty enters into force with respect to the United States [Mar. 1, 2006, see Effective Date of 2004 Amendment note above].

“(3) ECONOMIC ANALYSIS.—The Administrator shall not be required to prepare an economic analysis of the cost and benefits of the final rule.

“(d) APPLICABILITY OF TREATY.—Notwithstanding parts 47.37(a)(3)(ii) and 47.47(a)(2) of title 14, of the Code of Federal Regulations, Articles IX(5) and XIII of the Cape Town Treaty shall apply to the matters described in subsection (b) until the earlier of the effective date of the final rule under this section or December 31, 2004.”

CAPE TOWN TREATY; FINDINGS AND PURPOSE

Pub. L. 108-297, §2, Aug. 9, 2004, 118 Stat. 1095, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) The Cape Town Treaty (as defined in section 44113 of title 49, United States Code) extends modern commercial laws for the sale, finance, and lease of aircraft and aircraft engines to the international arena in a manner consistent with United States law and practice.

“(2) The Cape Town Treaty provides for internationally established and recognized financing and leasing rights that will provide greater security and commercial predictability in connection with the financing and leasing of highly mobile assets, such as aircraft and aircraft engines.

“(3) The legal and financing framework of the Cape Town Treaty will provide substantial economic benefits to the aviation and aerospace sectors, including

the promotion of exports, and will facilitate the acquisition of newer, safer aircraft around the world.

“(4) Only technical changes to United States law and regulations are required since the asset-based financing and leasing concepts embodied in the Cape Town Treaty are already reflected in the United States in the Uniform Commercial Code.

“(5) The new electronic registry system established under the Cape Town Treaty will work in tandem with current aircraft document recordation systems of the Federal Aviation Administration, which have served United States industry well.

“(6) The United States Government was a leader in the development of the Cape Town Treaty.

“(b) PURPOSE.—Accordingly, the purpose of this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title] is to provide for the implementation of the Cape Town Treaty in the United States by making certain technical amendments to the provisions of chapter 441 of title 49, United States Code, directing the Federal Aviation Administration to complete the necessary rulemaking processes as expeditiously as possible, and clarifying the applicability of the Treaty during the rulemaking process.”

§ 44102. Registration requirements

(a) ELIGIBILITY.—An aircraft may be registered under section 44103 of this title only when the aircraft is—

(1) not registered under the laws of a foreign country and is owned by—

(A) a citizen of the United States;

(B) an individual citizen of a foreign country lawfully admitted for permanent residence in the United States; or

(C) a corporation not a citizen of the United States when the corporation is organized and doing business under the laws of the United States or a State, and the aircraft is based and primarily used in the United States; or

(2) an aircraft of—

(A) the United States Government; or

(B) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of a State, territory, or possession.

(b) DUTY TO DEFINE CERTAIN TERM.—In carrying out subsection (a)(1)(C) of this section, the Secretary of Transportation shall define “based and primarily used in the United States”.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44102(a)(1) ..	49 App.:1401(b) (1st sentence cl. (1)).	Aug. 23, 1958, Pub. L. 85-726, §501(b), 72 Stat. 772; re-stated Nov. 9, 1977, Pub. L. 95-163, §14, 91 Stat. 1283; Mar. 8, 1978, Pub. L. 95-241, 92 Stat. 119.
44102(a)(2) ..	49 App.:1401(b) (1st sentence cl. (2)).	
44102(b)	49 App.:1401(b) (last sentence).	

In subsection (a), before clause (1), the words “may be registered” are substituted for “shall be eligible for registration”, and the words “under section 44103 of this title” are added, for clarity. The words “only when” are substituted for “if, but only if” for consistency. In subclause (C), the words “not a citizen of the United States” are substituted for “(other than a corporation which is a citizen of the United States)” to

eliminate unnecessary words. The word “lawfully” is omitted as surplus.

In subsection (b), the words “In carrying out subsection (a)(1)(C) of this section” are added because of the restatement. The words “by regulation” are omitted as unnecessary because of 49:322(a).

§ 44103. Registration of aircraft

(a) GENERAL.—(1) On application of the owner of an aircraft that meets the requirements of section 44102 of this title, the Administrator of the Federal Aviation Administration shall—

- (A) register the aircraft; and
- (B) issue a certificate of registration to its owner.

(2) The Administrator may prescribe the extent to which an aircraft owned by the holder of a dealer’s certificate of registration issued under section 44104(2) of this title also is registered under this section.

(b) CONTROLLED SUBSTANCE VIOLATIONS.—(1) The Administrator may not issue an owner’s certificate of registration under subsection (a)(1) of this section to a person whose certificate is revoked under section 44106 of this title during the 5-year period beginning on the date of the revocation, except—

(A) as provided in section 44106(e)(2) of this title; or

(B) that the Administrator may issue the certificate to the person after the one-year period beginning on the date of the revocation if the Administrator decides that the aircraft otherwise meets the requirements of section 44102 of this title and that denial of a certificate for the 5-year period—

- (i) would be excessive considering the nature of the offense or the act committed and the burden the denial places on the person; or
- (ii) would not be in the public interest.

(2) A decision of the Administrator under paragraph (1)(B)(i) or (ii) of this subsection is within the discretion of the Administrator. That decision or failure to make a decision is not subject to administrative or judicial review.

(c) CERTIFICATES AS EVIDENCE.—A certificate of registration issued under this section is—

(1) conclusive evidence of the nationality of an aircraft for international purposes, but not conclusive evidence in a proceeding under the laws of the United States; and

(2) not evidence of ownership of an aircraft in a proceeding in which ownership is or may be in issue.

(d) CERTIFICATES AVAILABLE FOR INSPECTION.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1162.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44103(a)(2) ..	49 App.:1405 (2d sentence).	
44103(b)	49 App.:1655(c)(1). 49 App.:1401(e)(2)(D), (E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §501(e)(2)(D), (E); added Oct. 19, 1984, Pub. L. 98–499, §4(a), 98 Stat. 2315.
44103(c)	49 App.:1401(f).	
44103(d)	49 App.:1401(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §501(g); added Oct. 27, 1986, Pub. L. 99–570, §3401(a)(2), 100 Stat. 3207–99.

In subsection (a)(1), the words “On application” are substituted for “upon request”, and the words “meets the requirements of section 44102 of this title” are substituted for “eligible for registration”, for consistency in this subchapter. The text of 49 App.:1401(d) is omitted as unnecessary because of 49:322(a).

In subsection (b)(1)(B), before subclause (i), the words “after the one-year period beginning on the date of the revocation” are substituted for “before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation)” for clarity and to eliminate unnecessary words. The words “otherwise meets the requirements of section 44102 of this title” are substituted for “is otherwise eligible for registration under this section” because of the restatement. The words “denial of a certificate” are substituted for “revocation of the certificate” for clarity.

In subsection (c), before clause (1), the words “A certificate of registration” are substituted for “Registration” for clarity. In clause (2), the words “by a particular person” are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT REGISTRATION

Pub. L. 115–254, div. B, title V, §556, Oct. 5, 2018, 132 Stat. 3383, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 7 years.

“(b) CONSIDERATIONS.—In promulgating the notice of proposed rulemaking described in subsection (a), the Administrator may consider any events, circumstances, changes in any ownership entity or structure, or other condition that would necessitate renewal prior to the expiration of an aircraft registration.”

RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM

Pub. L. 115–254, div. B, title V, §566, Oct. 5, 2018, 132 Stat. 3385, provided that: “Notwithstanding any other provision of law, the Administrator [of the Federal Aviation Administration] shall, upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the non-commercial flights of the owner or operator.”

AIRCRAFT SITUATIONAL DISPLAY DATA

Pub. L. 106–181, title VII, §729, Apr. 5, 2000, 114 Stat. 168, provided that:

“(a) IN GENERAL.—A memorandum of agreement between the Administrator [of the Federal Aviation Administration] and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44103(a)(1) ..	49 App.:1401(c), (d).	Aug. 23, 1958, Pub. L. 85–726, §§501(c), (d), (f), 505 (2d sentence), 72 Stat. 772, 774.

“(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

“(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration’s request.

“(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).”

§ 44104. Registration of aircraft components and dealers’ certificates of registration

The Administrator of the Federal Aviation Administration may prescribe regulations—

(1) in the interest of safety for registering and identifying an aircraft engine, propeller, or appliance; and

(2) in the public interest for issuing, suspending, and revoking a dealer’s certificate of registration under this chapter and for its use by a person manufacturing, distributing, or selling aircraft.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1162.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44104(1)	49 App.:1402. 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §§ 502, 505 (1st sentence), 72 Stat. 772, 774. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44104(2)	49 App.:1405 (1st sentence). 49 App.:1655(c)(1).	

In this section, before clause (1), the words “prescribe regulations” are substituted for “establish reasonable rules and regulations” in 49 App.:1402 and “by such reasonable regulations” in 49 App.:1405 (1st sentence) because of 49:322(a). In clause (1), the words “and no aircraft engine, propeller, or appliance shall be used in violation of any such rule or regulation” are omitted as surplus because of section 46301 of the revised title. In clause (2), the words “in connection with” are omitted as surplus.

§ 44105. Suspension and revocation of aircraft certificates

The Administrator of the Federal Aviation Administration may suspend or revoke a certificate of registration issued under section 44103 of this title when the aircraft no longer meets the requirements of section 44102 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44105	49 App.:1401(e)(1). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §501(e)(1), 72 Stat. 772; Oct. 19, 1984, Pub. L. 98–499, §4(a), 98 Stat. 2314. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.

The words “when the aircraft no longer meets” are substituted for “for any cause which renders the aircraft ineligible” for consistency.

§ 44106. Revocation of aircraft certificates for controlled substance violations

(a) DEFINITION.—In this section, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATIONS.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking the certificate of registration for an aircraft issued to an owner under section 44103 of this title and any other certificate of registration that the owner of the aircraft holds under section 44103, if the Administrator finds that—

(A) the aircraft was used to carry out, or facilitate, an activity that is punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance); and

(B) the owner of the aircraft permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in clause (A) of this paragraph.

(2) An aircraft owner that is not an individual is deemed to have permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection only if a majority of the individuals who control the owner of the aircraft or who are involved in forming the major policy of the owner permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A).

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator shall—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator bases the proposed action; and

(2) provide the holder of the certificate an opportunity to answer the charges and state why the certificate should not be revoked.

(d) APPEALS.—(1) A person whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and a hearing on the record. In conducting the hearing, the Board is not bound by the findings of fact of the Administrator.

(2) When a person files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall dispose of the appeal not later than 60 days after notification by the Administrator under this paragraph.

(3) A person substantially affected by an order of the Board under this subsection may seek judicial review of the order under section 46110 of this title. The Administrator shall be made a party to that judicial proceeding.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate of registration under this section on the basis of an activity described in subsection (b)(1)(A) of this section if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked a certificate of registration of a person under this section because of an activity described in subsection (b)(1)(A) of this section, the Administrator shall reissue a certificate to the person if the person—

(A) subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; and

(B) otherwise meets the requirements of section 44102 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44106(a)	49 App.:1401(e)(2)(C).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §501(e)(2)(A)-(C), (F); added Oct. 19, 1984, Pub. L. 98-499, §4(a), 98 Stat. 2314, 2315.
44106(b)	49 App.:1401(e)(2)(A) (less last sentence).	
44106(c)	49 App.:1401(e)(2)(B) (1st sentence).	
44106(d)	49 App.:1401(e)(2)(B) (2d-last sentences).	
44106(e)	49 App.:1401(e)(2)(A) (last sentence), (F).	

In subsection (b)(2), the words “knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection” are substituted for “with knowledge of such intended use” for clarity.

§ 44107. Recordation of conveyances, leases, and security instruments

(a) ESTABLISHMENT OF SYSTEM.—The Administrator of the Federal Aviation Administration shall establish a system for recording—

(1) conveyances that affect an interest in civil aircraft of the United States;

(2) leases and instruments executed for security purposes, including conditional sales contracts, assignments, and amendments, that affect an interest in—

(A) a specifically identified aircraft engine having at least 550 rated takeoff horsepower or its equivalent;

(B) a specifically identified aircraft propeller capable of absorbing at least 750 rated takeoff shaft horsepower;

(C) an aircraft engine, propeller, or appliance maintained for installation or use in an aircraft, aircraft engine, or propeller, by or for an air carrier holding a certificate issued under section 44705 of this title; and

(D) spare parts maintained by or for an air carrier holding a certificate issued under section 44705 of this title; and

(3) releases, cancellations, discharges, and satisfactions related to a conveyance, lease, or instrument recorded under paragraph (1) or (2).

(b) GENERAL DESCRIPTION REQUIRED.—A lease or instrument recorded under subsection (a)(2)(C) or (D) of this section only has to describe generally the engine, propeller, appliance, or spare part by type and designate its location.

(c) ACKNOWLEDGMENT.—Except as the Administrator otherwise may provide, a conveyance, lease, or instrument may be recorded under subsection (a) of this section only after it has been acknowledged before—

(1) a notary public; or

(2) another officer authorized under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States to acknowledge deeds.

(d) RECORDS AND INDEXES.—The Administrator shall—

(1) keep a record of the time and date that each conveyance, lease, and instrument is filed and recorded with the Administrator; and

(2) record each conveyance, lease, and instrument filed with the Administrator, in the order of their receipt, and index them by—

(A) the identifying description of the aircraft, aircraft engine, or propeller, or location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section; and

(B) the names of the parties to each conveyance, lease, and instrument.

(e) INTERNATIONAL REGISTRY.—

(1) DESIGNATION OF UNITED STATES ENTRY POINT.—As permitted under the Cape Town Treaty, the Federal Aviation Administration Civil Aviation Registry is designated as the United States Entry Point to the International Registry relating to—

(A) civil aircraft of the United States;

(B) an aircraft for which a United States identification number has been assigned but only with regard to a notice filed under paragraph (2); and

(C) aircraft engines.

(2) SYSTEM FOR FILING NOTICE OF PROSPECTIVE INTERESTS.—

(A) ESTABLISHMENT.—The Administrator shall establish a system for filing notices of prospective assignments and prospective international interests in, and prospective sales of, aircraft or aircraft engines described in paragraph (1) under the Cape Town Treaty.

(B) MAINTENANCE OF VALIDITY.—A filing of a notice of prospective assignment, interest, or sale under this paragraph and the registration with the International Registry relating to such assignment, interest, or sale shall not be valid after the 60th day following the date of the filing unless documents eligible for recording under subsection (a) relating to such notice are filed for recordation on or before such 60th day.

(3) AUTHORIZATION FOR REGISTRATION OF AIRCRAFT.—A registration with the International Registry relating to an aircraft described in paragraph (1) (other than subparagraph (C)) is valid only if (A) the person seeking the registration first files documents eligible for recording under subsection (a) and relating to the registration with the United States Entry Point, and (B) the United States Entry Point authorizes the registration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1164; Pub. L. 108-297, §3, Aug. 9, 2004, 118 Stat. 1096.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44107(a)(1) ..	49 App.:1403(a)(1). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §503(a)(1), (3), (b), 72 Stat. 772. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44107(a)(2)(A), (B).	49 App.:1403(a)(2).	Aug. 23, 1958, Pub. L. 85-726, §503(a)(2), 72 Stat. 772; re-stated July 8, 1959, Pub. L. 86-81, §1, 73 Stat. 180.
44107(a)(2)(C), (D).	49 App.:1655(c)(1). 49 App.:1403(a)(3) (less words between 13th comma and semicolon).	
44107(a)(3) ..	49 App.:1655(c)(1). 49 App.:1403(b).	
44107(b)	49 App.:1655(c)(1). 49 App.:1403(a)(3) (words between 13th comma and semicolon).	
44107(c)	49 App.:1403(e).	Aug. 23, 1958, Pub. L. 85-726, §503(e), 72 Stat. 773; re-stated June 30, 1964, Pub. L. 88-346, §2, 78 Stat. 236.
44107(d)	49 App.:1655(c)(1). 49 App.:1403(f). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §503(f), 72 Stat. 773; July 8, 1959, Pub. L. 86-81, §4, 73 Stat. 181.

In subsection (a)(1) and (2), the words “title to” are omitted as being included in “interest in”.

In subsection (a)(2), before subclause (A), the word “instruments” is substituted for “any mortgage, equipment trust . . . or other instrument” because it is inclusive. The word “supplement” is omitted as being included in “amendments”.

In subsection (a)(3), the words “The Secretary of Transportation shall also record under the system” are omitted as unnecessary because of the restatement.

In subsections (a)(3) and (c), the words “lease, or instrument” are substituted for “other instrument” for clarity and consistency in this subchapter.

In subsections (b) and (d), the words “or locations” are omitted because of 1:1.

In subsection (b), the words “recorded under subsection (a)(2)(C) or (D) of this section” are added for clarity. The words “lease or instrument” are substituted for “instrument” for clarity and consistency in this subchapter.

In subsection (c), before clause (1), the words “by regulation” are omitted because of 49:322(a). In clause (2), the words “possession of the United States” are substituted for “possession thereof” for clarity.

In subsection (d), the words “lease, and instrument” are substituted for “other instruments” for clarity and consistency in this subchapter. In clause (1), the words “of the time and date of” before “recordation” are omitted as unnecessary because of the restatement. In clause (2), before subclause (A), the words “in files to be kept for that purpose” are omitted as unnecessary. In subclause (A), the words “location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section” are substituted for “in the case of an

instrument referred to in subsection (a)(3) of this section, the location or locations specified therein” for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (a)(2)(A). Pub. L. 108-297, §3(a)(1), substituted “550” for “750”.

Subsec. (a)(3). Pub. L. 108-297, §3(a)(2), substituted “paragraph (1) or (2)” for “clause (1) or (2) of this subsection”.

Subsec. (e). Pub. L. 108-297, §3(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-297 effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108-297, set out as a note under section 44101 of this title.

§ 44108. Validity of conveyances, leases, and security instruments

(a) VALIDITY BEFORE FILING.—Until a conveyance, lease, or instrument executed for security purposes that may be recorded under section 44107(a)(1) or (2) of this title is filed for recording, the conveyance, lease, or instrument is valid only against—

- (1) the person making the conveyance, lease, or instrument;
- (2) that person’s heirs and devisees; and
- (3) a person having actual notice of the conveyance, lease, or instrument.

(b) PERIOD OF VALIDITY.—When a conveyance, lease, or instrument is recorded under section 44107 of this title, the conveyance, lease, or instrument is valid from the date of filing against all persons, without other recordation, except that—

- (1) a lease or instrument recorded under section 44107(a)(2)(A) or (B) of this title is valid for a specifically identified engine or propeller without regard to a lease or instrument previously or subsequently recorded under section 44107(a)(2)(C) or (D); and
- (2) a lease or instrument recorded under section 44107(a)(2)(C) or (D) of this title is valid only for items at the location designated in the lease or instrument.

(c) APPLICABLE LAWS.—(1) The validity of a conveyance, lease, or instrument that may be recorded under section 44107 of this title is subject to the laws of the State, the District of Columbia, or the territory or possession of the United States at which the conveyance, lease, or instrument is delivered, regardless of the place at which the subject of the conveyance, lease, or instrument is located or delivered. If the conveyance, lease, or instrument specifies the place at which delivery is intended, it is presumed that the conveyance, lease, or instrument was delivered at the specified place.

(2) This subsection does not take precedence over the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) or the Cape Town Treaty, as applicable.

(d) NONAPPLICATION.—This section does not apply to—

(1) a conveyance described in section 44107(a)(1) of this title that was made before August 22, 1938; or

(2) a lease or instrument described in section 44107(a)(2) of this title that was made before June 20, 1948.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1165; Pub. L. 108-297, §5, Aug. 9, 2004, 118 Stat. 1097.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44108(a)	49 App.:1403(c) (less words after semicolon).	Aug. 23, 1958, Pub. L. 85-726, §503(c), 72 Stat. 773.
44108(b)	49 App.:1403(d).	Aug. 23, 1958, Pub. L. 85-726, §503(d), 72 Stat. 773; July 8, 1959, Pub. L. 86-81, §3, 73 Stat. 181.
44108(c)(1) ..	49 App.:1406.	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §506; added June 30, 1964, Pub. L. 88-346, §1(a), 78 Stat. 236.
44108(c)(2) ..	49 App.:1406 (note).	June 30, 1964, Pub. L. 88-346, §1(c), 78 Stat. 236.
44108(d)	49 App.:1403(c) (words after semicolon).	

In subsection (a), before clause (1), the words “conveyance, lease, or instrument executed for security purposes” are substituted for “conveyance or instrument” for clarity and consistency in this subchapter. The words “in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts” are omitted as surplus. The text of 49 App.:1403(c) (proviso words before semicolon) is omitted because of section 7(d) of this bill. In clause (1), the words “person making the conveyance, lease, or instrument” are substituted for “the person by whom the conveyance or other instrument is made or given” to eliminate unnecessary words and for consistency in this subchapter.

In subsection (b), before clause (1), the words “When a conveyance, lease, or instrument is recorded under section 44107 of this title . . . from the date of filing” are substituted for “Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of the section shall from the time of its filing for recordation” for clarity and consistency in this subchapter and to eliminate unnecessary words. In clause (1), the words “is valid” are substituted for “Provided, That . . . shall not be affected” for consistency in this subchapter. The words “or engines . . . or propellers” are omitted because of 1:1. In clause (2), the words “is valid” are substituted for “shall be effective” for consistency in this subchapter. The words “for items at the location designated in the lease or instrument” are substituted for “which may from time to time be situated at the designated location or locations and only while so situated” for clarity and to eliminate unnecessary words.

In subsection (c)(1), the words “conveyance, lease, or” are added for consistency in this subchapter. The words “the conveyance, lease, or instrument” are substituted for “therein”, and the words “it is presumed” are substituted for “it shall constitute presumptive evidence”, for clarity.

In subsection (d)(2), the words “lease or instrument” are substituted for “instrument” for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-297 inserted “or the Cape Town Treaty, as applicable” before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-297 effective Mar. 1, 2006, and not applicable to any registration or recordation

that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108-297, set out as a note under section 44101 of this title.

§ 44109. Reporting transfer of ownership

(a) FILING NOTICES.—A person having an ownership interest in an aircraft for which a certificate of registration was issued under section 44103 of this title shall file a notice with the Secretary of the Treasury that the Secretary requires by regulation, not later than 15 days after a sale, conditional sale, transfer, or conveyance of the interest.

(b) EXEMPTIONS.—The Secretary—

(1) shall prescribe regulations that establish guidelines for exempting a person or class from subsection (a) of this section; and

(2) may exempt a person or class under the regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44109(a)	49 App.:1509(f).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1109(f); added Oct. 27, 1986, Pub. L. 99-570, §3401(d)(1), 100 Stat. 3207-101.
44109(b)	49 App.:1509 (note).	Oct. 27, 1986, Pub. L. 99-570, §3401(d)(2), 100 Stat. 3207-102.

In subsection (a), the text of 49 App.:1509(f) (last sentence) is omitted as unnecessary.

In subsection (b)(1), the words “Within 30 days after the date of enactment of subsection (f) of section 1109 of the Federal Aviation Act of 1958 as added by this subsection” are omitted as obsolete.

§ 44110. Information about aircraft ownership and rights

The Administrator of the Federal Aviation Administration may provide by regulation for—

(1) endorsing information on each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title about ownership of the aircraft for which each certificate is issued; and

(2) recording transactions affecting an interest in, and for other records, proceedings, and details necessary to decide the rights of a party related to, a civil aircraft of the United States, aircraft engine, propeller, appliance, or spare part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44110	49 App.:1403(g). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §503(g), 72 Stat. 774. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In clause (1), the words “each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title” are substituted for “certificates of registration, or aircraft

certificates” for clarity and because of the restatement.

In clause (2), the words “recording transactions” are substituted for “recording of discharges and satisfactions of recorded instruments, and other transactions” to eliminate unnecessary words. The words “title to” are omitted as being included in “interest in”. The words “to decide” are substituted for “to facilitate the determination” to eliminate unnecessary words. The words “related to” are substituted for “dealing with” for clarity. The word “spare” is added for consistency in this section.

§ 44111. Modifications in registration and recordation system for aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) AUTHORITY TO MAKE MODIFICATIONS.—The Administrator of the Federal Aviation Administration shall make modifications in the system for registering and recording aircraft necessary to make the system more effective in serving the needs of—

(1) buyers and sellers of aircraft;

(2) officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)); and

(3) other users of the system.

(c) NATURE OF MODIFICATIONS.—Modifications made under subsection (b) of this section—

(1) may include a system of titling aircraft or registering all aircraft, even aircraft not operated;

(2) shall ensure positive, verifiable, and timely identification of the true owner; and

(3) shall address at least each of the following deficiencies in and abuses of the existing system:

(A) the registration of aircraft to fictitious persons.

(B) the use of false or nonexistent addresses by persons registering aircraft.

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

(D) the registration of aircraft to entities established to facilitate unlawful activities.

(E) the submission of names of individuals on applications for registration of aircraft that are not identifiable.

(F) the ability to make frequent legal changes in the registration markings assigned to aircraft.

(G) the use of false registration markings on aircraft.

(H) the illegal use of “reserved” registration markings on aircraft.

(I) the large number of aircraft classified as being in “self-reported status”.

(J) the lack of a system to ensure timely and adequate notice of the transfer of ownership of aircraft.

(K) the practice of allowing temporary operation and navigation of aircraft without the issuance of a certificate of registration.

(d) REGULATIONS.—(1) The Administrator of the Federal Aviation Administration shall pre-

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

(2) Regulations prescribed under this subsection shall require that—

(A) each individual listed in an application for registration of an aircraft provide with the application the individual’s driver’s license number; and

(B) each person (not an individual) listed in an application for registration of an aircraft provide with the application the person’s taxpayer identifying number.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1166; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44111(a)	49 App.:1303 (note).	Nov. 11, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434.
44111(b)	49 App.:1401(h) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 501(h); added Nov. 11, 1988, Pub. L. 100–690, § 7203(a), 102 Stat. 4424.
44111(c)	49 App.:1401(h) (last sentence).	
44111(d)	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7207(a), (b), 102 Stat. 4427.

In subsection (c)(3)(D), the words “corporations and others” are omitted as surplus.

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

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (d)(1) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

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

erally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

DRUG ENFORCEMENT STATUS AND PROGRESS; REPORTS TO CONGRESS; DEFINITIONS

Pub. L. 100-690, title VII, §7207(d), (e), Nov. 18, 1988, 102 Stat. 4428, provided that:

“(d) REPORT.—Not later than 180 days after the date of the enactment of this subtitle [Nov. 18, 1988] and annually thereafter during the 5-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

“(1) The status of the rulemaking process, issuance of regulations, and implementation of regulations in accordance with this section [see subsec. (d) of this section].

“(2) The progress being made in reducing the number of aircraft classified by the Federal Aviation Administration as being in ‘sale-reported status’.

“(3) The progress being made in expediting the filing and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

“(4) The status of establishing and collecting fees under section 313(f) of the Federal Aviation Act [see section 45302(b) of this title].

“(e) DEFINITIONS.—For purposes of this subtitle [subtitle E (§§7201-7214) of title VII of Pub. L. 100-690, see Tables for classification]—

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(2) AIRCRAFT.—The term ‘aircraft’ has the meaning such term has under section 101 of the Federal Aviation Act of 1958 [see section 40102 of this title].”

INFORMATION COORDINATION

Pub. L. 100-690, title VII, §7210, Nov. 18, 1988, 102 Stat. 4432, provided that: “Not later than 180 days after the date of the enactment of this subtitle [Nov. 18, 1988] and annually thereafter during the 3-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

“(1) The progress made in establishing a process for provision of informational assistance by such Administration to officials of Federal, State, and local law enforcement agencies.

“(2) The progress made in establishing a process for effectively pursuing suspensions and revocations of certificates of registration and airman certificates in accordance with the amendments made to the Federal Aviation Act of 1958 by the Aviation Drug-Trafficking Control Act [Pub. L. 98-499, see Tables for classification], section 3401 of the Anti-Drug Abuse Act of 1986 [Pub. L. 99-570], and this subtitle [subtitle E (§§7201-7214) of title VII of Pub. L. 100-690].

“(3) The efforts of such Administration in assessing and defining the appropriate relationship of such Administration’s informational assistance resources (including the El Paso Intelligence Center and the Law Enforcement Assistance Unit of the Aeronautical Center of such Administration).

“(4) The progress made in issuing guidelines on (A) the reporting of aviation sensitive drug-related information, and (B) the development, in coordination with the Drug Enforcement Administration of the Department of Justice and the United States Customs Service, of training and educational policies to assist employees of such Administration to better understand (i) the trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]), and (ii) the role of such Administration with respect to such trafficking.

“(5) The progress made in improving and expanding such Administration’s role in the El Paso Intelligence Center.”

APPLICABILITY OF PAPERWORK REDUCTION ACT

Pub. L. 100-690, title VII, §7211(b), Nov. 18, 1988, 102 Stat. 4433, provided that: “No information collection

requests necessary to carry out the objectives of this subtitle [subtitle E (§§7201-7214) of title VI of Pub. L. 100-690, see Tables for classification] (including the amendments made by this subtitle) shall be subject to or affect, directly or indirectly, the annual information collection budget goals established for the Federal Aviation Administration and the Department of Transportation under chapter 35 of title 44, United States Code.”

§ 44112. Limitation of liability

(a) DEFINITIONS.—In this section—

(1) “lessor” means a person leasing for at least 30 days a civil aircraft, aircraft engine, or propeller.

(2) “owner” means a person that owns a civil aircraft, aircraft engine, or propeller.

(3) “secured party” means a person having a security interest in, or security title to, a civil aircraft, aircraft engine, or propeller under a conditional sales contract, equipment trust contract, chattel or corporate mortgage, or similar instrument.

(b) LIABILITY.—A lessor, owner, or secured party is liable for personal injury, death, or property loss or damage only when a civil aircraft, aircraft engine, or propeller is in the actual possession or operational control of the lessor, owner, or secured party, and the personal injury, death, or property loss or damage occurs because of—

(1) the aircraft, engine, or propeller; or

(2) the flight of, or an object falling from, the aircraft, engine, or propeller.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1167; Pub. L. 115-254, div. B, title V, §514, Oct. 5, 2018, 132 Stat. 3358.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44112, 49 App.:1404, Aug. 23, 1958, Pub. L. 85-726, §504, 72 Stat. 774; restated July 8, 1959, Pub. L. 86-81, §2, 73 Stat. 180.

In subsection (a), clauses (1) and (3) are derived from 49 App.:1404 (2d-57th words). Clause (2) is added for clarity. In clause (1), the words “bona fide” are omitted as surplus. In clause (3), the word “nature” is omitted as surplus.

In subsection (b), before clause (1), the words “personal injury, death” are substituted for “any injury to or death of persons”, and the words “on land or water” are substituted for “on the surface of the earth (whether on land or water)”, to eliminate unnecessary words. In clause (2), the words “ascent, descent, or” and “dropping or” are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254, in introductory provisions, struck out “on land or water” before “only when” and inserted “operational” before “control”.

§ 44113. Definitions

In this chapter, the following definitions apply:

(1) CAPE TOWN TREATY.—The term “Cape Town Treaty” means the Convention on International Interests in Mobile Equipment, as modified by the Protocol to the Convention on

International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, signed at Rome on May 9, 2003.

(2) UNITED STATES ENTRY POINT.—The term “United States Entry Point” means the Federal Aviation Administration Civil Aviation Registry.

(3) INTERNATIONAL REGISTRY.—The term “International Registry” means the registry established under the Cape Town Treaty.

(Added Pub. L. 108-297, §6(a), Aug. 9, 2004, 118 Stat. 1097.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108-297, set out as an Effective Date of 2004 Amendment note under section 44101 of this title.

CHAPTER 443—INSURANCE

Sec.	
44301.	Definitions.
44302.	General authority.
44302a.	Temporary insurance.
44303.	Coverage.
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44305.	Insuring United States Government property.
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Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328, div. Q, §103(c), Dec. 29, 2022, 136 Stat. 5252, added item 44302a.

§ 44301. Definitions

In this chapter—

(1) “aircraft manufacturer” means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.

(2) “American aircraft” means—

(A) a civil aircraft of the United States; and

(B) an aircraft owned or chartered by, or made available to—

(i) the United States Government; or

(ii) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of the State, territory, or possession.

(3) “insurance carrier” means a person authorized to do aviation insurance business in a State, including a mutual or stock insurance company and a reciprocal insurance association.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 108-176, title I, §106(a)(2), Dec. 12, 2003, 117 Stat. 2498.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44301	49 App.:1531.	Aug. 23, 1958, Pub. L. 85-726, §1301, 72 Stat. 800; re-stated Nov. 9, 1977, Pub. L. 95-163, §1(a), 91 Stat. 1278.

In this section, the text of 49 App.:1531(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1)(B)(i), the words “United States Government” are substituted for “United States or any department or agency thereof” for consistency in the revised title and with other titles of the United States Code.

In clause (1)(B)(ii), the words “the government of” are omitted for consistency in the revised title.

In clause (2), the words “insurance company” are omitted as being included in “insurance carrier”. The words “means a person” are added because they are inclusive. The words “group or association” are omitted as being included in “person”. The word “State” is substituted for “State of the United States” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108-176 added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

§ 44302. General authority

(a) INSURANCE AND REINSURANCE.—(1) Subject to subsection (c) of this section and section 44305(a) of this title, the Secretary of Transportation may provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an American aircraft or foreign-flag aircraft.

(2) An aircraft may be insured or reinsured for not more than its reasonable value as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.

(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid

from the revolving fund established by section 44307.

(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.

(c) PRESIDENTIAL APPROVAL.—The Secretary may provide insurance or reinsurance under subsection (a) of this section, or reimburse an air carrier under subsection (b) of this section, only with the approval of the President. The President may approve the insurance or reinsurance or the reimbursement only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or reinsured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) CONSULTATION.—The President may require the Secretary to consult with interested departments, agencies, and instrumentalities of the Government before providing insurance or reinsurance or reimbursing an air carrier under this chapter.

(e) ADDITIONAL INSURANCE.—With the approval of the Secretary, a person having an insurable interest in an aircraft may insure with other underwriters in an amount that is more than the amount insured with the Secretary. However, the Secretary may not benefit from the additional insurance. This subsection does not prevent the Secretary from making contracts of co-insurance.

(f) EXTENSION OF POLICIES.—

(1) IN GENERAL.—The Secretary shall extend through December 11, 2014, the termination date of any insurance policy that the Department of Transportation issued to an air carrier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

(2) SPECIAL RULES.—Notwithstanding paragraph (1)—

(A) in no event shall the total premium paid by the air carrier for the policy, as amended, be more than twice the premium that the air carrier was paying to the Department of Transportation for its third party policy as of June 19, 2002; and

(B) the coverage in such policy shall begin with the first dollar of any covered loss that is incurred.

(g) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss

or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or \$50,000,000.

(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 105-137, § 2(a), Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107-42, title II, § 201(a), Sept. 22, 2001, 115 Stat. 234; Pub. L. 107-296, title XII, § 1202, Nov. 25, 2002, 116 Stat. 2286; Pub. L. 108-11, title IV, § 4001(a), Apr. 16, 2003, 117 Stat. 606; Pub. L. 108-176, title I, § 106(a)(1), Dec. 12, 2003, 117 Stat. 2498; Pub. L. 108-447, div. H, title I, § 106(a), Dec. 8, 2004, 118 Stat. 3204; Pub. L. 109-115, div. A, title I, § 108(a), Nov. 30, 2005, 119 Stat. 2402; Pub. L. 110-161, div. K, title I, § 114(a), Dec. 26, 2007, 121 Stat. 2381; Pub. L. 110-253, § 3(c)(6), June 30, 2008, 122 Stat. 2418; Pub. L. 110-330, § 5(c), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111-12, § 5(b), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, § 5(c), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, § 5(b), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-117, div. A, title I, § 114(a), Dec. 16, 2009, 123 Stat. 3042; Pub. L. 111-153, § 5(b), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, § 5(b), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, § 5(b), July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, § 104(b), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111-249, § 5(c), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111-329, § 5(b), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112-7, § 5(b), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112-16, § 5(b), May 31, 2011, 125 Stat. 219; Pub. L. 112-21, § 5(b), June 29, 2011, 125 Stat. 234; Pub. L. 112-27, § 5(b), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112-30, title II, § 205(c), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112-91, § 5(c), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112-95, title VII, § 701, Feb. 14, 2012, 126 Stat. 118; Pub. L. 113-46, div. A, § 152, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113-76, div. L, title I, § 119E(a), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113-164, § 148(a), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113-235, div. L, § 102(a), Dec. 16, 2014, 128 Stat. 2767.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44302(a)	49 App.:1532(a)(1) (less words between 1st and 3d commas), (3).	Aug. 23, 1958, Pub. L. 85-726, § 1302(a), 72 Stat. 801; re-stated Nov. 9, 1977, Pub. L. 95-163, § 2, 91 Stat. 1278; Oct. 31, 1992, Pub. L. 102-581, § 401(b), 106 Stat. 4897.
	49 App.:1537(a) (last sentence words between 2d and 3d commas).	Aug. 23, 1958, Pub. L. 85-726, § 1307(a) (last sentence words between 2d and 3d commas), 72 Stat. 804; Oct. 4, 1984, Pub. L. 98-443, § 9(b), 98 Stat. 1706.
44302(b)	49 App.:1532(a)(1) (words between 1st and 2d commas), (2).	
44302(c)	49 App.:1532(a)(1) (words between 2d and 3d commas).	
44302(d)	49 App.:1541.	Aug. 23, 1958, Pub. L. 85-726, § 1311, 72 Stat. 806.

In subsection (a)(1), before clause (A), the words “Subject to subsection (b) of this section” are added, and the words “American aircraft or foreign-flag aircraft” are substituted for “aircraft” in 49 App.:1532(a), for clarity. The words “in the manner and to the extent provided by this subchapter” are omitted as unnecessary. The words “Insurance shall be issued under this subchapter only to cover any risk from the operation of an aircraft . . . such aircraft is” are omitted because of the restatement. In clause (B), the word “places” is substituted for “points” for consistency in the revised title.

In subsection (a)(2), the words “An aircraft may be insured or reinsured for not more than” are substituted for “and such stated amount shall not exceed” in 49 App.:1537(a) for clarity and because of the restatement. The words “its reasonable value” are substituted for “an amount . . . to represent the fair and reasonable value of the aircraft” to eliminate unnecessary words. The words “Insurance or reinsurance may be provided only” are added because of the restatement. The word “conditions” is omitted as being included in “terms”.

In subsection (b), the words “The Secretary may provide insurance or reinsurance under subsection (a) of this section only with the approval of the President” are substituted for “with the approval of the President” for clarity and because of the restatement. The words “The President may” are substituted for “The President shall” because the authority of the President is discretionary.

In subsection (c), the words “the Secretary to consult . . . before providing insurance or reinsurance under this chapter” are substituted for “and after such consultation . . . as” because of the restatement. The words “departments, agencies, and instrumentalities” are substituted for “agencies” for consistency in the revised title and with other titles of the United States Code.

In subsection (d), the words “However, the Secretary may not benefit from the additional insurance” are substituted for “in that event, the Secretary shall not be entitled to the benefit of such insurance” for clarity.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (b)(4), is the date of enactment of Pub. L. 107-42, which was approved Sept. 22, 2001.

The date of enactment of this subsection, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 107-296, which was approved Nov. 25, 2002.

AMENDMENTS

2014—Subsec. (f)(1). Pub. L. 113-235 substituted “December 11, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

Pub. L. 113-164 substituted “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “September 30, 2014”.

Pub. L. 113-76 substituted “September 30, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Act, 2014”.

2013—Subsec. (f)(1). Pub. L. 113-46 substituted “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” for “September 30, 2013, and may extend through December 31, 2013”.

2012—Subsec. (f)(1). Pub. L. 112-95 substituted “shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date” for “shall extend through February 17, 2012, and may extend through May 17, 2012, the termination date”.

Pub. L. 112-91 substituted “February 17, 2012,” for “January 31, 2012,” and “May 17, 2012,” for “April 30, 2012.”

2011—Subsec. (f)(1). Pub. L. 112-30 substituted “January 31, 2012,” for “September 16, 2011,” and “April 30, 2012,” for “December 31, 2011.”

Pub. L. 112-27 substituted “September 16, 2011,” for “July 22, 2011,” and “December 31, 2011,” for “October 31, 2011.”

Pub. L. 112-21 substituted “July 22, 2011,” for “June 30, 2011,” and “October 31, 2011,” for “September 30, 2011.”

Pub. L. 112-16 substituted “June 30, 2011,” for “May 31, 2011,” and “September 30, 2011,” for “August 31, 2011.”

Pub. L. 112-7 substituted “May 31, 2011,” for “March 31, 2011,” and “August 31, 2011,” for “June 30, 2011.”

2010—Subsec. (f)(1). Pub. L. 111-329, §5(b), substituted “March 31, 2011,” for “December 31, 2010,” and “June 30, 2011,” for “March 31, 2011.”

Pub. L. 111-249 substituted “December 31, 2010,” for “September 30, 2010,” and “March 31, 2011,” for “December 31, 2010.”

Pub. L. 111-216 substituted “September 30, 2010,” for “August 1, 2010,” and “December 31, 2010,” for “October 31, 2010.”

Pub. L. 111-197 substituted “August 1, 2010,” for “July 3, 2010,” and “October 31, 2010,” for “September 30, 2010.”

Pub. L. 111-161 substituted “July 3, 2010,” for “April 30, 2010,” and “September 30, 2010,” for “July 31, 2010.”

Pub. L. 111-153 substituted “April 30, 2010,” for “March 31, 2010,” and “July 31, 2010,” for “June 30, 2010.”

2009—Subsec. (f)(1). Pub. L. 111-117, which directed the substitution of “September 30, 2010,” for “September 30, 2009,” and “December 31, 2010,” for “December 31, 2009,” could not be executed because of the intervening amendment by Pub. L. 111-69. See below.

Pub. L. 111-116 substituted “March 31, 2010,” for “December 31, 2009,” and “June 30, 2010,” for “March 31, 2010.”

Pub. L. 111-69 substituted “December 31, 2009,” for “September 30, 2009,” and “March 31, 2010,” for “December 31, 2009.”

Pub. L. 111-12 substituted “September 30, 2009,” for “March 31, 2009,” and “December 31, 2009,” for “May 31, 2009.”

2008—Subsec. (f)(1). Pub. L. 110-330 substituted “March 31, 2009,” for “November 30, 2008,” and “May 31, 2009,” for “December 31, 2008.”

Pub. L. 110-253 substituted “November 30, 2008” for “August 31, 2008”.

2007—Subsec. (f)(1). Pub. L. 110-161 substituted “2008” for “2006” in two places.

2005—Subsec. (f)(1). Pub. L. 109-115 substituted “2006” for “2005” in two places.

2004—Subsec. (f)(1). Pub. L. 108-447 substituted “2005” for “2004” in two places.

2003—Subsec. (f)(1). Pub. L. 108-11, substituted “2004” for “2003” in two places.

Subsec. (g). Pub. L. 108-176 added subsec. (g).

2002—Subsec. (f). Pub. L. 107-296 added subsec. (f).

2001—Subsec. (a)(1). Pub. L. 107-42, §201(a)(1), substituted “subsection (c)” for “subsection (b)” and “foreign-flag aircraft.” for “foreign-flag aircraft—” and struck out subpars. (A) and (B) which read as follows: “(A) in foreign air commerce; or
“(B) between at least 2 places, all of which are outside the United States.”

Subsec. (b). Pub. L. 107-42, §201(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-42, §201(a)(2), (4), redesignated subsec. (b) as (c), in first sentence inserted “, or reimburse an air carrier under subsection (b) of this section,” before “only with the approval”, and in second sentence inserted “or the reimbursement” before “only after deciding” and “in the interest of air commerce or national security or” before “to carry out the foreign policy”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-42, §201(a)(2), (5), redesignated subsec. (c) as (d) and inserted “or reimbursing an air carrier” before “under this chapter”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 107-42, §201(a)(2), redesignated subsec. (d) as (e).

1997—Subsec. (a)(2). Pub. L. 105-137 substituted “as determined by the Secretary in accordance with reasonable business practices in the commercial aviation

insurance industry.” for “as determined by the Secretary.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-27 effective July 23, 2011, see section 5(j) of Pub. L. 112-27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-21 effective July 1, 2011, see section 5(j) of Pub. L. 112-21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-16 effective June 1, 2011, see section 5(j) of Pub. L. 112-16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112-7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111-329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-249 effective Oct. 1, 2010, see section 5(l) of Pub. L. 111-249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111-216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-197 effective July 4, 2010, see section 5(j) of Pub. L. 111-197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-161 effective May 1, 2010, see section 5(j) of Pub. L. 111-161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111-153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111-116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111-12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-330 effective Oct. 1, 2008, see section 5(l) of Pub. L. 110-330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110-253 effective July 1, 2008, see section 3(d) of Pub. L. 110-253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EXTENSION OF TERMINATION DATE OF POLICIES

Pub. L. 109-289, div. B, title II, §21002(a), as added by Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 47, provided that subsec. (f)(1) of this section would be applied by substituting “September 30, 2007” for “August 31, 2006, and may extend through December 31, 2006”.

Executive Documents

PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE

Determination of President of the United States, No. 94-39, July 26, 1994, 59 F.R. 38551, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. 301 and 49 U.S.C. 44302, I hereby:

(1) determine that continuation of authorized humanitarian relief air services to Haiti is necessary to carry out the foreign policy of the United States;

(2) approve provision by the Secretary of Transportation of insurance against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in 49 U.S.C. 44301-44310, whenever he determines that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States;

(3) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44302(b) [now 44302(c)], for purposes of responding to the current crisis in Haiti; and

(4) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44306(b) [now 44306(c)] for purposes of responding to the current crisis in Haiti.

The Secretary of Transportation is directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE IN DOMESTIC AND INTERNATIONAL OPERATIONS

Memorandum for the Secretary of Transportation
Memorandum of President of the United States, Dec. 27, 2013, 79 F.R. 527, provided:

By the authority vested in me as President by the Constitution and the laws of the United States, including 49 U.S.C. 44301-44310, I hereby:

1. Determine that the continuation of U.S. air transportation is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-certificated air carriers against loss or damage arising out of any risk from the operation of an aircraft, in the manner and to the extent provided in chapter 443 of title 49, United States Code, until January 15, 2014, if he determines that such insurance or reinsurance cannot be obtained on reasonable terms from any company authorized to conduct an insurance business in a State of the United States.

3. Delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this approval and determination through December 31, 2014, or until any date prior to December 31, 2014, provided that the Congress further extends the date contained in section 44310 and further provided that he not use this delegation to extend this determination and approval beyond the dates authorized under any such provision of law with an ending effective date prior to December 31, 2014.

You are directed to bring this determination immediately to the attention of all air carriers, as defined in 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

BARACK OBAMA.

Prior Presidential documents related to provision of insurance to U.S.-flag commercial air service were contained in the following:

Memorandum of President of the United States, Sept. 27, 2012, 77 F.R. 60035.

Memorandum of President of the United States, Sept. 28, 2011, 76 F.R. 61247.

Memorandum of President of the United States, Sept. 29, 2010, 75 F.R. 61033.

Memorandum of President of the United States, Aug. 21, 2009, 74 F.R. 43617.

Memorandum of President of the United States, Dec. 23, 2008, 73 F.R. 79589.

Memorandum of President of the United States, Dec. 27, 2007, 73 F.R. 1813.

Memorandum of President of the United States, Dec. 21, 2006, 71 F.R. 77243.

Memorandum of President of the United States, Dec. 22, 2005, 70 F.R. 76669.

Determination of President of the United States, No. 2005-15, Dec. 21, 2004, 69 F.R. 77607.

Determination of President of the United States, No. 2004-13, Dec. 11, 2003, 69 F.R. 5237.

Determination of President of the United States, No. 01-29, Sept. 23, 2001, 66 F.R. 49075.

§ 44302a. Temporary insurance

(a) IN GENERAL.—The Secretary may provide insurance or reinsurance under this section to or for an air carrier for 1 coverage period not to exceed 90 days. Except as otherwise provided in this section, such insurance or reinsurance shall be subject to the requirements of this chapter.

(b) RESTRICTIONS.—A policy for insurance or reinsurance issued under this section—

(1) may not be issued unless the insurance carrier of the air carrier has unilaterally terminated the air carrier's war risk liability coverage pursuant to—

(A) notice under the policy;

(B) an endorsement to the policy; or

(C) an automatic termination provision in the policy or any endorsement thereto; and

(2) may cover hull, comprehensive, and third party liability risks.

(c) PREMIUM.—A premium for insurance or reinsurance provided under this section shall be calculated based on a prorated amount equivalent to the premium that was in effect under the terminated insurance carrier policy.

(d) APPROVAL.—A policy for insurance or reinsurance provided under this section—

(1) shall be exempt from the requirements of section 44302(c); and

(2) may provide coverage to the extent allowed under section 44303, as determined by the Secretary, notwithstanding any determination by the President in subsection (a)(1) of such section.

(Added Pub. L. 117-328, div. Q, § 103(a), Dec. 29, 2022, 136 Stat. 5252.)

§ 44303. Coverage

(a) IN GENERAL.—The Secretary of Transportation may provide insurance and reinsurance, or reimburse insurance costs, as authorized under sections 44302 and 44302a of this title for the following:

(1) an American aircraft or foreign-flag aircraft engaged in aircraft operations the President decides are necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(2) property transported or to be transported on aircraft referred to in clause (1) of this section, including—

(A) shipments by express or registered mail;

(B) property owned by citizens or residents of the United States;

(C) property—

(i) imported to, or exported from, the United States; and

(ii) bought or sold by a citizen or resident of the United States under a contract putting the risk of loss or obligation to provide insurance against risk of loss on the citizen or resident; and

(D) property transported between—

(i) a place in a State or the District of Columbia and a place in a territory or possession of the United States;

(ii) a place in a territory or possession of the United States and a place in another territory or possession of the United States; or

(iii) 2 places in the same territory or possession of the United States.

(3) the personal effects and baggage of officers and members of the crew of an aircraft referred to in clause (1) of this section and of other individuals employed or transported on that aircraft.

(4) officers and members of the crew of an aircraft referred to in clause (1) of this section and other individuals employed or transported on that aircraft against loss of life, injury, or detention.

(5) statutory or contractual obligations or other liabilities, customarily covered by insurance, of an aircraft referred to in clause (1) of this section or of the owner or operator of that aircraft.

(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(b) AIR CARRIER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—For acts of terrorism committed on or to an air carrier during the period beginning on September 22, 2001, and ending on December 11, 2014, the Secretary may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed \$100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds \$100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this subsection) under a cause of action arising out of such act. The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1169; Pub. L. 107-42, title II, § 201(b)(1), Sept. 22, 2001, 115 Stat. 235; Pub. L. 107-296, title XII, § 1201, Nov. 25, 2002, 116 Stat. 2286; Pub. L. 108-11, title IV, § 4001(b), Apr. 16, 2003, 117 Stat. 606; Pub. L.

108-176, title I, §106(a)(3), (b), Dec. 12, 2003, 117 Stat. 2499; Pub. L. 108-447, div. H, title I, §106(b), Dec. 8, 2004, 118 Stat. 3204; Pub. L. 109-115, div. A, title I, §108(b), Nov. 30, 2005, 119 Stat. 2402; Pub. L. 110-161, div. K, title I, §114(b), Dec. 26, 2007, 121 Stat. 2381; Pub. L. 110-253, §3(c)(7), June 30, 2008, 122 Stat. 2418; Pub. L. 110-330, §5(d), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111-12, §5(c), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §5(d), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, §5(c), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-117, div. A, title I, §114(b), Dec. 16, 2009, 123 Stat. 3043; Pub. L. 111-153, §5(c), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, §5(c), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, §5(c), July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §104(c), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111-249, §5(d), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111-329, §5(c), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112-7, §5(c), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112-16, §5(c), May 31, 2011, 125 Stat. 219; Pub. L. 112-21, §5(c), June 29, 2011, 125 Stat. 234; Pub. L. 112-27, §5(c), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112-30, title II, §205(d), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112-91, §5(d), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112-95, title VII, §702, Feb. 14, 2012, 126 Stat. 118; Pub. L. 113-46, div. A, §153, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113-76, div. L, title I, §119E(b), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113-164, §148(b), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113-235, div. L, §102(b), Dec. 16, 2014, 128 Stat. 2767; Pub. L. 117-328, div. Q, §103(b)(1), Dec. 29, 2022, 136 Stat. 5252.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44303	49 App.1533.	Aug. 23, 1958, Pub. L. 85-726, §1303, 72 Stat. 801; re-stated Nov. 9, 1977, Pub. L. 95-163, §3, 91 Stat. 1279.

In this section, before clause (1), the words “persons, property, or interest” are omitted as unnecessary. In clause (2), the word “property” is substituted for “Cargoes” and “air cargoes” for consistency in the revised title. In clause (2)(B) and (C), the words “its territories, or possessions” are omitted as unnecessary because of the definition of “United States” in section 40102(a) of the revised title. In clause (2)(C)(ii), the word “contract” is substituted for “contracts of sale or purchase”, and the words “putting . . . on” are substituted for “is assumed by or falls upon”, to eliminate unnecessary words. In clause (2)(D), the word “place” is substituted for “point” for consistency in the revised title. In subclause (i), the words “a State or the District of Columbia” are substituted for “the United States” for clarity and consistency because the definition of “United States” in section 40102(a) of the revised title is too broad for the context of the clause. The definition in section 40102(a) includes territories and possession and would therefore overlap with subclauses (ii) and (iii). In subclause (iii), the words “2 places in the same territory or possession of the United States” are substituted for “any point in any such territory or possession and any other point in the same territory or possession” for clarity. In clauses (3) and (4), the word “individuals” is substituted for “persons” as being more appropriate. The words “captains” and “pilots” are omitted as being included in “officers and members of the crew”.

Editorial Notes

CODIFICATION

The text of section 201(b)(2) of Pub. L. 107-42, which was transferred and redesignated so as to appear as

subsec. (b) of this section and amended by Pub. L. 107-296, was based on Pub. L. 107-42, title II, §201(b)(2), Sept. 22, 2001, 115 Stat. 235, formerly included in a note set out under section 40101 of this title.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328 substituted “sections 44302 and 44302a” for “section 44302” in introductory provisions.

2014—Subsec. (b). Pub. L. 113-235 substituted “December 11, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

Pub. L. 113-164 substituted “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “September 30, 2014”.

Pub. L. 113-76 substituted “September 30, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Act, 2014”.

2013—Subsec. (b). Pub. L. 113-46 substituted “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” for “December 31, 2013”.

2012—Subsec. (b). Pub. L. 112-95 substituted “ending on December 31, 2013, the Secretary may certify” for “ending on May 17, 2012, the Secretary may certify”.

Pub. L. 112-91 substituted “May 17, 2012,” for “April 30, 2012,”.

2011—Subsec. (b). Pub. L. 112-30 substituted “April 30, 2012,” for “December 31, 2011,”.

Pub. L. 112-27 substituted “December 31, 2011,” for “October 31, 2011,”.

Pub. L. 112-21 substituted “October 31, 2011,” for “September 30, 2011,”.

Pub. L. 112-16 substituted “September 30, 2011,” for “August 31, 2011,”.

Pub. L. 112-7 substituted “August 31, 2011,” for “June 30, 2011,”.

2010—Subsec. (b). Pub. L. 111-329 substituted “June 30, 2011,” for “March 31, 2011,”.

Pub. L. 111-249 substituted “March 31, 2011,” for “December 31, 2010,”.

Pub. L. 111-216 substituted “December 31, 2010,” for “October 31, 2010,”.

Pub. L. 111-197 substituted “October 31, 2010,” for “September 30, 2010,”.

Pub. L. 111-161 substituted “September 30, 2010,” for “July 31, 2010,”.

Pub. L. 111-153 substituted “July 31, 2010,” for “June 30, 2010,”.

2009—Subsec. (b). Pub. L. 111-117, which directed the substitution of “December 31, 2010,” for “December 31, 2009,”, could not be executed due to the intervening amendment by Pub. L. 111-69. See below.

Pub. L. 111-116 substituted “June 30, 2010,” for “March 31, 2010,”.

Pub. L. 111-69 substituted “March 31, 2010,” for “December 31, 2009,”.

Pub. L. 111-12 substituted “December 31, 2009,” for “May 31, 2009,”.

2008—Subsec. (b). Pub. L. 110-330 substituted “May 31, 2009,” for “March 31, 2009,”.

Pub. L. 110-253 substituted “March 31, 2009” for “December 31, 2008”.

2007—Subsec. (b). Pub. L. 110-161 substituted “2008,” for “2006,”.

2005—Subsec. (b). Pub. L. 109-115 substituted “2006” for “2005”.

2004—Subsec. (b). Pub. L. 108-447 substituted “2005” for “2004”.

2003—Subsec. (a). Pub. L. 108-176, §106(a)(3)(A), substituted “IN GENERAL” for “IN GENERAL” in heading.

Subsec. (a)(6). Pub. L. 108-176, §106(a)(3)(B), added par. (6).

Subsec. (b). Pub. L. 108-176, §106(b), inserted at end “The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.”

Pub. L. 108-11 substituted “2004” for “2003”.

2002—Pub. L. 107-296 designated existing provisions as subsec. (a), inserted heading, transferred and redesignated the text of section 201(b)(2) of Pub. L. 107-42 so as

to appear as subsec. (b), in heading substituted “Air Carrier Liability for Third Party Claims Arising Out of Acts of Terrorism” for “Discretion of the Secretary”, and in text substituted “the period beginning on September 22, 2001, and ending on December 31, 2003, the Secretary” for “the 180-day period following the date of enactment of this Act, the Secretary of Transportation” and “this subsection” for “this paragraph”. See Codification note above.

2001—Pub. L. 107-42, §201(b)(1)(A), inserted “, or reimburse insurance costs, as” after “insurance and reinsurance” in introductory provisions.

Par. (1). Pub. L. 107-42, §201(b)(1)(B), inserted “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-27 effective July 23, 2011, see section 5(j) of Pub. L. 112-27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-21 effective July 1, 2011, see section 5(j) of Pub. L. 112-21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-16 effective June 1, 2011, see section 5(j) of Pub. L. 112-16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112-7, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111-329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-249 effective Oct. 1, 2010, see section 5(l) of Pub. L. 111-249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111-216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-197 effective July 4, 2010, see section 5(j) of Pub. L. 111-197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-161 effective May 1, 2010, see section 5(j) of Pub. L. 111-161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111-153, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111-116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111-12, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-330 effective Oct. 1, 2008, see section 5(l) of Pub. L. 110-330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110-253 effective July 1, 2008, see section 3(d) of Pub. L. 110-253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EXTENSION OF LIMITATION OF AIR CARRIER LIABILITY

Pub. L. 109-289, div. B, title II, §21002(b), as added by Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 48, provided that subsec. (b) of this section would be applied by substituting “September 30, 2007” for “December 31, 2006”.

§ 44304. Reinsurance

To the extent the Secretary of Transportation is authorized to provide insurance under this chapter, the Secretary may reinsure any part of the insurance provided by an insurance carrier. The Secretary may reinsure with, transfer to, or transfer back to, any insurance carrier any insurance or reinsurance provided by the Secretary under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1169; Pub. L. 107-42, title II, §201(c), Sept. 22, 2001, 115 Stat. 235; Pub. L. 112-95, title VII, §703, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44304(a)	49 App.:1535(a).	Aug. 23, 1958, Pub. L. 85-726, §1305, 72 Stat. 802; Nov. 9, 1977, Pub. L. 95-163, §4(a), 91 Stat. 1279.
44304(b)	49 App.:1535(b).	

In subsection (a), the words “may reinsure any part of the insurance provided by an insurance carrier” are substituted for “may reinsure, in whole or in part, any company authorized to do an insurance business” for clarity and consistency with source provisions restated in this subchapter and the definition of “insurance carrier” in section 44301 of the revised title. The words “transfer to, or transfer back to” are substituted for “cede or retrocede to” for clarity.

In subsection (b), the word “same” is omitted as being included in “similar”. The words “on account of the cost of” are omitted as surplus. The word “providing” is substituted for “rendered” and “furnished” because it is inclusive. The words “except for” are substituted for “but such allowance to the carrier shall not provide for” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-95 substituted “any insurance carrier” for “the carrier”.

2001—Pub. L. 107-42 struck out subsec. (a) designation and heading “General Authority” and struck out subsec. (b) which read as follows:

“(b) PREMIUM LEVELS.—The Secretary may provide reinsurance at premiums not less than, or obtain reinsurance at premiums not higher than, the premiums the Secretary establishes on similar risks or the premiums the insurance carrier charges for the insurance to be reinsured by the Secretary, whichever is most advantageous to the Secretary. However, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practice, except for payments by the carrier for the stimulation or solicitation of insurance business.”

§ 44305. Insuring United States Government property

(a) GENERAL.—With the approval of the President, a department, agency, or instrumentality of the United States Government may obtain—

(1) insurance under this chapter, including insurance for risks from operating an aircraft in intrastate or interstate air commerce, but

not including insurance on valuables subject to sections 17302 and 17303 of title 40; and

(2) insurance for risks arising from providing goods or services directly related to and necessary for operating an aircraft covered by insurance obtained under clause (1) of this subsection if the aircraft is operated—

(A) in carrying out a contract of the department, agency, or instrumentality; or

(B) to transport military forces or material on behalf of the United States under an agreement between the Government and the government of a foreign country.

(b) PREMIUM WAIVERS AND INDEMNIFICATION.—With the approval required under subsection (a) of this section, the Secretary of Transportation may provide the insurance without premium at the request of the Secretary of Defense or the head of a department, agency, or instrumentality designated by the President when the Secretary of Defense or the designated head agrees to indemnify the Secretary of Transportation against all losses covered by the insurance. The Secretary of Defense and any designated head may make indemnity agreements with the Secretary of Transportation under this section. If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(c), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1170; Pub. L. 105–137, §3, Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107–42, title II, §201(e), Sept. 22, 2001, 115 Stat. 236; Pub. L. 107–217, §3(n)(6), Aug. 21, 2002, 116 Stat. 1303.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44305	49 App.:1534.	Aug. 23, 1958, Pub. L. 85-726, §1304, 72 Stat. 802; Oct. 31, 1992, Pub. L. 102-581, §401(a), 106 Stat. 4897.

In this section, the words “a department, agency, or instrumentality” are substituted for “Any department or agency” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the words “obtain insurance under this chapter” are substituted for “procure from the Secretary any of the insurance provided under this subchapter” to eliminate unnecessary words. The words “overseas air commerce” are omitted for the reasons given in the revision note for section 40101.

In subsection (b), the words “or the head of a department, agency, or instrumentality designated by the President” are substituted for “and such other agencies as the President may prescribe” as being more precise and for consistency in the revised title. The words “when the Secretary of Defense or the designated head agrees” are substituted for “in consideration of” for clarity. The words “any designated head” are substituted for “the agreement of . . . such agency” and “such other agencies” for clarity and because of the re-statement.

Editorial Notes

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–217 substituted “sections 17302 and 17303 of title 40” for “sections 1 and 2 of

the Government Losses in Shipment Act (40 U.S.C. 721, 722)”.

2001—Subsec. (b). Pub. L. 107–42 substituted “44302(c)” for “44302(b)”.

1997—Subsec. (b). Pub. L. 105–137 inserted at end “If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.”

§ 44306. Premiums and limitations on coverage and claims

(a) PREMIUMS BASED ON RISK.—To the extent practical, the premium charged for insurance or reinsurance under this chapter shall be based on consideration of the risk involved.

(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the insurance carrier for the stimulation or solicitation of insurance business.

(c) TIME LIMITS.—The Secretary of Transportation may provide insurance and reinsurance under this chapter for a period of not more than 1 year. The period may be extended for additional periods of not more than 1 year each only if the President decides, before each additional period, that the continued operation of the aircraft to be insured or reinsured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) MAXIMUM INSURED AMOUNT.—The insurance policy on an aircraft insured or reinsured under this chapter shall specify a stated amount that is not more than the value of the aircraft, as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. A claim under the policy may not be paid for more than that stated amount.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1170; Pub. L. 105–137, §2(b), Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107–42, title II, §201(d), Sept. 22, 2001, 115 Stat. 235; Pub. L. 107–71, title I, §§124(b), 147, Nov. 19, 2001, 115 Stat. 631, 645; Pub. L. 107–296, title XII, §1203, Nov. 25, 2002, 116 Stat. 2287; Pub. L. 108–176, title I, §106(c), (e), Dec. 12, 2003, 117 Stat. 2499.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44306(a)	49 App.:1532(b).	Aug. 23, 1958, Pub. L. 85-726, §1302(b), (c), 72 Stat. 801; restated Nov. 9, 1977, Pub. L. 95-163, §2, 91 Stat. 1279.
44306(b)	49 App.:1532(c).	
44306(c)	49 App.:1537(a) (last sentence less words between 2d and 3d commas).	Aug. 23, 1958, Pub. L. 85-726, §1307(a) (last sentence less words between 2d and 3d commas), 72 Stat. 804; Oct. 4, 1984, Pub. L. 98-443, §9(b), 98 Stat. 1706.

In subsection (a), the words “To the extent” are substituted for “insofar as” for consistency.

In subsection (b), the word “initial” is omitted as surplus. The words “The period” are substituted for

“Such insurance or reinsurance”, and the words “the President decides . . . that the continued operation of the aircraft to be insured or reinsured is necessary to carry out the foreign policy of the United States Government” are substituted for “the President makes the same determination with respect to such extension as he is required to make under paragraph (2) of subsection (a) of this section for the initial provision of such insurance or reinsurance”, for clarity.

In subsection (c), the words “or reinsured” are added for consistency. The words “to be paid in the event of total loss” are omitted as unnecessary because of the last sentence. The words “A claim under the policy may not be paid for more than that stated amount” are substituted for “the amount of any claim which is compromised, settled, adjusted, or paid shall in no event exceed such stated amount” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Subsec. (b). Pub. L. 108-176, § 106(c), substituted “by the insurance carrier” for “by the air carrier”.

Subsec. (c). Pub. L. 108-176, § 106(e), made technical correction to directory language of Pub. L. 107-71, § 124(b). See 2001 Amendment note below.

2002—Subsec. (c). Pub. L. 107-296 made technical correction to directory language of Pub. L. 107-71, § 147. See 2001 Amendment note below.

2001—Subsec. (b). Pub. L. 107-42, § 201(d)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-71, § 147, as amended by Pub. L. 107-296, substituted “1 year” for “60 days” in two places.

Pub. L. 107-71, § 124(b), as amended by Pub. L. 108-176, § 106(e), inserted “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

Pub. L. 107-42, § 201(d)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-42, § 201(d)(1), redesignated subsec. (c) as (d).

1997—Subsec. (c). Pub. L. 105-137 substituted “as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.” for “as determined by the Secretary.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

Pub. L. 108-176, title I, § 106(e), Dec. 12, 2003, 117 Stat. 2499, provided that the amendment made by section 106(e) is effective Nov. 19, 2001.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-296, title XII, § 1203, Nov. 25, 2002, 116 Stat. 2287, provided that the amendment made by section 1203 is effective Nov. 19, 2001.

DELEGATION OF AUTHORITY

Authority of President under subsec. (c) of this section delegated to Secretary of Transportation, with certain conditions, by Memorandum of President of the United States, Dec. 27, 2013, 79 F.R. 527, set out as a note under section 44302 of this title.

§ 44307. Revolving fund

(a) EXISTENCE, DISBURSEMENTS, APPROPRIATIONS, AND DEPOSITS.—(1) There is a revolving fund in the Treasury. The Secretary of the

Treasury shall disburse from the fund payments to carry out this chapter.

(2) Necessary amounts to carry out this chapter may be appropriated to the fund. The amounts appropriated and other amounts received in carrying out this chapter shall be deposited in the fund.

(b) INVESTMENT.—On request of the Secretary of Transportation, the Secretary of the Treasury may invest any part of the amounts in the revolving fund in interest-bearing securities of the United States Government. The interest on, and the proceeds from the sale or redemption of, the securities shall be deposited in the fund.

(c) EXCESS AMOUNTS.—The balance in the revolving fund in excess of an amount the Secretary of Transportation determines is necessary for the requirements of the fund and for reasonable reserves to maintain the solvency of the fund shall be deposited at least annually in the Treasury as miscellaneous receipts.

(d) EXPENSES.—The Secretary of Transportation shall deposit annually an amount in the Treasury as miscellaneous receipts to cover the expenses the Government incurs when the Secretary of Transportation uses appropriated amounts in carrying out this chapter. The deposited amount shall equal an amount determined by multiplying the average monthly balance of appropriated amounts retained in the revolving fund by a percentage that is at least the current average rate payable on marketable obligations of the Government. The Secretary of the Treasury shall determine annually in advance the percentage applied.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1170.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44307(a)	49 App.:1536(a), (b).	Aug. 23, 1958, Pub. L. 85-726, § 1306(a)-(d), 72 Stat. 803.
44307(b)	49 App.:1536(f).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1306(f); added Aug. 9, 1975, Pub. L. 94-90, § 1(a), 89 Stat. 439.
44307(c)	49 App.:1536(c).	
44307(d)	49 App.:1536(d).	

In subsection (a)(1), the first sentence is added for clarity. The last sentence is substituted for 49 App.:1536(a) (last sentence) to eliminate unnecessary words and for consistency in the revised title.

In subsection (a)(2), the words “The amounts appropriated and other amounts received in carrying out this chapter” are substituted for “Moneys appropriated by Congress to carry out the provisions of this subchapter and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this subchapter” to eliminate unnecessary words.

In subsection (b), the words “any part” are substituted for “all or any part” to eliminate unnecessary words. The words “held in the revolving fund” are omitted as surplus. The words “deposited in” are substituted for “credited to and form a part of” for consistency.

In subsection (d), the words “The Secretary of Transportation shall deposit annually an amount in the Treasury” are substituted for “Annual payments shall be made by the Secretary to the Treasury of the United States”, the words “The deposited amount shall equal an amount determined by multiplying” are substituted for “These payments shall be computed by applying to”, and the words “a percentage that is at least the current average rate payable on marketable obliga-

tions of the Government” are substituted for “a percentage” and “Such percentage shall not be less than the current average rate which the Treasury pays on its marketable obligations”, for clarity.

§ 44308. Administrative

(a) **COMMERCIAL PRACTICES.**—The Secretary of Transportation may carry out this chapter consistent with commercial practices of the aviation insurance business.

(b) **ISSUANCE OF POLICIES AND DISPOSITION OF CLAIMS.**—(1) The Secretary may issue insurance policies to carry out this chapter. The Secretary may prescribe the forms, amounts insured under the policies, and premiums charged. Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates. The Secretary may change an amount of insurance or a premium for an existing policy only with the consent of the insured.

(2) For a claim under insurance authorized by this chapter, the Secretary may—

- (A) settle and pay the claim made for or against the United States Government;
- (B) pay the amount of a binding arbitration award made under paragraph (1); and
- (C) pay the amount of a judgment entered against the Government.

(c) **UNDERWRITING AGENT.**—(1) The Secretary may, and when practical shall, employ an insurance carrier or group of insurance carriers to act as an underwriting agent. The Secretary may use the agent, or a claims adjuster who is independent of the underwriting agent, to adjust claims under this chapter, but claims may be paid only when approved by the Secretary.

(2) The Secretary may pay reasonable compensation to an underwriting agent for servicing insurance the agent writes for the Secretary. Compensation may include payment for reasonable expenses incurred by the agent but may not include a payment by the agent for stimulation or solicitation of insurance business.

(3) Except as provided by this subsection, the Secretary may not pay an insurance broker or other person acting in a similar capacity any consideration for arranging insurance when the Secretary directly insures any part of the risk.

(d) **BUDGET.**—The Secretary shall submit annually a budget program for carrying out this chapter as provided for wholly owned Government corporations under chapter 91 of title 31.

(e) **ACCOUNTS.**—The Secretary shall maintain a set of accounts for audit under chapter 35 of title 31. Notwithstanding chapter 35, the Comptroller General shall allow credit for expenditures under this chapter made consistent with commercial practices in the aviation insurance business when shown to be necessary because of the business activities authorized by this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1171; Pub. L. 104-316, title I, §127(e), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105-137, §4, Dec. 2, 1997, 111 Stat. 2640; Pub. L. 112-95, title VII, §704, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44308(a)	49 App.:1537(c) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §1307(a) (1st sentence), (c), (d), 72 Stat. 803, 804.
44308(b)(1) ..	49 App.:1537(a) (1st sentence words before 6th comma). 49 App.:1537(b).	Aug. 23, 1958, Pub. L. 85-726, §1307(b), 72 Stat. 804; Nov. 9, 1977, Pub. L. 95-163, §5(a), 91 Stat. 1280.
44308(b)(2) ..	49 App.:1537(a) (1st sentence words after 6th comma).	
44308(c)(1) ..	49 App.:1537(d) (1st, 3d sentences).	
44308(c)(2) ..	49 App.:1537(d) (2d, last sentences).	
44308(c)(3) ..	49 App.:1537(c) (last sentence).	
44308(d)	49 App.:1537(f) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §1307(f), 72 Stat. 804; Jan. 2, 1975, Pub. L. 93-604, §702, 88 Stat. 1964.
44308(e)	49 App.:1537(f) (last sentence).	

In subsection (a), the words “may carry out this chapter” are substituted for “in administering this subchapter, may exercise his powers, perform his duties and functions, and make his expenditures” to eliminate unnecessary words.

In subsection (b)(1), the word “insurance” is added for clarity. The words “rules, and regulations” are omitted as unnecessary because of 49:322(a). The words “as he deems proper” and “subject to the following provisions of this subsection” are omitted as surplus. The words “and change” and “fix, adjust, and change” are omitted as being included in “prescribe”. The words “under the policies” are added for clarity. The word “charged” is substituted for “provided for in this subchapter” for consistency in this subchapter.

In subsection (b)(2), before clause (A), the words “the Secretary” are added because of the restatement. In clause (A), the words “adjust and . . . losses, compromise and” are omitted as included in “settle and pay the claim”. The word “made” is substituted for “whether” for clarity. In clause (B), the word “entered” is substituted for “rendered” because it is more appropriate. The words “in any suit” are omitted as surplus. The words “or the amount of any settlement agreed upon” are omitted as being included in “settle and pay the claim”.

In subsection (c)(1), the words “and when practical shall” are substituted for “and whenever he finds it practical to do so shall” to eliminate unnecessary words. The word “his” is omitted as surplus. The words “The Secretary may use” are substituted for “may be utilized” for consistency. The words “The services of” are omitted as unnecessary.

In subsection (c)(2), the words “pay reasonable compensation” are substituted for “allow . . . fair and reasonable compensation” for consistency in the revised title. The words “an underwriting agent” are substituted for “such companies or groups of companies”, and the words “the agent writes” are substituted for “written by such companies or groups of companies as underwriting agent”, for clarity. The word “payment” is substituted for “allowance” for consistency.

In subsection (c)(3), the words “intermediary” and “fee or other” are omitted as surplus. The word “for” is substituted for “by virtue of his participation in” to eliminate unnecessary words.

In subsection (d), the word “prepare” is omitted as being included in “submit”. The words “for carrying out this chapter” are substituted for “in the performance of, and with respect to, the functions, powers, and duties vested in him by this subchapter” for consistency and to eliminate unnecessary words. The words “under chapter 91 of title 31” are substituted for “by the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 841)” in section 1307(f) of the Act

of August 23, 1958 (Public Law 85-726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067).

In subsection (e), the words “under chapter 35 of title 31” are substituted for “in accordance with the provisions of the Accounting and Auditing Act of 1950” in section 1307(f) of the Act of August 23, 1958 (Public Law 85-726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067). The words “Provided, That . . . the Secretary may exercise the powers conferred in said subchapter, perform the duties and functions” are omitted as surplus. The words “Notwithstanding chapter 35” are added for clarity. The words “Comptroller General” are substituted for “General Accounting Office” because of 31:702.

Editorial Notes

AMENDMENTS

2012—Subsec. (c)(1). Pub. L. 112-95 substituted “agent, or a claims adjuster who is independent of the underwriting agent,” for “agent” in second sentence.

1997—Subsec. (b)(1). Pub. L. 105-137, § 4(a), inserted after second sentence “Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.”

Subsec. (b)(2). Pub. L. 105-137, § 4(b), struck out “and” at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1996—Subsec. (e). Pub. L. 104-316 substituted “for audit” for “. . . The Comptroller General shall audit those accounts”.

§ 44309. Civil actions

(a) LOSSES.—

(1) ACTIONS AGAINST UNITED STATES.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

(A) a loss insured under this chapter is in dispute; or

(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

(2) LIMITATION.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.

(3) PROCEDURE.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28, United States Code, applies to an action under this subsection.

(b) VENUE AND JOINDER.—(1) A civil action under subsection (a) of this section may be

brought in the judicial district for the District of Columbia or in the judicial district in which the plaintiff or the agent of the plaintiff resides if the plaintiff resides in the United States. If the plaintiff does not reside in the United States, the action may be brought in the judicial district for the District of Columbia or in the judicial district in which the Attorney General agrees to accept service.

(2) An interested person may be joined as a party to a civil action brought under subsection (a) of this section initially or on motion of either party to the action.

(c) TIME REQUIREMENTS.—(1) Except as provided under paragraph (2), an insurance claim made under this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation within two years after the date on which the loss event occurred. Any civil action arising out of the denial of such a claim shall be filed by not later than six months after the date of the mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2)(A) For claims based on liability to persons with whom the insured has no privity of contract, an insurance claim made under the authority of this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation by not later than the earlier of—

(i) the date that is 60 days after the date on which final judgment is entered by a tribunal of competent jurisdiction; or

(ii) the date that is six years after the date on which the loss event occurred.

(B) Any civil action arising out of the denial of such claim shall be filed by not later than six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(3) A claim made under this chapter shall be deemed to be administratively denied if the Secretary fails to make a final disposition of the claim before the date that is 6 months after the date on which the claim is presented to the Secretary, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.

(d) INTERPLEADER.—(1) If the Secretary admits the Government owes money under an insurance claim under this chapter and there is a dispute about the person that is entitled to payment, the Government may bring a civil action of interpleader in a district court of the United States against the persons that may be entitled to payment. The action may be brought in the judicial district for the District of Columbia or in the judicial district in which any party resides.

(2) The district court may order a party not residing or found in the judicial district in which the action is brought to appear in a civil action under this subsection. The order shall be served in a reasonable manner decided by the district court. If the court decides an unknown person might assert a claim under the insurance that is the subject of the action, the court may order service on that person by publication in the Federal Register.

(3) Judgment in a civil action under this subsection discharges the Government from further liability to the parties to the action and to all other persons served by publication under paragraph (2) of this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1172; Pub. L. 105–277, div. C, title I, §110(c)(1), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 113–291, div. A, title X, §1074(a), Dec. 19, 2014, 128 Stat. 3518.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44309(a)	49 App.:1540 (1st sentence less 19th–70th words, 3d sentence).	Aug. 23, 1958, Pub. L. 85–726, §1310, 72 Stat. 805.
44309(b)(1) ..	49 App.:1540 (1st sentence 19th–70th words, 2d sentence).	
44309(b)(2) ..	49 App.:1540 (4th sentence).	
44309(c)	49 App.:1540 (last sentence).	
44309(d)	49 App.:1540 (5th–8th sentences).	

In subsection (a), the words “A person may bring” are substituted for “may be maintained” for clarity. The words “a civil action” are substituted for “suit” because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “A civil action . . . (except the action authorized by this subsection) may not be brought” are substituted for “and this remedy shall be exclusive of any other action”, and the words “involving the” are substituted for “by reason of”, for clarity. The words “carrying out this chapter” are substituted for “employed or retained under this subchapter”, and the words “in an action” are substituted for “for suits in the district courts”, for consistency. The words “applies to” are substituted for “shall otherwise be the same as that provided for” to eliminate unnecessary words. The words “an action under this subsection” are substituted for “such suits” for consistency.

In subsection (b)(1), the words “A civil action under subsection (a) of this section may be brought” are added for clarity. The words “the plaintiff or the agent of the plaintiff resides” are substituted for “the claimant or his agent resides” for consistency in the revised title. The words “if the plaintiff resides in the United States” are added for clarity. The words “notwithstanding the amount of the claim” are omitted as obsolete because jurisdiction under 28:1331 no longer depends on the amount of the claim. The words “and any provision of existing law as to the jurisdiction of United States district courts” are omitted as obsolete.

In subsection (b)(2), the words “interested person” are substituted for “All persons having or claiming or who might have an interest in such insurance” to eliminate unnecessary words. The word “either” is omitted as surplus. The words “to a civil action brought under subsection (a) of this section” are added for clarity.

In subsection (c), the words “during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section” are substituted for “within which suits may be commenced contained in section 2401 of title 28 providing for bringing of suits against the United States” for clarity. The words “from such time of filing” are omitted as surplus. The words “60 days after the Secretary of Transportation denies the claim” are substituted for “the claim shall have been administratively denied by the Secretary and for sixty days thereafter” for clarity.

In subsection (d)(1), the words “a civil action of interpleader” are substituted for “an action in the nature of a bill of interpleader” because of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “persons that may be entitled to payment” are substituted for “such parties” for clarity.

In subsection (d)(2), the words “in which the action is brought” are added for clarity. The words “The order shall be” are added because of the restatement. The words “the court may order service on that person” are substituted for “it may direct service upon such persons unknown” as being more precise.

In subsection (d)(3), the words “in a civil action under this subsection” are substituted for “in any such suit” for clarity.

Editorial Notes

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113–291, §1074(a)(1), inserted at end “A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.”

Subsec. (c). Pub. L. 113–291, §1074(a)(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “When an insurance claim is made under this chapter, the period during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section is suspended until 60 days after the Secretary of Transportation denies the claim. The claim is deemed to be administratively denied if the Secretary does not act on the claim not later than 6 months after filing, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.”

1998—Subsec. (a). Pub. L. 105–277 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “A person may bring a civil action in a district court of the United States against the United States Government when a loss insured under this chapter is in dispute. A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–291, div. A, title X, §1074(b), Dec. 19, 2014, 128 Stat. 3519, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to a claim arising after the date of the enactment of this Act [Dec. 19, 2014].”

§ 44310. Ending effective date

(a) IN GENERAL.—The authority of the Secretary of Transportation to provide insurance and reinsurance under any provision of this chapter other than sections 44302a and 44305 is not effective after December 11, 2014.

(b) INSURANCE OF UNITED STATES GOVERNMENT PROPERTY.—The authority of the Secretary of Transportation to provide insurance and reinsurance for a department, agency, or instrumentality of the United States Government under section 44305 is not effective after March 8, 2024.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1173; Pub. L. 105–85, div. A, title X, §1088(a), Nov. 18, 1997, 111 Stat. 1921; Pub. L. 105–137, §5(a), Dec. 2, 1997, 111 Stat. 2641; Pub. L. 105–277, div. C, title I, §110(c)(2), Oct. 21, 1998, 112 Stat. 2681–588; Pub. L. 106–6, §6, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, §6002(f), May 21, 1999, 113 Stat. 113; Pub. L. 106–181, title VII, §711, Apr. 5, 2000, 114 Stat. 160; Pub. L. 108–11, title IV, §4001(c),

Apr. 16, 2003, 117 Stat. 606; Pub. L. 108-176, title I, §106(d), Dec. 12, 2003, 117 Stat. 2499; Pub. L. 110-181, div. A, title III, §378, Jan. 28, 2008, 122 Stat. 85; Pub. L. 113-46, div. A, §154, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113-66, div. A, title X, §1093, Dec. 26, 2013, 127 Stat. 878; Pub. L. 113-76, div. L, title I, §119E(c), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113-164, §148(c), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113-235, div. L, §102(c), Dec. 16, 2014, 128 Stat. 2767; Pub. L. 114-328, div. A, title X, §1046, Dec. 23, 2016, 130 Stat. 2395; Pub. L. 116-92, div. A, title III, §374, Dec. 20, 2019, 133 Stat. 1332; Pub. L. 117-328, div. Q, §103(b)(2), Dec. 29, 2022, 136 Stat. 5252; Pub. L. 118-15, div. B, title II, §2202(a), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118-34, title I, §102(a), Dec. 26, 2023, 137 Stat. 1113.)

1998—Pub. L. 105-277 substituted “March 31, 1999” for “December 31, 1998”.
 1997—Pub. L. 105-137 substituted “December 31, 1998” for “September 30, 2002”.
 Pub. L. 105-85 substituted “September 30, 2002” for “September 30, 1997”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENTS

Pub. L. 105-137, §5(b), Dec. 2, 1997, 111 Stat. 2641, provided that: “The amendment made by subsection (a) [amending this section] takes effect on October 1, 1997.”
 Pub. L. 105-85, div. A, title X, §1088(b), Nov. 18, 1997, 111 Stat. 1921, provided that: “This section [amending this section] shall take effect as of September 30, 1997.”

CONTINUATION OF AVIATION INSURANCE LAWS

Pub. L. 102-581, title IV, §404, Oct. 31, 1992, 106 Stat. 4898, provided that: “Notwithstanding any other provision of law, the provisions of title XIII of the Federal Aviation Act of 1958 [now this chapter] and all insurance policies issued by the Secretary of Transportation under such title, as in effect on September 30, 1992, shall be treated as having continued in effect until the date of the enactment of this Act [Oct. 31, 1992].”

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44310	49 App.:1542.	Aug. 23, 1958, Pub. L. 85-726, §1312, 72 Stat. 806; July 20, 1961, Pub. L. 87-89, 75 Stat. 210; June 13, 1966, Pub. L. 89-447, 80 Stat. 199; Sept. 8, 1970, Pub. L. 91-399, 84 Stat. 837; Aug. 9, 1975, Pub. L. 94-90, §2, 89 Stat. 439; July 31, 1976, Pub. L. 94-374, 90 Stat. 1065; Nov. 9, 1977, Pub. L. 95-163, §6, 91 Stat. 1280; Oct. 14, 1982, Pub. L. 97-309, §3, 96 Stat. 1453; Oct. 30, 1987, Pub. L. 100-148, 101 Stat. 878; Oct. 31, 1992, Pub. L. 102-581, §402, 106 Stat. 4897.

The words “is not effective after” are substituted for “shall expire at the termination of” for clarity and consistency in the revised title.

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-34 substituted “March 8, 2024” for “December 31, 2023”.
 Pub. L. 118-15 substituted “December 31, 2023” for “September 30, 2023”.
 2022—Subsec. (a). Pub. L. 117-328 substituted “sections 44302a and 44305” for “section 44305”.
 2019—Subsec. (b). Pub. L. 116-92 substituted “September 30, 2023” for “December 31, 2019”.
 2016—Subsec. (b). Pub. L. 114-328 substituted “December 31, 2019” for “December 31, 2018”.
 2014—Subsec. (a). Pub. L. 113-235 substituted “December 11, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.
 Pub. L. 113-164 substituted “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “September 30, 2014”.
 Pub. L. 113-76 substituted “September 30, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Act, 2014”.
 2013—Pub. L. 113-66 designated existing provisions as subsec. (a) and inserted heading, substituted “any provision of this chapter other than section 4430” for “this chapter”, and added subsec. (b).
 Pub. L. 113-46 substituted “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” for “December 31, 2013”.
 2008—Pub. L. 110-181 substituted “December 31, 2013” for “March 30, 2008”.
 2003—Pub. L. 108-176 substituted “March 30, 2008” for “December 31, 2004”.
 Pub. L. 108-11, substituted “2004” for “2003”.
 2000—Pub. L. 106-181 substituted “after December 31, 2003.” for “after August 6, 1999.”
 1999—Pub. L. 106-31 substituted “August 6, 1999” for “May 31, 1999”.
 Pub. L. 106-6 substituted “May” for “March”.

CHAPTER 445—FACILITIES, PERSONNEL, AND RESEARCH

- Sec.
- 44501. Plans and policy.
- 44502. General facilities and personnel authority.
- 44503. Reducing nonessential expenditures.
- 44504. Improved aircraft, aircraft engines, propellers, and appliances.
- 44505. Systems, procedures, facilities, and devices.
- 44506. Air traffic controllers.
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- 44509. Demonstration projects.
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- 44511. Aviation research grants.
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- 44513. Regional centers of air transportation excellence.
- 44514. Flight service stations.
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- 44516. Human factors program.
- 44517. Program to permit cost sharing of air traffic modernization projects.
- 44518. Advanced Materials Center of Excellence.
- 44519. Certification personnel continuing education and training.

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260, div. V, title I, §112(b), Dec. 27, 2020, 134 Stat. 2332, added item 44519.
 2018—Pub. L. 115-254, div. B, title V, §524(b), title VII, §762(b), Oct. 5, 2018, 132 Stat. 3364, 3428, substituted “Regions and centers” for “Civil aeromedical research” in item 44507 and added item 44518.

2003—Pub. L. 108-176, title I, § 183(b), Dec. 12, 2003, 117 Stat. 2517, added item 44517.

2000—Pub. L. 106-181, title VII, § 713(c), Apr. 5, 2000, 114 Stat. 161, added item 44516.

§ 44501. Plans and policy

(a) **LONG RANGE PLANS AND POLICY REQUIREMENTS.**—The Administrator of the Federal Aviation Administration shall make long range plans and policy for the orderly development and use of the navigable airspace, and the orderly development and location of air navigation facilities, that will best meet the needs of, and serve the interests of, civil aeronautics and the national defense, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern.

(b) **AIRWAY CAPITAL INVESTMENT PLAN.**—The Administrator of the Federal Aviation Administration shall review, revise, and publish a national airways system plan, known as the Airway Capital Investment Plan, before the beginning of each fiscal year. The plan shall set forth—

(1) for a 10-year period, the research, engineering, and development programs and the facilities and equipment that the Administrator considers necessary for a system of airways, air traffic services, and navigation aids that will—

(A) meet the forecasted needs of civil aeronautics;

(B) meet the requirements that the Secretary of Defense establishes for the support of the national defense; and

(C) provide the highest degree of safety in air commerce;

(2) for the first and 2d years of the plan, detailed annual estimates of—

(A) the number, type, location, and cost of acquiring, operating, and maintaining required facilities and services;

(B) the cost of research, engineering, and development required to improve safety, system capacity, and efficiency; and

(C) personnel levels required for the activities described in subclauses (A) and (B) of this clause;

(3) for the 3d, 4th, and 5th years of the plan, estimates of the total cost of each major program for the 3-year period, and additional major research programs, acquisition of systems and facilities, and changes in personnel levels that may be required to meet long range objectives and that may have significant impact on future funding requirements;

(4) a 10-year investment plan that considers long range objectives that the Administrator considers necessary to—

(A) ensure that safety is given the highest priority in providing for a safe and efficient airway system; and

(B) meet the current and projected growth of aviation and the requirements of interstate commerce, the United States Postal Service, and the national defense; and

(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).

(c) **NATIONAL AVIATION RESEARCH PLAN.**—(1) The Administrator of the Federal Aviation Administration shall prepare and publish annually a national aviation research plan and submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The plan shall be submitted not later than the date of submission of the President's budget to Congress.

(2)(A) The plan shall describe, for a 5-year period, the research, engineering, and development that the Administrator of the Federal Aviation Administration considers necessary—

(i) to ensure the continued capacity, safety, and efficiency of aviation in the United States, considering emerging technologies and forecasted needs of civil aeronautics; and

(ii) to provide the highest degree of safety in air travel.

(B) The plan shall—

(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119,¹ 44504, 44505, 44507, 44509, 44511-44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

(iii) identify the allocation of resources among long-term research, near-term research, and development activities;

(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;

(v) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance; and

(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.

(3) Subject to section 40119(b)¹ of this title and regulations prescribed under section 40119(b),¹ the Administrator of the Federal Aviation Administration shall submit to the committees named in paragraph (1) of this subsection an annual report on the accomplishments of the research completed during the prior fiscal year, including a description of the dissemination to the private sector of research results and a description of any new technologies developed. The report shall be submitted with the plan required under paragraph (1) and be organized to allow comparison with the plan in effect for the prior fiscal year. The report shall be prepared in accordance with requirements of section 1116 of title 31.

¹ See References in Text note below.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1173; Pub. L. 104-264, title XI, §1105, Oct. 9, 1996, 110 Stat. 3279; Pub. L. 104-287, §5(74), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 106-181, title IX, §902(a), Apr. 5, 2000, 114 Stat. 195; Pub. L. 112-95, title I, §105, Feb. 14, 2012, 126 Stat. 17.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44501(a)	49 App.:1353(a). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §312(a), 72 Stat. 752. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44501(b)	49 App.:2203(b).	Sept. 3, 1982, Pub. L. 97-248, §504(b), 96 Stat. 675; Nov. 5, 1990, Pub. L. 101-508, §9105(a), 104 Stat. 1388-355; Oct. 31, 1992, Pub. L. 102-581, §114, 106 Stat. 4881.
44501(c)	49 App.:1353(d).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §312(d); added Nov. 3, 1988, Pub. L. 100-591, §4(a), 102 Stat. 3011.

In subsection (a), the word “Administrator” in section 312(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 752) is retained on authority of 49:106(g). The words “air navigation facilities” are substituted for “landing areas, Federal airways, radar installations and all other aids and facilities for air navigation” because of the definition of “air navigation facility” in section 40102(a) of the revised title. The words “the armed forces” are substituted for “military agencies” because of 10:101.

In subsection (b), before clause (1), the words “the requirements of” are omitted as surplus. The text of 49 App.:2203(b) (1st sentence) is omitted as executed. The words “thereafter” and “For fiscal year 1991 and thereafter” are omitted as obsolete. In clauses (2)(C) and (3), the word “personnel” is substituted for “manpower” for consistency in the revised title. In clause (2)(C), the word “all” is omitted as surplus.

In subsection (c), before clause (1), the word “completed” is omitted as surplus.

In subsection (d)(1), the words “review, revise” are omitted as surplus. The word “annually” is substituted for “for fiscal year 1990, and for each fiscal year thereafter” to eliminate obsolete language.

In subsection (d)(2)(B), before clause (i), the words “an appropriation” are substituted for “funding”, and in clause (ii), the word “appropriations” is substituted for “funding”, for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (d)(3), the words “beginning with the date of transmission of the first aviation research plan as required by paragraph (1)” are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (c)(2)(B)(i), (3), was repealed by Pub. L. 115-254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (c)(2)(B)(vi), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2012—Subsec. (b)(5). Pub. L. 112-95 added par. (5).

2000—Subsec. (c)(2)(B)(iv) to (vi). Pub. L. 106-181, §902(a)(1), added cls. (iv) and (vi) and redesignated former cl. (iv) as (v).

Subsec. (c)(3). Pub. L. 106-181, §902(a)(2), inserted at end “The report shall be prepared in accordance with requirements of section 1116 of title 31.”

1996—Subsec. (c)(1). Pub. L. 104-287 substituted “Committee on Science” for “Committee on Science, Space, and Technology”.

Subsec. (c)(2)(A). Pub. L. 104-264, §1105(1), substituted “5-year period” for “15-year period”.

Subsec. (c)(2)(B). Pub. L. 104-264, §1105(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) set out the requirements for research plans including specific requirements for the first two years of the plan, for the 3rd, 4th, and 5th years, and for the 6th and subsequent years.

Subsec. (c)(3). Pub. L. 104-264, §1105(3), inserted “, including a description of the dissemination to the private sector of research results and a description of any new technologies developed” after “during the prior fiscal year”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES

Pub. L. 112-95, title VIII, §804, Feb. 14, 2012, 126 Stat. 119, as amended by Pub. L. 115-254, div. B, title V, §§510, 545(b)(2), Oct. 5, 2018, 132 Stat. 3355, 3376, provided that:

“(a) NATIONAL FACILITIES REALIGNMENT AND CONSOLIDATION REPORT.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a report, to be known as the National Facilities Realignment and Consolidation Report, in accordance with the requirements of this subsection.

“(2) PURPOSE.—The purpose of the report shall be to reduce capital, operating, maintenance, and administrative costs of the FAA where such cost reductions can be implemented without adversely affecting safety.

“(3) CONTENTS.—The report shall include—

“(A) recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

“(B) for each of the recommendations, a description of—

“(i) the Administrator’s justification;

“(ii) the projected costs and savings; and

“(iii) the proposed timing for implementation.

“(4) INPUT.—The report shall be prepared by the Administrator (or the Administrator’s designee) with the participation of—

“(A) representatives of labor organizations representing air traffic control system employees of the FAA; and

“(B) industry stakeholders.

“(5) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(6) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report in the Federal Register and allow 45 days for the submission of public comments.

“(b) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (a)(6), the Administrator shall submit to the committees specified in subsection (a)(5)—

“(1) a report containing the recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

“(2) copies of any public comments received by the Administrator under subsection (a)(6).

“(c) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Except as provided in subsection (d), the Administrator shall realign and consolidate the services and facilities of the FAA in accordance with the recommendations included in the report submitted under subsection (b).

“(d) CONGRESSIONAL DISAPPROVAL.—

“(1) IN GENERAL.—The Administrator may not carry out a recommendation for realignment or consolidation of services or facilities of the FAA that is included in the report submitted under subsection (b) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

“(A) the last day of the 30-day period beginning on the date of submission of the report; or

“(B) the adjournment of Congress sine die for the session during which the report is transmitted.

“(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

“(e) MILITARY OPERATIONS EXCLUSION.—

“(1) IN GENERAL.—The Administrator may not realign or consolidate a combined TRACON and tower with radar facility of the FAA under this section if, in 2015, the total annual military operations at the facility comprised at least 40 percent of the total annual TRACON operations at the facility.

“(2) TRACON DEFINED.—In this subsection, the term ‘TRACON’ means terminal radar approach control.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

“(2) REALIGNMENT; CONSOLIDATION.—

“(A) IN GENERAL.—The terms ‘realignment’ and ‘consolidation’ include any action that—

“(i) relocates functions, services, or personnel positions;

“(ii) discontinues or severs existing facility functions or services; or

“(iii) combines the results described in clauses (i) and (ii).

“(B) EXCLUSION.—The terms do not include a reduction in personnel resulting from workload adjustments.”

[Section 545(b)(2) of Pub. L. 115-254, which directed amendment of section 804 of Pub. L. 112-95, set out above, by substituting “Chief Technology Officer” for “Chief NextGen Officer” in subsec. (a)(4)(A), could not be executed because the words “Chief NextGen Officer” did not appear after the intervening amendment of subsec. (a)(4) by section 510(a)(2) of Pub. L. 115-254.]

PROGRAM AUTHORIZATIONS

Pub. L. 112-95, title IX, §901(c), Feb. 14, 2012, 126 Stat. 137, provided that: “From the other accounts described

in the national aviation research plan required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized:

“(1) Runway Incursion Reduction.

“(2) System Capacity, Planning, and Improvement.

“(3) Operations Concept Validation.

“(4) NAS Weather Requirements.

“(5) Airspace Management Program.

“(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

“(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions Reduction.

“(8) NextGen—New Air Traffic Management Requirements.

“(9) NextGen—Operations Concept Validation—Validation Modeling.

“(10) NextGen—System Safety Management Transformation.

“(11) NextGen—Wake Turbulence—Recategorization.

“(12) NextGen—Operational Assessments.

“(13) NextGen—Staffed NextGen Towers.

“(14) Center for Advanced Aviation System Development.

“(15) Airports Technology Research Program—Capacity.

“(16) Airports Technology Research Program—Safety.

“(17) Airports Technology Research Program—Environment.

“(18) Airport Cooperative Research—Capacity.

“(19) Airport Cooperative Research—Environment.

“(20) Airport Cooperative Research—Safety.”

§ 44502. General facilities and personnel authority

(a) GENERAL AUTHORITY.—(1) The Administrator of the Federal Aviation Administration may—

(A) acquire, establish, improve, operate, and maintain air navigation facilities; and

(B) provide facilities and personnel to regulate and protect air traffic.

(2) The cost of site preparation work associated with acquiring, establishing, or improving an air navigation facility under paragraph (1)(A) of this subsection shall be charged to amounts available for that purpose appropriated under section 48101(a) of this title. The Secretary of Transportation may make an agreement with an airport owner or sponsor (as defined in section 47102 of this title) so that the owner or sponsor will provide the work and be paid or reimbursed by the Secretary from the appropriated amounts.

(3) The Secretary of Transportation may authorize a department, agency, or instrumentality of the United States Government to carry out any duty or power under this subsection with the consent of the head of the department, agency, or instrumentality.

(4) PURCHASE OF INSTRUMENT LANDING SYSTEM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall purchase precision approach instrument landing system equipment for installation at airports on an expedited basis.

(B) AUTHORIZATION.—No less than \$30,000,000 of the amounts appropriated under section 48101(a) for each of fiscal years 2000 through 2002 shall be used for the purpose of carrying out this paragraph, including acquisition

under new or existing contracts, site preparation work, installation, and related expenditures.

(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

(A) the improvements primarily benefit the Government;

(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

(C) the interest of the United States Government in the improvements is protected.

(b) CERTIFICATION OF NECESSITY.—Except for Government money expended under this part or for a military purpose, Government money may be expended to acquire, establish, construct, operate, repair, alter, or maintain an air navigation facility only if the Administrator of the Federal Aviation Administration certifies in writing that the facility is reasonably necessary for use in air commerce or for the national defense. An interested person may apply for a certificate for a facility to be acquired, established, constructed, operated, repaired, altered, or maintained by or for the person.

(c) ENSURING CONFORMITY WITH PLANS AND POLICIES.—(1) To ensure conformity with plans and policies for, and allocation of, airspace by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title, a military airport, military landing area, or missile or rocket site may be acquired, established, or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator of the Federal Aviation Administration may advise the appropriate committees of Congress and interested departments, agencies, and instrumentalities of the Government on the effect of the acquisition, establishment, construction, or alteration on the use of airspace by aircraft. A disagreement between the Administrator of the Federal Aviation Administration and the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration may be appealed to the President for a final decision.

(2) To ensure conformity, an airport or landing area not involving the expenditure of Government money may be established or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator may provide advice on the effects of the establishment, construction, or alteration on the use of airspace by aircraft.

(d) PUBLIC USE AND EMERGENCY ASSISTANCE.—(1) The head of a department, agency, or instrumentality of the Government having jurisdiction over an air navigation facility owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for public use of the facility.

(2) The head of a department, agency, or instrumentality of the Government having juris-

isdiction over an airport or emergency landing field owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for assistance, and the sale of fuel, oil, equipment, and supplies, to an aircraft, but only when necessary, because of an emergency, to allow the aircraft to continue to the nearest airport operated by private enterprise. The head of the department, agency, or instrumentality shall provide for the assistance and sale at the prevailing local fair market value as determined by the head of the department, agency, or instrumentality. An amount that the head decides is equal to the cost of the assistance provided and the fuel, oil, equipment, and supplies sold shall be credited to the appropriation from which the cost was paid. The balance shall be credited to miscellaneous receipts.

(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—

(1) IN GENERAL.—An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration, an eligible air traffic system or equipment that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system or equipment.

(2) ACCEPTANCE.—The Administrator shall accept the eligible air traffic system or equipment and operate and maintain it under criteria of the Administrator.

(3) DEFINITION.—In this subsection, the term “eligible air traffic system or equipment” means—

(A) an instrument landing system consisting of a glide slope and localizer (if the Administrator has determined that a satellite navigation system cannot provide a suitable approach to an airport);

(B) an Automated Weather Observing System weather observation system; or

(C) a Remote Communication Air/Ground and Remote Communication Outlet communications facility.

(f) AIRPORT SPACE.—

(1) RESTRICTION.—The Administrator may not require an airport owner or sponsor (as defined in section 47102) to provide to the Federal Aviation Administration without cost any of the following:

(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect—

(A) any agreement the Secretary may have or make with an airport owner or sponsor for the airport owner or sponsor to provide any of the items described in paragraph (1)(A) or (1)(B) at below-market rates; or

(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1175; Pub. L. 103-305, title I, §120(a), Aug. 23, 1994, 108 Stat. 1581; Pub. L. 103-429, §6(54), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104-287, §5(75), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 106-181, title I, §153, title VII, §712, Apr. 5, 2000, 114 Stat. 87, 160; Pub. L. 115-254, div. B, title I, §147, Oct. 5, 2018, 132 Stat. 3213.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44502(a)(1) ..	49 App.:1348(b) (1st sentence less cl. (3)).	Aug. 23, 1958, Pub. L. 85-726, §307(b) (1st sentence less cl. (3), 2d sentence), 72 Stat. 750; Jan. 12, 1963, Pub. L. 97-449, §4(c), 96 Stat. 2442.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1963, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44502(a)(2) ..	49 App.:2205(a)(3).	Sept. 3, 1982, Pub. L. 97-248, §506(a)(3), 96 Stat. 677; Dec. 30, 1987, Pub. L. 100-223, §105(a)(1), (g)(1), 101 Stat. 1489, 1494.
44502(a)(3) ..	49 App.:1348(b) (2d sentence).	
44502(b)	49 App.:1349(a) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85-726, §§308(a) (1st, 2d sentences), (b), 309, 1107, 72 Stat. 750, 751, 798.
	49 App.:1655(c)(1).	
44502(c)(1) ..	49 App.:1349(b).	
	49 App.:1655(c)(1).	
44502(c)(2) ..	49 App.:1350.	
	49 App.:1655(c)(1).	
44502(d)	49 App.:1507.	
44502(e)	49 App.:1743.	Aug. 11, 1959, Pub. L. 86-154, 73 Stat. 333.
44502(f)	49 App.:2205 (notes).	Nov. 21, 1989, Pub. L. 101-164, §331, 103 Stat. 1097. Nov. 5, 1990, Pub. L. 101-516, §324, 104 Stat. 2182. Oct. 28, 1991, Pub. L. 102-143, §324, 105 Stat. 943. Oct. 6, 1992, Pub. L. 102-388, §324, 106 Stat. 1547.

In this section, the words “department, agency, or instrumentality of the United States Government” are substituted for “Federal department or agency” in 49 App.:1348(b), “agencies” in 49 App.:1349(b), and “department or other agency” and “Government department or other agency” in 49 App.:1507 for consistency in the revised title and with other titles of the United States Code.

In subsections (a)(1), (b), and (c), the word “Administrator” in sections 303(c) (1st sentence), 307(b), 308(a) (1st and 2d sentences) and (b), and 309 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 750, 751) is retained on authority of 49:106(g).

In subsection (a)(1), before clause (A), the words “within the limits of available appropriations made by the Congress” are omitted as surplus. In clause (A), the words “wherever necessary” are omitted as surplus. In clause (B), the word “necessary” is omitted as surplus.

In subsection (a)(2), the words “by the Secretary” and “to the Secretary” are omitted as surplus. The last sentence is substituted for 49 App.:2205(a)(3) (last sentence) to eliminate unnecessary words.

In subsection (a)(3), the words “subject to such regulations, supervision, and review as he may prescribe” are omitted because of 49:322(a). The words “from time to time make such provision as he shall deem appropriate” are omitted as surplus. The words “duty or power” are substituted for “function” for consistency in the revised title and with other titles of the Code. The words “the head of” are added for clarity and consistency.

In subsection (b), the words “(whether or not in cooperation with State or other local governmental agencies)” and “thereon” are omitted as surplus. The words “landing area” are omitted as being included in the definition of “air navigation facility” in section

40102(a) of the revised title. The words “recommendation and” are omitted as surplus. The words “under regulations prescribed by him” are omitted because of 49:322(a). The word “proposed” is omitted as surplus. The word “acquired” is added for consistency in this subsection.

In subsection (c)(1), the words “In order”, “layout”, and “In case of . . . the matter” are omitted as surplus. The words “Secretary of Defense” are substituted for “Department of Defense” because of 10:133(a). The words “the Administrator of” are added because of 42:2472(a).

In subsection (c)(2), the word “layout” is omitted as surplus. The words “pursuant to regulations prescribed by him” are omitted because of 49:322(a). The words “the establishment, building, or alteration” are substituted for “such construction” for clarity and consistency in this section.

In subsection (d)(1), the words “under such conditions and to such extent as . . . deems advisable and” are omitted as surplus. The word “provide” is substituted for “be made available”, and the words “of the facility” are added, for clarity.

In subsection (d)(2), the words “All amounts received under this subsection shall be covered into the Treasury” are omitted because of 31:3302(b). The words “services, shelter . . . other” and “if any” are omitted as surplus.

In subsection (e), the words “or compact” are omitted as surplus. The words “or States” are omitted because of 1:1. The text of 49 App.:1743 (last sentence) is omitted as surplus.

In subsection (f), the words “Notwithstanding any other provision of law” and “thereafter” are omitted as surplus.

PUB. L. 103-429

This amends 49:44502(b) to clarify the restatement of 49 App.:1349(a) (1st, 2d sentences) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1175).

PUB. L. 104-287, §5(75)(A)

This amends 49:44502(c)(1) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1175).

PUB. L. 104-287, §5(75)(B)

This strikes 49:44502(e) and redesignates 49:44502(f) as 49:44502(e) because of the restatement of former 49:44502(e) as 49:40121.

Editorial Notes

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-254, §147(1), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system (and associated approach lighting equipment and runway visual range equipment) that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system. The Administrator shall accept the system and operate and maintain it under criteria of the Administrator.”

Subsec. (f). Pub. L. 115-254, §147(2), added subsec. (f). 2000—Subsec. (a)(4)(B). Pub. L. 106-181, §153, substituted “each of fiscal years 2000 through 2002” for “each of fiscal years 1995 and 1996” and inserted “under new or existing contracts” after “including acquisition”.

Subsec. (a)(5). Pub. L. 106-181, §712, added par. (5). 2000—Subsec. (c)(1). Pub. L. 104-287, §5(75)(A), substituted “To ensure” for “To ensure that”.

Subsecs. (e), (f). Pub. L. 104-287, §5(75)(B), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows:

“(e) CONSENT OF CONGRESS.—Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.”

1994—Subsec. (a)(4). Pub. L. 103–305 added par. (4).

Subsec. (b). Pub. L. 103–429 inserted “Government” before “money may be expended”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES

Pub. L. 112–95, title V, § 508, Feb. 14, 2012, 126 Stat. 106, provided that: “The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.”

STRATEGY FOR STAFFING, HIRING, AND TRAINING FLIGHT STANDARDS AND AIRCRAFT CERTIFICATION STAFF

Pub. L. 116–6, div. G, title I, Feb. 15, 2019, 133 Stat. 401, provided in part: “That not later than March 31 of each fiscal year hereafter, the Administrator [of the Federal Aviation Administration] shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year”.

Similar provisions were contained in the following appropriation acts:

Pub. L. 117–328, div. L, title I, Dec. 29, 2022, 136 Stat. 5102.

Pub. L. 117–103, div. L, title I, Mar. 15, 2022, 136 Stat. 691.

Pub. L. 116–260, div. L, title I, Dec. 27, 2020, 134 Stat. 1830.

Pub. L. 116–94, div. H, title I, Dec. 20, 2019, 133 Stat. 2940.

Pub. L. 115–141, div. L, title I, Mar. 23, 2018, 132 Stat. 977.

Pub. L. 115–31, div. K, title I, May 5, 2017, 131 Stat. 730.

Pub. L. 114–113, div. L, title I, Dec. 18, 2015, 129 Stat. 2839.

Pub. L. 113–235, div. K, title I, Dec. 16, 2014, 128 Stat. 2700.

Pub. L. 113–76, div. L, title I, Jan. 17, 2014, 128 Stat. 578.

Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 646.

Pub. L. 111–117, div. A, title I, Dec. 16, 2009, 123 Stat. 3040.

PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT

Pub. L. 108–176, title I, § 182, Dec. 12, 2003, 117 Stat. 2515, as amended by Pub. L. 113–188, title XV, § 1501(d), Nov. 26, 2014, 128 Stat. 2024, provided that:

“(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of mod-

ernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

“(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

“(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

“(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

“(e) FUNDING.—Out of amounts appropriated under section 48101 [probably means section 48101 of title 49, United States Code] for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.”

ENHANCED VISION TECHNOLOGIES

Pub. L. 106–181, title I, § 124, Apr. 5, 2000, 114 Stat. 75, provided that:

“(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

“(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

“(c) CERTIFICATION.—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.”

TRANSFER BY AIRPORTS OF INSTRUMENT LANDING SYSTEMS AND ASSOCIATED EQUIPMENT TO FEDERAL AVIATION ADMINISTRATION

Pub. L. 109–115, div. A, title I, § 101, Nov. 30, 2005, 119 Stat. 2401, which provided that airports may transfer to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant, provided that the FAA accept such equipment and operate and

maintain it in accordance with agency criteria, was from the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-447, div. H, title I, §101, Dec. 8, 2004, 118 Stat. 3203.

Pub. L. 108-199, div. F, title I, §101, Jan. 23, 2004, 118 Stat. 284.

Pub. L. 108-7, div. I, title III, §313, Feb. 20, 2003, 117 Stat. 410.

Pub. L. 107-87, title III, §313, Dec. 18, 2001, 115 Stat. 858.

Pub. L. 106-346, §101(a) [title III, §314], Oct. 23, 2000, 114 Stat. 1356, 1356A-27.

Pub. L. 106-69, title III, §314, Oct. 9, 1999, 113 Stat. 1018.

Pub. L. 105-277, div. A, §101(g) [title III, §314], Oct. 21, 1998, 112 Stat. 2681-439, 2681-468.

Pub. L. 105-66, title III, §314, Oct. 27, 1997, 111 Stat. 1443.

Pub. L. 104-205, title III, §314, Sept. 30, 1996, 110 Stat. 2971.

Pub. L. 104-50, title III, §317, Nov. 15, 1995, 109 Stat. 455.

Pub. L. 103-331, title III, §317, Sept. 30, 1994, 108 Stat. 2491, repealed by Pub. L. 104-287, §7(4), Oct. 11, 1996, 110 Stat. 3400.

COST SAVINGS ASSOCIATED WITH PURCHASE

Pub. L. 103-305, title I, §120(b), Aug. 23, 1994, 108 Stat. 1581, provided that: "Notwithstanding other provisions of law or regulations to the contrary, the Administrator [of the Federal Aviation Administration] shall establish, within 120 days after the date of the enactment of this Act [Aug. 23, 1994], a process through which airport sponsors may take advantage of cost savings associated with the purchase and installation of instrument landing systems, along with associated equipment, under existing or future Federal Aviation Administration contracts. The process established by the Administrator may provide for the direct reimbursement (including administrative costs) of the Administrator by an airport sponsor using grants funds under subchapter I of chapter 471 of subtitle VII of title 49, United States Code, relating to airport improvement, for the ordering of such equipment and installation or for the direct ordering of such equipment and installation by an airport sponsor, using such grant funds, from the suppliers with which the Administrator has contracted."

GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT

Pub. L. 103-260, title IV, §401, May 26, 1994, 108 Stat. 702, provided that:

"(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration, subject to subsection (d), shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

"(b) COMPUTATION RULES.—

"(1) IN GENERAL.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by that portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is

to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

"(A) any increase under section 5303 of title 5, United States Code;

"(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note));

"(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

"(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

"(E) any periodic step-increase under section 5335 of such title 5;

"(F) any additional step-increase under section 5336 of such title 5; and

"(G) any other increase in annual rate of basic pay under any other provision of law.

"(2) SECTION RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994 shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

"(c) TERMINATION.—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

"(1) the amount of such allowance is reduced to zero under subsection (b), or

"(2) the employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project, whichever is earlier.

"(d) SPECIAL PAYMENT RULE.—The Administrator of the Federal Aviation Administration may make payment for the costs incurred under the program established by subsection (a) for the period between June 18, 1994, and September 30, 1994, following the end of the first full pay period that begins on or after October 1, 1994, subject to appropriations made available in fiscal year 1995.

"(e) STUDY OF RECRUITMENT AND RETENTION INCENTIVES.—The Administrator of the Federal Aviation Administration shall conduct a study of impediments that may exist to achieving appropriate air traffic controller staffing levels at hard-to-staff facilities. In conducting such study, the Administrator shall identify and evaluate the extent to which special incentives, of a financial or non-financial nature, could be useful in recruiting or retaining air traffic controllers at such facilities. The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 180 days after the date of enactment of this Act [May 26, 1994] a report on (1) the results of such study, (2) planned administrative actions, and (3) any recommended legislation."

§ 44503. Reducing nonessential expenditures

The Secretary of Transportation shall attempt to reduce the capital, operating, maintenance, and administrative costs of the national airport and airway system to the maximum extent practicable consistent with the highest degree of aviation safety. At least annually, the Secretary shall consult with and consider the rec-

ommendations of users of the system on ways to reduce nonessential expenditures of the United States Government for aviation. The Secretary shall give particular attention to a recommendation that may reduce, with no adverse effect on safety, future personnel requirements and costs to the Government required to be recovered from user charges.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1176.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44503	49 App.:1704.	July 12, 1976, Pub. L. 94-353, §25, 90 Stat. 885.

The words “in accordance with this section” and “due” are omitted as surplus. The word “personnel” is substituted for “manpower” for consistency in the revised title.

§ 44504. Improved aircraft, aircraft engines, propellers, and appliances

(a) DEVELOPMENTAL WORK AND SERVICE TESTING.—The Administrator of the Federal Aviation Administration may conduct or supervise developmental work and service testing to improve aircraft, aircraft engines, propellers, and appliances.

(b) RESEARCH.—The Administrator shall conduct or supervise research—

(1) to develop technologies and analyze information to predict the effects of aircraft design, maintenance, testing, wear, and fatigue on the life of aircraft, including nonstructural aircraft systems, and air safety;

(2) to develop methods of analyzing and improving aircraft maintenance technology and practices, including nondestructive evaluation of aircraft structures;

(3) to assess the fire and smoke resistance of aircraft material;

(4) to develop improved fire and smoke resistant material for aircraft interiors;

(5) to develop and improve fire and smoke containment systems for inflight aircraft fires;

(6) to develop advanced aircraft fuels with low flammability and technologies that will contain aircraft fuels to minimize post-crash fire hazards;

(7) to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft; and

(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.

(c) AUTHORITY TO BUY ITEMS OFFERING SPECIAL ADVANTAGES.—In carrying out this section, the Administrator, by negotiation or otherwise,

may buy or exchange experimental aircraft, aircraft engines, propellers, and appliances that the Administrator decides may offer special advantages to aeronautics.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1176; Pub. L. 106-181, title IX, §904, Apr. 5, 2000, 114 Stat. 196; Pub. L. 112-95, title IX, §903(a), Feb. 14, 2012, 126 Stat. 138.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44504(a)	49 App.:1353(b) (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §312(b) (1st, last sentences), 72 Stat. 752. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44504(b)	49 App.:1353(b) (2d sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §312(b) (2d sentence); added Nov. 3, 1988, Pub. L. 100-591, §2, 102 Stat. 3011; Nov. 5, 1990, Pub. L. 101-508, §9208(a), 104 Stat. 1388-376.
44504(c)	49 App.:1353(b) (last sentence) 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 312(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 752) is retained on authority of 49:106(g).

In subsection (a), the words “to improve” are substituted for “such . . . as tends to the creation of improved” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2012—Subsec. (b)(8). Pub. L. 112-95 added par. (8).

2000—Subsec. (b)(1). Pub. L. 106-181 inserted “, including nonstructural aircraft systems,” after “life of aircraft”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM

Pub. L. 117-169, title IV, §40007, Aug. 16, 2022, 136 Stat. 2030, provided that:

“(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

“(1) \$244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

“(2) \$46,530,000 for projects relating to low-emission aviation technologies; and

“(3) \$5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

“(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

“(1) the capacity for the eligible entity to increase the domestic production and deployment of sustain-

able aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

“(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

“(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

“(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

“(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

“(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

“(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section [Aug. 16, 2022], adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State or local government, including the District of Columbia, other than an airport sponsor;

“(B) an air carrier;

“(C) an airport sponsor;

“(D) an accredited institution of higher education;

“(E) a research institution;

“(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

“(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

“(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

“(2) FEEDSTOCK.—The term ‘feedstock’ means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

“(3) INDUCED LAND-USE CHANGE VALUES.—The term ‘induced land-use change values’ means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

“(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ‘lifecycle greenhouse gas emissions’ means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

“(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ‘low-emission aviation technologies’ means technologies, produced in the United States, that significantly—

“(A) improve aircraft fuel efficiency;

“(B) increase utilization of sustainable aviation fuel; or

“(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(7) SUSTAINABLE AVIATION FUEL.—The term ‘sustainable aviation fuel’ means liquid fuel, produced in the United States, that—

“(A) consists of synthesized hydrocarbons;

“(B) meets the requirements of—

“(i) ASTM International Standard D7566; or

“(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

“(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 45K(c)(3)]), waste streams, renewable energy sources, or gaseous carbon oxides;

“(D) is not derived from palm fatty acid distillates; and

“(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

“(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

“(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

“(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

“(II) as stringent as the requirement under clause (i).”

CRASH-RESISTANT FUEL SYSTEMS

Pub. L. 114–190, title II, §2105, July 15, 2016, 130 Stat. 620, provided that: “Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.”

AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 112–95, title IX, §910, Feb. 14, 2012, 126 Stat. 141, provided that:

“(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration], in coordination with the Administrator of NASA [National Aeronautics and Space Administration], shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

“(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

“(1) not later than 120 days after the date of enactment of this Act [Feb. 14, 2012], develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

“(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

“(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

“(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

“(c) COLLABORATION.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

“(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

“(2) other appropriate Federal agencies.

“(d) REPORT.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).”

RESEARCH PROGRAM ON ALTERNATIVE JET FUEL
TECHNOLOGY FOR CIVIL AIRCRAFT

Pub. L. 112-95, title IX, §911, Feb. 14, 2012, 126 Stat. 142, provided that:

“(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration (FAA)] shall establish a research program to assist in the development and qualification of jet fuel from alternative sources (such as natural gas, biomass, ethanol, butanol, and hydrogen) and other renewable sources.

“(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through the use of grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

“(c) PARTICIPATION IN PROGRAM.—

“(1) PARTICIPATION OF EDUCATIONAL AND RESEARCH INSTITUTIONS.—In carrying out the program, the Administrator shall include participation by—

“(A) educational and research institutions that have existing facilities and leverage private sector partnerships; and

“(B) consortia with experience across the supply chain, including with research, feedstock development and production, small-scale development, testing, and technology evaluation related to the creation, processing, production, and transportation of alternative aviation fuel.

“(2) USE OF NASA FACILITIES.—In carrying out the program, the Administrator shall consider utilizing the existing capacity in aeronautics research at Langley Research Center, Glenn Research Center [renamed NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility by Pub. L. 116-263, 134 Stat. 3316], and other appropriate facilities of NASA [National Aeronautics and Space Administration].

“(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator may designate an institution described in subsection (c)(1)(A) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft.

“(2) EFFECT OF DESIGNATION.—The center designated under paragraph (1) shall become, upon its designation—

“(A) a member of the Consortium for Continuous Low Energy, Emissions, and Noise of the FAA; and

“(B) part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.”

PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR
CIVILIAN AIRCRAFT

Pub. L. 112-95, title IX, §914, Feb. 14, 2012, 126 Stat. 144, provided that:

“(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] shall establish a research program related to developing jet fuel from clean coal.

“(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

“(c) PARTICIPATION IN PROGRAM.—In carrying out the program, the Administrator shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal into aviation fuel.

“(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator may designate an institution described in subsection (c) as a Center of Excellence for Coal-to-Jet-Fuel Research.”

RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN
AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED
ON PRESSURIZED AIRCRAFT

Pub. L. 112-95, title IX, §917, Feb. 14, 2012, 126 Stat. 145, provided that:

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration], to the extent practicable, shall implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

“(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) shall have the capacity, at a minimum—

“(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

“(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report on the results of the research and development work carried out under this section.”

FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH
AND TRAINING IN THE USE OF ADVANCED MATERIALS
IN TRANSPORT AIRCRAFT

Pub. L. 108-176, title VII, §708, Dec. 12, 2003, 117 Stat. 2582, as amended by Pub. L. 112-95, title IX, §916, Feb. 14, 2012, 126 Stat. 145, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

“(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

“(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator

\$500,000 for each of fiscal years 2012 through 2015 to carry out this section.”

ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE

Pub. L. 108-176, title VII, §711, Dec. 12, 2003, 117 Stat. 2585, provided that:

“(a) **OBJECTIVE.**—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act [Dec. 12, 2003], technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

“(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

“(2) Factor of 10 reduction in vibration.

“(3) 30 percent reduction in empty weight.

“(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

“(5) Capability for zero-ceiling, zero-visibility operations.

“(b) **IMPLEMENTATION.**—Within 180 days after the date of the enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).”

SPECIALTY METALS CONSORTIUM

Pub. L. 106-181, title VII, §742, Apr. 5, 2000, 114 Stat. 175, provided that:

“(a) **IN GENERAL.**—The Administrator [of the Federal Aviation Administration] may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

“(b) **REPORT.**—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.”

§ 44505. Systems, procedures, facilities, and devices

(a) **GENERAL REQUIREMENTS.**—(1) The Administrator of the Federal Aviation Administration shall—

(A) develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern; and

(B) select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.

(2) The Administrator may make contracts to carry out this subsection without regard to section 3324(a) and (b) of title 31.

(3) When a substantial question exists under paragraph (1) of this subsection about whether a matter is of primary concern to the armed forces, the Administrator shall decide whether

the Administrator or the Secretary of the appropriate military department has responsibility. The Administrator shall be given technical information related to each research and development project of the armed forces that potentially applies to, or potentially conflicts with, the common system to ensure that potential application to the common system is considered properly and that potential conflicts with the system are eliminated.

(b) **RESEARCH ON HUMAN FACTORS AND SIMULATION MODELS.**—The Administrator shall conduct or supervise research—

(1) to develop a better understanding of the relationship between human factors and aviation accidents and between human factors and air safety;

(2) to enhance air traffic controller, mechanic, and flight crew performance;

(3) to develop a human-factor analysis of the hazards associated with new technologies to be used by air traffic controllers, mechanics, and flight crews;

(4) to identify innovative and effective corrective measures for human errors that adversely affect air safety;

(5) to develop dynamic simulation models of the air traffic control system and airport design and operating procedures that will provide analytical technology—

(A) to predict airport and air traffic control safety and capacity problems;

(B) to evaluate planned research projects; and

(C) to test proposed revisions in airport and air traffic control operations programs;

(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.

(c) **RESEARCH ON DEVELOPING AND MAINTAINING A SAFE AND EFFICIENT SYSTEM.**—The Administrator shall conduct or supervise research on—

(1) airspace and airport planning and design;

(2) airport capacity enhancement techniques;

(3) human performance in the air transportation environment;

(4) aviation safety and security;

(5) the supply of trained air transportation personnel, including pilots and mechanics; and

(6) other aviation issues related to developing and maintaining a safe and efficient air transportation system.

(d) **RESEARCH ON DESIGN FOR CERTIFICATION.**—

(1) **RESEARCH.**—Not later than 1 year after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(2) **RESEARCH PLAN.**—Not later than 6 months after the date of enactment of the FAA Modernization and Reform Act of 2012, the Admin-

istrator shall develop a plan for the research under paragraph (1) that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the FAA Modernization and Reform Act of 2012.

(e) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1177; Pub. L. 103–305, title III, §307, Aug. 23, 1994, 108 Stat. 1593; Pub. L. 112–95, title IX, §§903(b), 905, Feb. 14, 2012, 126 Stat. 138, 139.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44505(a)(1) ..	49 App.:1353(c) (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §312(c) (1st, 5th–last sentences), 72 Stat. 752. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44505(a)(2) ..	49 App.:1353(c) (5th sentence).	
44505(a)(3) ..	49 App.:1655(c)(1). 49 App.:1353(c) (6th, last sentences). 49 App.:1655(c)(1).	
44505(b)	49 App.:1353(c) (2d, 3d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(c) (2d, 3d sentences); added Nov. 3, 1988, Pub. L. 100–591, §3, 102 Stat. 3011.
44505(c)	49 App.:1353(c) (4th sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(c) (4th sentence); added Nov. 5, 1990, Pub. L. 101–508, §9209(c), 104 Stat. 1388–378.

In this section, the word “Administrator” in section 312(c) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 752) is retained on authority of 49:106(g).

In subsection (a)(1) and (3), the words “the armed forces” are substituted for “military agencies” and “the military” because of the definition of “armed forces” in 10:101.

In subsection (a)(3), the words “military department” are substituted for “military agency” because of the definition of “military department” in 10:101. The words “the needs of” and “to the maximum extent necessary” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (d), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2012—Subsec. (b)(6), (7). Pub. L. 112–95, §903(b), added pars. (6) and (7).

Subsecs. (d), (e). Pub. L. 112–95, §905, added subsec. (d) and redesignated former subsec. (d) as (e).

1994—Subsec. (d). Pub. L. 103–305 added subsec. (d).

Statutory Notes and Related Subsidiaries

RESEARCH AND DEPLOYMENT OF CERTAIN AIRFIELD PAVEMENT TECHNOLOGIES

Pub. L. 115–254, div. B, title VII, §744, Oct. 5, 2018, 132 Stat. 3413, provided that: “Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration may carry out a program for the research and development of aircraft pavement technologies under which the Administrator makes grants to, and enters into cooperative agreements with, institutions of higher education and nonprofit organizations that—

“(1) research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements;

“(2) develop and conduct training;

“(3) provide for demonstration projects; and

“(4) promote the latest airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.”

AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM

Pub. L. 112–95, title V, §507, Feb. 14, 2012, 126 Stat. 106, as amended by Pub. L. 115–254, div. B, title V, §539(c), Oct. 5, 2018, 132 Stat. 3372, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) of title 49, United States Code, to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

“(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

“(c) MAXIMUM AMOUNT.—Not more than a total of \$2,500,000 may be expended under the pilot program at any single public-use airport.”

RESEARCH PROGRAM ON RUNWAYS

Pub. L. 112–95, title IX, §904, Feb. 14, 2012, 126 Stat. 139, provided that: “Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] shall continue to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and pavement research organizations for research and technology demonstrations related to—

“(1) the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements; and

“(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.”

WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH

Pub. L. 112–95, title IX, §915, Feb. 14, 2012, 126 Stat. 144, provided that: “Not later than 60 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration] shall—

“(1) initiate an evaluation of proposals related to research on the nature of wake vortexes that would increase national airspace system capacity by reducing existing spacing requirements between aircraft of all sizes;

“(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

“(3) coordinate with NOAA [National Oceanic and Atmospheric Administration], NASA [National Aeronautics and Space Administration], and other appropriate Federal agencies to conduct research to reduce the hazards presented to commercial aviation related to—

“(A) ground de-icing and anti-icing, ice pellets, and freezing drizzle;

“(B) oceanic weather, including convective weather;

“(C) en route turbulence prediction and detection; and

“(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available.”

ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 108-176, title V, §505, Dec. 12, 2003, 117 Stat. 2559, required the Administrator of the Federal Aviation Administration to enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program and required that a report on the assessment be provided to Committees of Congress not later than 1 year after Dec. 12, 2003.

ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS

Pub. L. 108-176, title VII, §705, Dec. 12, 2003, 117 Stat. 2581, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

“(b) REPORT.—Within 1 year after the date of enactment of this Act [Dec. 12, 2003], the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science [now Committee on Science, Space, and Technology].”

USE OF RECYCLED MATERIALS

Pub. L. 106-181, title I, §157, Apr. 5, 2000, 114 Stat. 89, provided that:

“(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

“(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university

of higher education with expertise necessary to carry out the study.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a report on the results of the study, together with recommendations concerning the use of recycled materials in aviation pavement.

“(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed \$1,500,000 may be used to carry out this section.”

AIRFIELD PAVEMENT CONDITIONS

Pub. L. 106-181, title I, §160, Apr. 5, 2000, 114 Stat. 90, provided that:

“(a) EVALUATION OF OPTIONS.—The Administrator [of the Federal Aviation Administration] shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

“(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

“(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

“(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

“(b) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.”

PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS

Pub. L. 106-181, title III, §304, Apr. 5, 2000, 114 Stat. 122, provided that:

“(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation's air transportation system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

“(b) IN GENERAL.—Subject to the requirements of this section, the Secretary [of Transportation] shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

“(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

“(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than \$15,000,000 under the program.

“(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator [of the Federal Aviation Administration] and that promotes safety, efficiency, or mobility. Such projects may include—

“(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

“(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

“(C) facilities and equipment that enhance air-space control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

“(2) PROJECT SPONSOR.—The term ‘project sponsor’ means a public-use airport or a joint venture between a public-use airport and one or more air carriers.

“(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

“(h) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall issue advisory guidelines on the implementation of the program.”

AIRCRAFT DISPATCHERS

Pub. L. 106-181, title V, §516, Apr. 5, 2000, 114 Stat. 145, provided that:

“(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

“(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a report on the results of the study conducted under this section.”

OCCUPATIONAL INJURIES OF AIRPORT WORKERS

Pub. L. 106-181, title V, §520, Apr. 5, 2000, 114 Stat. 149, provided that:

“(a) STUDY.—The Administrator [of the Federal Aviation Administration] shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall transmit to Congress a report on the results of the study conducted under this section.”

ALKALI SILICA REACTIVITY DISTRESS

Pub. L. 106-181, title VII, §743, Apr. 5, 2000, 114 Stat. 175, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

“(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to,

or entering into a cooperative agreement with, a non-profit organization for the conduct of all or a part of the study.

“(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.”

RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS

Pub. L. 108-176, title VII, §704, Dec. 12, 2003, 117 Stat. 2581, provided that:

“(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

“(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

“(c) STATUTORY CONSTRUCTION.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.”

Pub. L. 106-181, title IX, §905, Apr. 5, 2000, 114 Stat. 196, provided that: “The Administrator [of the Federal Aviation Administration] shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.”

§ 44506. Air traffic controllers

(A) RESEARCH ON EFFECT OF AUTOMATION ON PERFORMANCE.—To develop the means necessary to establish appropriate selection criteria and training methodologies for the next generation of air traffic controllers, the Administrator of the Federal Aviation Administration shall conduct research to study the effect of automation on the performance of the next generation of air traffic controllers and the air traffic control system. The research shall include investigating—

(1) methods for improving and accelerating future air traffic controller training through the application of advanced training techniques, including the use of simulation technology;

(2) the role of automation in the air traffic control system and its physical and psychological effects on air traffic controllers;

(3) the attributes and aptitudes needed to function well in a highly automated air traffic control system and the development of appropriate testing methods for identifying individuals with those attributes and aptitudes;

(4) innovative methods for training potential air traffic controllers to enhance the benefits of automation and maximize the effectiveness of the air traffic control system; and

(5) new technologies and procedures for exploiting automated communication systems, including Mode S Transponders, to improve information transfers between air traffic controllers and aircraft pilots.

(b) RESEARCH ON HUMAN FACTOR ASPECTS OF AUTOMATION.—The Administrators of the Fed-

eral Aviation Administration and National Aeronautics and Space Administration may make an agreement for the use of the National Aeronautics and Space Administration's unique human factor facilities and expertise in conducting research activities to study the human factor aspects of the highly automated environment for the next generation of air traffic controllers. The research activities shall include investigating—

- (1) human perceptual capabilities and the effect of computer-aided decision making on the workload and performance of air traffic controllers;
- (2) information management techniques for advanced air traffic control display systems; and
- (3) air traffic controller workload and performance measures, including the development of predictive models.

(c) COLLEGIATE TRAINING INITIATIVE.—(1) The Administrator of the Federal Aviation Administration may maintain the Collegiate Training Initiative program by making new agreements and continuing existing agreements with institutions of higher education (as defined by the Administrator) under which the institutions prepare students for the position of air traffic controller with the Department of Transportation (as defined in section 2109 of title 5). The Administrator may establish standards for the entry of institutions into the program and for their continued participation.

(2)(A) The Administrator of the Federal Aviation Administration may appoint an individual who has successfully completed a course of training in a program described in paragraph (1) of this subsection to the position of air traffic controller noncompetitively in the excepted service (as defined in section 2103 of title 5). An individual appointed under this paragraph serves at the pleasure of the Administrator, subject to section 7511 of title 5. However, an appointment under this paragraph may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service (as defined in section 2102 of title 5) when the individual achieves full performance level air traffic controller status, as decided by the Administrator.

(B) The authority under subparagraph (A) of this paragraph to make appointments in the excepted service expires on October 6, 1997, except that the Administrator of the Federal Aviation Administration may extend the authority for one or more successive one-year periods.

(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

- (A) received a control tower operator certification (referred to in this subsection as a "CTO" certificate); and
- (B) satisfied all other applicable qualification requirements for an air traffic control specialist position, including successful completion of orientation training at the Federal Aviation Administration Academy.

(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

(3) REPORT.—Not later than 2 years after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase, to the maximum extent practicable, the number of appointments of candidates who possess such certification.

(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.

(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

- (i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;
- (ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and
- (iii) remain available until expended.

(e) STAFFING REPORT.—The Administrator of the Federal Aviation Administration shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

- (1) the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States;
- (2) a 3-year projection of the number of controllers needed to be employed to operate the system to meet the standards; and
- (3) a detailed plan for employing the controllers, including projected budget requests.

(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

- (1) CONSIDERATION OF APPLICANTS.—

(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controller, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

(i) a Federal Aviation Administration air traffic control facility;

(ii) a civilian or military air traffic control facility of the Department of Defense (including a facility of the National Guard); or

(iii) a tower operating under contract with the Federal Aviation Administration under section 47124.

(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—

(i) IN GENERAL.—After giving preferential consideration to applicants under subparagraph (A), the Administrator shall consider additional applicants for the position of air traffic controller by giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans' preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).

(ii) POOL 1.—Pool 1 applicants are individuals who—

(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

(aa) an appropriate recommendation; or

(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38 and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

(III) are eligible veterans (as defined in section 4211 of title 38) maintaining aviation experience obtained in the course of the individual's military experience; or

(IV) are preference eligible veterans (as defined in section 2108 of title 5).

(iii) POOL 2.—Pool 2 applicants are individuals who apply under a vacancy announcement recruiting from all United States citizens.

(C) SPECIAL RULE.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), after giving preferential consideration to applicants under subpara-

graph (A) and if, after consulting with the labor organization recognized as the exclusive representative of air traffic controllers under section 7111 of title 5, the Administrator determines there are unique circumstances affecting a covered facility that warrant a vacancy announcement with a limited area of consideration, the Administrator may consider applicants for the position of air traffic controller who apply under a vacancy announcement recruiting from the local commuting area for that covered facility.

(ii) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment with respect to an applicant under this subparagraph who would otherwise qualify as a Pool 1 applicant under subparagraph (B)(ii).

(iii) COVERED FACILITY DEFINED.—In this subparagraph the term “covered facility” means a radar facility with at least 1,000,000 operations annually that is located in a metropolitan statistical area (as defined by the Office of Management and Budget) with a population estimate by the Bureau of the Census of more than 15,000,000 (as of July 1, 2016).

(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

(A) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment when hiring under paragraph (1)(A) or paragraph (1)(B)(ii).

(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON BASIS OF BIOGRAPHICAL ASSESSMENTS.—

(i) IN GENERAL.—If an individual described in paragraph (1)(A) or paragraph (1)(B)(ii), who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA-AMC-14-ALLSRCE-33537 (issued on February 10, 2014), was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply for the position as soon as practicable under the revised hiring practices.

(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

(II) met the maximum age requirement on the date of the individual's previous application for the position during the interim hiring process.

(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, except for individuals covered by the program described in paragraph (4), the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traf-

fic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.

(4) **RETIRED MILITARY CONTROLLERS.**—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

(B) have held either an air traffic certification or air traffic control facility rating according to Administration standards within 5 years of applying for the appointment.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1178; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 112–95, title VI, §607, Feb. 14, 2012, 126 Stat. 114; Pub. L. 114–190, title II, §2106(a), July 15, 2016, 130 Stat. 620; Pub. L. 115–141, div. M, title I, §108, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 116–92, div. A, title XI, §§1132, 1133, Dec. 20, 2019, 133 Stat. 1615, 1616.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44506(a), (b)	49 App.:1353 (note).	Nov. 3, 1988, Pub. L. 100–591, §8(a)–(c), 102 Stat. 3015; Nov. 17, 1988, Pub. L. 100–685, §§601–603, 102 Stat. 4102.
44506(c)	49 App.:1348a.	Oct. 6, 1992, Pub. L. 102–388, §362, 106 Stat. 1560.
44506(d)	49 App.:1348 (note).	Oct. 31, 1992, Pub. L. 102–581, §120, 106 Stat. 4884.

In subsections (a) and (b), the text of section 8(a) and (b)(3) of the Aviation Safety Research Act of 1988 (Public Law 100–581, 102 Stat. 3015, 3016) and sections 601 and 602(3) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100–685, 102 Stat. 4102, 4103) is omitted as executed.

In subsection (c), the words “institutions of higher education” are substituted for “post-secondary educational institutions” for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Modernization and Reform Act of 2012, referred to in subsec. (d)(3), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2019—Subsec. (f)(1)(A)(ii). Pub. L. 116–92, §1133, inserted “(including a facility of the National Guard)” after “Department of Defense”.

Subsec. (f)(1)(B)(i). Pub. L. 116–92, §1132, substituted “giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans’ preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).” for “referring an approximately equal number of individuals for appointment among the 2 applicant pools described in this subparagraph. The number of individuals referred for consideration from each group shall not differ by more than 10 percent.”

2018—Subsec. (f)(1)(C). Pub. L. 115–141, §108(1), added subpar. (C).

Subsec. (f)(3). Pub. L. 115–141, §108(2)(A), inserted “except for individuals covered by the program described in paragraph (4),” after “section 3307 of title 5,”.

Subsec. (f)(4). Pub. L. 115–141, §108(2)(B), added par. (4).

2016—Subsec. (f). Pub. L. 114–190 added subsec. (f).

2012—Subsecs. (d), (e). Pub. L. 112–95 added subsec. (d) and redesignated former subsec. (d) as (e).

1996—Subsec. (d). Pub. L. 104–287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Statutory Notes and Related Subsidiaries

NOTIFICATION OF VACANCIES

Pub. L. 114–190, title II, §2106(b), July 15, 2016, 130 Stat. 622, provided that: “The Administrator of the Federal Aviation Administration shall consider directly notifying secondary schools and institutions of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of a vacancy announcement under section 44506(f)(1)(B)(iii) of title 49, United States Code.”

AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS

Pub. L. 112–95, title II, §224, Feb. 14, 2012, 126 Stat. 55, provided that: “As soon as practicable, and not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall—

“(1) ensure, to the extent practicable, a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators to allow for an increase in the number of air traffic controllers at air traffic control facilities;

“(2) distribute, to the extent practicable, the placement of certified professional air traffic controllers-in-training and developmental air traffic controllers at facilities evenly across the calendar year in order to avoid training bottlenecks;

“(3) initiate an analysis, to be conducted in consultation with the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of scheduling processes and practices, including overtime scheduling practices at those facilities;

“(4) provide, to the extent practicable and where appropriate, priority to certified professional air traffic controllers-in-training when filling staffing vacancies at facilities;

“(5) assess training programs at air traffic control facilities with below-average success rates to determine if training is being carried out in accordance with Administration standards, and conduct exit interview analyses with all candidates to determine potential weaknesses in training protocols, or in the execution of such training protocols; and

“(6) prioritize, to the extent practicable, such efforts to address the recommendations for the facilities identified in the Department of Transportation’s Office of the Inspector General Report Number: AV-2009-047.”

FACILITY TRAINING PROGRAM

Pub. L. 112–95, title VI, §609(b), Feb. 14, 2012, 126 Stat. 116, provided that: “Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator [of the Federal Aviation Administration] shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—

“(1) clarify responsibility for oversight and direction of the Academy’s facility training program at the national level;

“(2) communicate information concerning that responsibility to facility managers; and

“(3) establish standards to identify the number of developmental air traffic controllers that can be accommodated at each facility, based on—

“(A) the number of available on-the-job training instructors;

- “(B) available classroom space;
- “(C) the number of available simulators;
- “(D) training requirements; and
- “(E) the number of recently placed new personnel already in training.”

CONTROLLER STAFFING

Pub. L. 116–6, div. G, title I, Feb. 15, 2019, 133 Stat. 401, provided in part: “That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176 [set out below].”

Similar provisions were contained in the following appropriation acts:

Pub. L. 117–328, div. L, title I, Dec. 29, 2022, 136 Stat. 5102.

Pub. L. 117–103, div. L, title I, Mar. 15, 2022, 136 Stat. 691.

Pub. L. 116–260, div. L, title I, Dec. 27, 2020, 134 Stat. 1830.

Pub. L. 116–94, div. H, title I, Dec. 20, 2019, 133 Stat. 2940.

Pub. L. 115–141, div. L, title I, Mar. 23, 2018, 132 Stat. 977.

Pub. L. 115–31, div. K, title I, May 5, 2017, 131 Stat. 730.

Pub. L. 114–113, div. L, title I, Dec. 18, 2015, 129 Stat. 2839.

Pub. L. 113–235, div. K, title I, Dec. 16, 2014, 128 Stat. 2700.

Pub. L. 113–76, div. L, title I, Jan. 17, 2014, 128 Stat. 578.

Pub. L. 112–55, div. C, title I, Nov. 18, 2011, 125 Stat. 645.

Pub. L. 111–117, div. A, title I, Dec. 16, 2009, 123 Stat. 3039.

Pub. L. 111–8, div. I, title I, Mar. 11, 2009, 123 Stat. 918.

Pub. L. 110–161, div. K, title I, Dec. 26, 2007, 121 Stat. 2378.

Pub. L. 108–176, title II, §221, Dec. 12, 2003, 117 Stat. 2526, provided that:

“(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

“(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

“(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office [now Government Accountability Office].

“(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Administrator shall complete development of the strategy.

“(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.”

§ 44507. Regions and centers

(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil Aeromedical Institute established by section 106(j) of this title may—

(1) conduct civil aeromedical research, including research related to—

- (A) the protection and survival of aircraft occupants;
- (B) medical accident investigation and airman medical certification;

(C) toxicology and the effects of drugs on human performance;

(D) the impact of disease and disability on human performance;

(E) vision and its relationship to human performance and equipment design;

(F) human factors of flight crews, air traffic controllers, mechanics, inspectors, airway facility technicians, and other individuals involved in operating and maintaining aircraft and air traffic control equipment; and

(G) agency work force optimization, including training, equipment design, reduction of errors, and identification of candidate tasks for automation;

(2) make comments to the Administrator of the Federal Aviation Administration on human factors aspects of proposed air safety regulations;

(3) make comments to the Administrator on human factors aspects of proposed training programs, equipment requirements, standards, and procedures for aviation personnel;

(4) advise, assist, and represent the Federal Aviation Administration in the human factors aspects of joint projects between the Administration and the National Aeronautics and Space Administration, other departments, agencies, and instrumentalities of the United States Government, industry, and governments of foreign countries; and

(5) provide medical consultation services to the Administrator about medical certification of airmen.

(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The Secretary of Transportation shall define the roles and responsibilities of the William J. Hughes Technical Center in a manner that is consistent with the defined roles and responsibilities of the Civil Aeromedical Institute under subsection (a).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1179; Pub. L. 115–254, div. B, title V, §524(a), Oct. 5, 2018, 132 Stat. 3363.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44507	49 App.1353(e).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(e); added Nov. 3, 1988, Pub. L. 100–591, §5(b), 102 Stat. 3013.

In clause (4), the words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Government agencies” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted “Regions and centers” for “Civil aeromedical research” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

§ 44508. Research advisory committee

(a) ESTABLISHMENT AND DUTIES.—(1) There is a research advisory committee in the Federal Aviation Administration. The committee shall—

(A) provide advice and recommendations to the Administrator of the Federal Aviation Administration and Congress about needs, objectives, plans, approaches, content, and accomplishments of all aviation research and development activities and programs carried out, including those under sections 40119,¹ 44504, 44505, 44507, 44511–44513, and 44912 of this title;

(B) assist in ensuring that the research is coordinated with similar research being conducted outside the Administration;

(C) review the operations of the regional centers of air transportation excellence established under section 44513 of this title; and

(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).

(2) The Administrator may establish subordinate committees to provide advice on specific areas of research conducted under sections 40119,¹ 44504, 44505, 44507, 44511–44513, and 44912 of this title.

(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

(1) The committee is composed of not more than 30 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. In appointing members of the committee, the Administrator shall ensure that the regional centers of air transportation excellence, universities, corporations, associations, consumers, and other departments, agencies, and instrumentalities of the United States Government are represented.

(2) The Administrator shall designate the chairman of the committee.

(3) A member of the committee serves without pay. However, the Administrator may allow a member, when attending meetings of the committee or a subordinate committee, expenses as authorized under section 5703 of title 5.

(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

(d) NONAPPLICATION.—Section 1013 of title 5 does not apply to the committee.

(e) USE AND LIMITATION OF AMOUNTS.—(1) Not more than .1 percent of the amounts made available to conduct research under sections 40119,¹ 44504, 44505, 44507, 44511–44513, and 44912 of this title may be used by the Administrator to carry out this section.

(2) A limitation on amounts available for obligation by or for the committee does not apply to amounts made available to carry out this section.

¹ See References in Text note below.

(f) WRITTEN REPLY.—

(1) IN GENERAL.—Not later than 60 days after receiving any recommendation from the research advisory committee, the Administrator shall provide a written reply to the research advisory committee that, at a minimum—

(A) clearly states whether the Administrator accepts or rejects the recommendation;

(B) explains the rationale for the Administrator’s decision;

(C) sets forth the timeframe in which the Administrator will implement the recommendation; and

(D) describes the steps the Administrator will take to implement the recommendation.

(2) TRANSPARENCY.—The written reply to the research advisory committee, when transmitted to the research advisory committee, shall be—

(A) made publicly available on the research advisory committee website; and

(B) transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) NATIONAL AVIATION RESEARCH PLAN.—The national aviation research plan required under section 44501(c) shall include a summary of all research advisory committee recommendations and a description of the status of their implementation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1180; Pub. L. 104–264, title XI, §1104, Oct. 9, 1996, 110 Stat. 3279; Pub. L. 115–254, div. B, title VII, §712, Oct. 5, 2018, 132 Stat. 3410; Pub. L. 117–286, §4(a)(313), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44508(a)(1) ..	49 App.:1353(f)(1), (2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(f); added Nov. 3, 1988, Pub. L. 100–591, §6, 102 Stat. 3013; Nov. 5, 1990, Pub. L. 101–508, §9209(b), 104 Stat. 1388–377.
44508(a)(2) ..	49 App.:1353(f)(6) (last sentence).	
44508(b)	49 App.:1353(f)(3)–(5).	
44508(c)	49 App.:1353(f)(6) (1st sentence), (7).	
44508(d)	49 App.:1353(f)(3).	
44508(e)	49 App.:1353(f)(9).	

In subsection (a)(1), before clause (A), the words “There is a” are substituted for “Not later than 180 days after November 3, 1988, the Administrator shall establish” to eliminate obsolete words. In clause (C), the words “operations of” are substituted for “research and training to be carried out by” for consistency with section 44513 of the revised title.

In subsection (a)(2), the words “to the advisory committee” are omitted as surplus.

In subsection (b)(1), the words “departments, agencies, and instrumentalities” are substituted for “agencies” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(3), the words “travel or transportation” are omitted as surplus.

In subsection (e), the words “for fiscal years beginning after September 30, 1988” are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsecs. (a)(1)(A), (2) and (e)(1), was repealed by Pub. L. 115-254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

AMENDMENTS

2022—Subsec. (d). Pub. L. 117-286 substituted “Section 1013 of title 5” for “Section 14 of the Federal Advisory Committee Act (5 App. U.S.C.)”.

2018—Subsec. (a)(1)(A). Pub. L. 115-254, §712(a), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “provide advice and recommendations to the Administrator of the Federal Aviation Administration about needs, objectives, plans, approaches, content, and accomplishments of the aviation research program carried out under sections 40119, 44504, 44505, 44507, 44511-44513, and 44912 of this title;”.

Subsec. (f). Pub. L. 115-254, §712(b), added subsec. (f). 1996—Subsec. (a)(1)(D). Pub. L. 104-264 added subpar. (D).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

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

§ 44509. Demonstration projects

The Secretary of Transportation may carry out under this chapter demonstration projects that the Secretary considers necessary for research and development activities under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1181.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44509	49 App.:2205(b)(1).	Sept. 3, 1982, Pub. L. 97-248, §506(b)(1), 96 Stat. 678; re-stated Dec. 30, 1987, Pub. L. 100-223, §105(b)(1), 101 Stat. 1490.

§ 44510. Airway science curriculum grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make competitive grant agreements with institutions of higher education having airway science curricula for the United States Government’s share of the allowable direct costs of the following categories of items to the extent that the items are in support of airway science curricula:

- (1) the construction, purchase, or lease with an option to purchase, of buildings and associated facilities.
- (2) instructional material and equipment.

(b) COST GUIDELINES.—The Administrator shall establish guidelines to determine the direct costs allowable under a grant to be made under this section. The Government’s share of the allowable cost of a project assisted by a grant under this section may not be more than 65 percent.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1181.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44510(a)	49 App.:1354a (1st sentence).	Nov. 5, 1990, Pub. L. 101-516, (1st sentence last proviso, 3d, last sentences in par. under heading “Facilities and Equipment”), 104 Stat. 2160. Oct. 28, 1991, Pub. L. 102-143, (1st sentence last proviso, 3d, last sentences in par. under heading “Facilities and Equipment”), 105 Stat. 922. Oct. 6, 1992, Pub. L. 102-388, (1st sentence last proviso, 3d, last sentences in par. under heading “Facilities and Equipment”), 106 Stat. 1525.
44510(b)	49 App.:1354a (3d, last sentences).	

In subsection (a), before clause (1), the words “With appropriations made for the Airway Science Program, as authorized below in this section” are omitted as unnecessary because of section 48106 of the revised title. In subsection (b), the proviso is omitted as executed.

§ 44511. Aviation research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations to conduct aviation research in areas the Administrator considers necessary for the long-term growth of civil aviation.

(b) APPLICATIONS.—An institution of higher education or nonprofit research organization interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information the Administrator requires.

(c) SOLICITATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, review, and evaluation process that ensures—

- (1) providing grants under this section for proposals having adequate merit and relevancy to the mission of the Administration;
- (2) a fair geographical distribution of grants under this section; and
- (3) the inclusion of historically black institutions of higher education and other minority nonprofit research organizations for grant consideration under this section.

(d) RECORDS.—Each person receiving a grant under this section shall maintain records that the Administrator requires as being necessary to facilitate an effective audit and evaluation of the use of money provided under the grant.

(e) ANNUAL REPORT.—The Administrator shall submit an annual report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on carrying out this section.

(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

- (1) ESTABLISHMENT.—The Secretary of Transportation shall maintain an airport cooperative research program to—
 - (A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not

being adequately addressed by existing Federal research programs; and

(B) fund research to address those problems.

(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 1013 of title 5 shall not apply to the governing board.

(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

(4) REPORT.—Not later than September 30, 2012, the Secretary shall transmit to the Congress a report on the program.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1181; Pub. L. 104–287, §5(74), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 108–176, title VII, §712, Dec. 12, 2003, 117 Stat. 2586; Pub. L. 112–95, title IX, §906, Feb. 14, 2012, 126 Stat. 139; Pub. L. 117–286, §4(a)(314), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44511	49 App.:1353(g).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(g); added Nov. 5, 1990, Pub. L. 101–508, §9205(a), 104 Stat. 1388–373.

In this section, the words “institutions of higher education” and “institution of higher education” are substituted for “colleges, universities”, “university, college”, and “colleges and universities” for consistency in the revised title.

In subsection (c), the words “providing grants” are substituted for “the funding”, the word “grants” is substituted for “grant funds”, and the words “grant consideration” are substituted for “funding consideration”, for consistency in the revised title.

In subsection (d), the words “money provided under the grant” are substituted for “grant funds” for consistency.

Editorial Notes

AMENDMENTS

2022—Subsec. (f)(2). Pub. L. 117–286 substituted “Section 1013 of title 5” for “Section 14 of the Federal Advisory Committee Act”.

2012—Subsec. (f)(1). Pub. L. 112–95, §906(1), substituted “maintain an” for “establish a 4-year pilot” in introductory provisions.

Subsec. (f)(4). Pub. L. 112–95, §906(2), substituted “Not later than September 30, 2012,” for “Not later than 6 months after the expiration of the program under this subsection,” and “program” for “program, including recommendations as to the need for establishing a permanent airport cooperative research program”.

2003—Subsec. (f). Pub. L. 108–176 added subsec. (f).

1996—Subsec. (e). Pub. L. 104–287 substituted “Committee on Science” for “Committee on Science, Space, and Technology”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2003 AMENDMENT

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

§ 44512. Catastrophic failure prevention research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations—

(1) to conduct aviation research related to the development of technologies and methods to assess the risk of, and prevent, defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft; and

(2) to establish centers of excellence for continuing the research.

(b) SOLICITATION, APPLICATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, application, review, and evaluation process that ensures providing grants under this section for proposals having adequate merit and relevancy to the research described in subsection (a) of this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1182.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44512	49 App.:1353(h).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §312(h); added Nov. 5, 1990, Pub. L. 101–508, §9208(b), 104 Stat. 1388–376.

In this section, the words “institutions of higher education” are substituted for “colleges, universities” for consistency in the revised title.

In subsection (b), the words “providing grants” are substituted for “the funding” for consistency in the revised title.

§ 44513. Regional centers of air transportation excellence

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education to establish and operate regional centers of air transportation excellence. The locations shall be distributed in a geographically fair way.

(b) RESPONSIBILITIES.—(1) The responsibilities of each center established under this section shall include—

(A) conducting research on—

(i) airspace and airport planning and design;

- (ii) airport capacity enhancement techniques;
- (iii) human performance in the air transportation environment;
- (iv) aviation safety and security;
- (v) the supply of trained air transportation personnel, including pilots and mechanics; and
- (vi) other aviation issues related to developing and maintaining a safe and efficient air transportation system; and

(B) interpreting, publishing, and disseminating the results of the research.

(2) In conducting research described in paragraph (1)(A) of this subsection, each center may make contracts with nonprofit research organizations and other appropriate persons.

(c) APPLICATIONS.—An institution of higher education interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information that the Administrator requires by regulation.

(d) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this section on the basis of the following criteria:

(1) the extent to which the needs of the State in which the applicant is located are representative of the needs of the region for improved air transportation services and facilities.

(2) the demonstrated research and extension resources available to the applicant to carry out this section.

(3) the ability of the applicant to provide leadership in making national and regional contributions to the solution of both long-range and immediate air transportation problems.

(4) the extent to which the applicant has an established air transportation program.

(5) the demonstrated ability of the applicant to disseminate results of air transportation research and educational programs through a statewide or regionwide continuing education program.

(6) the projects the applicant proposes to carry out under the grant.

(e) EXPENDITURE AGREEMENTS.—A grant may be made under this section in a fiscal year only if the recipient makes an agreement with the Administrator that the Administrator requires to ensure that the recipient will maintain its total expenditures from all other sources for establishing and operating the center and related research activities at a level at least equal to the average level of those expenditures in the 2 fiscal years of the recipient occurring immediately before November 5, 1990.

(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for a fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.

(g) ALLOCATING AMOUNTS.—The Administrator shall allocate amounts made available to carry out this section in a geographically fair way.

(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each center in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each research project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1182; Pub. L. 112-95, title IX, § 907, Feb. 14, 2012, 126 Stat. 140.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44513	49 App.:1353(i).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §312(i); added Nov. 5, 1990, Pub. L. 101-508, §9209(a), 104 Stat. 1388-376.

In this section, the words "institutions of higher education" and "institution of higher education" are substituted for "colleges or universities" and "college or university" for consistency in the revised title.

In subsection (a), the words "one or more" are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Subsec. (f). Pub. L. 112-95, §907(a), amended subsec. (f) generally. Prior to amendment, text read as follows: "The United States Government's share of a grant under this section is 50 percent of the costs of establishing and operating the center and related research activities that the grant recipient carries out."

Subsec. (h). Pub. L. 112-95, §907(b), added subsec. (h).

Statutory Notes and Related Subsidiaries

FAA CENTER OF EXCELLENCE FOR AUTOMATED SYSTEMS AND HUMAN FACTORS IN AIRCRAFT

Pub. L. 116-260, div. V, title I, §127, Dec. 27, 2020, 134 Stat. 2348, provided that:

"(a) IN GENERAL.—The Administrator shall develop or expand a Center of Excellence focused on automated systems and human factors in transport category aircraft.

"(b) DUTIES.—The Center of Excellence shall, as appropriate—

"(1) facilitate collaboration among academia, the FAA, and the aircraft and airline industries, including aircraft, engine, and equipment manufacturers, air carriers, and representatives of the pilot community;

"(2) establish goals for research in areas of study relevant to advancing technology, improving engineering practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex systems in commercial aircraft, including continuing education and training;

"(3) examine issues related to human system integration and flight crew and aircraft interfaces, in-

cluding tools and methods to support the integration of human factors considerations into the aircraft design and certification process; and

“(4) review safety reports to identify potential human factors issues for research.

“(c) AVOIDING DUPLICATION OF WORK.—In developing or expanding the Center of Excellence, the Administrator shall ensure the work of the Center of Excellence does not duplicate or overlap with the work of any other established center of excellence.

“(d) MEMBER PRIORITIZATION.—

“(1) IN GENERAL.—The Administrator, when developing or expanding the Center of Excellence, shall prioritize the inclusion of subject-matter experts whose professional experience enables them to be objective and impartial in their contributions to the greatest extent possible.

“(2) REPRESENTATION.—The Administrator shall require that the membership of the Center of Excellence reflect a balanced viewpoint across broad disciplines in the aviation industry.

“(3) DISCLOSURE.—Any member of the Center of Excellence who is a Boeing Company or FAA employee who participated in the certification of the Maneuvering Characteristics Augmentation System for the 737 MAX-8 airplane must disclose such involvement to the FAA prior to performing any work on behalf of the FAA.

“(4) TRANSPARENCY.—In developing or expanding the Center of Excellence, the Administrator shall develop procedures to facilitate transparency and appropriate maintenance of records to the maximum extent practicable.

“(5) COORDINATION.—Nothing in this section shall preclude coordination and collaboration between the Center of Excellence developed or expanded under this section and any other established center of excellence.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$2,000,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.”

[For definitions of terms used in section 127 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH

Pub. L. 112-95, title IX, §908, Feb. 14, 2012, 126 Stat. 140, provided that:

“(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator [of the Federal Aviation Administration] may establish a center of excellence to conduct research on—

“(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

“(2) any other aviation human resource issue pertinent to developing and maintaining a safe and efficient air transportation system.

“(b) ACTIVITIES.—Activities conducted under this section may include the following:

“(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

“(2) Research and development of best practices for recruitment of individuals into the aviation field for mission critical positions.

“(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

“(4) Research and the development of a comprehensive assessment of the airframe and power plant technician certification process and its effect on employment trends.

“(5) Evaluation of aviation maintenance technician school environments.

“(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.”

§ 44514. Flight service stations

(a) HOURS OF OPERATION.—(1) The Secretary of Transportation may close, or reduce the hours of operation of, a flight service station in an area only if the service provided in the area after the closing or during the hours the station is not in operation is provided by an automated flight service station with at least model 1 equipment.

(2) The Secretary shall reopen a flight service station closed after March 24, 1987, but before July 15, 1987, as soon as practicable if the service in the area in which the station is located has not been provided since the closing by an automatic flight service station with at least model 1 equipment. The hours of operation for the reopened station shall be the same as were the hours of operation for the station on March 25, 1987. After reopening the station, the Secretary may close, or reduce the hours of operation of, the station only as provided in paragraph (1) of this subsection.

(b) MANNED AUXILIARY STATIONS.—The Secretary and the Administrator of the Federal Aviation Administration shall establish a system of manned auxiliary flight service stations. The manned auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. A manned auxiliary flight service station shall be located in an area of unique weather or operational conditions that are critical to the safety of flight.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44514(a)	49 App.:2224.	Sept. 3, 1982, Pub. L. 97-248, §528, 96 Stat. 699; restated Dec. 30, 1987, Pub. L. 100-223, §113, 101 Stat. 1505.
44514(b)	49 App.:1348 (notes).	Nov. 5, 1990, Pub. L. 101-508, §9115, 104 Stat. 1388-364. Nov. 5, 1990, Pub. L. 101-516, §330(a), 104 Stat. 2184.

In subsection (a)(1), the words “On or after July 15, 1987” are omitted as obsolete.

In subsection (a)(2), the words “after December 30, 1987” are omitted as obsolete. The words “the date of” are omitted as surplus.

In subsection (b), the text of section 9115(b) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, 104 Stat. 1388-364) and section 330(a) (last sentence) of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516, 104 Stat. 2184) is omitted as obsolete.

§ 44515. Advanced training facilities for maintenance technicians for air carrier aircraft

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may

make grants to not more than 4 vocational technical educational institutions to acquire or construct facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) **ELIGIBILITY.**—The Administrator may make a grant under this section to a vocational technical educational institution only if the institution has a training curriculum that prepares aircraft maintenance technicians who hold airframe and power plant certificates under subpart D of part 65 of title 14, Code of Federal Regulations, to maintain, without direct supervision, air carrier aircraft.

(c) **LIMITATION.**—A vocational technical educational institution may not receive more than a total of \$5,000,000 in grants under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1184.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44515	49 App.:1354 (note).	Oct., 31, 1992, Pub. L. 102–581, §119(a)–(c), 106 Stat. 4883.

The words “vocational technical educational institution” are used throughout this section for consistency in this section.

Statutory Notes and Related Subsidiaries

PROMOTING AVIATION REGULATIONS FOR TECHNICAL TRAINING

Pub. L. 116–260, div. V, title I, §135, Dec. 27, 2020, 134 Stat. 2356, provided that:

“(a) **NEW REGULATIONS REQUIRED.**—

“(1) **INTERIM FINAL REGULATIONS.**—Not later than 90 days after the date of enactment of this section [Dec. 27, 2020], the Administrator [of the Federal Aviation Administration] shall issue interim final regulations to establish requirements for issuing aviation maintenance technician school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings in accordance with the requirements of this section.

“(2) **REPEAL OF CURRENT REGULATIONS.**—Upon the effective date of the interim final regulations required under paragraph (1), part 147 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this title) and any regulations issued under section 624 of the FAA Reauthorization Act of 2018 (Public Law 115–254) [set out below] shall have no force or effect on or after the effective date of such interim final regulations.

“(b) **AVIATION MAINTENANCE TECHNICIAN SCHOOL CERTIFICATION REQUIRED.**—No person may operate an aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate and the operations specifications issued under the interim final regulations required under subsection (a)(1), the requirements of this section, or in a manner that is inconsistent with information in the school’s operations specifications under subsection (c)(5).

“(c) **CERTIFICATE AND OPERATIONS SPECIFICATIONS REQUIREMENTS.**—

“(1) **APPLICATION REQUIREMENTS.**—

“(A) **IN GENERAL.**—An application for a certificate or rating to operate an aviation maintenance technician school shall include the following:

“(i) A description of the facilities, including the physical address of the certificate holder’s primary location for operation of the school, any additional fixed locations where training will be

provided, and the equipment and materials to be used at each location.

“(ii) A description of the manner in which the school’s curriculum will ensure the student has the knowledge and skills necessary for attaining a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

“(iii) A description of the manner in which the school will ensure it provides the necessary qualified instructors to meet the requirements of subsection (d)(4).

“(B) **DOCUMENTED IN THE SCHOOL’S OPERATIONS SPECIFICATIONS.**—Upon issuance of the school’s certificate or rating, the information required under subparagraph (A) shall be documented in the school’s operations specifications.

“(2) **CHANGE APPLICATIONS.**—

“(A) **IN GENERAL.**—An application for an additional rating or amended certificate shall include only the information necessary to substantiate the reason for the requested additional rating or change.

“(B) **APPROVED CHANGES.**—Any approved changes shall be documented in the school’s operations specifications.

“(3) **DURATION.**—An aviation maintenance technician school certificate or rating issued under the interim final regulations required under subsection (a)(1) shall be effective from the date of issue until the certificate or rating is surrendered, suspended, or revoked.

“(4) **CERTIFICATE RATINGS.**—An aviation maintenance technician school certificate issued under the interim final regulations required under subsection (a)(1) shall specify which of the following ratings are held by the aviation maintenance technician school:

“(A) Airframe.

“(B) Powerplant.

“(C) Airframe and Powerplant.

“(5) **OPERATIONS SPECIFICATIONS.**—A certificated aviation maintenance technician school shall operate in accordance with operations specifications that include the following:

“(A) The certificate holder’s name.

“(B) The certificate holder’s air agency certificate number.

“(C) The name and contact information of the certificate holder’s primary point of contact.

“(D) The physical address of the certificate holder’s primary location, as provided under paragraph (1)(A).

“(E) The physical address of any additional location of the certificate holder, as provided under subsection (d)(2).

“(F) The ratings held, as provided under paragraph (4).

“(G) Any regulatory exemption granted to the school by the Administrator.

“(d) **OPERATIONS REQUIREMENTS.**—

“(1) **FACILITIES, EQUIPMENT, AND MATERIAL REQUIREMENTS.**—Each certificated aviation maintenance technician school shall provide and maintain the facilities, equipment, and materials that are appropriate to the 1 or more ratings held by the school and the number of students taught.

“(2) **TRAINING PROVIDED AT ANOTHER LOCATION.**—A certificated aviation maintenance technician school may provide training at any additional location that meets the requirements of the interim final regulations required under subsection (a)(1) and is listed in the certificate holder’s operations specifications.

“(3) **TRAINING REQUIREMENTS.**—Each certificated aviation maintenance technician school shall—

“(A) establish, maintain, and utilize a curriculum designed to continually align with mechanic airman certification standards as appropriate for the ratings held;

“(B) provide training of a quality that meets the requirements of subsection (f)(1); and

“(C) ensure students have the knowledge and skills necessary to be eligible to test for a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

“(4) INSTRUCTOR REQUIREMENTS.—Each certificated aviation maintenance technician school shall—

“(A) provide qualified instructors to teach in a manner that ensures positive educational outcomes are achieved;

“(B) ensure instructors hold a mechanic certificate with 1 or more appropriate ratings (or, with respect to instructors who are not certified mechanics, ensure instructors are otherwise specifically qualified to teach their assigned content); and

“(C) ensure the student-to-instructor ratio does not exceed 25:1 for any shop class.

“(5) CERTIFICATE OF COMPLETION.—Each certificated aviation maintenance technician school shall provide authenticated documentation to each graduating student, indicating the student’s date of graduation and curriculum completed, as described in paragraph (3)(A).

“(e) QUALITY CONTROL SYSTEM.—

“(1) ACCREDITATION.—Each aviation maintenance technician school shall—

“(A) be accredited as meeting the definition of an institution of higher education provided for in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(B) establish and maintain a quality control system that meets the requirements specified in paragraph (2) and is approved by the Administrator.

“(2) FAA-APPROVED SYSTEM REQUIREMENTS.—In the case of an aviation maintenance technician school that is not accredited as set forth in paragraph (1), the Administrator shall approve a quality control system that provides procedures for recordkeeping, assessment, issuing credit, issuing of final course grades, attendance, ensuring sufficient number of instructors, granting of graduation documentation, and corrective action for addressing deficiencies.

“(f) ADDITIONAL REQUIREMENTS.—

“(1) MINIMUM PASSAGE RATE.—A certificated aviation maintenance technician school shall maintain a pass rate of at least 70 percent of students who took a written, oral, or practical (or any combination thereof) FAA mechanic tests within 60 days of graduation for the most recent 3-year period.

“(2) FAA INSPECTION.—A certificated aviation maintenance technician school shall allow the Administrator such access as the Administrator determines necessary to inspect the 1 or more locations of the school for purposes of determining the school’s compliance with the interim final regulations required under subsection (a)(1), the procedures and information outlined in the school’s operations specifications according to subsection (c)(5), and the aviation maintenance technician school certificate issued for the school.

“(3) DISPLAY OF CERTIFICATE.—A certificated aviation maintenance technician school shall display its aviation maintenance technician school certificate at a location in the school that is visible by and normally accessible to the public.

“(4) EARLY TESTING.—A certificated aviation maintenance technician school may issue authenticated documentation demonstrating a student’s satisfactory progress, completion of corresponding portions of the curriculum, and preparedness to take the aviation mechanic written general knowledge test, even if the student has not met the experience requirements of section 65.77 of title 14, Code of Federal Regulations (or any successor regulation). Any such documentation shall specify the curriculum the student completed and the completion date.”

AVIATION MAINTENANCE INDUSTRY TECHNICAL WORKFORCE

Pub. L. 115-254, div. B, title VI, § 624, Oct. 5, 2018, 132 Stat. 3404, provided that:

“(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall issue a final rule to modernize training programs at aviation maintenance technician schools governed by part 147 of title 14, Code of Federal Regulations.

“(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall coordinate with government, educational institutions, labor organizations representing aviation maintenance workers, and businesses to develop and publish guidance or model curricula for aviation maintenance technician schools referred to in subsection (a) to ensure workforce readiness for industry needs, including curricula related to training in avionics, troubleshooting, and other areas of industry needs.

“(c) REVIEW AND PERIODIC UPDATES.—The Administrator shall—

“(1) ensure training programs referred to in subsection (a) are revised and updated in correlation with aviation maintenance technician airman certification standards as necessary to reflect current technology and maintenance practices; and

“(2) publish updates to the guidance or model curricula required under subsection (b) at least once every 2 years, as necessary, from the date of initial publication.

“(d) REPORT TO CONGRESS.—If the Administrator does not issue such final rule by the deadline specified in subsection (a), the Administrator shall, not later than 30 days after such deadline, submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report containing—

“(1) an explanation as to why such final rule was not issued by such deadline; and

“(2) a schedule for issuing such final rule.

“(e) STUDY.—The Comptroller General of the United States shall conduct a study on technical workers in the aviation maintenance industry.

“(f) CONTENTS.—In conducting the study under subsection (e), the Comptroller General shall—

“(1) analyze the current Standard Occupational Classification system with regard to the aviation profession, particularly technical workers in the aviation maintenance industry;

“(2) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect government data on unemployment rates and wages;

“(3) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect projections for future aviation maintenance industry workforce needs and project technical worker shortfalls;

“(4) analyze the impact of Federal regulation, including Federal Aviation Administration oversight of certification, testing, and education programs, on employment of technical workers in the aviation maintenance industry;

“(5) develop recommendations on how Federal Aviation Administration regulations and policies could be improved to modernize training programs at aviation maintenance technical schools and address aviation maintenance industry needs for technical workers;

“(6) develop recommendations for better coordinating actions by government, educational institutions, and businesses to support workforce growth in the aviation maintenance industry; and

“(7) develop recommendations for addressing the needs for government funding, private investment, equipment for training purposes, and other resources necessary to strengthen existing training programs or develop new training programs to support workforce growth in the aviation industry.

“(g) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) AVIATION MAINTENANCE INDUSTRY.—The term ‘aviation maintenance industry’ means repair stations certificated under part 145 of title 14, Code of Federal Regulations.

“(2) TECHNICAL WORKER.—The term ‘technical worker’ means an individual authorized under part 43 of title 14, Code of Federal Regulations, to maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or component part or employed by an entity so authorized to perform such a function.”

IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

Pub. L. 108-176, title V, §504, Dec. 12, 2003, 117 Stat. 2559, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rule-making or by issuing an advisory circular or other agency guidance.

“(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

“(c) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

“(d) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act [Dec. 12, 2003].

“(e) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.”

IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS

Pub. L. 106-181, title V, §517, Apr. 5, 2000, 114 Stat. 145, provided that: “The Administrator [of the Federal Aviation Administration] shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.”

§ 44516. Human factors program

(a) HUMAN FACTORS TRAINING.—

(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

(A) address the problems and concerns raised by the National Research Council in its report “The Future of Air Traffic Control” on air traffic control automation; and

(B) respond to the recommendations made by the National Research Council.

(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

(D) in landing and approaches, including nonprecision approaches and go-around procedures.

(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration’s efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term “advanced qualification program” means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.

(Added Pub. L. 106-181, title VII, §713(a), Apr. 5, 2000, 114 Stat. 160.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 106-181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

HUMAN FACTORS EDUCATION PROGRAM

Pub. L. 116-260, div. V, title I, §124, Dec. 27, 2020, 134 Stat. 2346, provided that:

“(a) HUMAN FACTORS EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Administrator shall develop a human factors education program that addresses the effects of modern flight deck systems, including automated systems, on human performance for transport airplanes and the approaches for better integration of human factors in aircraft design and certification.

“(2) TARGET AUDIENCE.—The human factors education program shall be integrated into the training protocols (as in existence as of the date of enactment of this title [Dec. 27, 2020]) for, and be routinely administered to, the following:

“(A) Appropriate employees within the Flight Standards Service.

“(B) Appropriate employees within the Aircraft Certification Service.

“(C) Other employees or authorized representatives determined to be necessary by the Administrator.

“(b) TRANSPORT AIRPLANE MANUFACTURER INFORMATION SHARING.—The Administrator shall—

“(1) require each transport airplane manufacturer to provide the Administrator with the information or findings necessary for flight crew to be trained on flight deck systems;

“(2) ensure the information or findings under paragraph (1) adequately includes consideration of human factors; and

“(3) ensure that each transport airplane manufacturer identifies any technical basis, justification or rationale for the information and findings under paragraph (1).”

[For definitions of “Administrator” and “transport airplanes” as used in section 124 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

§ 44517. Program to permit cost sharing of air traffic modernization projects

(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation’s air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than \$5,000,000 in Federal funds under the program.

(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT.—The term “eligible project” means a project to purchase equipment or software relating to the Nation’s air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term “project sponsor” means any major user of the national

airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

(f) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

(g) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.

(Added Pub. L. 108-176, title I, §183(a), Dec. 12, 2003, 117 Stat. 2516.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 44518. Advanced Materials Center of Excellence

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue operation of the Advanced Materials Center of Excellence (referred to in this section as the “Center”) under its structure as in effect on March 1, 2016, which shall focus on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

(b) RESPONSIBILITIES.—The Center shall—

(1) promote and facilitate collaboration among academia, the Transportation Division of the Federal Aviation Administration, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(c) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 48102(a), the Administrator may expend not more than \$10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for each fiscal year shall remain available until expended.

(Added Pub. L. 115-254, div. B, title VII, §762(a), Oct. 5, 2018, 132 Stat. 3428; amended Pub. L. 116-260, div. V, title I, §134, Dec. 27, 2020, 134 Stat. 2356.)

AMENDMENTS

2020—Subsec. (c). Pub. L. 116-260 added subsec. (c).

§ 44519. Certification personnel continuing education and training

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall—

(1) develop a program for regular recurrent training of engineers, inspectors, and other subject-matter experts employed in the Aircraft Certification Service of the Administration in accordance with the training strategy developed pursuant to section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256);

(2) to the maximum extent practicable, implement measures, including assignments in multiple divisions of the Aircraft Certification Service, to ensure that such engineers and other subject-matter experts in the Aircraft Certification Service have access to diverse professional opportunities that expand their knowledge and skills;

(3) develop a program to provide continuing education and training to Administration personnel who hold positions involving aircraft certification and flight standards, including human factors specialists, engineers, flight test pilots, inspectors, and, as determined appropriate by the Administrator, industry personnel who may be responsible for compliance activities including designees; and

(4) in consultation with outside experts, develop—

(A) an education and training curriculum on current and new aircraft technologies, human factors, project management, and the roles and responsibilities associated with oversight of designees; and

(B) recommended practices for compliance with Administration regulations.

(b) IMPLEMENTATION.—The Administrator shall, to the maximum extent practicable, ensure that actions taken pursuant to subsection (a)—

(1) permit engineers, inspectors, and other subject matter experts to continue developing knowledge of, and expertise in, new and emerging technologies in systems design, flight controls, principles of aviation safety, system oversight, and certification project management;

(2) minimize the likelihood of an individual developing an inappropriate bias toward a designer or manufacturer of aircraft, aircraft engines, propellers, or appliances;

(3) are consistent with any applicable collective bargaining agreements; and

(4) account for gaps in knowledge and skills (as identified by the Administrator in consultation with the exclusive bargaining representatives certified under section 7111 of title 5, United States Code) between Administration employees and private-sector employees for each group of Administration employees covered under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, \$10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(Added Pub. L. 116–260, div. V, title I, §112(a), Dec. 27, 2020, 134 Stat. 2331.)

REFERENCES IN TEXT

Section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256), referred to in subsec. (a)(1), is section 231 of Pub. L. 115–254, div. B, title II, Oct. 5, 2018, 132 Stat. 3256, which is not classified to the Code.

CHAPTER 447—SAFETY REGULATION

Sec.	
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Editorial Notes

AMENDMENTS

2022—Pub. L. 117–328, div. O, title V, §501(e), Dec. 29, 2022, 136 Stat. 5231, added item 44744.

¹ So in original. Does not conform to section catchline.

2020—Pub. L. 116-260, div. V, title I, §§ 107(d)(2), 119(b), Dec. 27, 2020, 134 Stat. 2326, 2339, added items 44740 to 44743 and struck out second item 44737 “Special rule for certain aircraft operations”.

2018—Pub. L. 115-254, div. B, title II, § 212(b), title III, § 317(b), title IV, §§ 408(b), 417(b), title V, § 581(b)(2), Oct. 5, 2018, 132 Stat. 3249, 3269, 3330, 3334, 3398, added item 44736, two items 44737, and items 44738 and 44739.

2016—Pub. L. 114-328, div. A, title III, § 341(a)(4)(B), Dec. 23, 2016, 130 Stat. 2081, substituted “Structures interfering with air commerce or national security” for “Structures interfering with air commerce” in item 44718.

2012—Pub. L. 112-95, title III, §§ 303(c)(2), 306(c), 307(c), 308(b), 309(b), 310(b), Feb. 14, 2012, 126 Stat. 58, 61, 62, 64, 65, substituted “Type certificates, production certificates, airworthiness certificates, and design and production organization certificates” for “Type certificates, production certificates, airworthiness certificates, and design organization certificates” in item 44704 and added items 44730 to 44735.

2007—Pub. L. 110-135, § 2(b), Dec. 13, 2007, 121 Stat. 1452, added item 44729.

2003—Pub. L. 108-176, title II, § 227(e)(2), title V, § 502(b), title VIII, § 814(b), Dec. 12, 2003, 117 Stat. 2532, 2557, 2592, substituted “Type certificates, production certificates, airworthiness certificates, and design organization certificates” for “Type certificates, production certificates, and airworthiness certificates” in item 44704 and added items 44727 and 44728.

2000—Pub. L. 106-181, title V, §§ 504(c), 505(a)(2), title VI, § 603(b), Apr. 5, 2000, 114 Stat. 134, 136, 152, substituted “Aeronautical charts and related products and services” for “Aeronautical maps and charts” in item 44721 and added items 44725 and 44726.

1996—Pub. L. 104-264, title VI, § 602(a)(2), Oct. 9, 1996, 110 Stat. 3264, added item 44724.

§ 44701. General requirements

(a) **PROMOTING SAFETY.**—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) **PRESCRIBING MINIMUM SAFETY STANDARDS.**—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) **REDUCING AND ELIMINATING ACCIDENTS.**—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) **CONSIDERATIONS AND CLASSIFICATION OF REGULATIONS AND STANDARDS.**—When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) **BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) **RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.**—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) **CONDITIONS.**—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) **REGISTERED AIRCRAFT DEFINED.**—In this subsection, the term “registered aircraft” means—

(A) aircraft registered in the United States and operated pursuant to an agreement for

the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

(A) ACCEPTANCE.—Subject to subparagraph (D), the Administrator may accept an airworthiness directive, as defined in section 39.3 of title 14, Code of Federal Regulations, issued by an aeronautical safety authority of a foreign country, and leverage that authority's regulatory process, if—

(i) the country is the state of design for the product that is the subject of the airworthiness directive;

(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

(iv) the aeronautical safety authority of the country utilizes an open and transparent notice and comment process in the issuance of airworthiness directives; and

(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

(B) ALTERNATIVE APPROVAL PROCESS.—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued

by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.

(f) EXEMPTIONS.—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1185; Pub. L. 103–429, §6(55), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title VII, §714, Apr. 5, 2000, 114 Stat. 161; Pub. L. 115–254, div. B, title II, §242, Oct. 5, 2018, 132 Stat. 3258.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44701(a)	49 App.:1421(a).	Aug. 23, 1958, Pub. L. 85–726, §§601(a), (b) (1st sentence related to standards, rules, and regulations, last sentence), (c), 604(a) (related to standards), 72 Stat. 775, 778.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
44701(b)	49 App.:1424(a) (related to standards).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(a) (related to standards); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97–248, §525(a), 96 Stat. 697.
	49 App.:1432(a) (related to standards).	
44701(c)	49 App.:1655(c)(1).	
	49 App.:1421(b) (last sentence).	
	49 App.:1655(c)(1).	
44701(d)	49 App.:1421(b) (1st sentence related to standards, rules, and regulations).	
	49 App.:1655(c)(1).	
44701(e)	49 App.:1421(c).	
	49 App.:1655(c)(1).	

In this section, the word “Administrator” in sections 601(a)–(c) and 604 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775, 778) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words “is empowered and it . . . be his duty to” and “and revising from time to time” are omitted as surplus. In clause (1), the words “as may be” are omitted as surplus. In clauses (2)–(5), the words “Reasonable” and “reasonable” are omitted as surplus and the word “rules” is omitted as being synonymous with “regulations”. In clause (5), the words “to provide adequately” are omitted as surplus.

In subsection (b)(1), the words “the operation of” are omitted as surplus. The words “under section 44705 of this title” are added for clarity.

In subsection (b)(2), the words “scheduled or unscheduled” are omitted as surplus.

In subsection (c), the words “carry out” are substituted for “exercise and perform his powers and duties under”, and the words “in carrying out” are substituted for “in the administration and enforcement of”, for consistency and to eliminate unnecessary words.

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

In subsection (e), the words “from time to time” are omitted as surplus. The word “rule” is omitted as being synonymous with “regulation”.

PUB. L. 103-429

This amends 49:44701(d) and (e) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

2018—Subsec. (e)(5). Pub. L. 115-254 added par. (5).
 2000—Subsecs. (e), (f). Pub. L. 106-181 added subsec. (e) and redesignated former subsec. (e) as (f).
 1994—Subsecs. (d), (e). Pub. L. 103-429 substituted “any of sections 44702-44716” for “section 44702-44716”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

LETTER OF DEVIATION AUTHORITY

Pub. L. 117-263, div. E, title LVI, § 5604, Dec. 23, 2022, 136 Stat. 3406, provided that: “A flight instructor, registered owner, lessor, or lessee of an aircraft shall not be required to obtain a letter of deviation authority from the Administrator of the Federal Aviation Administration to allow, conduct or receive flight training, checking, and testing in an experimental aircraft if—

“(1) the flight instructor is not providing both the training and the aircraft;

“(2) no person advertises or broadly offers the aircraft as available for flight training, checking, or testing; and

“(3) no person receives compensation for use of the aircraft for a specific flight during which flight training, checking, or testing was received, other than expenses for owning, operating, and maintaining the aircraft.”

SAFETY MANAGEMENT SYSTEMS

Pub. L. 116-260, div. V, title I, § 102(a)-(f), Dec. 27, 2020, 134 Stat. 2309, 2310, provided that:

“(a) RULEMAKING PROCEEDING.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate a rulemaking proceeding to require that manufacturers that hold both a type certificate and a production certificate issued pursuant to section 44704 of title 49, United States Code, where the United States is the State of Design and State of Manufacture, have in place a safety management system that is consistent with the standards and recommended practices established by ICAO and contained in annex 19 to the Convention on International Civil Aviation (61 Stat. 1180), for such systems.

“(2) CONTENTS OF REGULATIONS.—The regulations issued under paragraph (1) shall, at a minimum—

“(A) ensure safety management systems are consistent with, and complementary to, existing safety management systems;

“(B) include provisions that would permit operational feedback from operators and pilots qualified on the manufacturers’ equipment to ensure that the operational assumptions made during design and certification remain valid;

“(C) include provisions for the Administrator’s approval of, and regular oversight of adherence to, a certificate holder’s safety management system adopted pursuant to such regulations; and

“(D) require such certificate holder to adopt, not later than 4 years after the date of enactment of this title, a safety management system.

“(b) FINAL RULE DEADLINE.—Not later than 24 months after initiating the rulemaking under subsection (a), the Administrator shall issue a final rule.

“(c) SURVEILLANCE AND AUDIT REQUIREMENT.—The final rule issued pursuant to subsection (b) shall include a requirement for the Administrator to implement a systems approach to risk-based surveillance by defining and planning inspections, audits, and monitoring activities on a continuous basis, to ensure that design and production approval holders of aviation products meet and continue to meet safety management system requirements under the rule.

“(d) ENGAGEMENT WITH ICAO.—The Administrator shall engage with ICAO and foreign civil aviation authorities to help encourage the adoption of safety management systems for manufacturers on a global basis, consistent with ICAO standards.

“(e) SAFETY REPORTING PROGRAM.—The regulations issued under subsection (a) shall require a safety management system to include a confidential employee reporting system through which employees can report hazards, issues, concerns, occurrences, and incidents. A reporting system under this subsection shall include provisions for reporting, without concern for reprisal for reporting, of such items by employees in a manner consistent with confidential employee reporting systems administered by the Administrator. Such regulations shall also require a certificate holder described in subsection (a) to submit a summary of reports received under this subsection to the Administrator at least twice per year.

“(f) CODE OF ETHICS.—The regulations issued under subsection (a) shall require a safety management system to include establishment of a code of ethics applicable to all appropriate employees of a certificate holder, including officers (as determined by the FAA), which clarifies that safety is the organization’s highest priority.

[For definitions of terms used in section 102(a)-(f) of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

CERTIFICATION OVERSIGHT STAFF

Pub. L. 116-260, div. V, title I, § 104, Dec. 27, 2020, 134 Stat. 2316, provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$27,000,000 for each of fiscal years 2021 through 2023 to recruit and retain engineers, safety inspectors, human factors specialists, chief scientific and technical advisors, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, aircraft engines, propellers, appliances, and new and emerging technologies, and perform other regulatory activities.

“(b) IN GENERAL.—Not later than 60 days after the date of enactment of this title [Dec. 27, 2020], and without duplicating any recently completed or ongoing reviews, the Administrator shall initiate a review of—

“(1) the inspectors, human factors specialists, flight test pilots, engineers, managers, and executives in the FAA who are responsible for the certification of the design, manufacture, and operation of aircraft intended for air transportation for purposes of determining whether the FAA has the expertise and capability to adequately understand the safety implications of, and oversee the adoption of, new or innovative technologies, materials, and procedures used by designers and manufacturers of such aircraft; and

“(2) the Senior Technical Experts Program to determine whether the program should be enhanced or expanded to bolster and support the programs of the FAA’s Office of Aviation Safety, with particular focus placed on the Aircraft Certification Service and the Flight Standards Service (or any successor organizations), particularly with respect to understanding

the safety implications of new or innovative technologies, materials, aircraft operations, and procedures used by designers and manufacturers of such aircraft.

“(c) DEADLINE FOR COMPLETION.—Not later than 270 days after the date of enactment of this title, the Administrator shall complete the review required by subsection (b).

“(d) BRIEFING.—Not later than 30 days after the completion of the review required by subsection (b), the Administrator shall brief the congressional committees of jurisdiction on the results of the review. The briefing shall include the following:

“(1) An analysis of the Administration’s ability to hire safety inspectors, human factors specialists, flight test pilots, engineers, managers, executives, scientists, and technical advisors, who have the requisite expertise to oversee new developments in aerospace design and manufacturing.

“(2) A plan for the Administration to improve the overall expertise of the FAA’s personnel who are responsible for the oversight of the design and manufacture of aircraft.

“(e) CONSULTATION REQUIREMENT.—In completing the review under subsection (b), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, human factors specialists, flight test pilots, and FAA aviation safety inspectors), and aerospace manufacturers.

“(f) RECRUITMENT AND RETENTION.—

“(1) BARGAINING UNITS.—Not later than 30 days after the date of enactment of this title, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other qualified technical experts certified under section 7111 of title 5, United States Code, to improve recruitment of employees for, and to implement retention incentives for employees holding, positions with respect to the certification of aircraft, aircraft engines, propellers, and appliances. If the Administrator and such representatives are unable to reach an agreement collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to improve recruitment and implement retention incentives for employees described in subsection (a) who are covered under a collective bargaining agreement.

“(2) OTHER EMPLOYEES.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this title, the Administrator shall initiate actions to improve recruitment of, and implement retention incentives for, any individual described in subsection (a) who is not covered under a collective bargaining agreement.

“(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to vest in any exclusive bargaining representative any management right of the Administrator, as such right existed on the day before the date of enactment of this title.

“(4) AVAILABILITY OF APPROPRIATIONS.—Any action taken by the Administrator under this section shall be subject to the availability of appropriations authorized under subsection (a).”

[For definitions of terms used in section 104 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

VOLUNTARY SAFETY REPORTING PROGRAM

Pub. L. 116-260, div. V, title I, §113, Dec. 27, 2020, 134 Stat. 2332, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall establish a voluntary safety reporting program for engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code,

to confidentially report instances where they have identified safety concerns during certification or oversight processes.

“(b) SAFETY REPORTING PROGRAM REQUIREMENTS.—In establishing the safety reporting program under subsection (a), the Administrator shall ensure the following:

“(1) The FAA maintains a reporting culture that encourages human factors specialists, engineers, flight test pilots, inspectors, and other appropriate FAA employees to voluntarily report safety concerns.

“(2) The safety reporting program is non-punitive, confidential, and protects employees from adverse employment actions related to their participation in the program.

“(3) The safety reporting program identifies exclusionary criteria for the program.

“(4) Collaborative development of the program with bargaining representatives of employees under section 7111 of title 5, United States Code, who are employed in the Aircraft Certification Service or Flight Standards Service of the Administration (or, if unable to reach an agreement collaboratively, the Administrator shall negotiate with the representatives in accordance with section 40122(a) of title 49, United States Code, regarding the development of the program).

“(5) Full and collaborative participation in the program by the bargaining representatives of employees described in paragraph (4).

“(6) The Administrator thoroughly reviews safety reports to determine whether there is a safety issue, including a hazard, defect, noncompliance, nonconformance, or process error.

“(7) The Administrator thoroughly reviews safety reports to determine whether any aircraft certification process contributed to the safety concern being raised.

“(8) The creation of a corrective action process in order to address safety issues that are identified through the program.

“(c) OUTCOMES.—Results of safety report reviews under this section may be used to—

“(1) improve—

“(A) safety systems, hazard control, and risk reduction;

“(B) certification systems;

“(C) FAA oversight;

“(D) compliance and conformance; and

“(E) any other matter determined necessary by the Administrator; and

“(2) implement lessons learned.

“(d) REPORT FILING.—The Administrator shall establish requirements for when in the certification process reports may be filed to—

“(1) ensure that identified issues can be addressed in a timely manner; and

“(2) foster open dialogue between applicants and FAA employees throughout the certification process.

“(e) INTEGRATION WITH OTHER SAFETY REPORTING PROGRAMS.—The Administrator shall implement the safety reporting program established under subsection (a) and the reporting requirements established pursuant to subsection (d) in a manner that is consistent with other voluntary safety reporting programs administered by the Administrator.

“(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this title, and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the effectiveness of the safety reporting program established under subsection (a).”

[For definitions of terms used in section 113 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

FAA SAFETY OVERSIGHT AND CERTIFICATION AND PERFORMANCE METRICS

Pub. L. 115-254, div. B, title II, §§201, 202, 211, 221, 223, 224, 243, Oct. 5, 2018, 132 Stat. 3242, 3246, 3252, 3254, 3255,

3259, as amended by Pub. L. 116-260, div. V, title I, § 129, Dec. 27, 2020, 134 Stat. 2349, provided that:

“SEC. 201. DEFINITIONS.

“In this title [enacting this note and section 44736 of this title and amending this section and sections 40104, 44704, and 45305 of this title], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Safety Oversight and Certification Advisory Committee established under section 202.

“(3) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(5) SYSTEMS SAFETY APPROACH.—The term ‘systems safety approach’ means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

“SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish a Safety Oversight and Certification Advisory Committee.

“(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities, including, at a minimum, the following:

“(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

“(2) Implementation and oversight of safety management systems.

“(3) Risk-based oversight efforts.

“(4) Utilization of delegation and designation authorities, including organization designation authorization.

“(5) Regulatory interpretation standardization efforts.

“(6) Training programs.

“(7) Expediting the rulemaking process and giving priority to rules related to safety.

“(8) Enhancing global competitiveness of United States manufactured and United States certificated aerospace and aviation products and services throughout the world.

“(c) FUNCTIONS.—In carrying out its duties under subsection (b), the Advisory Committee shall:

“(1) Foster industry collaboration in an open and transparent manner.

“(2) Consult with, and ensure participation by—

“(A) the private sector, including representatives of—

“(i) general aviation;

“(ii) commercial aviation;

“(iii) aviation labor;

“(iv) aviation maintenance, repair, and overhaul;

“(v) aviation, aerospace, and avionics manufacturing;

“(vi) unmanned aircraft systems operators and manufacturers; and

“(vii) the commercial space transportation industry;

“(B) members of the public; and

“(C) other interested parties.

“(3) Recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.

“(4) Provide policy guidance recommendations for the FAA’s certification and safety oversight efforts.

“(5) On a regular basis, review and provide recommendations on the FAA’s certification and safety oversight efforts.

“(6) Periodically review and evaluate registration, certification, and related fees.

“(7) Provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.

“[(8), (9). Repealed. Pub. L. 116-260, div. V, title I, § 129(b), Dec. 27, 2020, 134 Stat. 2349.]

“(10) Provide a venue for tracking progress toward national goals and sustaining joint commitments.

“(11) Recommend recruiting, hiring, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors.

“(12) Provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects.

“(13) Improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues.

“(14) Facilitate the validation and acceptance of United States manufactured and United States certificated products and services throughout the world.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Committee shall be composed of the following members:

“(A) The Administrator (or the Administrator’s designee).

“(B) At least 11 individuals, appointed by the Secretary, each of whom represents at least 1 of the following interests:

“(i) Transport aircraft and engine manufacturers.

“(ii) General aviation aircraft and engine manufacturers.

“(iii) Avionics and equipment manufacturers.

“(iv) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

“(v) General aviation operators.

“(vi) Air carriers.

“(vii) Business aviation operators.

“(viii) Unmanned aircraft systems manufacturers and operators.

“(ix) Aviation safety management experts.

“(x) Aviation maintenance, repair, and overhaul.

“(xi) Airport owners and operators.

“(2) NONVOTING MEMBERS.—

“(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

“(B) DUTIES.—The nonvoting members may—

“(i) take part in deliberations of the Advisory Committee; and

“(ii) provide input with respect to any final reports or recommendations of the Advisory Committee.

“(C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than that of an FAA safety oversight program office.

“(3) TERMS.—Each voting member and nonvoting member of the Advisory Committee appointed by the Secretary shall be appointed for a term of 2 years.

“(4) COMMITTEE CHARACTERISTICS.—The Advisory Committee shall have the following characteristics:

“(A) Each voting member under paragraph (1)(B) shall be an executive officer of the organization who has decisionmaking authority within the member’s organization and can represent and enter into commitments on behalf of such organization.

“(B) The ability to obtain necessary information from experts in the aviation and aerospace communities.

“(C) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in a timely manner.

“(D) Appropriate expertise, including expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

“(5) LIMITATION ON STATUTORY CONSTRUCTION.—Public Law 104-65 [the Lobbying Disclosure Act of 1995] (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

“(e) CHAIRPERSON.—

“(1) IN GENERAL.—The Chairperson of the Advisory Committee shall be appointed by the Secretary from among those members of the Advisory Committee that are voting members under subsection (d)(1)(B).

“(2) TERM.—Each member appointed under paragraph (1) shall serve a term of 2 years as Chairperson.

“(f) MEETINGS.—

“(1) FREQUENCY.—The Advisory Committee shall meet at least twice each year at the call of the Chairperson.

“(2) PUBLIC ATTENDANCE.—The meetings of the Advisory Committee shall be open and accessible to the public.

“(g) SPECIAL COMMITTEES.—

“(1) ESTABLISHMENT.—The Advisory Committee may establish special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under this section.

“(2) RULEMAKING ADVICE.—A special committee established by the Advisory Committee may—

“(A) provide rulemaking advice and recommendations to the Advisory Committee with respect to aviation-related issues;

“(B) provide the FAA additional opportunities to obtain firsthand information and insight from those parties that are most affected by existing and proposed regulations; and

“(C) assist in expediting the development, revision, or elimination of rules without circumventing public rulemaking processes and procedures.

“(3) APPLICABLE LAW.—Public Law 92-463 [the Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to a special committee established by the Advisory Committee.

“(h) SUNSET.—The Advisory Committee shall terminate on the last day of the 6-year period beginning on the date of the initial appointment of the members of the Advisory Committee.

“(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE.—The Air Traffic Procedures Advisory Committee established by the FAA shall terminate on the date of the initial appointment of the members of the Advisory Committee.

“[SECS. 211, 221. Repealed. Pub. L. 116-260, div. V, title I, § 129(a), Dec. 27, 2020, 134 Stat. 2349.]

“SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a centralized safety guidance database that will—

“(1) encompass all of the regulatory guidance documents of the FAA Office of Aviation Safety;

“(2) contain, for each such guidance document, a link to the Code of Federal Regulations provision to which the document relates; and

“(3) be publicly available in a manner that—

“(A) protects from disclosure identifying information regarding an individual or entity; and

“(B) prevents inappropriate disclosure proprietary information.

“(b) DATA ENTRY TIMING.—

“(1) EXISTING DOCUMENTS.—Not later than 14 months after the date of enactment of this Act, the

Administrator shall begin entering into the database established under subsection (a) all of the regulatory guidance documents of the Office of Aviation Safety that are in effect and were issued before the date on which the Administrator begins such entry process.

“(2) NEW DOCUMENTS AND CHANGES.—On and after the date on which the Administrator begins the document entry process under paragraph (1), the Administrator shall ensure that all new regulatory guidance documents of the Office of Aviation Safety and any changes to existing documents are included in the database established under subsection (a) as such documents or changes to existing documents are issued.

“(c) CONSULTATION REQUIREMENT.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers and FAA aviation safety inspectors) and aviation industry stakeholders.

“(d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—In this section, the term ‘regulatory guidance documents’ means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, or rulemaking document.

“SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a Regulatory Consistency Communications Board (in this section referred to as the ‘Board’).

“(b) CONSULTATION REQUIREMENT.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors) and industry stakeholders.

“(c) MEMBERSHIP.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

“(1) the Flight Standards Service;

“(2) the Aircraft Certification Service; and

“(3) the Office of the Chief Counsel.

“(d) FUNCTIONS.—The Board shall carry out the following functions:

“(1) Establish, at a minimum, processes by which—

“(A) FAA personnel and persons regulated by the FAA may submit anonymous regulatory interpretation questions without fear of retaliation;

“(B) FAA personnel may submit written questions, and receive written responses, as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

“(C) any other person may submit written anonymous regulatory interpretation questions.

“(2) Meet on a regular basis to discuss and resolve questions submitted pursuant to paragraph (1) and the appropriate application of regulations and policy with respect to each question.

“(3) Provide to a person that submitted a question pursuant to subparagraph (A) or (B) of paragraph (1) a timely written response to the question.

“(4) Establish a process to make resolutions of common regulatory interpretation questions publicly available to FAA personnel, persons regulated by the FAA, and the public without revealing any identifying data of the person that submitted the question and in a manner that protects any proprietary information.

“(5) Ensure the incorporation of resolutions of questions submitted pursuant to paragraph (1) into regulatory guidance documents, as such term is defined in section 223(d).

“(e) PERFORMANCE METRICS, TIMELINES, AND GOALS.—Not later than 180 days after the date on which the Advisory Committee recommends performance objectives and performance metrics for the FAA and the regulated aviation industry under section 202, the Administrator, in collaboration with the Advisory Committee, shall—

“(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted pursuant to subsection (d)(1); and

“(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals established under paragraph (1).

“SEC. 243. FAA LEADERSHIP ABROAD.

“(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator shall—

“(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

“(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate United States certificated aeronautical products;

“(3) provide assistance to United States companies that have experienced significantly long foreign validation wait times;

“(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

“(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States certificated aeronautical products abroad; and

“(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

“(b) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report that—

“(1) describes the FAA’s strategic plan for international engagement;

“(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

“(3) describes current and forecasted staffing and travel needs for the FAA’s international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

“(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA’s international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

“(5) identifies cost-effective policy initiatives, regulatory initiatives, or legislative initiatives needed to improve and enhance the timely acceptance of United States aerospace products abroad.

“(c) INTERNATIONAL TRAVEL.—The Administrator, or the Administrator’s designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

“(1) to promote United States aerospace safety standards; or

“(2) to support expedited acceptance of FAA design and production approvals.”

FAA TECHNICAL TRAINING

Pub. L. 115–254, div. B, title III, §302, Oct. 5, 2018, 132 Stat. 3260, provided that:

“(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

“(b) CURRICULUM.—The pilot program shall—

“(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

“(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

“(3) include training courses on applicable regulations of the Federal Aviation Administration; and

“(4) consider the efficacy of instructor-led online training.

“(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

“(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED FAA PERSONNEL.—The term ‘covered FAA personnel’ means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

“(2) E-LEARNING TRAINING.—The term ‘e-learning training’ means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.”

SAFETY CRITICAL STAFFING

Pub. L. 115–254, div. B, title III, §303, Oct. 5, 2018, 132 Stat. 3261, provided that:

“(a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING MODEL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall update the safety critical staffing model of the Administration to determine the number of aviation safety inspectors that will be needed to fulfill the safety oversight mission of the Administration.

“(b) AUDIT BY DOT INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator has updated the safety critical staffing model under subsection (a), the Inspector General of the Department of Transportation shall conduct an audit of the staffing model.

“(2) CONTENTS.—The audit shall include, at a minimum—

“(A) a review of the assumptions and methodologies used in devising and implementing the staffing model to assess the adequacy of the staffing model in predicting the number of aviation safety inspectors needed—

“(i) to properly fulfill the mission of the Administration; and

“(ii) to meet the future growth of the aviation industry; and

“(B) a determination on whether the staffing model takes into account the Administration’s authority to fully utilize designees.

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the

Inspector General shall submit to the Secretary a report on the results of the audit.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report, the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.”

EMERGENCY MEDICAL EQUIPMENT ON PASSENGER AIRCRAFT

Pub. L. 115-254, div. B, title III, §307, Oct. 5, 2018, 132 Stat. 3263, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall evaluate and revise, as appropriate, regulations in part 121 of title 14, Code of Federal Regulations, regarding emergency medical equipment, including the contents of first-aid kits, applicable to all certificate holders operating passenger aircraft under that part.

“(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider whether the minimum contents of approved emergency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women.”

FAA AND NTSB REVIEW OF GENERAL AVIATION SAFETY

Pub. L. 115-254, div. B, title III, §308, Oct. 5, 2018, 132 Stat. 3263, provided that:

“(a) STUDY REQUIRED.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in coordination with the Chairman of the National Transportation Safety Board, shall initiate a study of general aviation safety.

“(b) STUDY CONTENTS.—The study required under subsection (a) shall include—

“(1) a review of all general aviation accidents since 2000, including a review of—

“(A) the number of such accidents;

“(B) the number of injuries and fatalities, including with respect to both occupants of aircraft and individuals on the ground, as a result of such accidents;

“(C) the number of such accidents investigated by the National Transportation Safety Board;

“(D) the number of such accidents investigated by the FAA [Federal Aviation Administration]; and

“(E) a summary of the factual findings and probable cause determinations with respect to such accidents;

“(2) an assessment of the most common probable cause determinations issued for general aviation accidents since 2000;

“(3) an assessment of the most common facts analyzed by the FAA and the National Transportation Safety Board in the course of investigations of general aviation accidents since 2000, including operational details;

“(4) a review of the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

“(5) an assessment of the responses of the FAA and the general aviation community to the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

“(6) an assessment of the most common general aviation safety issues;

“(7) a review of the total costs to the Federal Government to conduct investigations of general aviation accidents over the last 10 years; and

“(8) other matters the Administrator or the Chairman considers appropriate.

“(C) RECOMMENDATIONS AND ACTIONS TO ADDRESS GENERAL AVIATION SAFETY.—Based on the results of the study required under subsection (a), the Administrator, in consultation with the Chairman, shall make such recommendations, including with respect to regulations and enforcement activities, as the Administrator considers necessary to—

“(1) address general aviation safety issues identified under the study;

“(2) protect persons and property on the ground; and

“(3) improve the safety of general aviation operators in the United States.

“(d) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake actions to address the recommendations made under subsection (c).

“(e) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the study required under subsection (a), including the recommendations described in subsection (c).

“(f) GENERAL AVIATION DEFINED.—In this section, the term ‘general aviation’ means aircraft operation for personal, recreational, or other noncommercial purposes.”

AVIATION RULEMAKING COMMITTEE FOR PART 135 PILOT REST AND DUTY RULES

Pub. L. 115-254, div. B, title III, §315, Oct. 5, 2018, 132 Stat. 3267, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.

“(b) DUTIES.—The Administrator shall—

“(1) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report based on the findings of the aviation rulemaking committee; and

“(2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any consensus recommendations reached by the aviation rulemaking committee.

“(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

“(1) representatives of industry;

“(2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and

“(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.

“(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—

“(1) recommendations of prior part 135 rulemaking committees;

“(2) accommodations necessary for small businesses;

“(3) scientific data derived from aviation-related fatigue and sleep research;

“(4) data gathered from aviation safety reporting programs;

“(5) the need to accommodate the diversity of operations conducted under part 135, including the unique

duty and rest time requirements of air ambulance pilots; and

“(6) other items, as appropriate.”

VOLUNTARY REPORTS OF OPERATIONAL OR MAINTENANCE ISSUES RELATED TO AVIATION SAFETY

Pub. L. 115–254, div. B, title III, §320, Oct. 5, 2018, 132 Stat. 3269, provided that:

“(a) IN GENERAL.—There shall be a presumption that an individual’s voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.

“(b) DISCLAIMER REQUIRED.—Any dissemination, within the participating organization, of a report that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone review by an event review committee, shall be accompanied by a disclaimer stating that the report—

“(1) has not been reviewed by an event review committee tasked with reviewing such reports; and

“(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

“(c) REJECTION OF REPORT.—

“(1) IN GENERAL.—A report described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the report, an event review committee tasked with reviewing such report, or the Federal Aviation Administration member of the event review committee in the case that the review committee does not reach consensus, determines that the report fails to meet the criteria for acceptance under such program.

“(2) PROTECTIONS.—In any case in which a report of an individual described under subsection (a) is rejected under paragraph (1)—

“(A) the enforcement-related incentive offered to the individual for making such a report shall not apply; and

“(B) the protection from disclosure of the report itself under section 40123 of title 49, United States Code, shall not apply.

“(3) AVIATION SAFETY ACTION PROGRAM DEFINED.—In this section, the term ‘aviation safety action program’ means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.”

FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS

Pub. L. 115–254, div. B, title III, §335, Oct. 5, 2018, 132 Stat. 3280, provided that:

“(a) MODIFICATION OF FINAL RULE.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall modify the final rule of the Federal Aviation Administration published in the Federal Register on August 19, 1994 (59 Fed. Reg. 42974; relating to flight attendant duty period limitations and rest requirements) in accordance with the requirements of this subsection.

“(2) CONTENTS.—The final rule, as modified under paragraph (1), shall ensure that—

“(A) a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and

“(B) the rest period is not reduced under any circumstances.

“(b) FATIGUE RISK MANAGEMENT PLAN.—

“(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a ‘part 121 air carrier’), shall submit to

the Administrator of the Federal Aviation Administration for review and acceptance a fatigue risk management plan for the carrier’s flight attendants.

“(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

“(A) Current flight time and duty period limitations.

“(B) A rest scheme consistent with such limitations that enables the management of flight attendant fatigue, including annual training to increase awareness of—

“(i) fatigue;

“(ii) the effects of fatigue on flight attendants; and

“(iii) fatigue countermeasures.

“(C) Development and use of a methodology that continually assesses the effectiveness of implementation of the plan, including the ability of the plan—

“(i) to improve alertness; and

“(ii) to mitigate performance errors.

“(3) REVIEW.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall review and accept or reject each fatigue risk management plan submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

“(4) PLAN UPDATES.—

“(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

“(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

“(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

“(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.”

CLARIFICATION OF REQUIREMENTS FOR LIVING HISTORY FLIGHTS

Pub. L. 115–254, div. B, title V, §532, Oct. 5, 2018, 132 Stat. 3366, provided that:

“(a) IN GENERAL.—Notwithstanding any other law or regulation, in administering sections 61.113(c), 91.9, 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a) of title 14, Code of Federal Regulations (or any successor regulations), the Administrator [of the Federal Aviation Administration] shall allow an aircraft owner or operator to accept monetary or in-kind donations for a flight operated by a living history flight experience provider, if the aircraft owner or operator has—

“(1) volunteered to provide such transportation; and

“(2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

“(b) CONDITIONS TO ENSURE PUBLIC SAFETY.—The Administrator, consistent with current standards of the [Federal Aviation] Administration for such operations, shall impose minimum standards with respect to training and flight hours for operations conducted by an owner or operator of an aircraft providing living history flight experience operations, including mandating that the pilot in command of such aircraft hold a commercial pilot certificate with instrument rating and be current and qualified with respect to all ratings or au-

thorizations applicable to the specific aircraft being flown to ensure the safety of flight operations described in subsection (a).

“(c) LIVING HISTORY FLIGHT EXPERIENCE PROVIDER DEFINED.—In this section, the term ‘living history flight experience provider’ means an aircraft owner, aircraft operator, or organization that provides, arranges, or otherwise fosters living history flight experiences for the purpose of fulfilling its mission.”

FAA CIVIL AVIATION REGISTRY UPGRADE

Pub. L. 115-254, div. B, title V, §546, Oct. 5, 2018, 132 Stat. 3376, provided that:

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete covered upgrades of the Administration’s Civil Aviation Registry (in this section referred to as the ‘Registry’).

“(b) COVERED UPGRADE DEFINED.—In this section, the term ‘covered upgrades’ means—

“(1) the digitization of nondigital Registry information, including paper documents, microfilm images, and photographs, from an analog or nondigital format to a digital format;

“(2) the digitalization of Registry manual and paper-based processes, business operations, and functions by leveraging digital technologies and a broader use of digitized data;

“(3) the implementation of systems allowing a member of the public to submit any information or form to the Registry and conduct any transaction with the Registry by electronic or other remote means; and

“(4) allowing more efficient, broader, and remote access to the Registry.

“(c) APPLICABILITY.—The requirements of subsection (a) shall apply to the entire Civil Aviation Registry, including the Aircraft Registration Branch and the Airman Certification Branch.

“(d) MANUAL SURCHARGE.—[Enacted section 45306 of this title.]

“(e) REPORT.—Not later than 1 year after date of enactment of this Act, and annually thereafter until the covered upgrades required under subsection (a) are complete, the Administrator shall submit a report to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] describing—

“(1) the schedule for the covered upgrades to the Registry;

“(2) the office responsible for the implementation of the such covered upgrades;

“(3) the metrics being used to measure progress in implementing the covered upgrades; and

“(4) the status of the covered upgrades as of the date of the report.”

UNDECLARED HAZARDOUS MATERIALS PUBLIC AWARENESS CAMPAIGN

Pub. L. 115-254, div. B, title V, §583, Oct. 5, 2018, 132 Stat. 3399, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a public awareness campaign to reduce the amount of undeclared hazardous materials traveling through air commerce.

“(b) CAMPAIGN REQUIREMENTS.—The public awareness campaign required under subsection (a) shall do the following:

“(1) Focus on targeting segments of the hazardous materials industry with high rates of undeclared shipments through air commerce and educate air carriers, shippers, manufacturers, and other relevant stakeholders of such segments on properly packaging and classifying such shipments.

“(2) Educate the public on proper ways to declare and ship hazardous materials, examples of everyday items that are considered hazardous materials, and

penalties associated with intentional shipments of undeclared hazardous materials.

“(c) INTERAGENCY WORKING GROUP.—

“(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish an interagency working group to promote collaboration and engagement between the Department of Transportation and other relevant agencies, and develop recommendations and guidance on how best to conduct the public awareness campaign required under subsection (a).

“(2) DUTIES.—The interagency working group shall consult with relevant stakeholders, including cargo air carriers, passenger air carriers, and labor organizations representing pilots for cargo and passenger air carriers operating under part 121 of title 14, Code of Federal Regulations.

“(d) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall provide to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an update on the status of the public awareness campaign required under subsection (a).”

COCKPIT AUTOMATION MANAGEMENT

Pub. L. 114-190, title II, §2102, July 15, 2016, 130 Stat. 619, provided that: “Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall—

“(1) develop a process to verify that air carrier training programs incorporate measures to train pilots on—

“(A) monitoring automation systems; and

“(B) controlling the flightpath of aircraft without autopilot or autoflight systems engaged;

“(2) develop metrics or measurable tasks that air carriers can use to evaluate pilot monitoring proficiency;

“(3) issue guidance to aviation safety inspectors responsible for oversight of the operations of air carriers on tracking and assessing pilots’ proficiency in manual flight; and

“(4) issue guidance to air carriers and inspectors regarding standards for compliance with the requirements for enhanced pilot training contained in the final rule published in the Federal Register on November 12, 2013 (78 Fed. Reg. 67800).”

ADDITIONAL CERTIFICATION RESOURCES

Pub. L. 114-190, title II, §2109, July 15, 2016, 130 Stat. 623, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator of the FAA may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval or the acceptance or validation by the FAA of a foreign authority certificate or design approval.

“(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

“(1) the travel covered under the agreement is deemed necessary, by both the Administrator and the applicant or certificate-holder, to expedite the acceptance or validation of the relevant certificate or approval;

“(2) the travel is conducted at the request of the applicant or certificate-holder;

“(3) travel plans and expenses are approved by the applicant or certificate-holder prior to travel; and

“(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(l)(6) of title 49, United States Code.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on—

“(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

“(2) the number of occasions on which the Administrator declined a request by an applicant or certificate-holder to enter into a reimbursable agreement under this section;

“(3) the amount of reimbursements collected in accordance with agreements under this section; and

“(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for validations of certificates and design approvals.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) APPLICANT.—The term ‘applicant’ means a person that has—

“(A) applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval; or

“(B) applied to the FAA for the acceptance or validation of a foreign authority certificate or design approval.

“(2) CERTIFICATE-HOLDER.—The term ‘certificate-holder’ means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

“(3) FAA.—The term ‘FAA’ means the Federal Aviation Administration.”

NOTICES TO AIR MISSIONS

Pub. L. 118–4, § 3, June 3, 2023, 137 Stat. 9, provided that: “Not later than September 30, 2024, the Administrator of the Federal Aviation Administration shall make the following improvements:

“(1) Complete implementation of a Federal NOTAM System (in this section referred to as a ‘FNS’).

“(2) Implement a back-up system to the FNS.

“(3) Brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to enhance the capability to deliver information through the FNS that is machine-readable, filterable, and in the format used by the International Civil Aviation Organization (ICAO) to promote further global harmonization among neighboring Air Navigation Service Providers (ANSPs) and provide users of the National Airspace System with one consistent format for domestic and international operations.”

Pub. L. 115–254, div. B, title III, § 394(a), Oct. 5, 2018, 132 Stat. 3325, provided that: “Beginning on the date that is 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot’s Bill of Rights [Pub. L. 112–153] (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] that the Administrator has complied with the requirements of section 3 of the Pilot’s Bill of Rights, as amended by this section.”

Pub. L. 112–153, § 3, Aug. 3, 2012, 126 Stat. 1162, as amended by Pub. L. 115–254, div. B, title III, § 394(b), Oct. 5, 2018, 132 Stat. 3325, provided that:

“(a) IN GENERAL.—

“(1) DEFINITION.—In this section, the term ‘NOTAM’ means Notices to Airmen.

“(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of the Fairness for Pilots

Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete the implementation of a Notice to Airmen Improvement Program (in this section referred to as the ‘NOTAM Improvement Program’)—

“(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

“(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;

“(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information; and

“(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.

“(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

“(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

“(2) make the NOTAMs more specific and relevant to the airman’s route and in a format that is more useable to the airman;

“(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

“(4) to provide a document that is easily searchable; and

“(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

“(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

“(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

“(1) IN GENERAL.—The Administrator—

“(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

“(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

“(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

“(i) that NOTAM is not available through the repository before the commencement of the flight; and

“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

“(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”

CONSISTENCY OF REGULATORY INTERPRETATION

Pub. L. 112–95, title III, § 313, Feb. 14, 2012, 126 Stat. 67, provided that:

“(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish an advisory panel

comprised of both Government and industry representatives to—

“(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO-11-14); and

“(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

“(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

“(1) determine the root causes of inconsistent interpretation of regulations by the Administration’s Flight Standards Service and Aircraft Certification Service;

“(2) develop recommendations to improve the consistency of interpreting regulations by the Administration’s Flight Standards Service and Aircraft Certification Service; and

“(3) develop recommendations to improve communications between the Administration’s Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.”

FLIGHT STANDARDS EVALUATION PROGRAM

Pub. L. 112-95, title III, §315, Feb. 14, 2012, 126 Stat. 68, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

“(1) to include periodic and random reviews as part of the Administration’s oversight of air carriers; and

“(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

“(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator’s findings and recommendations with respect to the program.

“(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term ‘Flight Standards Evaluation Program’ means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.”

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

Pub. L. 112-95, title III, §343, Feb. 14, 2012, 126 Stat. 80, provided that:

“(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

“(1) any trends in regulatory compliance are identified; and

“(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

“(b) MONTHLY TEAM REPORTS.—

“(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

“(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

“(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

“(B) any corrective actions taken or proposed to be taken in response to the trends.

“(c) BIENNIAL REPORTS TO CONGRESS.—The Administrator, on a biennial basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).”

DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS

Pub. L. 112-95, title III, §345, Feb. 14, 2012, 126 Stat. 81, provided that:

“(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

“(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

“(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).”

SAFETY CRITICAL STAFFING

Pub. L. 112-95, title VI, §606, Feb. 14, 2012, 126 Stat. 113, provided that:

“(a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration

shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled ‘Staffing Standards for Aviation Safety Inspectors’. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

“(b) REPORT.—Not later than January 1 of each year beginning after September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).”

AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES

Pub. L. 115-254, div. B, title III, §333, Oct. 5, 2018, 132 Stat. 3274, provided that:

“(a) HARMONIZATION WITH ICAO TECHNICAL INSTRUCTIONS.—

“(1) ADOPTION OF ICAO INSTRUCTIONS.—

“(A) IN GENERAL.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015-2016 edition of the International Civil Aviation Organization’s (referred to in this subsection as ‘ICAO’) Technical Instructions (to include all addenda), including the revised standards adopted by ICAO which became effective on April 1, 2016 and any further revisions adopted by ICAO prior to the effective date of the FAA Reauthorization Act of 2018 [probably means Oct. 5, 2018].

“(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(2) REVIEW OF OTHER REGULATIONS.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

“(b) MEDICAL DEVICE BATTERIES.—

“(1) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, not later than 45 days after receipt of an application, an application submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit to the Federal Aviation Administration based on the application. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 20 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

“(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

“(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; and

“(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices that cannot comply with a charge limitation in place at the time, each battery is—

“(i) individually packed in an inner packaging that completely encloses the battery;

“(ii) placed in a rigid outer packaging; and

“(iii) protected to prevent a short circuit.

“(3) MEDICAL [sic] DEVICE DEFINED.—In [sic] this subsection, the term ‘medical device’ means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

“(4) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(c) LITHIUM BATTERY SAFETY WORKING GROUP.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish a lithium battery safety working group (referred to as the ‘working group’ in this section) to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

“(2) DUTIES.—The working group shall coordinate and facilitate the transfer of knowledge and expertise among the following Federal agencies:

“(A) The Department of Transportation.

“(B) The Consumer Product Safety Commission.

“(C) The National Institute on Standards and Technology.

“(D) The Food and Drug Administration.

“(3) MEMBERS.—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

“(4) SUBCOMMITTEES.—The Secretary, or members of the working group, may—

“(A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

“(B) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the Secretary or members consider necessary.

“(5) REPORT.—Not later than 1 year after the date it is established, the working group shall—

“(A) identify and assess—

“(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

“(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

“(iii) new or existing technologies that may reduce the fire and explosion risk of lithium batteries and cells; and

“(B) transmit to the appropriate committees of Congress a report on the assessments conducted under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

“(6) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (5).

“(d) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish, in accordance with the re-

quirements of the Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the ‘Committee’).

“(2) DUTIES.—The Committee shall—

“(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

“(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

“(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums;

“(D) provide a forum for the Secretary to provide information and receive advice on—

“(i) activities carried out throughout the world to communicate and enforce relevant United States regulations and the ICAO Technical Instructions; and

“(ii) the effectiveness of the activities;

“(E) provide advice and recommendations to the Secretary with respect to lithium ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers; and

“(F) review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

“(3) MEMBERSHIP.—The Committee shall be composed of the following members:

“(A) Individuals appointed by the Secretary to represent—

“(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

“(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

“(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

“(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

“(v) marketers of products powered by lithium ion and lithium metal batteries;

“(vi) cargo air service providers based in the United States;

“(vii) passenger air service providers based in the United States;

“(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

“(ix) shippers of lithium ion and lithium metal batteries for air transportation;

“(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and

“(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

“(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

“(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Com-

mittee shall submit to the Secretary and the appropriate committees of Congress a report that—

“(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and

“(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

“(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

“(5) MEETINGS.—

“(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

“(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.

“(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

“(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

“(e) COOPERATIVE EFFORTS TO ENSURE COMPLIANCE WITH SAFETY REGULATIONS.—

“(1) IN GENERAL.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(2) COOPERATIVE EFFORTS.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

“(A) Encouraging training programs at locations outside the United States from which substantial cargo shipments of lithium ion or lithium metal batteries originate for manufacturers, freight forwarders, and other shippers and potential shippers of lithium ion and lithium metal batteries.

“(B) Working with Federal, regional, and international transportation agencies to ensure enforcement of U.S. Hazardous Materials Regulations and ICAO Technical Instructions with respect to shippers who offer noncompliant shipments of lithium ion and lithium metal batteries.

“(C) Sharing information, as appropriate, with Federal, regional, and international transportation agencies regarding noncompliant shipments.

“(D) Pursuing a joint effort with the international aviation community to develop a process to obtain assurances that appropriate enforcement actions are taken to reduce the likelihood of noncompliant shipments, especially with respect to jurisdictions in which enforcement activities historically have been limited.

“(E) Providing information in brochures and on the internet in appropriate foreign languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods

of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

“(f) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

“(g) DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—

“(1) IN GENERAL.—It shall be the policy of the Department of Transportation to support the participation of industry and labor stakeholders in all panels and working groups of the dangerous goods panel of the ICAO and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

“(2) PARTICIPATION.—The Secretary of Transportation shall request that as part of the ICAO deliberations in the dangerous goods panel on these issues, that appropriate experts on issues under consideration be allowed to participate.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) ICAO TECHNICAL INSTRUCTIONS.—The term ‘ICAO Technical Instructions’ has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term ‘U.S. Hazardous Materials Regulations’ means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act [Oct. 5, 2018]).”

Pub. L. 112-95, title VIII, §828, Feb. 14, 2012, 126 Stat. 133, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

“(b) EXCEPTIONS.—

“(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Feb. 14, 2012]).

“(2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

“(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the

transportation by aircraft of such cells or batteries, if that regulation—

“(i) addresses solely deficiencies referenced in the report; and

“(ii) is effective for not more than 1 year; and

“(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

“(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

“(ii) the regulation addresses solely the deficiencies in existing regulations; and

“(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

“(c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In this section, the term ‘ICAO Technical Instructions’ means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act [Feb. 14, 2012]).”

AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Pub. L. 111-216, title II, Aug. 1, 2010, 124 Stat. 2350, as amended by Pub. L. 111-249, §6, Sept. 30, 2010, 124 Stat. 2628; Pub. L. 117-286, §4(a)(315), Dec. 27, 2022, 136 Stat. 4340, provided that:

“SEC. 201. DEFINITIONS.

“(a) [sic] DEFINITIONS.—In this title, the following definitions apply:

“(1) ADVANCED QUALIFICATION PROGRAM.—The term ‘advanced qualification program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-54A, dated June 23, 2006, including any subsequent revisions thereto.

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

“(3) AVIATION SAFETY ACTION PROGRAM.—The term ‘aviation safety action program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-66B, dated November 15, 2002, including any subsequent revisions thereto.

“(4) FLIGHT CREWMEMBER.—The term ‘flight crewmember’ has the meaning given the term ‘flightcrew member’ in part 1 of title 14, Code of Federal Regulations.

“(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ‘flight operational quality assurance program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-82, dated April 12, 2004, including any subsequent revisions thereto.

“(6) LINE OPERATIONS SAFETY AUDIT.—The term ‘line operations safety audit’ means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120-90, dated April 27, 2006, including any subsequent revisions thereto.

“(7) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(8) PART 135 AIR CARRIER.—The term ‘part 135 air carrier’ means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

“SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

“[Amended section 1135 of this title.]

“SEC. 203. FAA PILOT RECORDS DATABASE.

“[Amended section 44703 of this title.]

“SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

“(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the ‘Task Force’).

“(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

“(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

“(1) Air carrier management responsibilities for flight crewmember education and support.

“(2) Flight crewmember professional standards.

“(3) Flight crewmember training standards and performance.

“(4) Mentoring and information sharing between air carriers.

“(d) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], and before the last day of each one-year period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

“(1) the progress of the Task Force in identifying best practices in the air carrier industry;

“(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

“(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

“(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

“(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

“(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

“(f) APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Chapter 10 of title 5, United States Code, shall not apply to the Task Force.

“SEC. 205. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

“(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act [Aug. 1, 2010], the Inspector General of the Department of Transportation shall conduct a review of the aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

“(b) PURPOSES.—The purpose of the review shall be, at a minimum—

“(1) to review the level of the Administration’s oversight of each part 121 air carrier;

“(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

“(3) to assess the number and level of experience of aviation safety inspectors assigned to each part 121 air carrier;

“(4) to evaluate how the Administration is making assignments of aviation safety inspectors to each part 121 air carrier;

“(5) to review various safety inspector oversight programs, including the geographic inspector program;

“(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

“(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

“(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of each part 121 air carrier;

“(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allows access by aviation safety inspectors and operational research analysts to assist in the oversight of each part 121 air carrier; and

“(10) to conduct such other analyses as the Inspector General considers relevant to the review.

“SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

“(a) AVIATION RULEMAKING COMMITTEE.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to develop procedures for each part 121 air carrier to take the following actions:

“(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

“(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

“(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

“(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

“(E) Ensure that recurrent training for pilots in command includes leadership and command training.

“(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flight crewmember professional development.

“(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

“(3) STREAMLINED PROGRAM REVIEW.—

“(A) IN GENERAL.—As part of the rulemaking required by subsection (b), the Administrator shall establish a streamlined review process for part 121 air carriers that have in effect, as of the date of enactment of this Act [Aug. 1, 2010], the programs described in paragraph (1).

“(B) EXPEDITED APPROVALS.—Under the streamlined review process, the Administrator shall—

“(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

“(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

“(b) RULEMAKING.—The Administrator shall issue—

“(1) not later than one year after the date of enactment of this Act, a notice of proposed rulemaking based on the recommendations of the aviation rulemaking committee convened under subsection (a); and

“(2) not later than 36 months after such date of enactment, a final rule based on such recommendations.

“SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

“(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing, crew resource management techniques, and pilot commuting.

“(b) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

“SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

“(a) RULEMAKING PROCEEDINGS.—

“(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

“(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

“(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

“(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

“(3) DEADLINES.—The Administrator shall—

“(A) not later than one year after the date of enactment of this Act [Aug. 1, 2010], issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

“(B) not later than 36 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

“(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

“(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

“(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

“(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

“(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms ‘flight training’ and ‘flight simulator’ have the

meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

“(2) STALL.—The term ‘stall’ means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

“(3) STICK PUSHER.—The term ‘stick pusher’ means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

“(4) UPSET.—The term ‘upset’ means an unusual aircraft attitude.

“SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.

“(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

“(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

“(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

“(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

“(B) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides;

“(C) the optimal length of time between training events for such flight crewmembers, including recurrent training events;

“(D) the best methods reliably to evaluate mastery by such flight crewmembers of aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

“(E) classroom instruction requirements governing curriculum content and hours of instruction;

“(F) the best methods to allow specific academic training courses to be credited toward the total flight hours required to receive an airline transport pilot certificate; and

“(G) crew leadership training.

“(3) BEST PRACTICES.—In making recommendations under subsection (b)(2), the panel shall consider, if appropriate, best practices in the aviation industry with respect to training protocols, methods, and procedures.

“(4) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

“SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

“[Amended section 41712 of this title.]

“SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

“The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract

with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

“SEC. 212. PILOT FATIGUE.

“(a) FLIGHT AND DUTY TIME REGULATIONS.—

“(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

“(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

“(A) Time of day of flights in a duty period.

“(B) Number of takeoff and landings in a duty period.

“(C) Number of time zones crossed in a duty period.

“(D) The impact of functioning in multiple time zones or on different daily schedules.

“(E) Research conducted on fatigue, sleep, and circadian rhythms.

“(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

“(G) International standards regarding flight schedules and duty periods.

“(H) Alternative procedures to facilitate alertness in the cockpit.

“(I) Scheduling and attendance policies and practices, including sick leave.

“(J) The effects of commuting, the means of commuting, and the length of the commute.

“(K) Medical screening and treatment.

“(L) Rest environments.

“(M) Any other matters the Administrator considers appropriate.

“(3) RULEMAKING.—The Administrator shall issue—

“(A) not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under paragraph (1); and

“(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

“(b) FATIGUE RISK MANAGEMENT PLAN.—

“(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier's pilots.

“(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

“(A) Current flight time and duty period limitations.

“(B) A rest scheme consistent with such limitations that enables the management of pilot fatigue, including annual training to increase awareness of—

“(i) fatigue;

“(ii) the effects of fatigue on pilots; and

“(iii) fatigue countermeasures.

“(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

“(i) to improve alertness; and

“(ii) to mitigate performance errors.

“(3) REVIEW.—Not later than 12 months after the date of enactment of this Act, the Administrator shall review and accept or reject the fatigue risk management plans submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

“(4) PLAN UPDATES.—

“(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under para-

graph (1) every 2 years and submit the update to the Administrator for review and acceptance.

“(B) REVIEW.—Not later than 12 months after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

“(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

“(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

“(c) EFFECT OF COMMUTING ON FATIGUE.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

“(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

“(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

“(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

“(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

“(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

“(E) postconference materials from the Federal Aviation Administration's June 2008 symposium titled ‘Aviation Fatigue Management Symposium: Partnerships for Solutions’;

“(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

“(G) any other matters as the Administrator considers appropriate.

“(3) PRELIMINARY FINDINGS.—Not later than 120 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

“(4) REPORT.—Not later than 9 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

“(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

“(A) consider the findings and recommendations in the report; and

“(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

“SEC. 213. VOLUNTARY SAFETY PROGRAMS.

“(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

“(b) CONTENTS.—The report shall include—

- “(1) a list of—
- “(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and
- “(B) the voluntary safety programs each air carrier is using;
- “(2) if an air carrier is not using one or more of the voluntary safety programs—
- “(A) a list of such programs the carrier is not using; and
- “(B) the reasons the carrier is not using each such program;
- “(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;
- “(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;
- “(5) an explanation of—
- “(A) where the data derived from the voluntary safety programs is stored;
- “(B) how the data derived from such programs is protected and secured; and
- “(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;
- “(6) a description of the extent to which aviation safety inspectors are able to review data derived from the voluntary safety programs to enhance their oversight responsibilities;
- “(7) a description of how the Administration plans to incorporate operational trends identified under the voluntary safety programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;
- “(8) other plans to strengthen the voluntary safety programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and
- “(9) such other matters as the Administrator determines are appropriate.

“SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.

“(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

“(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

- “(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive a benefit from establishing a flight operational quality assurance program;
- “(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and
- “(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.
- “(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

“(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enact-

ment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

“SEC. 215. SAFETY MANAGEMENT SYSTEMS.

“(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

“(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

- “(1) An aviation safety action program.
- “(2) A flight operational quality assurance program.
- “(3) A line operations safety audit.
- “(4) An advanced qualification program.

“(c) DEADLINES.—The Administrator shall issue—

“(1) not later than 90 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under subsection (a); and

“(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

“(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term ‘safety management system’ means the program established by the Federal Aviation Administration in Advisory Circular 120-92, dated June 22, 2006, including any subsequent revisions thereto.

“SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

“(a) REQUIREMENTS.—

“(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

“(2) MINIMUM REQUIREMENTS.—

“(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive preemployment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier’s operational environment.

“(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act [Aug. 1, 2010], all flight crewmembers—

- “(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and
- “(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

“(b) DEADLINES.—The Administrator shall issue—

“(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

“(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

“(c) DEFAULT.—The requirement that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations, shall begin to apply on the date that is 3 years after the date of enactment of this Act even if the Administrator fails to meet a deadline established under this section.

“SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

“(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

“(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

“(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

“(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

“(A) function effectively in a multipilot environment;

“(B) function effectively in adverse weather conditions, including icing conditions;

“(C) function effectively during high altitude operations;

“(D) adhere to the highest professional standards; and

“(E) function effectively in an air carrier operational environment.

“(c) FLIGHT HOURS.—

“(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

“(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

“(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

“(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 209(b) of this Act.

“(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall issue a final rule under subsection (a).”

FAA INSPECTOR TRAINING

Pub. L. 108-176, title V, §506, Dec. 12, 2003, 117 Stat. 2560, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ‘FAA inspectors’).

“(2) CONTENTS.—The study shall include—

“(A) an analysis of the type of training provided to FAA inspectors;

“(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

“(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid pro quo basis; and

“(D) the amount of travel that is required of FAA inspectors in receiving training.

“(3) REPORT.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

“(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

“(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

“(2) FAA inspector training should have a direct relation to an individual’s job requirements; and

“(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

“(c) WORKLOAD OF INSPECTORS.—

“(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

“(2) CONTENTS.—The study shall include the following:

“(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

“(B) The approximate cost and length of time for developing such models.

“(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.”

AIR TRANSPORTATION OVERSIGHT SYSTEM

Pub. L. 106-181, title V, §513, Apr. 5, 2000, 114 Stat. 144, provided that:

“(a) REPORT.—Not later than August 1, 2000, the Administrator [of the Federal Aviation Administration] shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

“(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

“(1) any funding or staffing constraints that would adversely impact the Administration’s ability to continue to develop and implement the air transportation oversight system;

“(2) progress in integrating the aviation safety data derived from such system’s inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

“(3) the Administration’s efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

“(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).”

REGULATION OF ALASKA GUIDE PILOTS

Pub. L. 106-181, title VII, §732, Apr. 5, 2000, 114 Stat. 168, provided that:

“(a) IN GENERAL.—Beginning on the date of the enactment of this Act [Apr. 5, 2000], flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

“(b) RULEMAKING PROCEEDING.—

“(1) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

“(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

“(A) to operate aircraft inspected no less often than after 125 hours of flight time;

“(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

“(C) to have at least 500 hours of flight time as a pilot;

“(D) to have a commercial rating, as described in subpart F of part 61 of such title;

“(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

“(F) to hold a current letter of authorization issued by the Administrator; and

“(G) to take such other actions as the Administrator determines necessary for safety.

“(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) LETTER OF AUTHORIZATION.—The term ‘letter of authorization’ means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

“(2) ALASKA GUIDE PILOT.—The term ‘Alaska guide pilot’ means a pilot who—

“(A) conducts aircraft operations over or within the State of Alaska;

“(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

“(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.”

AVIATION MEDICAL ASSISTANCE

Pub. L. 105-170, Apr. 24, 1998, 112 Stat. 47, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Aviation Medical Assistance Act of 1998’.

“SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

“Not later than 1 year after the date of the enactment of this Act [Apr. 24, 1998], the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding: (1) the equipment required to be carried in medical kits of aircraft operated by air carriers; and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

“SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

“(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act [Apr. 24, 1998], a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

“(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed from such an aircraft as a result of a medical incident that occurred on such aircraft.

“(2) The age of each such person.

“(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

“(4) Whether or not the aircraft was diverted as a result of the death or incident.

“(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

“(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

“SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

“(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

“(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

“(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

“(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

“(A) the size of the aircraft on which such defibrillators should be required;

“(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

“(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

“(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

“(2) at airports, the proposed rulemaking or recommendation shall include—

“(A) the size of the airport at which such defibrillators should be required;

“(B) the training that should be required for airport personnel in the use of such defibrillators; and

“(C) the associated equipment and medication that should be required at the airport.

“(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

“(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

“SEC. 5. LIMITATIONS ON LIABILITY.

“(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

“(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a

Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

“SEC. 6. DEFINITIONS.

“In this Act—

“(1) the terms ‘air carrier’, ‘aircraft’, ‘airport’, ‘interstate air transportation’, ‘overseas air transportation’, and ‘foreign air transportation’ have the meanings such terms have under section 40102 of title 49, United States Code;

“(2) the term ‘major air carrier’ means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act [Apr. 24, 1998], as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

“(3) the term ‘medically qualified individual’ includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.”

DEFINITIONS

Pub. L. 115-254, div. B, title III, §301, Oct. 5, 2018, 132 Stat. 3260, provided that: “In this title [see Tables for classification], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) FAA.—The term ‘FAA’ means the Federal Aviation Administration.”

§ 44702. Issuance of certificates

(a) GENERAL AUTHORITY AND APPLICATIONS.—The Administrator of the Federal Aviation Administration may issue airman certificates, design organization certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must—

(1) be under oath when the Administrator requires; and

(2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

(b) CONSIDERATIONS.—When issuing a certificate under this chapter, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a certificate according to the differences between air transportation and other air commerce.

(c) PRIOR CERTIFICATION.—The Administrator may authorize an aircraft, aircraft engine, propeller, or appliance for which a certificate has been issued authorizing the use of the aircraft, aircraft engine, propeller, or appliance in air transportation to be used in air commerce without another certificate being issued.

(d) DELEGATION.—(1) Subject to regulations, supervision, and review the Administrator may

prescribe, the Administrator may delegate to a qualified private person, or to an employee under the supervision of that person, a matter related to—

(A) the examination, testing, and inspection necessary to issue a certificate under this chapter; and

(B) issuing the certificate.

(2) The Administrator may rescind a delegation under this subsection at any time for any reason the Administrator considers appropriate.

(3) A person affected by an action of a private person under this subsection may apply for reconsideration of the action by the Administrator. On the Administrator’s own initiative, the Administrator may reconsider the action of a private person at any time. If the Administrator decides on reconsideration that the action is unreasonable or unwarranted, the Administrator shall change, modify, or reverse the action. If the Administrator decides the action is warranted, the Administrator shall affirm the action.

(4)(A) With respect to a critical system design feature of a transport category airplane, the Administrator may not delegate any finding of compliance with applicable airworthiness standards or review of any system safety assessment required for the issuance of a certificate, including a type certificate, or amended or supplemental type certificate, under section 44704, until the Administrator has reviewed and validated any underlying assumptions related to human factors.

(B) The requirement under subparagraph (A) shall not apply if the Administrator determines the matter involved is a routine task.

(C) For purposes of subparagraph (A), the term critical system design feature includes any feature (including a novel or unusual design feature) for which the failure of such feature, either independently or in combination with other failures, could result in catastrophic or hazardous failure conditions, as those terms are defined by the Administrator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1186; Pub. L. 108-176, title II, §227(a), Dec. 12, 2003, 117 Stat. 2531; Pub. L. 116-260, div. V, title I, §106, Dec. 27, 2020, 134 Stat. 2320.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44702(a)	49 App.:1422(a) (1st-10th words).	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.
	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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:1427 (last sentence). 49 App.:1428. 49 App.:1432(a) (related to issuing certificates).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §612(a) (related to issuing certificates); added May 21, 1970, Pub. L. 91-258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97-248, §525(a), 96 Stat. 697.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44702(b)	49 App.:1421(b) (1st sentence related to issuing certificates).	
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 indi-

vidual who becomes an airman after such date of enactment.

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

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

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

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

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

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

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

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

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

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

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

(g) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for issuing airman certificates necessary to make the system more effective in serving the needs of airmen and officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) and related to combating acts of terrorism. The modifications shall ensure positive and verifiable identification of each individual applying for or holding a certificate and shall address at least each of the following deficiencies in, and abuses of, the existing system:

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

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

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

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

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

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

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

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

(h) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

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

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

(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

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

ployment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

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

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

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

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

(IV) section 125.401 of such title; and

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

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

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

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

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

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

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

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

(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

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

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

(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in

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

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

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

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

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

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

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

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

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

(ii) inform the individual of—

(I) the request; and

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

(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

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

(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in

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

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

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

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

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

(A) to protect—

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

(ii) the confidentiality of those records;

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

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

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

(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

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

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

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

(i) FAA PILOT RECORDS DATABASE.—

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

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

(A) FAA RECORDS.—From the Administrator—

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

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

(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

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

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

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

(II) section 121.111(a) of such title;

- (III) section 121.219(a) of such title;
 - (IV) section 125.401 of such title; and
 - (V) section 135.63(a)(4) of such title;
- and

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

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

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

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

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

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

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

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

(4) REPORTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) remain available until expended.

(9) PRIVACY PROTECTIONS.—

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

(B) DISCLOSURE OF INFORMATION.—

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

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

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

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

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

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

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

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

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

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

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

(A) to protect and secure—

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

(ii) the confidentiality of those records; and

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

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

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

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

(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

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

(B) TERMS.—The terms established by the Administrator under subparagraph (A) for

allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

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

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

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

(15) REGULATIONS.—

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

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

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

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

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

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

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

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

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

(A) the air carrier requesting the records of that individual under subsection (h)(1) or accessing the records of that individual under subsection (i)(1);

(B) a person who has complied with such request;

(C) a person who has entered information contained in the individual’s records; or

(D) an agent or employee of a person described in subparagraph (A) or (B);

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

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

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

(A) the person knows is false; and

(B) was maintained in violation of a criminal statute of the United States.

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44703(a)	49 App.:1422(b)(1) (1st sentence, 2d sentence words before 6th comma). 49 App.:1655(c)(1).	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. 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). 49 App.:1422(b)(1) (2d sentence words after 6th comma), (c). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §602(a) (9th–last words), (c), 72 Stat. 776.
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 subssecs. (h) to (j), respectively, and amended by Pub. L. 107-71, §§138(b), 140(a), was based on Pub. L. 104-264, title V, §502(a), Oct. 9, 1996, 110 Stat. 3259; amended Pub. L. 105-102, §2(25), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105-142, §1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106-181, title V, §508(b), Apr. 5, 2000, 114 Stat. 140.

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

Subsec. (j)(3). Pub. L. 111-216, §203(c)(1)(D), as amended by Pub. L. 111-249, §6(3), inserted “or who furnished information to the database established under sub-

section (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 subssecs. (f) to (h) of section 44936 of this title as subssecs. (h) to (j), respectively, of this section, and substituting “subsection (h)” for “subsection (f)” wherever appearing in subssecs. (i) and (j). See Codification note above.

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

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

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

EFFECTIVE DATE OF 2010 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

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

TERMINATION DATE

Subsec. (h) of this section ceases to be effective beginning on Sept. 9, 2024, see 14 C.F.R. §111.5(b).

TRANSFER OF FUNCTIONS

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

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

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

APPLICABILITY OF MEDICAL CERTIFICATION STANDARDS TO OPERATORS OF AIR BALLOONS

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

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

“(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall revise section 61.3(c) of title 14, Code of Federal Regulations (relating to second-class medical certificates), to apply to an operator of an air balloon to the same extent such regulations apply to a pilot flight 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 designed pilot examiner without regard to any individual managing office.

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

PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING FLIGHT TIMES

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

PORTABILITY OF REPAIRMAN CERTIFICATES

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

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

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

MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS

Pub. L. 114-190, title II, §2307, July 15, 2016, 130 Stat. 641, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an indi-

vidual may operate as pilot in command of a covered aircraft if—

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

“(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

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

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

“(B) may include authorization for special issuance;

“(C) may be expired;

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

“(E) cannot have been withdrawn;

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

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

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

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

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

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

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

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

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

“(A) The covered aircraft is carrying not more than 5 passengers.

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

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

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

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

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

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

“(b) COMPREHENSIVE MEDICAL EXAMINATION.—

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

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

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

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

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

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

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

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

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

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

“(i) to perform a clinical examination of—

“(I) head, face, neck, and scalp;

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

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

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

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

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

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

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

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

“(X) skin;

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

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

“(XIII) spine and other musculoskeletal;

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

“(XV) lymphatics;

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

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

“(XVIII) general systemic;

“(XIX) hearing;

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

“(XXI) blood pressure and pulse; and

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

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

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

“(iv) to sign the checklist, stating: ‘I certify that I discussed all items on this checklist with

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

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

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

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

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

“(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

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

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

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

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

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

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

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

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

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

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

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

“(D) a form that includes—

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

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

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

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

“(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ‘I understand that I cannot act as pilot in command,

or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.’.

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

“(e) SPECIAL ISSUANCE PROCESS.—

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

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

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

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

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

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

“(iii) bipolar disorder; or

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

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

“(i) Epilepsy.

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

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

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

“(i) Myocardial infraction [sic].

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

“(iii) Cardiac valve replacement.

“(iv) Heart replacement.

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

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

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

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

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

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

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

“(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in

conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

“(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the appropriate committees of Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

“(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft

for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

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

“(1) is authorized under Federal law to carry not more than 6 occupants; and

“(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

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

“(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

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

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

FEDERAL AVIATION ADMINISTRATION ENFORCEMENT
PROCEEDINGS AND ELIMINATION OF DEFERENCE

Pub. L. 112-153, §2, Aug. 3, 2012, 126 Stat. 1159, as amended by Pub. L. 115-254, div. B, title III, §392, Oct. 5, 2018, 132 Stat. 3323, provided that:

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

“(b) ACCESS TO INFORMATION.—

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

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

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

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

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

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

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

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

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

“(4) ACCESS TO AIR TRAFFIC DATA.—

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

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

“(i) relevant air traffic communication tapes;

“(ii) radar information;

“(iii) air traffic controller statements;

“(iv) flight data;

“(v) investigative reports; and

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

“(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

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

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

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

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

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

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

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

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

“(c) AMENDMENTS TO TITLE 49.—

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

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

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

“(d) APPEAL FROM CERTIFICATE ACTIONS.—

“(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual’s election, file an appeal in the United States district court in which the individual resides or in which the action in question oc-

curred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

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

“(e) STANDARD OF REVIEW.—

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

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

“(f) RELEASE OF INVESTIGATIVE REPORTS.—

“(1) IN GENERAL.—

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

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

“(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

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

“(A) Information that is privileged.

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

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

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

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

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

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

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

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

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

MEDICAL CERTIFICATION

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

“(a) ASSESSMENT.—

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

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

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

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

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

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

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

“(A) are appropriate without being overly broad;

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

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

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

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

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

“(4) to ensure that—

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

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

“(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to

advise the Administrator in carrying out the goals of the assessment required under this section.

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

IMPROVED PILOT LICENSES

Pub. L. 112–95, title III, §321, Feb. 14, 2012, 126 Stat. 71, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.

“(b) TIMING.—Not later than 270 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall—

“(1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

“(A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and

“(B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and

“(2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

“(c) REQUIREMENTS.—Improved pilot licenses issued under this section shall—

“(1) be resistant to tampering, alteration, and counterfeiting;

“(2) include a photograph of the individual to whom the license is issued for identification purposes; and

“(3) be smart cards that—

“(A) accommodate iris and fingerprint biometric identifiers; and

“(B) are compliant with Federal Information Processing Standards-201 (FIPS-201) or Personal Identity Verification-Interoperability Standards (PIV-I) for processing through security checkpoints into airport sterile areas.

“(d) TAMPERING.—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.

“(e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on pilots.

“(f) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

“(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.”

Pub. L. 108–458, title IV, §4022, Dec. 17, 2004, 118 Stat. 3723, provided that:

“(a) IN GENERAL.—Not later than one year after the date of enactment of this Act [Dec. 17, 2004], the Administrator of the Federal Aviation Administration

shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

“(b) REQUIREMENTS.—Improved pilot licenses issued under subsection (a) shall—

“(1) be resistant to tampering, alteration, and counterfeiting;

“(2) include a photograph of the individual to whom the license is issued; and

“(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

“(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

“(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.”

CREDITING OF LAW ENFORCEMENT FLIGHT TIME

Pub. L. 106–424, §14, Nov. 1, 2000, 114 Stat. 1888, provided that: “In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

“(1) identifiable by category and class; and

“(2) used in law enforcement activities.”

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

(a) TYPE CERTIFICATES.—

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

(2) SPECIFICATIONS.—The Administrator may—

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

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

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

(3) SPECIAL RULES FOR NEW AIRCRAFT AND APPLIANCES.—Except as provided in paragraph (4), if the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall pro-

vide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.

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

(5) RELEASE OF DATA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

(iii) making such data available will enhance aviation safety.

(B) ENGINEERING DATA DEFINED.—In this section, the term “engineering data” as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.

(b) SUPPLEMENTAL TYPE CERTIFICATES.—

(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supple-

mental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.

(c) PRODUCTION CERTIFICATES.—The Administrator shall issue a production certificate authorizing the production of a duplicate of an aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued when the Administrator finds the duplicate will conform to the certificate. On receiving an application, the Administrator shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate. The Administrator may include in a production certificate terms required in the interest of safety.

(d) AIRWORTHINESS CERTIFICATES.—(1) The registered owner of an aircraft may apply to the Administrator for an airworthiness certificate for the aircraft. The Administrator shall issue an airworthiness certificate when the Administrator finds that the aircraft conforms to its type certificate and, after inspection, is in condition for safe operation. The Administrator shall register each airworthiness certificate and may include appropriate information in the certificate. The certificate number or other individual designation the Administrator requires shall be displayed on the aircraft. The Administrator may include in an airworthiness certificate terms required in the interest of safety.

(2) A person applying for the issuance or renewal of an airworthiness certificate for an aircraft for which ownership has not been recorded under section 44107 or 44110 of this title must submit with the application information related to the ownership of the aircraft the Administrator decides is necessary to identify each person having a property interest in the aircraft and the kind and extent of the interest.

(3) NONCONFORMITY WITH APPROVED TYPE DESIGN.—

(A) IN GENERAL.—Consistent with the requirements of paragraph (1), a holder of a production certificate for an aircraft may not present a nonconforming aircraft, either directly or through the registered owner of such aircraft or a person described in paragraph (2), to the Administrator for issuance of an initial airworthiness certificate.

(B) CIVIL PENALTY.—Notwithstanding section 46301, a production certificate holder who knowingly violates subparagraph (A) shall be

liable to the Administrator for a civil penalty of not more than \$1,000,000 for each nonconforming aircraft.

(C) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (B), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time the nonconformity was known by the holder of a production certificate but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(D) NONCONFORMING AIRCRAFT DEFINED.—In this paragraph, the term “nonconforming aircraft” means an aircraft that does not conform to the approved type design for such aircraft type.

(e) DISCLOSURE OF SAFETY CRITICAL INFORMATION.—

(1) IN GENERAL.—Notwithstanding a delegation described in section 44702(d), the Administrator shall require an applicant for, or holder of, a type certificate for a transport category airplane covered under part 25 of title 14, Code of Federal Regulations, to submit safety critical information with respect to such airplane to the Administrator in such form, manner, or time as the Administrator may require. Such safety critical information shall include—

(A) any design and operational details, intended functions, and failure modes of any system that, without being commanded by the flight crew, commands the operation of any safety critical function or feature required for control of an airplane during flight or that otherwise changes the flight path or airspeed of an airplane;

(B) the design and operational details, intended functions, failure modes, and mode annunciations of autopilot and autothrottle systems, if applicable;

(C) any failure or operating condition that the applicant or holder anticipates or has concluded would result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity;

(D) any adverse handling quality that fails to meet the requirements of applicable regulations without the addition of a software system to augment the flight controls of the airplane to produce compliant handling qualities; and

(E) a system safety assessment with respect to a system described in subparagraph (A) or (B) or with respect to any component or other system for which failure or erroneous operation of such component or system could result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity.

(2) ONGOING COMMUNICATIONS.—

(A) NEWLY DISCOVERED INFORMATION.—The Administrator shall require that an applicant for, or holder of, a type certificate disclose to the Administrator, in such form, manner, or time as the Administrator may require, any newly discovered information or design or analysis change that would materially alter any submission to the Administrator under paragraph (1).

(B) SYSTEM DEVELOPMENT CHANGES.—The Administrator shall establish multiple milestones throughout the certification process at which a proposed airplane system will be assessed to determine whether any change to such system during the certification process is such that such system should be considered novel or unusual by the Administrator.

(3) FLIGHT MANUALS.—The Administrator shall ensure that an airplane flight manual and a flight crew operating manual (as appropriate or applicable) for an airplane contains a description of the operation of a system described in paragraph (1)(A) and flight crew procedures for responding to a failure or aberrant operation of such system.

(4) CIVIL PENALTY.—

(A) AMOUNT.—Notwithstanding section 46301, an applicant for, or holder of, a type certificate that knowingly violates paragraph (1), (2), or (3) of this subsection shall be liable to the Administrator for a civil penalty of not more than \$1,000,000 for each violation.

(B) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (A), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time that such safety critical information was known but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(5) REVOCATION AND CIVIL PENALTY FOR INDIVIDUALS.—

(A) IN GENERAL.—The Administrator shall revoke any airline transport pilot certificate issued under section 44703 held by any individual who, while acting on behalf of an applicant for, or holder of, a type certificate, knowingly makes a false statement with respect to any of the matters described in subparagraphs (A) through (E) of paragraph (1).

(B) AUTHORITY TO IMPOSE CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation described in subparagraph (A).

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise inhibit the authority of the Administrator to deny an application by an applicant for a type certificate or to revoke or amend a type certificate of a holder of such certificate.

(7) DEFINITION OF TYPE CERTIFICATE.—In this subsection, the term “type certificate”—

(A) means a type certificate issued under subsection (a) or an amendment to such certificate; and

(B) does not include a supplemental type certificate issued under subsection (b).

(f) HEARING REQUIREMENT.—The Administrator may find that a person has violated subsection (a)(6) or paragraph (1), (2), or (3) of subsection (e) and impose a civil penalty under the applicable subsection only after notice and an opportunity for a hearing. The Administrator shall provide a person—

- (1) written notice of the violation and the amount of penalty; and
- (2) the opportunity for a hearing under subpart G of part 13 of title 14, Code of Federal Regulations.

(g) CERTIFICATION DISPUTE RESOLUTION.—

(1) DISPUTE RESOLUTION PROCESS AND APPEALS.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Administrator shall issue an order establishing—

(i) an effective, timely, and milestone-based issue resolution process for type certification activities under subsection (a); and

(ii) a process by which a decision, finding of compliance or noncompliance, or other act of the Administration, with respect to compliance with design requirements, may be appealed by a covered person directly involved with the certification activities in dispute on the basis that such decision, finding, or act is erroneous or inconsistent with this chapter, regulations, or guidance materials promulgated by the Administrator, or other requirements.

(B) ESCALATION.—The order issued under subparagraph (A) shall provide processes for—

(i) resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

(ii) automatic elevation to appropriate management personnel of the Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iv) initial review by appropriate Administration employees of any appeal described in subparagraph (A)(ii); and

(v) subsequent review of any further appeal by appropriate management personnel of the Administration and the Associate Administrator for Aviation Safety.

(C) DISPOSITION.—

(i) WRITTEN DECISION.—The Associate Administrator for Aviation Safety shall issue a written decision that states the grounds for the decision of the Associate Administrator on—

(I) each appeal submitted under subparagraph (A)(ii); and

(II) An appeal to the Associate Administrator submitted under subparagraph (B)(v).

(ii) REPORT TO CONGRESS.—Not later than December 31 of each calendar year through calendar year 2025, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing each appeal resolved under this subsection.

(D) FINAL REVIEW.—

(i) IN GENERAL.—A written decision of the Associate Administrator under subparagraph (C) may be appealed to the Administrator for a final review and determination.

(ii) DECLINE TO REVIEW.—The Administrator may decline to review an appeal initiated pursuant to clause (i).

(iii) JUDICIAL REVIEW.—No decision under this paragraph (including a decision to decline to review an appeal) shall be subject to judicial review.

(2) PROHIBITED CONTACTS.—

(A) PROHIBITION GENERALLY.—During the course of an appeal under this subsection, no covered official may engage in an ex parte communication (as defined in section 551 of title 5) with an individual representing or acting on behalf of an applicant for, or holder of, a certificate under this section in relation to such appeal unless such communication is disclosed pursuant to subparagraph (B).

(B) DISCLOSURE.—If, during the course of an appeal under this subsection, a covered official engages in, receives, or is otherwise made aware of an ex parte communication, the covered official shall disclose such communication in the public record at the time of the issuance of the written decision under paragraph (1)(C), including the time and date of the communication, subject of communication, and all persons engaged in such communication.

(3) DEFINITIONS.—In this subsection:

(A) COVERED PERSON.—The term “covered person” means either—

(i) an employee of the Administration whose responsibilities relate to the certification of aircraft, engines, propellers, or appliances; or

(ii) an applicant for, or holder of, a type certificate or amended type certificate issued under this section.

(B) COVERED OFFICIAL.—The term “covered official” means the following officials:

(i) The Executive Director or any Deputy Director of the Aircraft Certification Service.

(ii) The Deputy Executive Director for Regulatory Operations of the Aircraft Certification Service.

(iii) The Director or Deputy Director of the Compliance and Airworthiness Division of the Aircraft Certification Service.

(iv) The Director or Deputy Director of the System Oversight Division of the Aircraft Certification Service.

(v) The Director or Deputy Director of the Policy and Innovation Division of the Aircraft Certification Service.

(vi) The Executive Director or any Deputy Executive Director of the Flight Standards Service.

(vii) The Associate Administrator or Deputy Associate Administrator for Aviation Safety.

(viii) The Deputy Administrator of the Federal Aviation Administration.

(ix) The Administrator of the Federal Aviation Administration.

(x) Any similarly situated or successor FAA management position to those described in clauses (i) through (ix), as determined by the Administrator.

(C) MAJOR CERTIFICATION PROCESS MILESTONE.—The term “major certification process milestone” means a milestone related to the type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall apply to the communication of a good-faith complaint by any individual alleging—

(A) gross misconduct;

(B) a violation of title 18; or

(C) a violation of any of the provisions of part 2635 or 6001 of title 5, Code of Federal Regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1188; Pub. L. 104-264, title IV, §403, Oct. 9, 1996, 110 Stat. 3256; Pub. L. 108-176, title II, §227(b)(2), (e)(1), title VIII, §811, Dec. 12, 2003, 117 Stat. 2531, 2532, 2590; Pub. L. 109-59, title IV, §4405, Aug. 10, 2005, 119 Stat. 1776; Pub. L. 112-95, title III, §§302, 303(a), (c)(1), Feb. 14, 2012, 126 Stat. 56, 57; Pub. L. 115-254, div. B, title II, §214, Oct. 5, 2018, 132 Stat. 3250; Pub. L. 116-260, div. V, title I, §§105(a), (b), 110, 120, Dec. 27, 2020, 134 Stat. 2317, 2328, 2343.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44704(a)(1) ..	49 App.:1423(a)(2) (1st-4th sentences). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §§503(h), 603(a)(1) (related to regulations for appliances), (2), (b) (related to basis for issuing, and contents of, certificates), (c) (related to basis for issuing, and contents of, certificates), 72 Stat. 774, 776. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44704(a)(2) ..	49 App.:1423(a)(1) (related to regulations for appliances), (2) (5th, last sentences). 49 App.:1655(c)(1).	
44704(b)	49 App.:1423(b) (related to basis for issuing, and contents of, certificates). 49 App.:1655(c)(1).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44704(c)(1) ..	49 App.:1423(c) (related to basis for issuing, and contents of, certificates).	
44704(c)(2) ..	49 App.:1655(c)(1). 49 App.:1403(h). 49 App.:1655(c)(1).	

In subsections (a)–(c)(1), the word “Administrator” in section 603 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 776) is retained on authority of 49:106(g).

In subsection (a)(1), the text of 49 App.:1423(a)(2) (1st sentence 1st-16th words) and the words “in regulations” are omitted as surplus. The words “properly designed and manufactured, performs properly” are substituted for “of proper design, material, specification, construction, and performance for safe operation” to eliminate unnecessary words. The word “rules” is omitted as being synonymous with “regulations”. The words “under section 44701(a) of this title” and “for a type certificate” are added for clarity. The words “including flight tests and tests of raw materials or any part or appurtenance of such aircraft, aircraft engine, propeller, or appliance” are omitted as surplus.

In subsection (a)(2)(A), the words “issuance of” are omitted as surplus.

In subsection (a)(2)(B), the words “the duration thereof and such other” are omitted as surplus. The words “conditions, and limitations” are omitted as being included in “terms”.

In subsection (a)(2)(C), the words “issued for aircraft, aircraft engines, or propellers” and “all of” are omitted as surplus. The word “specification” is substituted for “determination” for clarity.

In subsection (b), the word “satisfactorily” is omitted as surplus. The words “shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate” are substituted for “shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof” to eliminate unnecessary words. The words “the duration thereof and such other . . . conditions, and limitations” are omitted as surplus.

In subsection (c)(1), the words “may apply to” are substituted for “may file with . . . an application” to eliminate unnecessary words. The words “in accordance with regulations prescribed by the Secretary of Transportation” are omitted because of 49:322(a). The words “the duration of such certificate, the type of service for which the aircraft may be used, and such other . . . conditions, and limitations” are omitted as surplus.

In subsection (c)(2), the words “having a property interest” are substituted for “who are holders of property interests” to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (g)(1)(A), is the date of enactment of Pub. L. 116-260, which was approved Dec. 27, 2020.

AMENDMENTS

2020—Subsec. (a)(6). Pub. L. 116-260, §110(b), struck out par. (6) which related to type certification resolution process.

Subsec. (d)(3). Pub. L. 116-260, §120, added par. (3).

Subsec. (e). Pub. L. 116-260, §105(a), added subsec. (e) and struck out former subsec. (e) which related to design and production organization certificates.

Subsec. (f). Pub. L. 116-260, §105(b), added subsec. (f).
 Subsec. (g). Pub. L. 116-260, §110(a), added subsec. (g).
 2018—Pub. L. 115-254, §214(b), substituted “airworthiness certificates,” for “airworthiness certificates,” in section catchline.

Subsec. (a)(6). Pub. L. 115-254, §214(a), added par. (6).
 2012—Pub. L. 112-95, §303(c)(1), substituted “, and design and production organization certificates” for “and design organization certificates” in section catchline.

Subsec. (a)(5). Pub. L. 112-95, §302, added par. (5).
 Subsec. (e). Pub. L. 112-95, §303(a), amended subsec. (e) generally. Prior to amendment, subsec. (e) related to design organization certificates.

2005—Subsec. (a)(1) to (3). Pub. L. 109-59, §4405(1)–(3), (5), (6), inserted par. headings, realigned margins, and substituted “Except as provided in paragraph (4), if” for “If” in par. (3).

Subsec. (a)(4). Pub. L. 109-59, §4405(4), added par. (4).
 2003—Pub. L. 108-176, §227(e)(1), added section catchline and struck out former section catchline which read as follows: “Type certificates, production certificates, and airworthiness certificates”.

Subsec. (a)(3). Pub. L. 108-176, §811, added par. (3).
 Subsec. (e). Pub. L. 108-176, §227(b)(2), added subsec. (e).

1996—Subsecs. (b) to (d). Pub. L. 104-264 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

REQUIRED SUBMISSION OF OUTLINE OF SYSTEM CHANGES AT THE BEGINNING OF THE CERTIFICATION PROCESS

Pub. L. 116-260, div. V, title I, §105(c), Dec. 27, 2020, 134 Stat. 2319, provided that:

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate a process to revise procedures to require an applicant for an amendment to a type certificate for a transport category aircraft to disclose to the Administrator, in a single document submitted at the beginning of the process for amending such certificate, all new systems and intended changes to existing systems then known to such applicant. The Administrator shall finalize the revision of such procedures not later than 18 months after initiating such process.

“(2) APPLICATION.—Compliance with the procedures revised pursuant to paragraph (1) shall not preclude an applicant from making additional changes to aircraft systems as the design and application process proceeds.

“(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to limit the obligations of an applicant for an amended type certificate for a transport category airplane under section 44704(e) of title 49, United States Code, as amended in this title.”

[For definitions of “Administrator” and “type certificate” as used in section 105(c) of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

INTEGRATED PROJECT TEAMS

Pub. L. 116-260, div. V, title I, §108, Dec. 27, 2020, 134 Stat. 2326, provided that:

“(a) IN GENERAL.—Upon receipt of an application for a type certificate for a transport category airplane, the

Administrator shall convene an interdisciplinary integrated project team responsible for coordinating review and providing advice and recommendations, as appropriate, to the Administrator on such application.

“(b) MEMBERSHIP.—In convening an interdisciplinary integrated project team under subsection (a), the Administrator shall appoint employees of the Administration or other Federal agencies, such as the Air Force, Volpe National Transportation Systems Center, or the National Aeronautics and Space Administration (with the concurrence of the head of such other Federal agency), with specialized expertise and experience in the fields of engineering, systems design, human factors, and pilot training, including, at a minimum—

“(1) not less than 1 designee of the Associate Administrator for Aviation Safety whose duty station is in the Administration’s headquarters;

“(2) representatives of the Aircraft Certification Service of the Administration;

“(3) representatives of the Flight Standards Service of the Administration;

“(4) experts in the fields of human factors, aerodynamics, flight controls, software, and systems design; and

“(5) any other subject matter expert whom the Administrator determines appropriate.

“(c) AVAILABILITY.—In order to carry out its duties with respect to the areas specified in subsection (d), a project team shall be available to the Administrator, upon request, at any time during the certification process.

“(d) DUTIES.—A project team shall advise the Administrator and make written recommendations to the Administrator, to be retained in the certification project file, including recommendations for any plans, analyses, assessments, and reports required to support and document the certification project, in the following areas associated with a new technology or novel design:

“(1) Initial review of design proposals proposed by the applicant and the establishment of the certification basis.

“(2) Identification of new technology, novel design, or safety critical design features or systems that are potentially catastrophic, either alone or in combination with another failure.

“(3) Determination of compliance findings, system safety assessments, and safety critical functions the Administration should retain in terms of new technology, novel design, or safety critical design features or systems.

“(4) Evaluation of the Administration’s expertise or experience necessary to support the project.

“(5) Review and evaluation of an applicant’s request for exceptions or exemptions from compliance with airworthiness standards codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

“(6) Conduct of design reviews, procedure evaluations, and training evaluations.

“(7) Review of the applicant’s final design documentation and other data to evaluate compliance with all relevant Administration regulations.

“(e) DOCUMENTATION OF FAA RESPONSE.—The Administrator shall provide a written response to each recommendation of each project team and shall retain such response in the certification project file.

“(f) REPORT.—Not later than 1 year after the date of enactment of this section [Dec. 27, 2020], and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the establishment of each integrated project team in accordance with this section during such fiscal year, including the role and composition of each such project team.”

[For definitions of terms used in section 108 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

EMPLOYMENT RESTRICTIONS: DISQUALIFICATION BASED
ON PRIOR EMPLOYMENT

Pub. L. 116-260, div. V, title I, §111(a), Dec. 27, 2020, 134 Stat. 2330, provided that: “An employee of the [Federal Aviation] Administration with supervisory responsibility may not direct, conduct, or otherwise participate in oversight of a holder of a certificate issued under section 44704 of title 49, United States Code, that previously employed such employee in the preceding 1-year period.”

SYSTEM SAFETY ASSESSMENTS AND OTHER
REQUIREMENTS

Pub. L. 116-260, div. V, title I, §115, Dec. 27, 2020, 134 Stat. 2333, provided that:

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title [Dec. 27, 2020], the Administrator shall issue such regulations as are necessary to amend part 25 of title 14, Code of Federal Regulations, and any associated advisory circular, guidance, or policy of the Administration, in accordance with this section.

“(b) SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS.—In developing regulations under subsection (a), the Administrator shall—

“(1) require an applicant for an amended type certificate for a transport airplane to—

“(A) perform a system safety assessment with respect to each proposed design change that the Administrator determines is significant, with such assessment considering the airplane-level effects of individual errors, malfunctions, or failures and realistic pilot response times to such errors, malfunctions, or failures;

“(B) update such assessment to account for each subsequent proposed design change that the Administrator determines is significant;

“(C) provide appropriate employees of the Administration with the data and assumptions underlying each assessment and amended assessment; and

“(D) provide for document traceability and clarity of explanations for changes to aircraft type designs and system safety assessment certification documents; and

“(2) work with other civil aviation authorities representing states of design to ensure such regulations remain harmonized internationally.

“(c) GUIDANCE.—Guidance or an advisory circular issued under subsection (a) shall, at minimum—

“(1) emphasize the importance of clear documentation of the technical details and failure modes and effects of a design change described in subsection (b)(1); and

“(2) ensure appropriate review of any change that results in a functional hazard assessment classification of major or greater, as such term is defined in FAA Advisory Circular 25.1309-1A (or any successor or replacement document).

“(d) FAA REVIEW.—Appropriate employees of the Aircraft Certification Service and the Flight Standards Service of the Administration shall review each system safety assessment required under subsection (b)(1)(A), updated assessment required under subsection (b)(1)(B), and supporting data and assumptions required under subsection (b)(1)(C), to ensure that each such assessment sufficiently addresses the considerations listed in subsection (b)(1)(A).”

[For definitions of terms used in section 115 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

FLIGHT CREW ALERTING

Pub. L. 116-260, div. V, title I, §116, Dec. 27, 2020, 134 Stat. 2334, as amended by Pub. L. 117-328, div. O, title V, §501(b), Dec. 29, 2022, 136 Stat. 5231, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall implement National Transportation

Safety Board recommendations A-19-11 and A-19-12 (as contained in the safety recommendation report adopted on September 9, 2019).

“(b) PROHIBITION.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category aircraft unless, in the case of a transport category aircraft other than a transport airplane, the type certificate applicant provides a means acceptable to the Administrator to assist the flight crew in prioritizing corrective actions and responding to systems failures (including by cockpit or flight manual procedures).

“(c) EXISTING AIRPLANE DESIGNS.—It is the sense of Congress that the FAA shall ensure that any system safety assessment with respect to the Boeing 737-7, 737-8, 737-9, and 737-10 airplanes, as described in National Transportation Safety Board recommendation A-19-10, is conducted in accordance with such recommendation.”

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

CHANGED PRODUCT RULE

Pub. L. 116-260, div. V, title I, §117, Dec. 27, 2020, 134 Stat. 2335, provided that:

“(a) REVIEW AND REEVALUATION OF AMENDED TYPE CERTIFICATES.—

“(1) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates within the Certification Management Team.

“(2) REEVALUATION OF AMENDED TYPE CERTIFICATES.—In carrying out this subsection, the Administrator shall—

“(A) encourage Certification Management Team members to examine and address any relevant covered recommendations (as defined in section 121(c) [134 Stat. 2344]) relating to the issuance of amended type certificates;

“(B) reevaluate existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid; and

“(C) ensure, to the greatest extent practicable, that Federal regulations relating to the issuance of amended type certificates are harmonized with the regulations of other international states of design.

“(b) AMENDED TYPE CERTIFICATE REPORT AND RULEMAKING.—

“(1) BRIEFINGS.—Not later than 12 months after the date of enactment of this title [Dec. 27, 2020], and annually thereafter through fiscal year 2023, the Administrator shall brief the congressional committees of jurisdiction on the work and status of the development of such recommendations by the Certification Management Team.

“(2) INITIATION OF ACTION.—Not later than 2 years after the date of enactment of this title, the Administrator shall take action to revise and improve the process of issuing amended type certificates in accordance with this section. Such action shall include, at minimum—

“(A) initiation of a rulemaking proceeding; and

“(B) development or revision of guidance and training materials.

“(3) CONTENTS.—In taking actions required under paragraph (2), the Administrator shall do the following:

“(A) Ensure that proposed changes to an aircraft are evaluated from an integrated whole aircraft system perspective that examines the integration of proposed changes with existing systems and associated impacts.

“(B) Define key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

“(C) Consider—

“(i) the findings and work of the Certification Management Team and other similar international harmonization efforts;

“(ii) any relevant covered recommendations (as defined in section 121(c) [134 Stat. 2344]); and

“(iii) whether a fixed time beyond which a type certificate may not be amended would improve aviation safety.

“(D) Establish the extent to which the following design characteristics should preclude the issuance of an amended type certificate:

“(i) A new or revised flight control system.

“(ii) Any substantial changes to aerodynamic stability resulting from a physical change that may require a new or modified software system or control law in order to produce positive and acceptable stability and handling qualities.

“(iii) A flight control system or augmented software to maintain aerodynamic stability in any portion of the flight envelope that was not required for a previously certified derivative.

“(iv) A change in structural components (other than a stretch or shrink of the fuselage) that results in a change in structural load paths or the magnitude of structural loads attributed to flight maneuvers or cabin pressurization.

“(v) A novel or unusual system, component, or other feature whose failure would present a hazardous or catastrophic risk.

“(E) Develop objective criteria for helping to determine what constitutes a substantial change and a significant change.

“(F) Implement mandatory aircraft-level reviews throughout the certification process to validate the certification basis and assumptions.

“(G) Require maintenance of relevant records of agreements between the FAA and an applicant that affect certification documentation and deliverables.

“(H) Ensure appropriate documentation of any exception or exemption from airworthiness requirements codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

“(4) GUIDANCE MATERIALS.—The Administrator shall consider the following when developing orders and regulatory guidance, including advisory circulars, where appropriate:

“(A) Early FAA involvement and feedback paths in the aircraft certification process to ensure the FAA is aware of changes to design assumptions and product design impacting a changed product assessment.

“(B) Presentation to the FAA of new technology, novel design, or safety critical features or systems, initially and throughout the certification process, when development and certification prompt design or compliance method revision.

“(C) Examples of key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

“(D) Type certificate data sheet improvements to accurately state which regulations and amendment level the aircraft complies to and when compliance is limited to a subset of the aircraft.

“(E) Policies to guide applicants on proper visibility, clarity, and consistency of key design and compliance information that is submitted for certification, particularly with new design features.

“(F) The creation, validation, and implementation of analytical tools appropriate for the analysis of complex system for the FAA and applicants.

“(G) Early coordination processes with the FAA for the functional hazard assessments validation and preliminary system safety assessments review.

“(5) TRAINING MATERIALS.—The Administrator shall—

“(A) develop training materials for establishing the certification basis for changed aeronautical products pursuant to section 21.101 of title 14, Code of Federal Regulations, applications for a new type

certificate pursuant to section 21.19 of such title, and the regulatory guidance developed as a result of the rulemaking conducted pursuant to paragraph (2); and

“(B) procedures for disseminating such materials to implementing personnel of the FAA, designees, and applicants.

“(6) CERTIFICATION MANAGEMENT TEAM DEFINED.—In this section, the term ‘Certification Management Team’ means the team framework under which the FAA, the European Aviation Safety Agency, the Transport Canada Civil Aviation, and the National Civil Aviation Agency of Brazil, manage the technical, policy, certification, manufacturing, export, and continued airworthiness issues common among the 4 authorities.

“(7) DEADLINE.—The Administrator shall finalize the actions initiated under paragraph (2) not later than 3 years after the date of enactment of this title.

“(c) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership within the ICAO and among other civil aviation regulators representing states of aircraft design to advocate for the adoption of an amended changed product rule on a global basis, consistent with ICAO standards.”

[For definitions of terms used in section 117 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

EXPERT SAFETY REVIEW

Pub. L. 116-260, div. V, title I, §119(c), Dec. 27, 2020, 134 Stat. 2339, provided that:

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate an expert safety review of assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

“(2) CONTENTS.—The expert safety review required under paragraph (1) shall include—

“(A) a review of Administration regulations, guidance, and directives related to pilot response assumptions relied upon by the FAA and manufacturers of transport category aircraft in the design and certification of such aircraft, and human factors and human system integration, particularly those related to pilot and aircraft interfaces;

“(B) a focused review of the assumptions relied on regarding the time for pilot responses to non-normal conditions in designing such aircraft’s systems and instrumentation, including responses to safety-significant failure conditions and failure scenarios that trigger multiple, and possibly conflicting, warnings and alerts;

“(C) a review of human factors assumptions with applicable operational data, human factors research and the input of human factors experts and FAA operational data, and as appropriate, recommendations for modifications to existing assumptions;

“(D) a review of revisions made to the airman certification standards for certificates over the last 4 years, including any possible effects on pilot competency in basic manual flying skills;

“(E) consideration of the global nature of the aviation marketplace, varying levels of pilot competency, and differences in pilot training programs worldwide;

“(F) a process for aviation stakeholders, including pilots, airlines, inspectors, engineers, test pilots, human factors experts, and other aviation safety experts, to provide and discuss any observations, feedback, and best practices;

“(G) a review of processes currently in place to ensure that when carrying out the certification of a new aircraft type, or an amended type, the cumulative effects that new technologies, and the interaction between new technologies and unchanged systems for an amended type certificate, may have on pilot interactions with aircraft systems are properly assessed through system safety assessments or otherwise; and

“(H) a review of processes currently in place to account for any necessary adjustments to system safety assessments, pilot procedures and training requirements, or design requirements when there are changes to the assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

“(3) REPORT AND RECOMMENDATIONS.—Not later than 30 days after the conclusion of the expert safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, including any recommendations for actions or best practices to ensure the FAA and the manufacturers of transport category aircraft have accounted for pilot response assumptions to be relied upon in the design and certification of transport category aircraft and tools or methods identified to better integrate human factors throughout the process for such certification.

“(4) INTERNATIONAL ENGAGEMENT.—The Administrator shall notify other international regulators that certify transport category aircraft type designs of the expert panel report and encourage them to review the report and evaluate their regulations and processes in light of the recommendations included in the report.

“(5) TERMINATION.—The expert safety review shall end upon submission of the report required pursuant to paragraph (3).

“(6) REGULATIONS.—The Administrator shall issue or update such regulations as are necessary to implement the recommendations of the expert safety review that the Administrator determines are necessary to improve aviation safety.”

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

HUMAN FACTORS RESEARCH

Pub. L. 116-260, div. V, title I, §126, Dec. 27, 2020, 134 Stat. 2347, provided that:

“(a) HUMAN FACTORS.—Not later than 180 days after the date of enactment of this title [Dec. 27, 2020], the Administrator, in consultation with aircraft manufacturers, operators, and pilots, and in coordination with the head of such other Federal agency that the Administrator determines appropriate, shall develop research requirements to address the integration of human factors in the design and certification of aircraft that are intended for use in air transportation.

“(b) REQUIREMENTS.—In developing such research requirements, the Administrator shall—

“(1) establish goals for research in areas of study relevant to advancing technology, improving design engineering and certification practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex flight deck systems in aircraft operations, including the development of tools to validate pilot recognition and response assumptions and diagnostic tools to improve the clarity of failure indications presented to pilots;

“(2) take into consideration and leverage any existing or planned research that is conducted by, or conducted in partnership with, the FAA; and

“(3) focus on—

“(A) preventing a recurrence of the types of accidents that have involved transport category airplanes designed and manufactured in the United States; and

“(B) increasingly complex aircraft systems and designs.

“(c) IMPLEMENTATION.—In implementing the research requirements developed under this section, the Administrator shall work with appropriate organizations and authorities with expertise including, to the maximum extent practicable, the Center of Excellence for Tech-

nical Training and Human Performance and the Center of Excellence developed or expanded pursuant to section 127 [set out as a note under section 44513 of this title].

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$7,500,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section.”

[For definitions of terms used in section 126 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

PILOT OPERATIONAL EVALUATIONS

Pub. L. 116-260, div. V, title I, §128, Dec. 27, 2020, 134 Stat. 2349, provided that:

“(a) PILOT OPERATIONAL EVALUATIONS.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Administrator shall revise existing policies for manufacturers of transport airplanes to ensure that pilot operational evaluations for airplane types that are submitted for certification utilize pilots from air carriers that are expected to operate such airplanes.

“(b) REQUIREMENT.—Such manufacturer shall ensure, to the satisfaction of the Administrator, that the air carrier and foreign air carrier pilots used for such evaluations include pilots of varying levels of experience.”

[For definitions of terms used in section 128 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

SECURING AIRCRAFT AVIONICS SYSTEMS

Pub. L. 115-254, div. B, title V, §506, Oct. 5, 2018, 132 Stat. 3354, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall consider, where appropriate, revising Federal Aviation Administration regulations regarding airworthiness certification—

“(1) to address cybersecurity for avionics systems, including software components; and

“(2) to require that aircraft avionics systems used for flight guidance or aircraft control be secured against unauthorized access via passenger in-flight entertainment systems through such means as the Administrator determines appropriate to protect the avionics systems from unauthorized external and internal access.

“(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider the recommendations of the Aircraft Systems Information Security Protection Working Group under section 2111 of the FAA Extension Safety and Security Act of 2016 (Public Law 114-190; 130 Stat. 615 [625]) [49 U.S.C. 44903 note].”

SMALL AIRPLANE REVITALIZATION

Pub. L. 113-53, Nov. 27, 2013, 127 Stat. 584, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Small Airplane Revitalization Act of 2013’.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) A healthy small aircraft industry is integral to economic growth and to maintaining an effective transportation infrastructure for communities and countries around the world.

“(2) Small airplanes comprise nearly 90 percent of general aviation aircraft certified by the Federal Aviation Administration.

“(3) General aviation provides for the cultivation of a workforce of engineers, manufacturing and maintenance professionals, and pilots who secure the economic success and defense of the United States.

“(4) General aviation contributes to well-paying jobs in the manufacturing and technology sectors in

the United States and products produced by those sectors are exported in great numbers.

“(5) Technology developed and proven in general aviation aids in the success and safety of all sectors of aviation and scientific competence.

“(6) The average small airplane in the United States is now 40 years old and the regulatory barriers to bringing new designs to the market are resulting in a lack of innovation and investment in small airplane design.

“(7) Since 2003, the United States lost 10,000 active private pilots per year on average, partially due to a lack of cost-effective, new small airplanes.

“(8) General aviation safety can be improved by modernizing and revamping the regulations relating to small airplanes to clear the path for technology adoption and cost-effective means to retrofit the existing fleet with new safety technologies.

“SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION.

“(a) IN GENERAL.—Not later than December 15, 2015, the Administrator of the Federal Aviation Administration shall issue a final rule—

“(1) to advance the safety and continued development of small airplanes by reorganizing the certification requirements for such airplanes under part 23 to streamline the approval of safety advancements; and

“(2) that meets the objectives described in subsection (b).

“(b) OBJECTIVES DESCRIBED.—The objectives described in this subsection are based on the recommendations of the Part 23 Reorganization Aviation Rulemaking Committee:

“(1) The establishment of a regulatory regime for small airplanes that will improve safety and reduce the regulatory cost burden for the Federal Aviation Administration and the aviation industry.

“(2) The establishment of broad, outcome-driven safety objectives that will spur innovation and technology adoption.

“(3) The replacement of current, prescriptive requirements under part 23 with performance-based regulations.

“(4) The use of consensus standards accepted by the Federal Aviation Administration to clarify how the safety objectives of part 23 may be met using specific designs and technologies.

“(c) CONSENSUS-BASED STANDARDS.—In prescribing regulations under this section, the Administrator shall use consensus standards, as described in section 12(d) of the National Technology Transfer and Advancement Act of 1996 [1995] (15 U.S.C. 272 note), to the extent practicable while continuing traditional methods for meeting part 23.

“(d) SAFETY COOPERATION.—The Administrator shall lead the effort to improve general aviation safety by working with leading aviation regulators to assist them in adopting a complementary regulatory approach for small airplanes.

“(e) DEFINITIONS.—In this section:

“(1) CONSENSUS STANDARDS.—

“(A) IN GENERAL.—The term ‘consensus standards’ means standards developed by an organization described in subparagraph (B) that may include provisions requiring that owners of relevant intellectual property have agreed to make that intellectual property available on a nondiscriminatory, royalty-free, or reasonable royalty basis to all interested persons.

“(B) ORGANIZATIONS DESCRIBED.—An organization described in this subparagraph is a domestic or international organization that—

“(i) plans, develops, establishes, or coordinates, through a process based on consensus and using agreed-upon procedures, voluntary standards; and

“(ii) operates in a transparent manner, considers a balanced set of interests with respect to such standards, and provides for due process and an appeals process with respect to such standards.

“(2) PART 23.—The term ‘part 23’ means part 23 of title 14, Code of Federal Regulations.

“(3) PART 23 REORGANIZATION AVIATION RULEMAKING COMMITTEE.—The term ‘Part 23 Reorganization Aviation Rulemaking Committee’ means the aviation rulemaking committee established by the Federal Aviation Administration in August 2011 to consider the reorganization of the regulations under part 23.

“(4) SMALL AIRPLANE.—The term ‘small airplane’ means an airplane which is certified to part 23 standards.”

APPLICABILITY

Pub. L. 112-95, title III, §303(b), Feb. 14, 2012, 126 Stat. 57, provided that: “Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Feb. 14, 2012].”

AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM

Pub. L. 112-95, title III, §312, Feb. 14, 2012, 126 Stat. 66, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

“(b) CONTENTS.—In conducting the assessment, the Administrator shall consider—

“(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act [Feb. 14, 2012];

“(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

“(3) the status of recommendations made in previous reports on the Administration’s certification process;

“(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

“(5) methods for training the Administration’s field office employees in the safety management system and auditing; and

“(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration’s report entitled ‘Part 23—Small Airplane Certification Process Study’ (OK-09-3468, dated July 2009).

“(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

“(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

“(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall begin to implement the recommendations made under subsection (c).”

HISTORICAL AIRCRAFT DOCUMENTS

Pub. L. 112-95, title VIII, §816, Feb. 14, 2012, 126 Stat. 126, provided that:

“(a) PRESERVATION OF DOCUMENTS.—
 “(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

“(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

“(B) Group-2 approved aircraft type certificate numbers 2-1 through 2-544.

“(2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

“(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

“(b) AVAILABILITY OF DOCUMENTS.—

“(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

“(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

“(B) subject to a prohibition on use of the documents for commercial purposes.

“(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

“(c) HOLDER OF TYPE CERTIFICATE.—

“(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.

“(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

“(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).”

PLAN FOR DEVELOPMENT AND OVERSIGHT OF SYSTEM FOR CERTIFICATION OF DESIGN ORGANIZATIONS

Pub. L. 108-176, title II, §227(b)(1), Dec. 12, 2003, 117 Stat. 2531, provided that, not later than 4 years after Dec. 12, 2003, the Administrator of the Federal Aviation Administration was to transmit to Congress a plan for the development and oversight of a certification system of design organizations to ensure compliance with the requirements and minimum standards of section 44701(a) of this title.

§ 44705. Air carrier operating certificates

The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safe-

ly under this part and regulations and standards prescribed under this part. An air carrier operating certificate shall—

(1) contain terms necessary to ensure safety in air transportation; and

(2) specify the places to and from which, and the airways of the United States over which, a person may operate as an air carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44705	49 App.:1424(b). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, § 604(b), 72 Stat. 778. Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444.

In this section, the word “Administrator” in section 604(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 778) is retained on authority of 49:106(g). Before clause (1), the words “may file with the Secretary of Transportation an application for an air carrier operating certificate” and “the requirements of” are omitted as surplus. The word “rules” is omitted as being synonymous with “regulations”. In clause (1), the words “conditions, and limitations . . . reasonably” are omitted as surplus. In clause (2), the word “places” is substituted for “points” for consistency in the revised title. The words “under an air carrier operating certificate” are omitted as surplus.

§ 44706. Airport operating certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport—

(1) that serves an air carrier operating aircraft designed for at least 31 passenger seats;

(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and

(3) that the Administrator requires to have a certificate;

if the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.

(b) TERMS.—An airport operating certificate issued under this section shall contain terms necessary to ensure safety in air transportation. Unless the Administrator decides that it is not in the public interest, the terms shall include conditions related to—

(1) operating and maintaining adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any part of the airport used for landing, takeoff, or surface maneuvering of an aircraft; and

(2) friction treatment for primary and secondary runways that the Secretary of Transportation decides is necessary.

(c) EXEMPTIONS.—The Administrator may exempt from the requirements of this section, related to firefighting and rescue equipment, an operator of an airport described in subsection (a)

of this section having less than .25 percent of the total number of passenger boardings each year at all airports described in subsection (a) when the Administrator decides that the requirements are or would be unreasonably costly, burdensome, or impractical.

(d) **COMMUTER AIRPORTS.**—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).

(e) **EFFECTIVE DATE.**—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.

(f) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1189; Pub. L. 104–264, title IV, §404, Oct. 9, 1996, 110 Stat. 3256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44706(a)	49 App.:1432(b) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(b); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; Nov. 27, 1971, Pub. L. 92–174, §5(b), 85 Stat. 492; Sept. 3, 1982, Pub. L. 97–248, §§524(f), 525(b), 96 Stat. 697.
44706(b)	49 App.:1432(b) (3d, last sentences).	
44706(c)	49 App.:1432(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(c); added July 12, 1976, Pub. L. 94–353, §19(a), 90 Stat. 883; Sept. 3, 1982, Pub. L. 97–248, §525(c), 96 Stat. 697.

In subsection (a), before clause (1), the words “may file with the Administrator an application for an airport operating certificate” are omitted as surplus. In clause (3), the words “the requirements of” are omitted as surplus. The word “rules” is omitted as being synonymous with “regulations”.

In subsection (b), before clause (1), the words “conditions, and limitations . . . reasonably” are omitted as surplus. In clause (2), the words “grooving or other” are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–264, §404(a), added par. (2), redesignated former par. (2) as (3), substituted “if” for “(3) when” in former par. (3) and adjusted the margins of that par. to make it a flush provision following par. (3).

Subsec. (d). Pub. L. 104–264, §404(b), added subsec. (d).
 Subsec. (e). Pub. L. 104–264, §404(c), added subsec. (e).
 Subsec. (f). Pub. L. 104–264, §404(d), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

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

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

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

FIREFIGHTING FOAM AND FLUORINATED CHEMICALS

Pub. L. 115–254, div. B, title III, §332(a), Oct. 5, 2018, 132 Stat. 3273, provided that: “Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], using the latest version of National Fire Protection Association 403, ‘Standard for Aircraft Rescue and Fire-Fighting Services at Airports’, and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under [section] 139.319(1) of title 14, Code of Federal Regulations.”

IMPROVEMENT OF RUNWAY SAFETY AREAS

Pub. L. 109–115, div. A, title I, Nov. 30, 2005, 119 Stat. 2401, provided in part: “That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.”

SMALL AIRPORT CERTIFICATION

Pub. L. 106–181, title V, §518, Apr. 5, 2000, 114 Stat. 145, provided that, not later than 60 days after Apr. 5, 2000, the Administrator of the Federal Aviation Administration would issue a notice of proposed rulemaking on implementing subsec. (a)(2) of this section relating to issuance of airport operating certificates for small scheduled passenger air carrier operations, and not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator would issue a final rule on implementing this program.

§ 44707. Examining and rating air agencies

The Administrator of the Federal Aviation Administration may examine and rate the following air agencies:

(1) civilian schools giving instruction in flying or repairing, altering, and maintaining aircraft, aircraft engines, propellers, and appliances, on the adequacy of instruction, the suitability and airworthiness of equipment, and the competency of instructors.

(2) repair stations and shops that repair, alter, and maintain aircraft, aircraft engines, propellers, and appliances, on the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of the individuals doing the work or giving instruction in the work.

(3) other air agencies the Administrator decides are necessary in the public interest. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44707	49 App.:1427 (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §607 (1st sentence), 72 Stat. 779. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, the word “Administrator” in section 607 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 779) is retained on authority of 49:106(g). In clauses (1) and (2), the word “overhaul” is omitted as surplus. In clause (1), the words “course of” are omitted as surplus. In clause (3), the words “in his opinion” are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL

Pub. L. 106-181, title VII, §734, Apr. 5, 2000, 114 Stat. 170, provided that:

“(a) ESTABLISHMENT OF PANEL.—The Administrator [of the Federal Aviation Administration]—

“(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as ‘aircraft repair facilities’) located within, or outside of, the United States; and

“(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

“(b) MEMBERSHIP.—The panel shall consist of—

“(1) nine members appointed by the Administrator as follows:

“(A) three representatives of labor organizations representing aviation mechanics;

“(B) one representative of cargo air carriers;

“(C) one representative of passenger air carriers;

“(D) one representative of aircraft repair facilities;

“(E) one representative of aircraft manufacturers;

“(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

“(G) one representative of regional passenger air carriers;

“(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

“(3) one representative from the Department of State, designated by the Secretary of State; and

“(4) one representative from the Federal Aviation Administration, designated by the Administrator.

“(c) RESPONSIBILITIES.—The panel shall—

“(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

“(2) provide advice and counsel to the Secretary [of Transportation] with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

“(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

“(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on

aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

“(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

“(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

“(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

“(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

“(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

“(1) the date that is 2 years after the date of the enactment of this Act [Apr. 5, 2000]; or

“(2) December 31, 2001.

“(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.”

§ 44708. Inspecting and rating air navigation facilities

The Administrator of the Federal Aviation Administration may inspect, classify, and rate an air navigation facility available for the use of civil aircraft on the suitability of the facility for that use.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44708	49 App.:1426 (1st sentence). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §606 (1st sentence), 72 Stat. 779. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

The word “Administrator” in section 606 (1st sentence) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 779) is retained on authority of 49:106(g).

§ 44709. Amendments, modifications, suspensions, and revocations of certificates

(a) REINSPECTION AND REEXAMINATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under section 44703 of this title.

(2) NOTIFICATION OF REEXAMINATION OF AIRMAN.—Before taking any action to reexamine an airman under paragraph (1) the Administrator shall provide to the airman—

(A) a reasonable basis, described in detail, for requesting the reexamination; and

(B) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

(b) ACTIONS OF THE ADMINISTRATOR.—The Administrator may issue an order amending, modifying, suspending, or revoking—

(1) any part of a certificate issued under this chapter if—

(A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action; or

(B) the holder of the certificate has violated an aircraft noise or sonic boom standard or regulation prescribed under section 44715(a) of this title; and

(2) an airman certificate when the holder of the certificate is convicted of violating section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j-1(a)).

(c) ADVICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER.—Before acting under subsection (b) of this section, the Administrator shall advise the holder of the certificate of the charges or other reasons on which the Administrator relies for the proposed action. Except in an emergency, the Administrator shall provide the holder an opportunity to answer the charges and be heard why the certificate should not be amended, modified, suspended, or revoked.

(d) APPEALS.—(1) A person adversely affected by an order of the Administrator under this section may appeal the order to the National Transportation Safety Board. After notice and an opportunity for a hearing, the Board may amend, modify, or reverse the order when the Board finds—

(A) if the order was issued under subsection (b)(1)(A) of this section, that safety in air commerce or air transportation and the public interest do not require affirmation of the order; or

(B) if the order was issued under subsection (b)(1)(B) of this section—

(i) that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require affirmation of the order; or

(ii) the order, as it is related to a violation of aircraft noise or sonic boom standards and regulations, is not consistent with safety in air commerce or air transportation.

(2) The Board may modify a suspension or revocation of a certificate to imposition of a civil penalty.

(3) When conducting a hearing under this subsection, the Board is not bound by findings of fact of the Administrator.

(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.

(f) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this section, or the Administrator when the Administrator decides that an order of the Board under this section will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1190; Pub. L. 106-181, title VII, § 716, Apr. 5, 2000, 114 Stat. 162; Pub. L. 108-176, title II, § 227(c), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112-153, § 2(c)(2), Aug. 3, 2012, 126 Stat. 1161; Pub. L. 115-254, div. B, title III, § 393(a), Oct. 5, 2018, 132 Stat. 3325.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44709(a)	49 App.:1429(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, § 609(a) (1st-7th sentences, 8th-last sentences less Administrator under title VII), 72 Stat. 779; Nov. 18, 1971, Pub. L. 92-159, § 2(a), 85 Stat. 481; Nov. 27, 1971, Pub. L. 92-174, § 6, 85 Stat. 492; Aug. 26, 1992, Pub. L. 102-345, § 3(a)(1), 106 Stat. 925.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444.
44709(b)	49 App.:1429(a) (2d sentence). 49 App.:1429(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 609(b); added Nov. 18, 1971, Pub. L. 92-159, § 2(a), 85 Stat. 481.
	49 App.:1431(e) (words before 4th comma).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 611(e); added July 21, 1968, Pub. L. 90-411, § 1, 82 Stat. 395; re-stated Oct. 27, 1972, Pub. L. 92-574, § 7(b), 86 Stat. 1241.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44709(c)	49 App.:1655(c)(1). 49 App.:1429(a) (3d sentence). 49 App.:1431(e) (words between 4th and 5th commas).	
44709(d)(1) ..	49 App.:1655(c)(1). 49 App.:1429(a) (4th sentence). 49 App.:1431(e) (words after 4th comma).	
44709(d)(2) ..	49 App.:1429(a) (6th sentence).	
44709(d)(3) ..	49 App.:1429(a) (5th sentence).	
44709(e)	49 App.:1655(c)(1). 49 App.:1429(a) (7th sentence).	
44709(f)	49 App.:1655(c)(1). 49 App.:1429(a) (8th-last sentences less Administrator under subch. VII). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 609(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 779) is retained on authority of 49:106(g). The words “modifying”, “modify”, and “modified” are omitted as surplus.

In subsection (a), the words “airman holding a certificate issued under section 44703 of this title” are substituted for “civil airman” for clarity.

In subsection (b)(1), before subclause (A), the words “certificate issued under this chapter” are substituted for “type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate (including airport operating certificate), or air agency certificate” to eliminate unnecessary words.

In subsection (b)(2), the words “in his discretion” and “regarding the use or operation of an aircraft” in 49 App.:1429(b) are omitted as surplus.

In subsection (c), the words “cases of” in 49 App.:1429(a) are omitted as surplus.

In subsection (d)(1), before clause (A), the word “adversely” is substituted for “whose certificate is” in 49 App.:1429(a), and the words “an opportunity for a” are added, for consistency in the revised title and with other titles of the United States Code. The words “of the FAA” in 49 App.:1431(e) are omitted as surplus.

In subsection (d)(2), the words “consistent with this subsection” are omitted as surplus.

In subsection (d)(3), the word “Administrator” is substituted for “Federal Aviation Administration” because of 49:106(b) and (g).

In subsection (e), before clause (1), the words “the effectiveness of” are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 designated existing provisions as par. (1), inserted heading, and added par. (2).

2012—Subsec. (d)(3). Pub. L. 112-153 struck out “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law” after “Administrator”.

2003—Subsec. (a). Pub. L. 108-176 inserted “design organization, production certificate holder,” after “appliance.”

2000—Subsec. (e). Pub. L. 106-181 amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “When a person files an appeal

with the Board under subsection (d) of the section, the order of the Administrator is stayed. However, if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately—

“(1) the order is effective; and

“(2) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

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

§ 44710. Revocations of airman certificates for controlled substance violations

(a) DEFINITION.—In this section, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATION.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking an airman certificate issued an individual under section 44703 of this title after the individual is convicted, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), of an offense punishable by death or imprisonment for more than one year if the Administrator finds that—

(A) an aircraft was used to commit, or facilitate the commission of, the offense; and

(B) the individual served as an airman, or was on the aircraft, in connection with committing, or facilitating the commission of, the offense.

(2) The Administrator shall issue an order revoking an airman certificate issued an individual under section 44703 of this title if the Administrator finds that—

(A) the individual knowingly carried out an activity punishable, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), by death or imprisonment for more than one year;

(B) an aircraft was used to carry out or facilitate the activity; and

(C) the individual served as an airman, or was on the aircraft, in connection with carrying out, or facilitating the carrying out of, the activity.

(3) The Administrator has no authority under paragraph (1) of this subsection to review whether an airman violated a law of the United States or a State related to a controlled substance.

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator must—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator relies for the proposed revocation; and

(2) provide the holder of the certificate an opportunity to answer the charges and be heard why the certificate should not be revoked.

(d) APPEALS.—(1) An individual whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. When conducting the hearing, the Board is not bound by findings of fact of the Administrator.

(2) When an individual files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.

(3) An individual substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, an airman certificate under subsection (b)(2) of this section on the basis of an activity described in subsection (b)(2)(A) if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked an airman certificate under this section because of an activity described in subsection (b)(2)(A) of this section, the Administrator shall reissue a certificate to the individual if—

(A) the individual otherwise satisfies the requirements for a certificate under section 44703 of this title; and

(B)(i) the individual subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; or

(ii) the conviction on which a revocation under subsection (b)(1) of this section is based is reversed.

(f) WAIVERS.—The Administrator may waive the requirement of subsection (b) of this section that an airman certificate of an individual be revoked if—

(1) a law enforcement official of the United States Government or of a State requests a waiver; and

(2) the Administrator decides that the waiver will facilitate law enforcement efforts.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1191; Pub. L. 112-153, §2(c)(3), Aug. 3, 2012, 126 Stat. 1161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44710(a)	49 App.:1429(c)(4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §609(c)(1), (2), (4); added Oct. 19, 1984, Pub. L. 98-499, §2(a), 98 Stat. 2312, 2313.
44710(b)(1) ..	49 App.:1429(c)(1) (1st sentence).	
44710(b)(2) ..	49 App.:1429(c)(2) (1st sentence).	
44710(b)(3) ..	49 App.:1429(c)(1) (last sentence).	
44710(c)	49 App.:1429(c)(3) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §609(c)(3); added Oct. 19, 1984, Pub. L. 98-499, §2(a), 98 Stat. 2312; Aug. 26, 1992, Pub. L. 102-345, §3(b), 106 Stat. 926.
44710(d)	49 App.:1429(c)(3) (2d-last sentences).	
44710(e)(1) ..	49 App.:1429(c)(2) (last sentence).	
44710(e)(2) ..	49 App.:1422(b)(2)(C).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §602(b)(2)(C); added Oct. 19, 1984, Pub. L. 98-499, §3, 98 Stat. 2313.
44710(f)	49 App.:1429(c)(5).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §609(c)(5); added Nov. 18, 1988, Pub. L. 100-690, §7204(b), 102 Stat. 4425.

In subsection (b)(1) and (2), before each clause (A), the words “of any person” are omitted as surplus. The words “issued . . . under section 44703 of this title” are added for clarity.

In subsection (b)(1), the word “offense” is substituted for “crime” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2)(C), the words “in connection with carrying out, or facilitating the carrying out of, the activity” are substituted for “in connection with such activity or the facilitation of such activity” for consistency with the source provisions restated in paragraph (1)(B) of this subsection.

In subsection (d)(1), the word “Administrator” is substituted for “Federal Aviation Administration” because of 49:106(b) and (g).

In subsection (e)(1), the words “on appeal” and “contained” are omitted as surplus.

In subsection (e)(2)(B)(i), the word “contained” is omitted as surplus.

In subsection (e)(2)(B)(ii), the words “judgment of” are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112-153 struck out “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law” after “findings of fact of the Administrator”.

§ 44711. Prohibitions and exemption

(a) PROHIBITIONS.—A person may not—

(1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;

(2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—

(A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or

(B) in violation of a term of the certificate or a regulation prescribed or order issued

under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing the airman to serve in the capacity for which the airman is employed;

(4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;

(5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate;

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title; or

(10) violate section 44732 or any regulation issued thereunder.

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airman serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.

(d) POST-EMPLOYMENT RESTRICTIONS FOR INSPECTORS AND ENGINEERS.—

(1) PROHIBITION.—A person holding a certificate issued under part 21 or 119 of title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of such person in any matter before the Administration if the individual, in the preceding 2-year period—

(A) served as, or was responsible for oversight of—

(i) a flight standards inspector of the Administration; or

(ii) an employee of the Administration with responsibility for certification func-

tions with respect to a holder of a certificate issued under section 44704(a); and

(B) had responsibility to inspect, or oversee inspection of, the operations of such person.

(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as an individual covered under paragraph (1).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1193; Pub. L. 103–429, § 6(56), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title V, § 505(b), Apr. 5, 2000, 114 Stat. 136; Pub. L. 108–176, title II, § 227(d), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112–95, title III, §§ 307(b), 342(a), Feb. 14, 2012, 126 Stat. 61, 79; Pub. L. 116–260, div. V, title I, § 111(b), Dec. 27, 2020, 134 Stat. 2330.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44711(a)(1) ..	49 App.:1430(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(1)–(5), (b), 72 Stat. 780.
44711(a)(2) ..	49 App.:1430(a)(2).	
44711(a)(3) ..	49 App.:1430(a)(3).	
44711(a)(4) ..	49 App.:1430(a)(4).	
44711(a)(5) ..	49 App.:1430(a)(5).	
44711(a)(6) ..	49 App.:1430(a)(6).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(6), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(A), 84 Stat. 235.
44711(a)(7) ..	49 App.:1430(a)(7).	Aug. 23, 1958, Pub. L. 85–726, § 610(a)(7), 72 Stat. 780; May 21, 1970, Pub. L. 91–258, § 51(b)(3)(B), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705.
44711(a)(8) ..	49 App.:1430(a)(8).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(8); added May 21, 1970, Pub. L. 91–258, § 51(b)(3)(C), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; restated Sept. 3, 1982, Pub. L. 97–248, § 525(d), 96 Stat. 697.
44711(a)(9) ..	49 App.:1430(a)(9).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 610(a)(9); added Dec. 31, 1970, Pub. L. 91–604, § 11(b)(2), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95–163, § 15(b)(2), 91 Stat. 1283.
44711(b)	49 App.:1430(b). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

In subsection (a)(1) and (7), the words “condition, or limitation” are omitted as being included in “term”.

In subsection (a)(1), the words “without . . . in effect” are substituted for “for which there is not currently in effect an” to eliminate unnecessary words.

In subsection (a)(2), (5), and (7), the word “rule” is omitted as being synonymous with “regulations”.

In subsection (a)(2)(B), the word “prescribed” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(5) and (7), the words “prescribed . . . issued” are added for consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words “of the Secretary of Transportation” are omitted as surplus.

In subsection (a)(6), the words “proclaimed by the President” are omitted as surplus. The words “section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602)” are substituted for “section 143 of title 33” because the section was part of the Act of October 11, 1951 (ch. 495, 65 Stat. 406), that was repealed by section 3 of the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95-75, 91 Stat. 311) and replaced by 33:1601-1608.

In subsection (a)(7), the words “holding . . . such certificate” are omitted because of the restatement.

In subsection (a)(8), the words “by the Administrator” are omitted as surplus.

In subsection (b), the word “Administrator” in section 610(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 780) is retained on authority of 49:106(g). The words “to the extent, and . . . and conditions” and “by such airmen” are omitted as surplus.

PUB. L. 103-429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

2020—Subsec. (d). Pub. L. 116-260 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to postemployment restrictions for flight standards inspectors.

2012—Subsec. (a)(10). Pub. L. 112-95, §307(b), added par. (10).

Subsec. (d). Pub. L. 112-95, §342(a), added subsec. (d).

2003—Subsec. (a)(7). Pub. L. 108-176 substituted “agency, design organization certificate,” for “agency”.

2000—Subsec. (c). Pub. L. 106-181 added subsec. (c).

1994—Subsec. (a)(2)(B), (5), (7). Pub. L. 103-429 inserted “any of sections” before “44702-44716”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, title III, §342(b), Feb. 14, 2012, 126 Stat. 80, provided that: “The amendment made by subsection (a) [amending this section] shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act [Feb. 14, 2012].”

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 44712. Emergency locator transmitters

(a) **INSTALLATION.**—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) **NONAPPLICATION.**—Prior to January 1, 2002, subsection (a) does not apply to—

(1) turbojet-powered aircraft;

(2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;

(4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;

(5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;

(6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(7) aircraft equipped to carry only one individual.

(c) **NONAPPLICATION BEGINNING ON JANUARY 1, 2002.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

(H) aircraft equipped to carry only one individual.

(2) **DELAY IN IMPLEMENTATION.**—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

(B) other safety objectives.

(d) **COMPLIANCE.**—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equip-

ment approved by the Secretary for meeting the requirement of subsection (a).

(e) REMOVAL.—The Administrator shall prescribe regulations specifying the conditions under which an aircraft subject to subsection (a) of this section may operate when its emergency locator transmitter has been removed for inspection, repair, alteration, or replacement.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 106–181, title V, §501(a), Apr. 5, 2000, 114 Stat. 131.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44712(a)	49 App.:1421(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(1); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048; Nov. 9, 1977, Pub. L. 95–163, §15(a)(1), 91 Stat. 1283.
44712(b)	49 App.:1421(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(2); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.
44712(c)	49 App.:1421(d)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(3); added Nov. 9, 1977, Pub. L. 95–163, §15(a)(2), 91 Stat. 1283.

In subsection (a), the words “Except with respect to aircraft described in paragraph (2) of this subsection and except as provided in paragraph (3) of this subsection” are omitted as surplus. The words “minimum standards pursuant to this section shall include a requirement that”, the text of 49 App.:1421(d)(1)(A), and the words “after three years and six months following such date” are omitted as executed.

In subsection (b), the word “used” is substituted for “engaged” for consistency. In clause (3), the word “training” is substituted for “local flight” for consistency. In clause (4), the words “chemicals and other” are omitted as surplus. In clause (5), the word “purposes” is omitted as surplus.

In subsection (c), the words “prescribe regulations” are substituted for “shall issue regulations . . . as he prescribes in such regulations” to eliminate unnecessary words. The words “such limitations and” and “from such aircraft” are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–181, §501(a)(1), substituted “Prior to January 1, 2002, subsection (a)” for “Subsection (a) of this section” in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106–181, §501(a)(2), (3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

REGULATIONS

Pub. L. 106–181, title V, §501(b), Apr. 5, 2000, 114 Stat. 132, provided that: “The Secretary [of Transportation]

shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.”

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

Pub. L. 112–95, title III, §347, Feb. 14, 2012, 126 Stat. 82, provided that:

“(a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an ‘ELT’) installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer’s specifications.

“(b) MOUNTING AND RETENTION.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

“(2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.

“(c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

“(1) the Committee on Commerce, Science, and Transportation of the Senate; and

“(2) the Committee on Transportation and Infrastructure of the House of Representatives.”

§ 44713. Inspection and maintenance

(a) GENERAL EQUIPMENT REQUIREMENTS.—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) DUTIES OF INSPECTORS.—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.

(d) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for processing forms for major repairs or alterations to fuel tanks and fuel systems of aircraft not used to provide air transportation that are necessary to make the system more effective in serving the needs of users of the system, including officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the lack of a special identification feature to allow the forms to be distinguished easily from other major repair and alteration forms.

(B) the excessive period of time required to receive the forms at the Airmen and Aircraft Registry of the Administration.

(C) the backlog of forms waiting for processing at the Registry.

(D) the lack of ready access by law enforcement officials to information contained on the forms.

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

(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

(2) DEADLINES FOR DEPLOYMENT.—

(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term in-

tegration of accident and incident data into the safety performance analysis system under this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 104–264, title IV, § 407(b), Oct. 9, 1996, 110 Stat. 3258; Pub. L. 114–125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44713(a)	49 App.:1425(a). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, § 605(a), (b), 72 Stat. 778. Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44713(b)	49 App.:1425(b) (1st sentence). 49 App.:1655(c)(1).	
44713(c)	49 App.:1425(b) (last sentence). 49 App.:1655(c)(1).	
44713(d)(1) ..	49 App.:1303 (note). 49 App.:1425(c).	Nov. 18, 1988, Pub. L. 100–690, § 7214, 102 Stat. 4434. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 605(c); added Nov. 18, 1988, Pub. L. 100–690, § 7206(a), 102 Stat. 4426.
44713(d)(2) ..	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, § 7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(c), the word “Administrator” in section 605(a) and (b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g).

In subsection (a), the word “overhaul” is omitted as being included in “repair”. The word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The words “A person operating, inspecting, overhauling, or maintaining the equipment shall comply with those requirements, regulations, and orders” are substituted for 49 App.:1425(a) (last sentence) to eliminate unnecessary words.

In subsection (b), before clause (1), the words “be charged with the duty . . . of” are omitted as surplus. In clause (1), the words “in use” are substituted for “used by an air carrier in air transportation” to eliminate unnecessary words. The words “as may be necessary” and “for operation in air transportation” are omitted as surplus.

In subsection (c), the words “in the performance of his duty”, “used or intended to be used by any air carrier in air transportation”, and “a period of” are omitted as surplus.

In subsection (d)(1), before clause (A), the words “not used to provide air transportation” are substituted for section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4434) because of the restatement.

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

Editorial Notes

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–264 added subsec. (e).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in

subsec. (d)(2) on authority of section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

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

TRANSFER OF FUNCTIONS

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

MAINTENANCE PROVIDERS

Pub. L. 112-95, title III, §319, Feb. 14, 2012, 126 Stat. 69, provided that:

“(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

“(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

- “(1) a part 121 air carrier;
“(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or
“(3) subject to subsection (c), a person that—
“(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and
“(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

“(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

- “(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.
“(2) The covered work shall be carried out in accordance with the part 121 air carrier’s maintenance manual.
“(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

“(d) DEFINITIONS.—In this section, the following definitions apply:

- “(1) COVERED WORK.—The term ‘covered work’ means any of the following:
“(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.
“(B) Regularly scheduled maintenance.
“(C) A required inspection item (as defined by the Administrator).

“(2) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(3) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

“(4) PERSON.—The term ‘person’ means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.”

§ 44714. Aviation fuel standards

The Administrator of the Federal Aviation Administration shall prescribe—

- (1) standards for the composition or chemical or physical properties of an aircraft fuel or fuel additive to control or eliminate aircraft emissions the Administrator of the Environmental Protection Agency decides under section 231 of the Clean Air Act (42 U.S.C. 7571) endanger the public health or welfare; and
(2) regulations providing for carrying out and enforcing those standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1195.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44714, 49 App.:1421(e), Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §601(e); added Dec. 31, 1970, Pub. L. 91-604, §11(b)(1), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95-163, §15(b)(1), 91 Stat. 1283.

In this section, before clause (1), the words “and from time to time revise” are omitted as surplus. In clause (1), the words “establishing” and “the purpose of” are omitted as surplus.

Statutory Notes and Related Subsidiaries

AVIATION FUEL

Pub. L. 115-254, div. B, title V, §565, Oct. 5, 2018, 132 Stat. 3385, provided that:

“(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator [of the Federal Aviation Administration] shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

- “(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;
“(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and
“(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

“(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

- “(1) the date on which the [Federal Aviation] Administration completes the Piston Aviation Fuels Initiative; or
“(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

“(c) TYPE CERTIFICATION.—Existing regulatory mechanisms by which an unleaded aviation gasoline can be approved for use in an engine or aircraft by Type or Supplemental Type Certificate for individual aircraft

and engine types or by Approved Model List Supplemental Type Certificate providing coverage for a broad range of applicable types of aircraft or engines identified in the application shall continue to be fully available as a means of approving and bringing an unleaded aviation gasoline into general use in the United States. Such approvals shall be issued when the Administrator finds that the aircraft or engine performs properly and meets the applicable regulations and minimum standards under the normal certification process.”

§ 44715. Controlling aircraft noise and sonic boom

(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

(i) standards to measure aircraft noise and sonic boom; and

(ii) regulations to control and abate aircraft noise and sonic boom.

(B) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

(2) The Administrator of the Federal Aviation Administration may prescribe standards and regulations under this subsection only after consulting with the Administrator of the Environmental Protection Agency. The standards and regulations shall be applied when issuing, amending, modifying, suspending, or revoking a certificate authorized under this chapter.

(3) An original type certificate may be issued under section 44704(a) of this title for an aircraft for which substantial noise abatement can be achieved only after the Administrator of the Federal Aviation Administration prescribes standards and regulations under this section that apply to that aircraft.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a standard or regulation under this section, the Administrator of the Federal Aviation Administration shall—

(1) consider relevant information related to aircraft noise and sonic boom;

(2) consult with appropriate departments, agencies, and instrumentalities of the United States Government and State and interstate authorities;

(3) consider whether the standard or regulation is consistent with the highest degree of safety in air transportation or air commerce in the public interest;

(4) consider whether the standard or regulation is economically reasonable, technologically practicable, and appropriate for the applicable aircraft, aircraft engine, appliance, or certificate; and

(5) consider the extent to which the standard or regulation will carry out the purposes of this section.

(c) PROPOSED REGULATIONS OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall submit to the Administrator of the

Federal Aviation Administration proposed regulations to control and abate aircraft noise and sonic boom (including control and abatement through the use of the authority of the Administrator of the Federal Aviation Administration) that the Administrator of the Environmental Protection Agency considers necessary to protect the public health and welfare. The Administrator of the Federal Aviation Administration shall consider those proposed regulations and shall publish them in a notice of proposed regulations not later than 30 days after they are received. Not later than 60 days after publication, the Administrator of the Federal Aviation Administration shall begin a hearing at which interested persons are given an opportunity for oral and written presentations. Not later than 90 days after the hearing is completed and after consulting with the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration shall—

(1) prescribe regulations as provided by this section—

(A) substantially the same as the proposed regulations submitted by the Administrator of the Environmental Protection Agency; or

(B) that amend the proposed regulations; or

(2) publish in the Federal Register—

(A) a notice that no regulation is being prescribed in response to the proposed regulations of the Administrator of the Environmental Protection Agency;

(B) a detailed analysis of, and response to, all information the Administrator of the Environmental Protection Agency submitted with the proposed regulations; and

(C) a detailed explanation of why no regulation is being prescribed.

(d) CONSULTATION AND REPORTS.—(1) If the Administrator of the Environmental Protection Agency believes that the action of the Administrator of the Federal Aviation Administration under subsection (c)(1)(B) or (2) of this section does not protect the public health and welfare from aircraft noise or sonic boom, consistent with the considerations in subsection (b) of this section, the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Federal Aviation Administration and may request a report on the advisability of prescribing the regulation as originally proposed. The request, including a detailed statement of the information on which the request is based, shall be published in the Federal Register.

(2) The Administrator of the Federal Aviation Administration shall report to the Administrator of the Environmental Protection Agency within the time, if any, specified in the request. However, the time specified must be at least 90 days after the date of the request. The report shall—

(A) be accompanied by a detailed statement of the findings of the Administrator of the Federal Aviation Administration and the reasons for the findings;

(B) identify any statement related to an action under subsection (c) of this section filed

under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(C) specify whether and where that statement is available for public inspection; and

(D) be published in the Federal Register unless the request proposes specific action by the Administrator of the Federal Aviation Administration and the report indicates that action will be taken.

(e) SUPPLEMENTAL REPORTS.—The Administrator of the Environmental Protection Agency may request the Administrator of the Federal Aviation Administration to file a supplemental report if the report under subsection (d) of this section indicates that the proposed regulations under subsection (c) of this section, for which a statement under section 102(2)(C) of the Act (42 U.S.C. 4332(2)(C)) is not required, should not be prescribed. The supplemental report shall be published in the Federal Register within the time the Administrator of the Environmental Protection Agency specifies. However, the time specified must be at least 90 days after the date of the request. The supplemental report shall contain a comparison of the environmental effects, including those that cannot be avoided, of the action of the Administrator of the Federal Aviation Administration and the proposed regulations of the Administrator of the Environmental Protection Agency.

(f) EXEMPTIONS.—An exemption from a standard or regulation prescribed under this section may be granted only if, before granting the exemption, the Administrator of the Federal Aviation Administration consults with the Administrator of the Environmental Protection Agency. However, if the Administrator of the Federal Aviation Administration finds that safety in air transportation or air commerce requires an exemption before the Administrator of the Environmental Protection Agency can be consulted, the exemption may be granted. The Administrator of the Federal Aviation Administration shall consult with the Administrator of the Environmental Protection Agency as soon as practicable after the exemption is granted.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1196; Pub. L. 104-264, title IV, §406(a), Oct. 9, 1996, 110 Stat. 3257.)

tifies the appropriate Administrator each time the Administrator is mentioned. The words “present and future” and “and amend” are omitted as surplus. In clause (B), the words “as the FAA may find necessary to provide” are omitted as surplus.

In subsection (a)(2), the word “only” is added for clarity.

Subsection (a)(3) is substituted for 49 App.:1431(b)(2) to eliminate unnecessary words.

In subsection (b), before clause (1), the words “and amending” are omitted as surplus. In clause (1), the words “available . . . including the results of research, development, testing, and evaluation activities conducted pursuant to this chapter and the Department of Transportation Act” are omitted as surplus. In clause (2), the words “departments, agencies, and instrumentalities of the United States Government and State and interstate authorities” are substituted for “Federal, State, and interstate agencies” for consistency in the revised title and with other titles of the United States Code. The words “as he deems” are omitted as surplus. In clauses (3) and (4), the word “proposed” is omitted as surplus. In clause (4), the word “applicable” is substituted for “particular type of . . . to which it will apply” to eliminate unnecessary words. In clause (5), the words “contribute to” are omitted as surplus.

In subsection (c), before clause (1), the words “Not earlier than the date of submission of the report required by section 4906 of title 42” are omitted as executed. The words “regulatory . . . over air commerce or transportation or over aircraft or airport operations” and “submitted by the EPA under this paragraph” are omitted as surplus. The word “regulations” is substituted for “rulemaking” for consistency in the revised title. The words “after they are received” are substituted for “of the date of its submission to the FAA” to eliminate unnecessary words. The words “of data, views, and arguments” are omitted as surplus. In clause (1), the words “in accordance with subsection (b) of this section” are omitted because of the restatement. In clause (2)(B), the words “documentation or other” are omitted as surplus.

In subsection (d)(1), the words “listed” and “the FAA to review, and . . . to EPA . . . by EPA” are omitted as surplus.

In subsection (d)(2), before clause (A), the words “shall complete the review requested and” are omitted as surplus. In clause (B), the words “of the FAA” are omitted as surplus.

In subsection (e), the words “actually taken . . . in response to EPA’s proposed regulations” are omitted as surplus.

In subsection (f), the words “under any provision of this chapter” and “that . . . be granted” are omitted as surplus. The words “the exemption may be granted” are added for clarity.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44715(a)(1), (2).	49 App.:1431(a), (b)(1) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §611(a), (b), (d); added July 21, 1968, Pub. L. 90-411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92-574, §7(b), 86 Stat. 1239, 1241.
44715(a)(3) .. 44715(b)	49 App.:1431(b)(2), 49 App.:1431(d).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §611(c); added July 21, 1968, Pub. L. 90-411, §1, 82 Stat. 395; restated Oct. 27, 1972, Pub. L. 92-574, §7(b), 86 Stat. 1240; Nov. 8, 1978, Pub. L. 95-609, §3, 92 Stat. 3080.
44715(c)	49 App.:1431(c)(1).	
44715(d)	49 App.:1431(c)(2).	
44715(e)	49 App.:1431(c)(3).	
44715(f)	49 App.:1431(b)(1) (last sentence).	

In subsection (a)(1), before clause (A), the text of 49 App.:1431(a) is omitted because the revised section iden-

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-264, which in directing the general amendment of par. (1) inserted an additional subsec. (a) designation and heading identical to the existing subsec. heading as well as restating the text of par. (1), was executed by restating the text only to reflect the probable intent of Congress. Prior to amendment, par. (1) read as follows: “To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration shall prescribe—

“(A) standards to measure aircraft noise and sonic boom; and

“(B) regulations to control and abate aircraft noise and sonic boom.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years

beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

§ 44716. Collision avoidance systems

(a) DEVELOPMENT AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall—

(1) complete the development of the collision avoidance system known as TCAS-II so that TCAS-II can operate under visual and instrument flight rules and can be upgraded to the performance standards applicable to the collision avoidance system known as TCAS-III;

(2) develop and carry out a schedule for developing and certifying TCAS-II that will result in certification not later than June 30, 1989; and

(3) submit to Congress monthly reports on the progress being made in developing and certifying TCAS-II.

(b) INSTALLATION AND OPERATION.—The Administrator shall require by regulation that, not later than 30 months after the date certification is made under subsection (a)(2) of this section, TCAS-II be installed and operated on each civil aircraft that has a maximum passenger capacity of at least 31 seats and is used to provide air transportation of passengers, including intrastate air transportation of passengers. The Administrator may extend the deadline in this subsection for not more than 2 years if the Administrator finds the extension is necessary to promote—

(1) a safe and orderly transition to the operation of a fleet of civil aircraft described in this subsection equipped with TCAS-II; or

(2) other safety objectives.

(c) OPERATIONAL EVALUATION.—Not later than December 30, 1990, the Administrator shall establish a one-year program to collect and assess safety and operational information from civil aircraft equipped with TCAS-II for the operational evaluation of TCAS-II. The Administrator shall encourage foreign air carriers that operate civil aircraft equipped with TCAS-II to participate in the program.

(d) AMENDING SCHEDULE FOR WINDSHEAR EQUIPMENT.—The Administrator shall consider the feasibility and desirability of amending the schedule for installing airborne low-altitude windshear equipment to make the schedule compatible with the schedule for installing TCAS-II.

(e) DEADLINE FOR DEVELOPMENT AND CERTIFICATION.—(1) The Administrator shall complete developing and certifying TCAS-III as soon as possible.

(2) Necessary amounts may be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this subsection.

(f) INSTALLING AND USING TRANSPONDERS.—The Administrator shall prescribe regulations requiring that, not later than December 30, 1990, operating transponders with automatic altitude reporting capability be installed and used for aircraft operating in designated terminal airspace where radar service is provided for separa-

tion of aircraft. The Administrator may provide for access to that airspace (except terminal control areas and airport radar service areas) by nonequipped aircraft if the Administrator finds the access will not interfere with the normal traffic flow.

(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(B) other safety or public interest objectives.

(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term “collision avoidance equipment” means equipment that provides protection from mid-air collisions using technology that provides—

(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS-II.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1198; Pub. L. 106-181, title V, §502, Apr. 5, 2000, 114 Stat. 132.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44716(a)	49 App.:1421(f)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §601(f); added Dec. 30, 1987, Pub. L. 100-223, §203(b), 101 Stat. 1518; Dec. 15, 1989, Pub. L. 101-236, §2, 103 Stat. 2060.
44716(b)	49 App.:1421(f)(2), (4).	
44716(c)	49 App.:1421(f)(3).	
44716(d)	49 App.:1421(f)(5).	
44716(e)	49 App.:1421 (note).	Dec. 30, 1987, Pub. L. 100-223, §203(d), 101 Stat. 1519.
44716(f)	49 App.:1421(f)(6).	

In subsection (c), the words “In conducting the program” are omitted as surplus.

In subsection (e)(1), the word “research” is omitted as included in “developing”.

In subsection (e)(2), the words “established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)” are added for consistency in the revised title.

In subsection (f), the words “Not later than 6 months after December 30, 1987, the Administrator shall promulgate a final rule” and “Such final rule” are omitted as executed.

Editorial Notes

AMENDMENTS

2000—Subsec. (g). Pub. L. 106-181 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

Pub. L. 106-181, set out as a note under section 106 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a)(3) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 8th item on page 138 of House Document No. 103-7.

§ 44717. Aging aircraft

(a) **INSPECTIONS AND REVIEWS.**—The Administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed under subsection (a) of this section—

(1) at least shall require the Administrator to make inspections, and review the maintenance and other records, of each aircraft an air carrier uses to provide air transportation that the Administrator decides may be necessary to enable the Administrator to decide whether the aircraft is in safe condition and maintained properly for operation in air transportation;

(2) at least shall require an air carrier to demonstrate to the Administrator, as part of the inspection, that maintenance of the aircraft's age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety;

(3) shall require the air carrier to make available to the Administrator the aircraft and any records about the aircraft that the Administrator requires to carry out a review; and

(4) shall establish procedures to be followed in carrying out an inspection.

(b) **WHEN AND HOW INSPECTIONS AND REVIEWS SHALL BE CARRIED OUT.**—(1) Inspections and reviews required under subsection (a)(1) of this section shall be carried out as part of each heavy maintenance check of the aircraft conducted after the 14th year in which the aircraft has been in service.

(2) Inspections under subsection (a)(1) of this section shall be carried out as provided under section 44701(a)(2)(B) and (C) of this title.

(c) **AIRCRAFT MAINTENANCE SAFETY PROGRAMS.**—The Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft according to maintenance programs approved by the Administrator;

(2) a program—

(A) to provide inspectors and engineers of the Administration with training necessary to conduct auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of those inspectors and engineers in those inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to ensure the airworthiness of aircraft that the carriers operate.

(d) **FOREIGN AIR TRANSPORTATION.**—(1) The Administrator shall take all possible steps to en-

courage governments of foreign countries and relevant international organizations to develop standards and requirements for inspections and reviews that—

(A) will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States; and

(B) will provide passengers of those foreign air carriers with the same level of safety that will be provided passengers of air carriers by carrying out this section.

(2) Not later than September 30, 1994, the Administrator shall report to Congress on carrying out this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44717(a)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, §§ 402(a), (b)(1), (c)-(e), 405, 105 Stat. 951, 952.
44717(b)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 402(b)(2), (3), 105 Stat. 951.
44717(c)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 403, 105 Stat. 952.
44717(d)	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 404, 105 Stat. 952.

In subsections (a) and (c), before clause (1), the words “Not later than 180 days after the date of the enactment of this title” are omitted as obsolete.

In subsection (a), before clause (1), the text of section 405 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102-143, 105 Stat. 952) is omitted as surplus because the complete name of the Administrator of the Federal Aviation Administration is used the first time the term appears in a section. The word “regulations” is substituted for “rule” because the terms are synonymous. In clauses (2)-(4), the words “required by the rule” are omitted as surplus. In clause (2), the words “structure, skin, and other” are omitted as surplus. In clause (3), the words “inspection, maintenance, and other” are omitted as surplus.

In subsection (c)(1), the word “Administrator” is substituted for “Federal Aviation Administration” for consistency in the revised title.

In subsection (d)(1), before clause (A), the words “governments of foreign countries” are substituted for “foreign governments” for consistency in the revised title and with other titles of the United States Code.

§ 44718. Structures interfering with air commerce or national security

(a) **NOTICE.**—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

(1) safety in air commerce;

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports; or

(3) the interests of national security, as determined by the Secretary of Defense.

(b) **STUDIES.**—

(1) **IN GENERAL.**—Under regulations prescribed by the Secretary, if the Secretary de-

cides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air or space navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

(i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

(ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(iii) the impact on existing public-use airports and aeronautical facilities;

(iv) the impact on planned public-use airports and aeronautical facilities;

(v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures;

(vi) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary of Transportation; and

(vii) other factors relevant to the efficient and effective use of navigable airspace; and

(B) include the finding made by the Secretary of Defense under subsection (f).

(2) REPORT.—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).

(c) BROADCAST APPLICATIONS AND TOWER STUDIES.—In carrying out laws related to a broadcast application and conducting an aeronautical study related to broadcast towers, the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—

(1) the receipt and consideration of, and action on, the application; and

(2) the completion of any associated aeronautical study.

(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3-8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.

(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.

(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b) and in accordance with section 183a(e) of title 10, the Secretary of Defense shall—

(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study would result in an unacceptable risk to the national security of the United States; and

(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

(g) SPECIAL RULE FOR IDENTIFIED GEOGRAPHIC AREAS.—In the case of a proposed structure to be located within a geographic area identified under section 183a(d)(2)(B) of title 10, the Secretary of Transportation may not issue a determination pursuant to this section until the Secretary of Defense issues a finding under section 183a(e) of title 10, the Secretary of Defense advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming, or 180 days have lapsed since the project was filed with the Secretary of Transportation pursuant to this section, whichever occurs first.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term “adverse impact on military operations and readiness” has the meaning given the term in section 183a(h)(1) of title 10.

(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term “unacceptable risk to the national security of the United States” has the meaning given the term in section 183a(h)(7)¹ of title 10.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1200; Pub. L. 104–264, title XII, §1220(a), Oct. 9, 1996, 110 Stat. 3286; Pub. L. 106–181, title V, §503(b), Apr. 5, 2000, 114 Stat. 133; Pub. L. 112–81, div. A, title III, §332, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 114–248, §1(a), Nov. 28, 2016, 130 Stat. 998; Pub. L. 114–328, div. A, title III, §341(a)(1)–(4)(A), Dec. 23, 2016, 130 Stat. 2079–2081; Pub. L. 115–91, div. A, title III, §311(b)(2), (3), (e), Dec. 12, 2017, 131 Stat. 1347, 1348; Pub. L. 115–232, div. A, title X, §1081(e)(2), Aug. 13, 2018, 132 Stat. 1986; Pub. L. 115–254, div. B, title V, §539(h), Oct. 5, 2018, 132 Stat. 3371.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44718(a)	49 App.:1501(a).	Aug. 23, 1958, Pub. L. 85–726, §1101, 72 Stat. 797; re-stated Dec. 30, 1987, Pub. L. 100–223, §206 (less (b)), 101 Stat. 1521; Oct. 31, 1992, Pub. L. 102–581, §203(a), 106 Stat. 4890.
44718(b)	49 App.:1501(b).	
44718(c)	49 App.:1501(c).	

In subsection (a), before clause (1), the words “(hereinafter in this section referred to as the ‘Secretary’)” and “where necessary” are omitted as surplus.

In subsection (b)(1), before clause (A), the word “thoroughly” is omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d), probably means the date of enactment of Pub. L. 106–181, which amended subsec. (d) generally, and which was approved Apr. 5, 2000.

Section 183a(h)(7) of title 10, referred to in subsec. (h)(2), was redesignated as section 183a(h)(9) of title 10 by Pub. L. 116–92, div. A, title III, §371(5)(A), Dec. 20, 2019, 133 Stat. 1329, and subsequently was redesignated as section 183a(h)(11) of title 10 by Pub. L. 118–31, div. A, title III, §362(b)(2), Dec. 22, 2023, 137 Stat. 232.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–254, §539(h)(1), substituted “air or space navigation facilities and equipment” for “air navigation facilities and equipment” in introductory provisions.

Subsec. (b)(1)(A)(vi), (vii). Pub. L. 115–254, §539(h)(2), added cl. (vi) and redesignated former cl. (vi) as (vii).

Subsec. (h)(1). Pub. L. 115–232, §1081(e)(2)(A), substituted “section 183a(h)(1) of title 10” for “section 183a(g) of title 10”.

Subsec. (h)(2). Pub. L. 115–232, §1081(e)(2)(B), substituted “section 183a(h)(7) of title 10” for “section 183a(g) of title 10”.

2017—Subsec. (f). Pub. L. 115–91, §311(b)(2), inserted “and in accordance with section 183a(e) of title 10” after “conducted under subsection (b)” in introductory provisions.

Subsec. (g). Pub. L. 115–91, §311(e)(2), added subsec. (g). Former subsec. (g) redesignated (h).

Pub. L. 115–91, §311(b)(3), substituted “183a(g) of title 10” for “211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014” in pars. (1) and (2).

Subsec. (h). Pub. L. 115–91, §311(e)(1), redesignated subsec. (g) as (h).

2016—Pub. L. 114–328, §341(a)(4)(A), inserted “or national security” after “air commerce” in section catchline.

Subsec. (a)(3). Pub. L. 114–328, §341(a)(1), added par. (3).

Subsec. (b). Pub. L. 114–328, §341(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to studies by Secretary to determine obstruction of airspace by newly constructed or altered structures.

Subsec. (b)(1). Pub. L. 114–248, §1(a)(1), substituted “air or space navigation facilities and equipment” for “air navigation facilities and equipment” in introductory provisions.

Subsec. (b)(1)(F). Pub. L. 114–248, §1(a)(2)–(4), added subpar. (F).

Subsecs. (f), (g). Pub. L. 114–328, §341(a)(3), added subsecs. (f) and (g).

2011—Subsec. (e). Pub. L. 112–81 added subsec. (e).

2000—Subsec. (d). Pub. L. 106–181 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill.”

1996—Subsec. (d). Pub. L. 104–264 added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

RULEMAKING

Pub. L. 114–248, §1(b), Nov. 28, 2016, 130 Stat. 998, provided that: “Not later than 18 months after the date of enactment of this Act [Nov. 28, 2016], the Administrator of the Federal Aviation Administration shall initiate a rulemaking to implement the amendments made by subsection (a) [amending this section].”

TOWER MARKING

Pub. L. 114–190, title II, §2110, July 15, 2016, 130 Stat. 623, as amended by Pub. L. 115–254, div. B, title V, §576, Oct. 5, 2018, 132 Stat. 3391, provided that:

“(a) APPLICATION.—

“(1) IN GENERAL.—Except as provided by paragraph (2), not later than 18 months after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018] or the date of availability of the database developed by the Administrator pursuant to subsection (c), whichever is later, all covered towers shall be either—

“(A) clearly marked consistent with applicable guidance in the advisory circular of the FAA issued December 4, 2015 (AC 70/7460-IL); or

“(B) included in the database described in subsection (c).

“(2) METEOROLOGICAL EVALUATION TOWER.—A covered tower that is a meteorological evaluation tower shall be subject to the requirements of subparagraphs (A) and (B) of paragraph (1).

¹ See References in Text note below.

“(b) DEFINITIONS.—

“(1) IN GENERAL.—In this section, the following definitions apply:

“(A) COVERED TOWER.—

“(i) IN GENERAL.—The term ‘covered tower’ means a structure that—

“(I) is a meteorological evaluation tower, a self-standing tower, or [a] tower supported by guy wires and ground anchors;

“(II) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

“(III) at the highest point of the structure is at least 50 feet above ground level;

“(IV) at the highest point of the structure is not more than 200 feet above ground level;

“(V) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

“(VI) is located on land that is—

“(aa) in a rural area; and

“(bb) used for agricultural purposes or immediately adjacent to such land.

“(ii) EXCLUSIONS.—The term ‘covered tower’ does not include any structure that—

“(I) is adjacent to a house, barn, electric utility station, or other building;

“(II) is within the curtilage of a farmstead or adjacent to another building or visible structure;

“(III) supports electric utility transmission or distribution lines;

“(IV) is a wind-powered electrical generator with a rotor blade radius that exceeds 6 feet;

“(V) is a street light erected or maintained by a Federal, State, local, or tribal entity;

“(VI) is designed and constructed to resemble a tree or visible structure other than a tower;

“(VII) is an advertising billboard;

“(VIII) is located within the right-of-way of a rail carrier, including within the boundaries of a rail yard, and is used for a railroad purpose;

“(IX)(aa) is registered with the Federal Communications Commission under the Antenna Structure Registration program set forth under part 17 of title 47, Code of Federal Regulations; and

“(bb) is determined by the Administrator to pose no hazard to air navigation; or

“(X) has already mitigated any hazard to aviation safety in accordance with Federal Aviation Administration guidance or as otherwise approved by the Administrator.

“(B) RURAL AREA.—The term ‘rural area’ has the meaning given the term in section 609(a)(5) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)(5)).

“(C) AGRICULTURAL PURPOSES.—The term ‘agricultural purposes’ means farming in all its branches and the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities performed by a farmer or on a farm, or on pasture land or rangeland.

“(2) OTHER DEFINITIONS.—The Administrator shall define such other terms as may be necessary to carry out this section.

“(c) DATABASE.—The Administrator shall—

“(1) develop a new database, or if appropriate use an existing database that meets the requirements under this section, that contains the location and height of each covered tower that, pursuant to subsection (a), the owner or operator of such tower elects not to mark (unless the Administrator has determined that there is a significant safety risk requiring that the tower be marked), except that meteorological evaluation towers shall be marked and contained in the database;

“(2) keep the database current to the extent practicable;

“(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law;

“(4) ensure that, by virtue of accessing the database, users agree and acknowledge that information in the database—

“(A) may only be used for aviation safety purposes; and

“(B) may not be disclosed for purposes other than aviation safety, regardless of whether or not the information is marked or labeled as proprietary or with a similar designation;

“(5) ensure that the tower information in the database is de-identified and that the information only includes the location and height of covered towers and whether the tower has guy wires;

“(6) ensure that information in the dataset is encrypted at rest and in transit and is protected from unauthorized access and acquisition;

“(7) ensure that towers excluded from the definition of covered tower under subsection (d)(1)(B)(ii)(VIII) must be registered by its owner in the database;

“(8) ensure that a tower to be included in the database pursuant to subsection (c)(1) and constructed after the date on which the database is fully operational is submitted by its owner to the FAA for inclusion in the database before its construction;

“(9) ensure that pilots who intend to conduct low-altitude operations in locations described in subsection (b)(1)(A)(i)(VI) consult the relevant parts of the database before conducting such operations; and

“(10) make the database available for use not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018].

“(d) EXCLUSION AND WAIVER AUTHORITIES.—As part of a rulemaking conducted pursuant to this section, the Administrator—

“(1) may exclude a class, category, or type of tower that is determined by the Administrator, after public notice and comment, to not pose a hazard to aviation safety;

“(2) shall establish a process to waive specific covered towers from the marking requirements under this section as required under the rulemaking if the Administrator later determines such tower or towers do not pose a hazard to aviation safety;

“(3) shall consider, in establishing exclusions and granting waivers under this subsection, factors that may sufficiently mitigate risks to aviation safety, such as the length of time the tower has been in existence or alternative marking methods or technologies that maintains a tower’s level of conspicuity to a degree which adequately maintains the safety of the airspace; and

“(4) shall consider excluding towers located in a State that has enacted tower marking requirements according to the Federal Aviation Administration’s recommended guidance for the voluntary marking of meteorological evaluation towers erected in remote and rural areas that are less than 200 feet above ground level to enhance the conspicuity of the towers for low level agricultural operations in the vicinity of those towers.

“(e) PERIODIC REVIEW.—The Administrator shall, in consultation with the Federal Communications Commission, periodically review any regulations or guidance regarding the marking of covered towers issued pursuant to this section and update them as necessary, consistent with this section, and in the interest of safety of low-altitude aircraft operations.

“(f) FCC REGULATIONS.—The Federal Communications Commission shall amend section 17.7 of title 47, Code of Federal Regulations, to require a notification to the Federal Aviation Administration for any construction or alteration of an antenna structure, as defined in section 17.2(a) of title 47, Code of Federal Regulations, that is a covered tower as defined by this section.”

STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS

Pub. L. 111-383, div. A, title III, §358, Jan. 7, 2011, 124 Stat. 4198, as amended by Pub. L. 112-81, div. A, title

III, §331, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112-239, div. A, title X, §1076(b)(1), Jan. 2, 2013, 126 Stat. 1949; Pub. L. 114-92, div. A, title III, §314, Nov. 25, 2015, 129 Stat. 790, related to study of effects of new construction of obstructions on military installations and operations, prior to repeal by Pub. L. 115-91, div. A, title III, §311(b)(1), Dec. 12, 2017, 131 Stat. 1347. See section 183a of Title 10, Armed Forces.

LANDFILLS INTERFERING WITH AIR COMMERCE

Pub. L. 106-181, title V, §503(a), Apr. 5, 2000, 114 Stat. 133, provided that: “Congress finds that—

“(1) collisions between aircraft and birds have resulted in fatal accidents;

“(2) bird strikes pose a special danger to smaller aircraft;

“(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

“(4) even if the landfill is not located in the approach path of the airport’s runway, it still poses a hazard because of the birds’ ability to fly away from the landfill and into the path of oncoming planes;

“(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

“(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.”

§ 44719. Standards for navigational aids

The Secretary of Transportation shall prescribe regulations on standards for installing navigational aids, including airport control towers. For each type of facility, the regulations shall consider at a minimum traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44719	49 App.:1348 (note).	Dec. 30, 1987, Pub. L. 100-223, §308, 101 Stat. 1526.

The words “Not later than December 31, 1988” are omitted as obsolete.

§ 44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance

information about probable weather conditions;

(2) provide reports to the Administrator¹ to persons engaged in civil aeronautics that are designated by the Administrator and to other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44720(a)	49 App.:1351. 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §§310, 803, 72 Stat. 751, 783. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44720(b)	49 App.:1463. 49 App.:1655(c)(1).	

In subsection (b), the title “Secretary” [of Commerce] is substituted for “Chief of the Weather Bureau” in section 803 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 783) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). Before clause (1), the words “In order” and “in addition to any other functions or duties pertaining to weather information for other purposes” are omitted as surplus. In clause (2), the words “forecasts, warnings, and advices” are omitted as being included in “reports”. In clause (3), the words “or employees thereof” and “establish and” are omitted as surplus. The words “with those persons” are added for clarity. In clause (5), the words “departments, agencies, and instrumentalities of the United States Government” are substituted for “governmental agencies of the United States” for consistency in the revised title and with other titles of the United States Code.

¹ So in original. Probably should be followed by a comma.

Statutory Notes and Related Subsidiaries**IMPROVED SAFETY IN RURAL AREAS**

Pub. L. 115-254, div. B, title III, §322, Oct. 5, 2018, 132 Stat. 3270, provided that: “The Administrator [of the Federal Aviation Administration] shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations, to operate to a destination with a published approach, in a noncontiguous State under instrument flight rules and conduct an instrument approach without a destination Meteorological Aerodrome Report (METAR) if a current Area Forecast, supplemented by noncertified local weather observations (such as weather cameras and human observations) is available, and an alternate airport that has a weather report is specified. The operator shall have approved procedures for departure and en route weather evaluation.”

TERMINAL AERODROME FORECAST

Pub. L. 115-254, div. B, title V, §516, Oct. 5, 2018, 132 Stat. 3358, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall permit a covered air carrier to operate to or from a location in a noncontiguous State without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if—

“(1) such location is determined to be under visual meteorological conditions;

“(2) a current Area Forecast, supplemented by other local weather observations or reports, is available; and

“(3) an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified.

“(b) PROCEDURES.—A covered air carrier shall—

“(1) have approved procedures for dispatch or release and enroute weather evaluation; and

“(2) operate under instrument flight rules enroute to the destination.

“(c) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document pursuant to this section that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

“(d) COVERED AIR CARRIER DEFINED.—In this section, the term ‘covered air carrier’ means an air carrier operating in a noncontiguous State under part 121 of title 14, Code of Federal Regulations.”

AUTOMATED WEATHER OBSERVING SYSTEMS POLICY

Pub. L. 115-254, div. B, title V, §553, Oct. 5, 2018, 132 Stat. 3379, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall—

“(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

“(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

“(3) establish a process under which appropriate on-site airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum triannual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220-16E) and any other similar, successor checks.

“(b) PERMISSION.—Permission to conduct the minimum triannual preventative maintenance checks de-

scribed under subsection (a)(3) and any similar, successor checks shall not be withheld but for specific cause.

“(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

“(1) ensure the standards are performance-based;

“(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

“(3) provide a cost-benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

“(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

“(1) IN GENERAL.—Notwithstanding any other law, the Administrator is authorized to and shall waive any positive benefit-cost ratio requirement for automated weather-observing system equipment under subchapter I of chapter 471, of title 49, United States Code, if—

“(A) the airport sponsor or State, as applicable, certifies that a grant for such automated weather observing systems equipment under that chapter will assist an applicable airport to respond to regional emergency needs, including medical, fire-fighting, and search and rescue needs;

“(B) the Secretary determines, after consultation with the airport sponsor or State, as applicable, that the placement of automated weather-observing equipment at the airport will not cause unacceptable radio frequency congestion; and

“(C) the other requirements under that chapter are met.

“(2) APPLICABILITY TO LOW POPULATION DENSITY STATES.—This subsection is applicable only to airports located in states with a population density, based on the most recent decennial census, of 50 or fewer persons per square mile.

“(e) REPORT.—Not later than September 30, 2025, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the implementation of the requirements under this section.”

AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS

Pub. L. 106-181, title VII, §728, Apr. 5, 2000, 114 Stat. 168, provided that: “The Administrator [of the Federal Aviation Administration] shall not terminate human weather observers for Automated Surface Observation System stations until—

“(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

“(2) 60 days have passed since the report was transmitted to Congress.”

§ 44721. Aeronautical charts and related products and services

(a) PUBLICATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes

would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

- (1) prescribed by the Administrator;
- (2) depicted accurately on the map or chart; and
- (3) not obviously defective or deficient.

(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

(1) Sections 1 through 9 of the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947,¹ (33 U.S.C. 883a–883h).

(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

- (1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;
- (2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;
- (3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and
- (4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is au-

thorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

(f) SPECIAL SERVICES AND PRODUCTS.—

(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.

(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

(A) without charge to each foreign government or international organization with which the Administrator or a Federal de-

¹ So in original. The comma probably should not appear.

partment or agency has an agreement for exchange of these products or services without cost;

(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1202; Pub. L. 106-181, title VI, §603(a), Apr. 5, 2000, 114 Stat. 150; Pub. L. 106-424, §17(a), Nov. 1, 2000, 114 Stat. 1888.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44721(a)(1) ..	49 App.:1348(b) (1st sentence cl. (3)). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §307(b) (1st sentence cl. (3)), 72 Stat. 750. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44721(a)(2) ..	49 App.:1348(b) (3d, last sentences).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 749, §307(b) (3d, last sentences); added Oct. 31, 1992, Pub. L. 102-581, §125, 106 Stat. 4885.
44721(b)	49 App.:1519.	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1118; added Dec. 19, 1985, Pub. L. 99-190, §328(a), 99 Stat. 1289.

In subsection (a)(1), the word “Administrator” in section 307(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 750) is retained on authority of 49:106(g). The words “within the limits of available appropriations made by the Congress” are omitted as surplus. The words “departments, agencies, and instrumentalities of the United States Government” are substituted for “existing agencies of the Government” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), before clause (1), the words “Notwithstanding the provisions of section 1341 of title 31 or any other provision of law” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Sections 1 through 9 of the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947, referred to in subsec. (c)(1), are classified to sections 883a to 883i of Title 33, Navigation and Navigable Waters. Section 883g of Title 33 was repealed by Pub. L. 88-611, §4(a)(2), Oct. 2, 1964, 78 Stat. 991.

AMENDMENTS

2000—Pub. L. 106-181 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) PUBLICATION.—(1) The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

“(2) In carrying out paragraph (1) of this subsection, the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

“(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

- “(1) prescribed by the Administrator;
- “(2) depicted accurately on the map or chart; and
- “(3) not obviously defective or deficient.”

Subsec. (c)(3), (4). Pub. L. 106-424, §17(a)(1), struck out pars. (3) and (4) which read as follows:

“(3) Section 1307 of title 44, United States Code.

“(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading ‘National Oceanic and Atmospheric Administration’ relating to aeronautical charts (44 U.S.C. 1307 note).”

Subsec. (g)(1)(D). Pub. L. 106-424, §17(a)(2), added subpar. (D).

Subsec. (g)(5). Pub. L. 106-424, §17(a)(3), added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106-424, §17(b), Nov. 1, 2000, 114 Stat. 1889, provided that: “The amendments made by subsection (a) [amending this section] take effect on October 1, 2000.”

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

SAVINGS PROVISION

Pub. L. 106-181, title VI, §604, Apr. 5, 2000, 114 Stat. 152, provided that:

“(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

- “(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this

title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section]; and

“(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

“(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

“(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

“(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

“(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

“(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

“(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

“(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.”

TRANSFER OF FUNCTIONS

Pub. L. 106-181, title VI, §601, Apr. 5, 2000, 114 Stat. 149, provided that: “Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.”

TRANSFER OF OFFICE, PERSONNEL, AND FUNDS

Pub. L. 106-181, title VI, §602, Apr. 5, 2000, 114 Stat. 149, provided that:

“(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

“(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section], including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.”

PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS

Pub. L. 106-181, title VI, §607, Apr. 5, 2000, 114 Stat. 154, provided that: “The Administrator [of the Federal Aviation Administration] shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.”

§ 44722. Aircraft operations in winter conditions

The Administrator of the Federal Aviation Administration shall prescribe regulations requiring procedures to improve safety of aircraft operations during winter conditions. In deciding on the procedures to be required, the Administrator shall consider at least aircraft and air traffic control modifications, the availability of different types of deicing fluids (considering their efficacy and environmental limitations),

the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44722	49:1421 (note).	Oct. 31, 1992, Pub. L. 102-581, §124, 106 Stat. 4885.

The words “Before November 1, 1992” are omitted as obsolete. The words “prescribe regulations requiring” are substituted for “require, by regulation”, and the words “other factors the Administrator considers appropriate” are substituted for “among other things”, for consistency in the revised title.

§ 44723. Annual report

Not later than January 1 of each year, the Secretary of Transportation shall submit to Congress a comprehensive report on the safety enforcement activities of the Federal Aviation Administration during the fiscal year ending the prior September 30th. The report shall include—

(1) a comparison of end-of-year staffing levels by operations, maintenance, and avionics inspector categories to staffing goals and a statement on how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance, and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs by field location and, for any field location completing less than 80 percent of its planned number of inspections, an explanation of why annual work program plans were not met;

(6) a statement of the adequacy of Administration internal management controls available to ensure that field managers comply with Administration policies and procedures, including those on inspector priorities, district office coordination, minimum inspection standards, and inspection followup;

(7) the status of efforts made by the Administration to update inspector guidance documents and regulations to include technological, management, and structural changes taking place in the aviation industry, including a listing of the backlog of all proposed regulatory amendments;

(8) a list of the specific operational measures of effectiveness used to evaluate—

(A) the progress in meeting program objectives;

(B) the quality of program delivery; and

(C) the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the 2 prior fiscal years, including the total initial and final penalties imposed, the total number of dollars collected, the range of dollar amounts collected, the average case processing time, and the range of case processing time;

(10) a schedule showing the number of enforcement actions taken (except civil penalties) during the 2 prior fiscal years, including the total number of violations cited, and the number of cited violation cases closed by certificate suspensions, certificate revocations, warnings, and no action taken; and

(11) schedules showing the safety record of the aviation industry during the fiscal year for air carriers and general aviation, including—

(A) the number of inspections performed when deficiencies were identified compared with inspections when no deficiencies were found;

(B) the frequency of safety deficiencies for each air carrier; and

(C) an analysis based on data of the general status of air carrier and general aviation compliance with aviation regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1202.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44723	49:308 (note).	Dec. 22, 1987, Pub. L. 100-202, §317(a), 101 Stat. 1329-380. Sept. 30, 1988, Pub. L. 100-457, §317(a), 102 Stat. 2148.

In clauses (4) and (7), the word “regulations” is substituted for “Federal regulations” for consistency in the revised title.

In clause (5), the words “by field location” are substituted for “disaggregated to the field locations” for clarity.

In clause (8), before subclause (A), the words “‘best proxies’ standing between the ultimate goal of accident prevention and ongoing program activities” are omitted as surplus.

In clause (9), the words “penalties imposed” are substituted for “assessments” for consistency in the revised title and with other titles of the United States Code.

In clause (11)(C), the words “aviation regulations” are substituted for “Federal Aviation Regulations” for consistency in the revised title.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 22nd item on page 132 and the 10th item on page 135 of House Document No. 103-7.

§ 44724. Manipulation of flight controls

(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

(c) PILOT IN COMMAND DEFINED.—In this section, the term “pilot in command” has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.

(Added Pub. L. 104-264, title VI, §602(a)(1), Oct. 9, 1996, 110 Stat. 3263.)

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

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

§ 44725. Life-limited aircraft parts

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

(2) The part may be permanently marked to indicate its used life status.

(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

(5) Any other method approved by the Administrator.

(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.

(Added Pub. L. 106-181, title V, §504(a), Apr. 5, 2000, 114 Stat. 134.)

Editorial Notes**REFERENCES IN TEXT**

The date of the enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 106-181, which was approved Apr. 5, 2000.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 44726. Denial and revocation of certificate for counterfeit parts violations

(a) DENIAL OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material;

(B) whose certificate is revoked under subsection (b); or

(C) subject to a controlling or ownership interest of an individual described in subparagraph (A) or (B).

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

(b) REVOCATION OF CERTIFICATE.—

(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

(1) advise the holder of the certificate of the reason for the revocation; and

(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, “person” shall be substituted for “individual” each place it appears.

(e) ACQUITTAL OR REVERSAL.—

(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

(1) a law enforcement official of the United States Government requests a waiver; and

(2) the waiver will facilitate law enforcement efforts.

(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.

(Added Pub. L. 106–181, title V, § 505(a)(1), Apr. 5, 2000, 114 Stat. 134; amended Pub. L. 108–176, title V, § 501, Dec. 12, 2003, 117 Stat. 2556.)

Editorial Notes

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108–176 struck out “or” at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C) and substituted “described in subparagraph (A) or (B)” for “convicted of such a violation”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 44727. Runway safety areas

(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.

(Added Pub. L. 108–176, title V, § 502(a), Dec. 12, 2003, 117 Stat. 2557.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 44728. Flight attendant certification

(a) CERTIFICATE REQUIRED.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of title 14, Code of Federal Regulation,¹ the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

(1) be numbered and recorded by the Administrator;

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

(3) be similar in size and appearance to certificates issued to airmen;

(4) contain the airplane group for which the certificate is issued; and

(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on

the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

(f) MINIMUM LANGUAGE SKILLS.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

(A) read material written in English and comprehend the information;

(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

(C) write incident reports and statements and log entries and statements; and

(D) carry out written and oral instructions regarding the proper performance of their duties.

(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.

(g) FLIGHT ATTENDANT DEFINED.—In this section, the term “flight attendant” means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.

(Added Pub. L. 108–176, title VIII, §814(a), Dec. 12, 2003, 117 Stat. 2590; amended Pub. L. 112–95, title III, §304(a), Feb. 14, 2012, 126 Stat. 58; Pub. L. 115–254, div. B, title V, §539(i), Oct. 5, 2018, 132 Stat. 3371.)

Editorial Notes

REFERENCES IN TEXT

For effective date of this section, referred to in subsecs. (a)(2) and (d)(5), see Effective Date note below.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254, §539(i)(1), substituted “title 14” for “chapter 14”.

Subsec. (d)(3). Pub. L. 115–254, §539(i)(2), substituted “be” for “is”.

2012—Subsecs. (f), (g). Pub. L. 112–95 added subsec. (f) and redesignated former subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108–176, title VIII, §814(c), Dec. 12, 2003, 117 Stat. 2592, provided that: “The amendments made by subsections (a) and (b) [enacting this section and amending the analysis to this chapter] shall take effect on the 365th day following the date of enactment of this Act [Dec. 12, 2003].”

FACILITATION

Pub. L. 112–95, title III, §304(b), Feb. 14, 2012, 126 Stat. 58, provided that: “The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).”

¹ So in original. Probably should be “Regulations.”

§ 44729. Age standards for pilots

(a) **IN GENERAL.**—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—

(1) shall take effect 1 year after the date of delivery of written notice of the election; and

(2) may not be terminated after the date on which such election takes effect by the air carrier.

(b) **COVERED OPERATIONS DEFINED.**—In this section, the term “covered operations” means—

(1) operations under part 121 of title 14, Code of Federal Regulations; or

(2) operations by a person that—

(A) holds an air carrier certificate issued pursuant to part 119 of title 14, Code of Federal Regulations, to conduct operations under part 135 of such title;

(B) holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations; and

(C) performed an aggregate total of at least 75,000 turbojet operations in calendar year 2019 or any subsequent year.

(c) **LIMITATION FOR INTERNATIONAL FLIGHTS.**—

(1) **APPLICABILITY OF ICAO STANDARD.**—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

(2) **SUNSET OF LIMITATION.**—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

(d) **SUNSET OF AGE 60 RETIREMENT RULE.**—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

(e) **APPLICABILITY.**—

(1) **NONRETROACTIVITY.**—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

(2) **PROTECTION FOR COMPLIANCE.**—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

(f) **AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.**—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

(g) **MEDICAL STANDARDS AND RECORDS.**—

(1) **MEDICAL EXAMINATIONS AND STANDARDS.**—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

(2) **DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.**—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

(h) **SAFETY.**—

(1) **TRAINING.**—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

(2) **GAO REPORT.**—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).

(Added Pub. L. 110-135, §2(a), Dec. 13, 2007, 121 Stat. 1450; amended Pub. L. 112-95, title III, §305, Feb. 14, 2012, 126 Stat. 58; Pub. L. 117-328, div. Q, §107(a), (b), Dec. 29, 2022, 136 Stat. 5257, 5258.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section and such date of enactment, referred to in subsecs. (d), (e), (g)(1) and (h)(2), is the date of enactment of Pub. L. 110-135, which was approved Dec. 13, 2007.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328, §107(a), substituted “covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—” and pars. (1) and (2) for “covered operations until attaining 65 years of age.”

Subsec. (b). Pub. L. 117-328, §107(b), substituted “means—” and pars. (1) and (2) for “means operations under part 121 of title 14, Code of Federal Regulations.”

2012—Subsec. (h)(2), (3). Pub. L. 112-95 redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.”

Statutory Notes and Related Subsidiaries

PROTECTION FOR COMPLIANCE

Pub. L. 117-328, div. Q, §107(c), Dec. 29, 2022, 136 Stat. 5258, provided that: “An action or election taken in conformance with the amendments made by this section [amending this section], or taken in conformance with a regulation issued to carry out the amendments made by this section, may not serve as a basis for liability or relief in a proceeding brought under any employment law or regulation before any court or agency of the United States or of any State or locality.”

§ 44730. Helicopter air ambulance operations

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including establishment of training standards in—

(A) preventing controlled flight into terrain; and

(B) recovery from inadvertent flight into instrument meteorological conditions.

(3) Safety-enhancing technology and equipment, including—

(A) helicopter terrain awareness and warning systems;

(B) radar altimeters; and

(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

(4) Such other matters as the Administrator considers appropriate.

(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

(C) requires the pilots of the certificate holder to use the checklist.

(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

(e) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

(A) Pilot training standards, including—

(i) mandatory training requirements, including a minimum time for completing the training requirements;

(ii) training subject areas, such as communications procedures and appropriate technology use; and

(iii) establishment of training standards in—

(I) crew resource management;

(II) flight risk evaluation;

(III) operational control of the pilot in command; and

(IV) use of flight simulation training devices and line-oriented flight training.

(B) Use of safety equipment that should be worn or used by flight crewmembers and

medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

(2) **DEADLINES.**—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.

(3) **LIMITATION ON CONSTRUCTION.**—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

(f) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **PART 135.**—The term “part 135” means part 135 of title 14, Code of Federal Regulations.

(2) **PART 135 CERTIFICATE HOLDER.**—The term “part 135 certificate holder” means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

(Added Pub. L. 112–95, title III, §306(a), Feb. 14, 2012, 126 Stat. 58.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

§ 44731. Collection of data on helicopter air ambulance operations

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, annually, a report containing, at a minimum, the following data:

(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

(2) The number of hours flown by the helicopters operated by the certificate holder.

(3) The number of patients transported and the number of patient transport requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, or organ transport).

(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

(5) The number of hours flown under instrument flight rules by helicopters operated by the certificate holder.

(6) The number of hours flown at night by helicopters operated by the certificate holder.

(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

(b) **REPORTING PERIOD.**—Data contained in a report submitted by a part 135 certificate holder

under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

(c) **DATABASE.**—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

(d) **REPORT TO CONGRESS.**—The Administrator shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a). The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.

(e) **IMPLEMENTATION.**—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.

(f) **DEFINITIONS.**—In this section, the terms “part 135” and “part 135 certificate holder” have the meanings given such terms in section 44730.

(Added Pub. L. 112–95, title III, §306(a), Feb. 14, 2012, 126 Stat. 60; amended Pub. L. 115–254, div. B, title III, §314(d), Oct. 5, 2018, 132 Stat. 3266.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §314(d)(1)(A), substituted “annually” for “not later than 1 year after the date of enactment of this section, and annually thereafter” in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §314(d)(1)(B), substituted “hours flown by the helicopters operated by the certificate holder” for “flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services”.

Subsec. (a)(3). Pub. L. 115–254, §314(d)(1)(C), substituted “of patients transported and the number of patient transport” for “of flight”, inserted “or” after “interfacility transport,” and struck out “, or ferry or repositioning flight” after “organ transport”.

Subsec. (a)(5). Pub. L. 115–254, §314(d)(1)(D), struck out “flights and” after “The number of” and “while providing air ambulance services” before period at end.

Subsec. (a)(6). Pub. L. 115–254, §314(d)(1)(E), amended par. (6) generally. Prior to amendment, par. (6) read as

follows: “The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.”

Subsec. (d). Pub. L. 115-254, §314(d)(2), substituted “The Administrator shall submit annually” for “Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit” and inserted at end “The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.”

Subsecs. (e), (f). Pub. L. 115-254, §314(d)(3), (4), added subsec. (e) and redesignated former subsec. (e) as (f).

Statutory Notes and Related Subsidiaries

HELICOPTER AIR AMBULANCE OPERATIONS DATA AND REPORTS

Pub. L. 115-254, div. B, title III, §314(a)–(c), Oct. 5, 2018, 132 Stat. 3265, 3266, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in collaboration with helicopter air ambulance industry stakeholders, shall assess the availability of information to the general public related to the location of heliports and helipads used by helicopters providing air ambulance services, including helipads and helipads outside of those listed as part of any existing databases of Airport Master Record (5010) forms.

“(b) REQUIREMENTS.—Based on the assessment under subsection (a), the Administrator shall—

“(1) update, as necessary, any existing guidance on what information is included in the current databases of Airport Master Record (5010) forms to include information related to heliports and helipads used by helicopters providing air ambulance services; or

“(2) develop, as appropriate and in collaboration with helicopter air ambulance industry stakeholders, a new database of heliports and helipads used by helicopters providing air ambulance services.

“(c) REPORTS.—

“(1) ASSESSMENT REPORT.—Not later than 30 days after the date the assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the assessment, including any recommendations on how to make information related to the location of heliports and helipads used by helicopters providing air ambulance services available to the general public.

“(2) IMPLEMENTATION REPORT.—Not later than 30 days after completing action under paragraph (1) or paragraph (2) of subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on such action.”

§ 44732. Prohibition on personal use of electronic devices on flight deck

(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember’s duty station on the flight deck of such an aircraft while the aircraft is being operated.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or em-

ployment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term “personal wireless communications device” means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.

(Added Pub. L. 112-95, title III, §307(a), Feb. 14, 2012, 126 Stat. 61.)

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 112-95, title III, §307(d), Feb. 14, 2012, 126 Stat. 62, provided that: “Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44732 of title 49, United States Code (as added by this section), and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.”

§ 44733. Inspection of repair stations located outside the United States

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;

(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administra-

tion's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;

(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

(3) describe the training provided to inspectors; and

(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

(d) **ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.**—

(1) **IN GENERAL.**—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

(2) **APPLICATION TO PART 121 AIRCRAFT WORK.**—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

(e) **ANNUAL INSPECTIONS.**—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements. The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.

(f) **RISK-BASED OVERSIGHT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

(2) **INTERNATIONAL AGREEMENTS.**—The Administrator shall take the measures required under paragraph (1)—

(A) in accordance with United States obligations under applicable international agreements; and

(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

(3) **ACCESS TO DATA.**—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).

(g) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **HEAVY MAINTENANCE WORK.**—The term “heavy maintenance work” means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(Added Pub. L. 112–95, title III, §308(a), Feb. 14, 2012, 126 Stat. 62; amended Pub. L. 114–190, title II, §2112(a), July 15, 2016, 130 Stat. 627.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a) and (d)(2), is the date of enactment of Pub. L. 112–95, which was approved Feb. 14, 2012.

The date of enactment of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 114–190, which was approved July 15, 2016.

AMENDMENTS

2016—Subsec. (f). Pub. L. 114–190, §2112(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 114–190, §2112(a)(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Pub. L. 114–190, §2112(a)(1), redesignated subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Pub. L. 114–190, title II, §2112(b), July 15, 2016, 130 Stat. 628, provided that: “The Administrator of the Federal Aviation Administration shall ensure that—

“(1) not later than 90 days after the date of enactment of this Act [July 15, 2016], a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and

“(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.”

BACKGROUND INVESTIGATIONS

Pub. L. 114–190, title II, §2112(c), July 15, 2016, 130 Stat. 628, provided that: “Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to de-

termine whether the individual presents a threat to aviation safety, in a manner that is—

- “(1) determined acceptable by the Administrator;
- “(2) consistent with the applicable laws of the country in which the repair station is located; and
- “(3) consistent with the United States obligations under international agreements.”

§ 44734. Training of flight attendants

(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—

- (1) serving alcohol to passengers;
- (2) recognizing intoxicated passengers;
- (3) dealing with disruptive passengers; and
- (4) recognizing and responding to potential human trafficking victims.

(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term “air carrier” means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.

(2) FLIGHT ATTENDANT.—The term “flight attendant” has the meaning given that term in section 44728(g).

(Added Pub. L. 112-95, title III, §309(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 114-190, title II, §2113, July 15, 2016, 130 Stat. 628.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a)(4). Pub. L. 114-190 added par. (4).

§ 44735. Limitation on disclosure of safety information

(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5—

- (1) if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law; or
- (2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act.

(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

- (1) Reports, data, or other information developed under the Aviation Safety Action Program.
- (2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.
- (3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

(2) DE-IDENTIFIED DEFINED.—In this subsection, the term “de-identified” means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.

(Added Pub. L. 112-95, title III, §310(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 116-260, div. V, title I, §102(g), Dec. 27, 2020, 134 Stat. 2311.)

REFERENCES IN TEXT

Section 102(e) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (a)(2), is section 102(e) of title I of Pub. L. 116-260, div. V, Dec. 27, 2020, 134 Stat. 2310, which is set out in a note under section 44701 of this title.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-260 inserted “—” after “title 5”, designated remaining existing provisions as par. (1), and added par. (2).

§ 44736. Organization designation authorizations

(a) DELEGATIONS OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator’s designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder; and

(B) conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

(B) make the procedures manual available to each member of the appropriate ODA unit; and

(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures

manual approved by the Administrator before the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings.

(b) ODA OFFICE.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.

(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure the consistency of the FAA's audit functions under the ODA program across the FAA.

(3) FUNCTIONS.—The ODA Office shall—

(A)(i) require, as appropriate, an ODA holder to establish a corrective action plan to regain authority for any retained limitations;

(ii) require, as appropriate, an ODA holder to notify the ODA Office when all corrective actions have been accomplished; and

(iii) when appropriate, make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;

(B) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

(C) review, in a timely fashion, a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;

(D) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program;

(E) at the request of an ODA holder, review and, when appropriate, approve new limitations to ODA functions; and

(F) ensure the ODA holders procedures manual contains procedures and policies based on best practices established by the Administrator.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term “FAA” means the Federal Aviation Administration.

(2) ODA HOLDER.—The term “ODA holder” means an entity authorized to perform functions pursuant to a delegation made by the Administrator of the FAA under section 44702(d).

(3) ODA UNIT.—The term “ODA unit” means a group of 2 or more individuals who perform, under the supervision of an ODA holder, authorized functions under an ODA.

(4) ORGANIZATION.—The term “organization” means a firm, partnership, corporation, company, association, joint-stock association, or governmental entity.

(5) ORGANIZATION DESIGNATION AUTHORIZATION; ODA.—The term “Organization Designation

Authorization” or “ODA” means an authorization by the FAA under section 44702(d) for an organization composed of 1 or more ODA units to perform approved functions on behalf of the FAA.

(d) AUDITS.—

(1) IN GENERAL.—The Administrator shall perform a periodic audit of each ODA unit and its procedures.

(2) DURATION.—An audit required under paragraph (1) shall be performed with respect to an ODA holder once every 7 years (or more frequently as determined appropriate by the Administrator).

(3) RECORDS.—The ODA holder shall maintain, for a period to be determined by the Administrator, a record of—

(A) each audit conducted under this subsection; and

(B) any corrective actions resulting from each such audit.

(e) FEDERAL AVIATION SAFETY ADVISORS.—

(1) IN GENERAL.—In the case of an ODA holder, the Administrator shall assign FAA aviation safety personnel with appropriate expertise to be advisors to the ODA unit members that are authorized to make findings of compliance on behalf of the Administrator. The advisors shall—

(A) communicate with assigned unit members on an ongoing basis to ensure that the assigned unit members are knowledgeable of relevant FAA policies and acceptable methods of compliance; and

(B) monitor the performance of the assigned unit members to ensure consistency with such policies.

(2) APPLICABILITY.—Paragraph (1) shall only apply to an ODA holder that is—

(A) a manufacturer that holds both a type and a production certificate for—

(i) transport category airplanes with a maximum takeoff gross weight greater than 150,000 pounds; or

(ii) airplanes produced and delivered to operators operating under part 121 of title 14, Code of Federal Regulations, for air carrier service under such part 121; or

(B) a manufacturer of engines for an airplane described in subparagraph (A).

(f) COMMUNICATION WITH THE FAA.—Neither the Administrator nor an ODA holder may prohibit—

(1) an ODA unit member from communicating with, or seeking the advice of, the Administrator or FAA staff; or

(2) the Administrator or FAA staff from communicating with an ODA unit member.

(Added Pub. L. 115-254, div. B, title II, §212(a), Oct. 5, 2018, 132 Stat. 3247; amended Pub. L. 116-260, div. V, title I, §§107(b)(1), (c), 125(b), Dec. 27, 2020, 134 Stat. 2324, 2325, 2347.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018 and the date of enactment of this section, referred to in subsecs. (a)(3) and (b)(1), is the date of en-

actment of Pub. L. 115-254, which was approved Oct. 5, 2018.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §107(c)(1)(A), re-designated subpar. (C) as (B) and struck out former subpars. (B) and (D) which read as follows:

“(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions;

“(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder’s capability to execute that function safely and effectively and return to full authority status.”

Subsec. (a)(3). Pub. L. 116-260, §107(c)(1)(B), substituted “shall conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.” for “shall—” and subpars. (A) to (D) which read as follows:

“(A) at the request of the ODA holder and in an expeditious manner, approve revisions to the ODA holder’s procedures manual;

“(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to one or more of the functions;

“(C) conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings; and

“(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder’s capability to execute that function safely and effectively and return to full authority status.”

Subsec. (b)(3)(A). Pub. L. 116-260, §107(c)(2)(A), redesignated cls. (ii) to (iv) as (i) to (iii), respectively, in cls. (i) and (ii), inserted “, as appropriate,” after “require”, in cl. (iii), inserted “when appropriate,” before “make a reassessment”, and struck out former cl. (i) which read as follows: “at the request of an ODA holder, eliminate all limitations specified in a procedures manual in place on the day before the date of enactment of the FAA Reauthorization Act of 2018 that are low and medium risk as determined by a risk analysis using criteria established by the ODA Office and disclosed to the ODA holder, except where an ODA holder’s performance warrants the retention of a specific limitation due to documented concerns about inadequate current performance in carrying out that authorized function;”

Subsec. (b)(3)(B) to (E). Pub. L. 116-260, §107(c)(2)(B), (D), redesignated subpars. (C) to (F) as (B) to (E), respectively, and struck out former subpar. (B) which read as follows: “improve FAA and ODA holder performance and ensure full utilization of the authorities delegated under the ODA program;”

Subsec. (b)(3)(F). Pub. L. 116-260, §125(b), added subpar. (F). Former subpar. (F) redesignated (E).

Pub. L. 116-260, §107(c)(2)(C), (D), inserted “, when appropriate,” before “approve” and then redesignated subpar. (F) as (E).

Subsecs. (d), (e). Pub. L. 116-260, §107(b)(1), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

EXPERT REVIEW OF ORGANIZATION DESIGNATION AUTHORIZATIONS FOR TRANSPORT AIRPLANES

Pub. L. 116-260, div. V, title I, §103, Dec. 27, 2020, 134 Stat. 2311, provided that:

“(a) EXPERT REVIEW.—

“(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the

Administrator shall convene an expert panel (in this section referred to as the ‘review panel’) to review and make findings and recommendations on the matters listed in paragraph (2).

“(2) CONTENTS OF REVIEW.—With respect to each holder of an organization designation authorization for the design and production of transport airplanes, the review panel shall review the following:

“(A) The extent to which the holder’s safety management processes promote or foster a safety culture consistent with the principles of the International Civil Aviation Organization Safety Management Manual, Fourth Edition (International Civil Aviation Organization Doc. No. 9859) or any similar successor document.

“(B) The effectiveness of measures instituted by the holder to instill, among employees and contractors of such holder that support organization designation authorization functions, a commitment to safety above all other priorities.

“(C) The holder’s capability, based on the holder’s organizational structures, requirements applicable to officers and employees of such holder, and safety culture, of making reasonable and appropriate decisions regarding functions delegated to the holder pursuant to the organization designation authorization.

“(D) Any other matter determined by the Administrator for which inclusion in the review would be consistent with the public interest in aviation safety.

“(3) COMPOSITION OF REVIEW PANEL.—The review panel shall consist of—

“(A) 2 representatives of the National Aeronautics and Space Administration;

“(B) 2 employees of the Administration’s Aircraft Certification Service with experience conducting oversight of persons not involved in the design or production of transport airplanes;

“(C) 1 employee of the Administration’s Aircraft Certification Service with experience conducting oversight of persons involved in the design or production of transport airplanes;

“(D) 2 employees of the Administration’s Flight Standards Service with experience in oversight of safety management systems;

“(E) 1 appropriately qualified representative, designated by the applicable represented organization, of each of—

“(i) a labor union representing airline pilots involved in both passenger and all-cargo operations;

“(ii) a labor union, not selected under clause (i), representing airline pilots with expertise in the matters described in paragraph (2);

“(iii) a labor union representing employees engaged in the assembly of transport airplanes;

“(iv) the certified bargaining representative under section 7111 of title 5, United States Code, for field engineers engaged in the audit or oversight of an organization designation authorization within the Aircraft Certification Service of the Administration;

“(v) the certified bargaining representative for safety inspectors of the Administration; and

“(vi) a labor union representing employees engaged in the design of transport airplanes;

“(F) 2 independent experts who have not served as a political appointee in the Administration and—

“(i) who hold either a baccalaureate or post-graduate degree in the field of aerospace engineering or a related discipline; and

“(ii) who have a minimum of 20 years of relevant applied experience;

“(G) 4 air carrier employees whose job responsibilities include administration of a safety management system;

“(H) 4 individuals representing 4 different holders of organization designation authorizations, with preference given to individuals representing holders of organization designation authorizations for the

design or production of aircraft other than transport airplanes or for the design or production of aircraft engines, propellers, or appliances; and

“(I) 1 individual holding a law degree and who has expertise in the legal duties of a holder of an organization designation authorization and the interaction with the FAA, except that such individual may not, within the 10-year period preceding the individual’s appointment, have been employed by, or provided legal services to, the holder of an organization designation authorization referenced in paragraph (2).

“(4) RECOMMENDATIONS.—The review panel shall make recommendations to the Administrator regarding suggested actions to address any deficiencies found after review of the matters listed in paragraph (2).

“(5) REPORT.—

“(A) SUBMISSION.—Not later than 270 days after the date of the first meeting of the review panel, the review panel shall transmit to the Administrator and the congressional committees of jurisdiction a report containing the findings and recommendations of the review panel regarding the matters listed in paragraph (2), except that such report shall include—

“(i) only such findings endorsed by 10 or more individual members of the review panel; and

“(ii) only such recommendations described in paragraph (4) endorsed by 18 or more of the individual members of the review panel.

“(B) DISSENTING VIEWS.—In submitting the report required under this paragraph, the review panel shall append to such report the dissenting views of any individual member or group of members of the review panel regarding the findings or recommendations of the review panel.

“(C) PUBLICATION.—Not later than 5 days after receiving the report under subparagraph (A), the Administrator shall publish such report, including any dissenting views appended to the report, on the website of the Administration.

“(D) TERMINATION.—The review panel shall terminate upon submission of the report under subparagraph (A).

“(6) ADMINISTRATIVE PROVISIONS.—

“(A) ACCESS TO INFORMATION.—The review panel shall have authority to perform the following actions if a majority of the total number of review panel members consider each action necessary and appropriate:

“(i) Entering onto the premises of a holder of an organization designation authorization referenced in paragraph (2) for access to and inspection of records or other purposes.

“(ii) Notwithstanding any other provision of law, accessing and inspecting unredacted records directly necessary for the completion of the panel’s work under this section that are in the possession of such holder of an organization designation authorization or the Administration.

“(iii) Interviewing employees of such holder of an organization designation authorization or the Administration as necessary for the panel to complete its work.

“(B) DISCLOSURE OF FINANCIAL INTERESTS.—Each individual serving on the review panel shall disclose to the Administrator any financial interest held by such individual, or a spouse or dependent of such individual, in a business enterprise engaged in the design or production of transport airplanes, aircraft engines designed for transport airplanes, or major systems, components, or parts thereof.

“(C) PROTECTION OF PROPRIETARY INFORMATION; TRADE SECRETS.—

“(i) MARKING.—The custodian of a record accessed under subparagraph (A) may mark such record as proprietary or containing a trade secret. A marking under this subparagraph shall not be dispositive with respect to whether such

record contains any information subject to legal protections from public disclosure.

“(ii) NONDISCLOSURE FOR NON-FEDERAL GOVERNMENT PARTICIPANTS.—

“(I) NON-FEDERAL GOVERNMENT PARTICIPANTS.—Prior to participating on the review panel, each individual serving on the review panel representing a non-Federal entity, including a labor union, shall execute an agreement with the Administrator in which the individual shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the panel under subparagraph (A).

“(II) FEDERAL EMPLOYEE PARTICIPANTS.—Federal employees serving on the review panel as representatives of the Federal Government and who are required to protect proprietary information and trade secrets under section 1905 of title 18, United States Code, shall not be required to execute agreements under this subparagraph.

“(iii) PROTECTION OF VOLUNTARILY SUBMITTED SAFETY INFORMATION.—Information subject to protection from disclosure by the Administration in accordance with sections 40123 and 44735 of title 49, United States Code, is deemed voluntarily submitted to the Administration under such sections when shared with the review panel and retains its protection from disclosure (including protection under section 552(b)(3) of title 5, United States Code). The custodian of a record subject to such protection may mark such record as subject to statutory protections. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Members of the review panel will protect voluntarily submitted safety information and other otherwise exempt information to the extent permitted under applicable law.

“(iv) PROTECTION OF PROPRIETARY INFORMATION AND TRADE SECRETS.—Members of the review panel will protect proprietary information, trade secrets, and other otherwise exempt information to the extent permitted under applicable law.

“(v) RESOLVING CLASSIFICATION OF INFORMATION.—If the review panel and a holder of an organization designation authorization subject to review under this section disagree as to the proper classification of information described in this subparagraph, then an employee of the Administration who is not a political appointee shall determine the proper classification of such information and whether such information will be withheld, in part or in full, from release to the public.

“(D) APPLICABLE LAW.—Public Law 92-463 [Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to the panel established under this subsection.

“(E) FINANCIAL INTEREST DEFINED.—In this paragraph, the term ‘financial interest’—

“(i) excludes securities held in an index fund; and

“(ii) includes—

“(I) any current or contingent ownership, equity, or security interest;

“(II) an indebtedness or compensated employment relationship; or

“(III) any right to purchase or acquire any such interest, including a stock option or commodity future.

“(b) FAA AUTHORITY.—

“(1) IN GENERAL.—After reviewing the findings of the review panel submitted under subsection (a)(5), the Administrator may limit, suspend, or terminate an organization designation authorization subject to review under this section.

“(2) REINSTATEMENT.—The Administrator may condition reinstatement of a limited, suspended, or ter-

minated organization designation authorization on the holder's implementation of any corrective actions determined necessary by the Administrator.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Administrator's authority to take any action with respect to an organization designation authorization, including limitation, suspension, or termination of such authorization.

“(C) ORGANIZATION DESIGNATION AUTHORIZATION PROCESS IMPROVEMENTS.—Not later than 1 year after receipt of the recommendations submitted under subsection (a)(5), the Administrator shall report to the congressional committees of jurisdiction on—

“(1) whether the Administrator has concluded that such holder is able to safely and reliably perform all delegated functions in accordance with all applicable provisions of chapter 447 of title 49, United States Code, title 14, Code of Federal Regulations, and other orders or requirements of the Administrator, and, if not, the Administrator shall outline—

“(A) the risk mitigations or other corrective actions, including the implementation timelines of such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under this paragraph; or

“(B) the status of any ongoing investigatory actions;

“(2) the status of implementation of each of the recommendations of the review panel, if any, with which the Administrator concurs;

“(3) the status of procedures under which the Administrator will conduct focused oversight of such holder's processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

“(4) the Administrator's efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

“(A) each office of the Administration responsible for dedicated oversight of such holder; and

“(B) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

“(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.”

[For definitions of terms used in section 103 of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

ODA REVIEW

Pub. L. 115-254, div. B, title II, §213, Oct. 5, 2018, 132 Stat. 3249, as amended by Pub. L. 116-260, div. V, title I, §125(a), Dec. 27, 2020, 134 Stat. 2346, provided that:

“(a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

“(1) EXPERT PANEL.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall convene a multidisciplinary expert review panel (in this section referred to as the “Panel”).

“(2) COMPOSITION OF PANEL.—

“(A) APPOINTMENT OF MEMBERS.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

“(B) QUALIFICATIONS.—The members appointed to the Panel shall—

“(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

“(ii) represent, at a minimum, ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

“(b) SURVEY.—The Panel shall conduct a survey of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including use of the ODA program and the timeliness and efficiency of the certification process. In carrying out this subsection, the Panel shall consult with appropriate survey experts to best design and conduct the survey.

“(c) BEST PRACTICES REVIEW.—In addition to conducting the survey required under subsection (b), the Panel shall conduct a review of a sampling of ODA holders to identify and develop best practices. At a minimum, the best practices shall address preventing and deterring instances of undue pressure on or by an ODA unit member, within an ODA, or by an ODA holder, or failures to maintain independence between the FAA and an ODA holder or an ODA unit member. In carrying out such review, the Panel shall—

“(1) examine other government regulated industries to gather lessons learned, procedures, or processes that address undue pressure of employees, perceived regulatory coziness, or other failures to maintain independence;

“(2) identify ways to improve communications between an ODA Administrator, ODA unit members, and FAA engineers and inspectors, consistent with section 44736(g) of title 49, United States Code, in order to enable direct communication of technical concerns that arise during a certification project without fear of reprisal to the ODA Administrator or ODA unit member; and

“(3) examine FAA designee programs, including the assignment of FAA advisors to designees, to determine which components of the program may improve the FAA's oversight of ODA units, ODA unit members, and the ODA program.

“(d) ASSESSMENT AND RECOMMENDATIONS.—The Panel shall assess and make recommendations concerning—

“(1) the FAA's processes and procedures under the ODA program and whether the processes and procedures function as intended;

“(2) the best practices of and lessons learned by ODA holders and FAA personnel who provide oversight of ODA holders;

“(3) training activities related to the ODA program for FAA personnel and ODA holders;

“(4) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA's ability to process applications for certifications outside of the ODA program;

“(5) the results of the survey conducted under subsection (b); and

“(6) the results of the review conducted under subsection (c).

“(e) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee, and the appropriate committees of Congress a report on the findings and recommendations of the Panel.

“(f) DEFINITIONS.—The definitions contained in section 44736 of title 49, United States Code, as added by this Act, apply to this section.

“(g) APPLICABLE LAW.—Public Law 92-463 [Federal Advisory Committee Act, see 5 U.S.C. 1001 et seq.] shall not apply to the Panel.

“(h) BEST PRACTICES ADOPTION.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives the report required under subsection (e), the Administrator shall establish best practices that are generally applicable to all ODA holders and require such practices to be incorporated, as appropriate, into each ODA holder's approved procedures manual.

“(2) NOTICE AND COMMENT PERIOD.—The Administrator shall publish the established best practices for

public notice and comment for not fewer than 60 days prior to requiring the practices, as appropriate, be incorporated into each ODA holder's approved procedures manual.

“(i) SUNSET.—The Panel shall terminate on the earlier of—

“(1) the date of submission of the report under subsection (e); or

“(2) the date that is 2 years after the date on which the Panel is first convened under subsection (a).”

§ 44737. Helicopter fuel system safety

(a) PROHIBITION.—

(1) IN GENERAL.—A person may not operate a covered rotorcraft in United States airspace unless the design of the rotorcraft is certified by the Administrator of the Federal Aviation Administration to—

(A) comply with the requirements applicable to the category of the rotorcraft under paragraphs (1), (2), (3), (5), and (6) of section 27.952(a), section 27.952(c), section 27.952(f), section 27.952(g), section 27.963(g) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and section 27.975(b) or paragraphs (1), (2), (3), (5), and (6) of section 29.952(a), section 29.952(c), section 29.952(f), section 29.952(g), section 29.963(b) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this section; or

(B) employ other means acceptable to the Administrator to provide an equivalent level of fuel system crash resistance.

(2) COVERED ROTORCRAFT DEFINED.—In this subsection, the term “covered rotorcraft” means a rotorcraft not otherwise required to comply with section 27.952, section 27.963, and section 27.975, or section 29.952, section 29.963, and section 29.975 of title 14, Code of Federal Regulations as in effect on the date of enactment of this section for which manufacture was completed, as determined by the Administrator, on or after the date that is 18 months after the date of enactment of this section.

(b) ADMINISTRATIVE PROVISIONS.—The Administrator shall—

(1) expedite the certification and validation of United States and foreign type designs and retrofit kits that improve fuel system crashworthiness; and

(2) not later than 180 days after the date of enactment of this section, and periodically thereafter, issue a bulletin to—

(A) inform rotorcraft owners and operators of available modifications to improve fuel system crashworthiness; and

(B) urge that such modifications be installed as soon as practicable.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the operation of a rotorcraft by the Department of Defense.

(Added Pub. L. 115-254, div. B, title III, §317(a), Oct. 5, 2018, 132 Stat. 3268.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

CODIFICATION

Another section 44737 was renumbered section 44740 of this title.

§ 44738. Training on human trafficking for certain staff

In addition to other training requirements, each air carrier shall provide training to ticket counter agents, gate agents, and other air carrier workers whose jobs require regular interaction with passengers on recognizing and responding to potential human trafficking victims.

(Added Pub. L. 115-254, div. B, title IV, §408(a), Oct. 5, 2018, 132 Stat. 3330.)

§ 44739. Pets on airplanes

(a) PROHIBITION.—It shall be unlawful for any person to place a live animal in an overhead storage compartment of an aircraft operated under part 121 of title 14, Code of Federal Regulations.

(b) CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation of this section.

(Added Pub. L. 115-254, div. B, title IV, §417(a), Oct. 5, 2018, 132 Stat. 3334.)

§ 44740. Special rule for certain aircraft operations

(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in section 50902 of title 51); and

(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

(1) The aircraft conducting the space support vehicle flight—

(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehi-

cle licensed for operations pursuant to chapter 509 of title 51; and

(D) is used only to simulate space flight conditions in support of—

(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

(ii) the testing of hardware to be used in space flight; or

(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

(c) RULES OF CONSTRUCTION.—

(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the person is operating the space support vehicle prohibits the carriage of persons or property for compensation or hire.

(2) AUTHORITY OF ADMINISTRATOR.—Nothing in this section shall be construed to limit the authority of the Administrator of the Federal Aviation Administration to exempt a person from a regulatory prohibition on the carriage of persons or property for compensation or hire subject to terms and conditions other than those described in this section.

(Added Pub. L. 115-254, div. B, title V, §581(b)(1), Oct. 5, 2018, 132 Stat. 3398, §44737; renumbered §44740 and amended Pub. L. 116-260, div. V, title I, §107(d)(1), (3), Dec. 27, 2020, 134 Stat. 2326.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260, §107(d)(3)(A), struck out period after “operations” in section catchline.

Pub. L. 116-260, §107(d)(1), renumbered section 44737 of this title as this section.

Subsec. (a)(1). Pub. L. 116-260, §107(d)(3)(B), substituted “section” for “chapter”.

Subsec. (b)(1). Pub. L. 116-260, §107(d)(3)(C), struck out “(1)” the second time appearing before “The” in introductory provisions.

Subsec. (c)(2). Pub. L. 116-260, §107(d)(3)(D), inserted period at end.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION RELATING TO ROLE OF NASA

Pub. L. 115-254, div. B, title V, §581(b)(3), Oct. 5, 2018, 132 Stat. 3399, provided that: “Nothing in this subsection [enacting this section] shall be construed as limiting the ability of [the] National Aeronautics and Space Administration (NASA) to place conditions on or otherwise qualify the operations of NASA contractors providing NASA services.”

§ 44741. Approval of organization designation authorization unit members

(a) IN GENERAL.—Beginning January 1, 2022, each individual who is selected on or after such date to become an ODA unit member by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance and performs an authorized function pursuant to a delegation by the Administrator of the Federal Aviation Administration under section 44702(d)—

(1) shall be—

(A) an employee, a contractor, or a consultant of the ODA holder; or

(B) the employee of a supplier of the ODA holder; and

(2) may not become a member of such unit unless approved by the Administrator pursuant to this section.

(b) PROCESS AND TIMELINE.—

(1) IN GENERAL.—The Administrator shall maintain an efficient process for the review and approval of an individual to become an ODA unit member under this section.

(2) PROCESS.—An ODA holder described in subsection (a) may submit to the Administrator an application for an individual to be approved to become an ODA unit member under this section. The application shall be submitted in such form and manner as the Administrator determines appropriate. The Administrator shall require an ODA holder to submit with such an application information sufficient to demonstrate an individual’s qualifications under subsection (c).

(3) TIMELINE.—The Administrator shall approve or reject an individual that is selected by an ODA holder to become an ODA unit member under this section not later than 30 days after the receipt of an application by an ODA holder.

(4) DOCUMENTATION OF APPROVAL.—Upon approval of an individual to become an ODA unit member under this section, the Administrator shall provide such individual a letter confirming that such individual has been approved by the Administrator under this section to be an ODA unit member.

(5) REAPPLICATION.—An ODA holder may submit an application under this subsection for an individual to become an ODA unit member under this section regardless of whether an application for such individual was previously rejected by the Administrator.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The Administrator shall issue minimum qualifications for an individual to become an ODA unit member under this section. In issuing such qualifications, the Administrator shall consider existing qualifications for Administration employees with similar duties and whether such individual—

(A) is technically proficient and qualified to perform the authorized functions sought;

(B) has no recent record of serious enforcement action, as determined by the Administrator, taken by the Administrator with respect to any certificate, approval, or authorization held by such individual;

(C) is of good moral character (as such qualification is applied to an applicant for an airline transport pilot certificate issued under section 44703);

(D) possesses the knowledge of applicable design or production requirements in this chapter and in title 14, Code of Federal Regulations, necessary for performance of the authorized functions sought;

(E) possesses a high degree of knowledge of applicable design or production principles, system safety principles, or safety risk man-

agement processes appropriate for the authorized functions sought; and

(F) meets such testing, examination, training, or other qualification standards as the Administrator determines are necessary to ensure the individual is competent and capable of performing the authorized functions sought.

(2) PREVIOUSLY REJECTED APPLICATION.—In reviewing an application for an individual to become an ODA unit member under this section, if an application for such individual was previously rejected, the Administrator shall ensure that the reasons for the prior rejection have been resolved or mitigated to the Administrator's satisfaction before making a determination on the individual's reappliation.

(d) RESCISSION OF APPROVAL.—The Administrator may rescind an approval of an individual as an ODA unit member granted pursuant to this section at any time and for any reason the Administrator considers appropriate. The Administrator shall develop procedures to provide for notice and opportunity to appeal rescission decisions made by the Administrator. Such decisions by the Administrator are not subject to judicial review.

(e) CONDITIONAL SELECTIONS.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Administrator may authorize an ODA holder to conditionally designate an individual to perform the functions of an ODA unit member for a period of not more than 30 days (beginning on the date an application for such individual is submitted under subsection (b)(2)).

(2) REQUIRED DETERMINATION.—The Administrator may not make an authorization under paragraph (1) unless—

(A) the ODA holder has instituted, to the Administrator's satisfaction, systems and processes to ensure the integrity and reliability of determinations by conditionally-designated ODA unit members; and

(B) the ODA holder has instituted a safety management system in accordance with regulations issued by the Administrator under section 102 of the Aircraft Certification, Safety, and Accountability Act.

(3) FINAL DETERMINATION.—The Administrator shall approve or reject the application for an individual designated under paragraph (1) in accordance with the timeline and procedures described in subsection (b).

(4) REJECTION AND REVIEW.—If the Administrator rejects the application submitted under subsection (b)(2) for an individual conditionally designated under paragraph (1), the Administrator shall review and approve or disapprove any decision pursuant to any authorized function performed by such individual during the period such individual served as a conditional designee.

(5) PROHIBITIONS.—Notwithstanding the requirements of paragraph (2), the Administrator may prohibit an ODA holder from making conditional designations of individuals as ODA unit members under this subsection at any time for any reason the Administrator considers appropriate. The Administrator may

prohibit any conditionally designated individual from performing an authorized function at any time for any reason the Administrator considers appropriate.

(f) RECORDS AND BRIEFINGS.—

(1) IN GENERAL.—Beginning on the date described in subsection (a), an ODA holder shall maintain, for a period to be determined by the Administrator and with proper protections to ensure the security of sensitive and personal information—

(A) any data, applications, records, or manuals required by the ODA holder's approved procedures manual, as determined by the Administrator;

(B) the names, responsibilities, qualifications, and example signature of each member of the ODA unit who performs an authorized function pursuant to a delegation by the Administrator under section 44702(d);

(C) training records for ODA unit members and ODA administrators; and

(D) any other data, applications, records, or manuals determined appropriate by the Administrator.

(2) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter through September 30, 2023, the Administrator shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation and effects of this section, including—

(A) the Administration's performance in completing reviews of individuals and approving or denying such individuals within the timeline required under subsection (b)(3);

(B) for any individual rejected by the Administrator under subsection (b) during the preceding 90-day period, the reasoning or basis for such rejection; and

(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

(g) SPECIAL REVIEW OF QUALIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is an ODA unit member of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c).

(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator—

(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

(B) may, if the Administrator determines the lack of qualification may not be rem-

edied, take appropriate action, including prohibiting such individual from performing an authorized function.

(3) DEADLINE.—The Administrator shall complete the review required under paragraph (1) not later than 18 months after the date on which such review was initiated.

(4) SAVINGS CLAUSE.—An individual approved to become an ODA unit member of a holder of a type certificate for a transport airplane under subsection (a) shall not be subject to the review under this subsection.

(h) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

(i) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

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

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2021 through 2023.

(Added Pub. L. 116-260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2320.)

REFERENCES IN TEXT

Section 102 of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (e)(2)(B), is section 102 of title I of Pub. L. 116-260, div. V, Dec. 27, 2020, 134 Stat. 2309. Section 102(a)–(f) of Pub. L. 116-260 is set out as a note under section 44701 of this title, and section 102(g) of Pub. L. 116-260 amended section 44735 of this title.

The date of enactment of this section, referred to in subsec. (f)(2), is the date of enactment of Pub. L. 116-260, which was approved Dec. 27, 2020.

§ 44742. Interference with the duties of organization designation authorization unit members

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continuously seek to eliminate or minimize interference by an ODA holder that affects the performance of authorized functions by ODA unit members.

(b) PROHIBITION.—

(1) IN GENERAL.—It shall be unlawful for any individual who is a supervisory employee of an ODA holder that manufactures a transport category airplane to commit an act of interference with an ODA unit member’s performance of authorized functions.

(2) CIVIL PENALTY.—

(A) INDIVIDUALS.—An individual shall be subject to a civil penalty under section 46301(a)(1) for each violation under paragraph (1).

(B) SAVINGS CLAUSE.—Nothing in this paragraph shall be construed as limiting or constricting any other authority of the Admin-

istrator to pursue an enforcement action against an individual or organization for violation of applicable Federal laws or regulations of the Administration.

(c) REPORTING.—

(1) REPORTS TO ODA HOLDER.—An ODA unit member of an ODA holder that manufactures a transport category airplane shall promptly report any instances of interference to the office of the ODA holder that is designated to receive such reports.

(2) REPORTS TO THE FAA.—

(A) IN GENERAL.—The ODA holder office described in paragraph (1) shall investigate reports and submit to the office of the Administration designated by the Administrator to accept and review such reports any instances of interference reported under paragraph (1).

(B) CONTENTS.—The Administrator shall prescribe parameters for the submission of reports to the Administration under this paragraph, including the manner, time, and form of submission. Such report shall include the results of any investigation conducted by the ODA holder in response to a report of interference, a description of any action taken by the ODA holder as a result of the report of interference, and any other information or potentially mitigating factors the ODA holder or the Administrator deems appropriate.

(d) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) INTERFERENCE.—In this section, the term “interference” means—

(A) blatant or egregious statements or behavior, such as harassment, beratement, or threats, that a reasonable person would conclude was intended to improperly influence or prejudice an ODA unit member’s performance of his or her duties; or

(B) the presence of non-ODA unit duties or activities that conflict with the performance of authorized functions by ODA unit members.

(Added Pub. L. 116-260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2323.)

§ 44743. Pilot training requirements

(a) IN GENERAL.—

(1) ADMINISTRATOR’S DETERMINATION.—In establishing any pilot training requirements with respect to a new transport airplane, the Administrator of the Federal Aviation Administration shall independently review any proposal by the manufacturer of such airplane with respect to the scope, format, or minimum level of training required for operation of such airplane.

(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established applicable training requirements, an applicant for a new or amended type certificate for an airplane described in paragraph (1) may not, with respect to the scope, format, or magnitude of pilot training for such airplane—

(A) make any assurance or other contractual commitment, whether verbal or in writing, to a potential purchaser of such airplane unless a clear and conspicuous disclaimer (as defined by the Administrator) is included regarding the status of training required for operation of such airplane; or

(B) provide financial incentives (including rebates) to a potential purchaser of such airplane regarding the scope, format, or magnitude of pilot training for such airplane.

(b) PILOT RESPONSE TIME.—Beginning on the day after the date on which regulations are issued under section 119(c)(6) of the Aircraft Certification, Safety, and Accountability Act, the Administrator may not issue a new or amended type certificate for an airplane described in subsection (a) unless the applicant for such certificate has demonstrated to the Administrator that the applicant has accounted for realistic assumptions regarding the time for pilot responses to non-normal conditions in designing the systems and instrumentation of such airplane. Such assumptions shall—

(1) be based on test data, analysis, or other technical validation methods; and

(2) account for generally accepted scientific consensus among experts in human factors regarding realistic pilot response time.

(c) DEFINITION.—In this section, the term “transport airplane” means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(Added Pub. L. 116-260, div. V, title I, §119(a), Dec. 27, 2020, 134 Stat. 2338.)

REFERENCES IN TEXT

Section 119(c) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (b), is section 119(c) of title I of Pub. L. 116-260, div. V, Dec. 27, 2020, 134 Stat. 2339, which is set out as a note under section 44704 of this title.

§ 44744. Flight crew alerting

(a) IN GENERAL.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category airplane unless such airplane incorporates a flight crew alerting system that, at a minimum—

(1) displays and differentiates among warnings, cautions, and advisories; and

(2) includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures.

(b) LIMITATION.—The prohibition in subsection (a) shall not apply to any application for an original or amended type certificate that was submitted to the Administrator prior to December 27, 2020.

(c) SAFETY ENHANCEMENTS.—

(1) RESTRICTION ON AIRWORTHINESS CERTIFICATE ISSUANCE.—Beginning on the date that is 1 year after the date on which the Administrator issues a type certificate for the Boeing 737-10, the Administrator may not issue an original airworthiness certificate for any Boe-

ing 737 MAX aircraft unless the Administrator finds that the type design for the aircraft includes safety enhancements that have been approved by the Administrator.

(2) RESTRICTION ON OPERATION.—Beginning on the date that is 3 years after the date on which the Administrator issues a type certificate for the Boeing 737-10, no person may operate a Boeing 737 MAX aircraft unless—

(A) the type design for the aircraft includes safety enhancements approved by the Administrator; and

(B) the aircraft was—

(i) produced in conformance with such type design; or

(ii) altered in accordance with such type design.

(d) DEFINITIONS.—In this section:

(1) BOEING 737 MAX AIRCRAFT.—The term “Boeing 737 MAX aircraft” means any—

(A) Model 737 series aircraft designated as a 737-7, 737-8, 737-8200, 737-9, or 737-10; or

(B) other variant of a model described in subparagraph (A).

(2) SAFETY ENHANCEMENT.—The term “safety enhancement” means any design change to the flight crew alerting system approved by the Administrator for the Boeing 737-10, including—

(A) a—

(i) synthetic enhanced angle-of-attack system; and

(ii) means to shut off stall warning and overspeed alerts; or

(B) any design changes equivalent to subparagraph (A) determined appropriate by the Administrator.

(Added Pub. L. 117-328, div. O, title V, §501(a), Dec. 29, 2022, 136 Stat. 5230.)

Statutory Notes and Related Subsidiaries

COSTS OF SAFETY ENHANCEMENTS

Pub. L. 117-328, div. O, title V, §501(c), Dec. 29, 2022, 136 Stat. 5231, provided that: “Any costs associated with the safety enhancements required by section 44744 of title 49, United States Code, as added by subsection (a), shall be borne by the holder of the type certificate.”

CONGRESSIONAL BRIEFINGS

Pub. L. 117-328, div. O, title V, §501(d), Dec. 29, 2022, 136 Stat. 5231, provided that: “Not later than March 1, 2023, and on a quarterly basis thereafter, the Administrator shall brief Congress on the status of—

“(1) the issuance of a type certificate for the Boeing 737-7 and 737-10, including any design enhancements, pilot procedures, or training requirements resulting from system safety assessments; and

“(2) the implementation of safety enhancements for Boeing 737 MAX aircraft, as required by section 44744 of title 49, United States Code, as added by subsection (a).”

CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec. 44801.	Definitions.
44802.	Integration of civil unmanned aircraft systems into national airspace system.
44803.	Unmanned aircraft system test ranges. ¹

¹ So in original. Does not conform to section catchline.

Sec.	
44804.	Small unmanned aircraft in the Arctic.
44805.	Small unmanned aircraft safety standards. ¹
44806.	Public unmanned aircraft systems.
44807.	Special authority for certain unmanned aircraft systems.
44808.	Carriage of property by small unmanned aircraft systems for compensation or hire.
44809.	Exception for limited recreational operations of unmanned aircraft.
44810.	Airport safety and airspace hazard mitigation and enforcement.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, div. B, title III, §§343(b), 344(b), 345(c), 346(b)(1), 347(b)(1), 348(b), 349(b)(1), 383(b)(1), Oct. 5, 2018, 132 Stat. 3290, 3291, 3293, 3295–3297, 3300, 3322, added items 44803 to 44810.

§ 44801. Definitions

In this chapter, the following definitions apply:

(1) **ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.**—The term “actively tethered unmanned aircraft system” means an unmanned aircraft system in which the unmanned aircraft component—

(A) weighs 4.4 pounds or less, including payload but not including the tether;

(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; and

(C) is controlled and retrieved by such ground station through physical manipulation of the tether.

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

(3) **ARCTIC.**—The term “Arctic” means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

(4) **CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.**—The terms “certificate of waiver” and “certificate of authorization” mean a Federal Aviation Administration grant of approval for a specific flight operation.

(5) **COUNTER-UAS SYSTEM.**—The term “counter-UAS system” means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned aircraft or unmanned aircraft system.

(6) **PERMANENT AREAS.**—The term “permanent areas” means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(7) **PUBLIC UNMANNED AIRCRAFT SYSTEM.**—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft.

(8) **SENSE AND AVOID CAPABILITY.**—The term “sense and avoid capability” means the capability of an unmanned aircraft to remain a

safe distance from and to avoid collisions with other airborne aircraft, structures on the ground, and other objects.

(9) **SMALL UNMANNED AIRCRAFT.**—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

(10) **TEST RANGE.**—The term “test range” means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration, and includes any of the 6 test ranges established by the Administrator under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.

(11) **UNMANNED AIRCRAFT.**—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(12) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.

(13) **UTM.**—The term “UTM” means an unmanned aircraft system traffic management system or service.”

(Added Pub. L. 115–254, div. B, title III, §341(a), Oct. 5, 2018, 132 Stat. 3284.)

Editorial Notes

REFERENCES IN TEXT

Section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, referred to in par. (10), means section 332(c) of Pub. L. 112–95, as in effect on the day before the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018. Section 332 of Pub. L. 112–95 was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY

Pub. L. 115–254, div. B, title III, §357, Oct. 5, 2018, 132 Stat. 3305, provided that: “It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.”

STRATEGY FOR RESPONDING TO PUBLIC SAFETY THREATS AND ENFORCEMENT UTILITY OF UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–254, div. B, title III, §366, Oct. 5, 2018, 132 Stat. 3310, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall develop a comprehensive strategy to provide outreach to State and local governments and provide guidance for local law enforcement agencies and first responders with respect to—

“(1) how to identify and respond to public safety threats posed by unmanned aircraft systems; and

“(2) how to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and first responders.

“(b) RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a publicly available Internet website that contains resources for State and local law enforcement agencies and first responders seeking—

“(1) to respond to public safety threats posed by unmanned aircraft systems; and

“(2) to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and public safety response efforts.

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

FEDERAL TRADE COMMISSION AUTHORITY

Pub. L. 115-254, div. B, title III, §375, Oct. 5, 2018, 132 Stat. 3314, provided that:

“(a) IN GENERAL.—A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

“(b) DEFINITIONS.—In this section, the terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 44801 of title 49, United States Code.”

COMMERCIAL AND GOVERNMENTAL OPERATORS

Pub. L. 115-254, div. B, title III, §379, Oct. 5, 2018, 132 Stat. 3318, provided that:

“(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, to the extent practicable and consistent with applicable law, make available in a single location on the website of the Department of Transportation:

“(1) Any certificate of waiver or authorization issued by the Administration to Federal, State, tribal or local governments for the operation of unmanned aircraft systems within 30 days of issuance of such certificate of waiver or authorization.

“(2) A spreadsheet of UAS registrations, including the city, state [probably should be “State”], and zip code of each registered drone owner, on its website that is updated once per quarter each calendar year.

“(3) Summary descriptions and general purposes of public unmanned aircraft operations, including the locations where such unmanned aircraft may generally operate.

“(4) Summary descriptions of common civil unmanned aircraft operations.

“(5) The expiration date of any authorization of public or civil unmanned aircraft operations.

“(6) Links to websites of State agencies that enforce any applicable privacy laws.

“(7) For any unmanned aircraft system, except with respect to any operation protected by the First Amendment to the Constitution of the United States, that will collect personally identifiable information about individuals, including the use of facial recognition—

“(A) the circumstance under which the system will be used;

“(B) the specific kinds of personally identifiable information that the system will collect about individuals; and

“(C) how the information referred to in subparagraph (B), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

“(i) how the collection or retention of such information that is unrelated to the specific use will be minimized;

“(ii) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

“(iii) the period during which such information will be retained;

“(iv) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

“(v) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

“(8) With respect to public unmanned aircraft systems—

“(A) the locations where the unmanned aircraft system will operate;

“(B) the time during which the unmanned aircraft system will operate;

“(C) the general purpose of the flight; and

“(D) the technical capabilities that the unmanned aircraft system possesses.

“(b) EXCEPTIONS.—The Administrator shall not disclose information pursuant to subsection (a) if the Administrator determines that the release of such information—

“(1) is not applicable;

“(2) is not practicable, including when the information is not available to the Administrator;

“(3) is not in compliance with applicable law;

“(4) would compromise national defense, homeland security or law enforcement activity;

“(5) would be withheld pursuant to an exception of the [sic] section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); or

“(6) is otherwise contrary to the public interest.

“(c) SUNSET.—This section will cease to be effective on the date that is the earlier of—

“(1) the date of publication of a Notice of Proposed Rulemaking or guidance regarding remote identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 615 [629]) [49 U.S.C. 44802 note]; or

“(2) September 30, 2023.”

§ 44802. Integration of civil unmanned aircraft systems into national airspace system

(a) REQUIRED PLANNING FOR INTEGRATION.—

(1) COMPREHENSIVE PLAN.—Not later than November 10, 2012,¹ the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

¹ See Prior Provisions note below.

(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

(ii) ensure that any civil unmanned aircraft system includes a sense-and-avoid capability; and

(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

(D) a timeline for the phased-in approach described under subparagraph (C);

(E) creation of a safe airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

(F) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

(G) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

(H) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

(3) **DEADLINE.**—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.¹

(4) **REPORT TO CONGRESS.**—Not later than February 14, 2013,¹ the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

(5) **ROADMAP.**—Not later than February 14, 2013,¹ the Secretary shall approve and make available in print and on the Administration's internet website a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update, in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia, the roadmap annually. The roadmap shall include, at a minimum—

(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA's Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and

(D) an update on the advancement of technologies needed to integrate unmanned aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.

(b) **RULEMAKING.**—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 44807;

(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

(3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA-2006-25714.

(Added Pub. L. 115-254, div. B, title III, §341(a), Oct. 5, 2018, 132 Stat. 3285.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(a) and (b) of Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The dates in subsec. (a)(1) and (3) to (5) reflect those enacted by Pub. L. 112-95, which all precede the date of the enactment of this section by Pub. L. 115-254. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out below.

Statutory Notes and Related Subsidiaries

DRONE ADVISORY COMMITTEE FOR THE 21ST CENTURY

Pub. L. 116-280, Dec. 31, 2020, 134 Stat. 3379, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Drone Advisory Committee for the 21st Century Act’.

“SEC. 2. SENSE OF CONGRESS.

“It is the Sense of Congress that:

“(1) Due to the ever-increasing use of Unmanned Aircraft Systems in the agriculture, forestry, and rangeland sectors, as well as the inherently different uses in less populated parts of the nation, membership of the Drone Advisory Committee established by the Federal Aviation Administration should, to the extent practicable, include direct representatives from county and tribal government, agriculture, forestry, and rangeland interests.

“(2) Full transparency in the work of the Drone Advisory Committee is vital to ensuring the public can effectively participate and contribute to the development of sound Federal policies. The Administrator of the Federal Aviation Administration should, to the maximum extent practicable, ensure the work of the Drone Advisory Committee is shared with and easily accessible to the public and shall ensure transparency and openness in the manner in which the affairs of the Committee are conducted.

“SEC. 3. DRONE ADVISORY COMMITTEE MEMBERSHIP.

“(1) IN GENERAL.—The Federal Aviation Administration shall take appropriate steps to encourage direct representation of county and tribal governments as well as agriculture, forestry, rangeland sectors, and other rural interests on the Drone Advisory Committee.

“(2) PUBLIC PARTICIPATION.—To the maximum extent practicable, the Administrator shall include public participation in the process of nominating individuals for membership on the Committee.”

UPDATE OF FAA COMPREHENSIVE PLAN

Pub. L. 115–254, div. B, title III, §342, Oct. 5, 2018, 132 Stat. 3287, provided that:

“(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall update the comprehensive plan described in section 44802 of title 49, United States Code, to develop a concept of operations for the integration of unmanned aircraft into the national airspace system.

“(b) CONSIDERATIONS.—In carrying out the update under subsection (a), the Secretary shall consider, at a minimum—

“(1) the potential use of UTM and other technologies to ensure the safe and lawful operation of unmanned aircraft in the national airspace system;

“(2) the appropriate roles, responsibilities, and authorities of government agencies and the private sector in identifying and reporting unlawful or harmful operations and operators of unmanned aircraft;

“(3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

“(4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.

“(c) CONSULTATION.—The Secretary shall carry out the update under subsection (a) in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry.

“(d) PROGRAM ALIGNMENT REPORT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives], a report that describes a strategy to—

“(1) avoid duplication;

“(2) leverage capabilities learned across programs;

“(3) support the safe integration of UAS into the national airspace; and

“(4) systematically and timely implement or execute—

“(A) commercially-operated Low Altitude Authorization and Notification Capability;

“(B) the Unmanned Aircraft System Integration Pilot Program; and

“(C) the Unmanned Traffic Management Pilot Program.”

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Pub. L. 115–254, div. B, title III, §351, Oct. 5, 2018, 132 Stat. 3301, provided that:

“(a) AUTHORITY.—The Secretary of Transportation may establish a pilot program to enable enhanced drone operations as required in the October 25, 2017 Presidential Memorandum entitled ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301 [set out below].

“(b) APPLICATIONS.—The Secretary shall accept applications from State, local, and Tribal governments, in partnership with unmanned aircraft system operators and other private-sector stakeholders, to test and evaluate the integration of civil and public UAS operations into the low-altitude national airspace system.

“(c) OBJECTIVES.—The purpose of the pilot program is to accelerate existing UAS integration plans by working to solve technical, regulatory, and policy challenges, while enabling advanced UAS operations in select areas subject to ongoing safety oversight and cooperation between the Federal Government and applicable State, local, or Tribal jurisdictions, in order to—

“(1) accelerate the safe integration of UAS into the NAS by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather, and human factors;

“(2) address ongoing concerns regarding the potential security and safety risks associated with UAS operating in close proximity to human beings and critical infrastructure by ensuring that operators communicate more effectively with Federal, State, local, and Tribal law enforcement to enable law enforcement to determine if a UAS operation poses such a risk;

“(3) promote innovation in and development of the United States unmanned aviation industry, especially in sectors such as agriculture, emergency management, inspection, and transportation safety, in which there are significant public benefits to be gained from the deployment of UAS; and

“(4) identify the most effective models of balancing local and national interests in UAS integration.

“(d) APPLICATION SUBMISSION.—The Secretary shall establish application requirements and require applicants to include the following information:

“(1) Identification of the airspace to be used, including shape files and altitudes.

“(2) Description of the types of planned operations.

“(3) Identification of stakeholder partners to test and evaluate planned operations.

“(4) Identification of available infrastructure to support planned operations.

“(5) Description of experience with UAS operations and regulations.

“(6) Description of existing UAS operator and any other stakeholder partnerships and experience.

“(7) Description of plans to address safety, security, competition, privacy concerns, and community outreach.

“(e) MONITORING AND ENFORCEMENT OF LIMITATIONS.—

“(1) IN GENERAL.—Monitoring and enforcement of any limitations enacted pursuant to this pilot project shall be the responsibility of the jurisdiction.

“(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent the Secretary from enforcing Federal law.

“(3) EXAMPLES OF LIMITATIONS.—Limitations under this section may include—

“(A) prohibiting flight during specified morning and evening rush hours or only permitting flight during specified hours such as daylight hours, sufficient to ensure reasonable airspace access;

“(B) establishing designated take-off and landing zones, limiting operations over moving locations or fixed site public road[s] and parks, sidewalks or private property based on zoning density, or other land use considerations;

“(C) requiring notice to public safety or zoning or land use authorities before operating; and

“(D) prohibiting operations in connection with community or sporting events that do not remain in one place (for example, parades and running events).

“(f) SELECTION CRITERIA.—In making determinations, the Secretary shall evaluate whether applications meet or exceed the following criteria:

“(1) Overall economic, geographic, and climatic diversity of the selected jurisdictions.

“(2) Overall diversity of the proposed models of government involvement.

“(3) Overall diversity of the UAS operations to be conducted.

“(4) The location of critical infrastructure.

“(5) The involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS.

“(6) The involvement of affected communities in, and their support for, participating in the pilot program.

“(7) The commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety and to address competition, privacy, and civil liberties concerns.

“(8) The commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

“(A) Promoting innovation and economic development.

“(B) Enhancing transportation safety.

“(C) Enhancing workplace safety.

“(D) Improving emergency response and search and rescue functions.

“(E) Using radio spectrum efficiently and competitively.

“(g) IMPLEMENTATION.—The Secretary shall use the data collected and experience gained over the course of this pilot program to—

“(1) identify and resolve technical challenges to UAS integration;

“(2) address airspace use to safely and efficiently integrate all aircraft;

“(3) inform operational standards and procedures to improve safety (for example, detect and avoid capabilities, navigation and altitude performance, and command and control link);

“(4) inform FAA standards that reduce the need for waivers (for example, for operations over human beings, night operations, and beyond visual line of sight); and

“(5) address competing interests regarding UAS operational expansion, safety, security, roles and responsibilities of non-Federal Government entities, and privacy issues.

“(h) NOTIFICATION.—Prior to initiating any additional rounds of agreements with State, local, or Tribal governments as part of the pilot program established under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations in the Senate.

“(i) SUNSET.—The pilot program established under subsection (a) shall terminate 3 years after the date on which the memorandum referenced in subsection (a) is signed by the President [Oct. 25, 2017].

“(j) SAVINGS CLAUSE.—Nothing in this section shall affect any proposals, selections, imposition of conditions, operations, or other decisions made—

“(1) under the pilot program developed by the Secretary of Transportation pursuant to the Presidential memorandum titled ‘Unmanned Aircraft Systems Integration Pilot Program’, as published in the Federal Register on October 30, 2017 (82 Fed. Reg. 50301); and

“(2) prior to the date of enactment of this Act [Oct. 5, 2018].

“(k) DEFINITIONS.—In this section:

“(1) The term ‘Lead Applicant’ means an eligible State, local or Tribal government that has submitted a timely application.

“(2) The term ‘NAS’ means the low-altitude national airspace system.

“(3) The term ‘UAS’ means unmanned aircraft system.”

PART 107 TRANSPARENCY AND TECHNOLOGY IMPROVEMENTS

Pub. L. 115–254, div. B, title III, §352, Oct. 5, 2018, 132 Stat. 3304, provided that:

“(a) TRANSPARENCY.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall publish on the FAA [Federal Aviation Administration] website a representative sample of the safety justifications, offered by applicants for small unmanned aircraft system waivers and airspace authorizations, that have been approved by the Administration for each regulation waived or class of airspace authorized, except that any published justification shall not reveal proprietary or commercially sensitive information.

“(b) TECHNOLOGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the online waiver and certificates of authorization processes—

“(1) to provide real time confirmation that an application filed online has been received by the Administration; and

“(2) to provide an applicant with an opportunity to review the status of the applicant’s application.”

EMERGENCY EXEMPTION PROCESS

Pub. L. 115–254, div. B, title III, §353, Oct. 5, 2018, 132 Stat. 3304, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of unmanned aircraft systems by civil and public operators—

“(1) is an increasingly important tool in response to a catastrophe, disaster, or other emergency;

“(2) helps facilitate emergency response operations, such as firefighting and search and rescue; and

“(3) helps facilitate post-catastrophic response operations, such as utility and infrastructure restoration efforts and the safe and prompt processing, adjustment, and payment of insurance claims.

“(b) UPDATES.—The Administrator [of the Federal Aviation Administration] shall, as necessary, update and improve the Special Government Interest process described in chapter 7 of Federal Aviation Administration Order JO 7200.23A to ensure that civil and public operators, including local law enforcement agencies and first responders, continue to use unmanned aircraft system operations quickly and efficiently in response to a catastrophe, disaster, or other emergency.

“(c) BEST PRACTICES.—The Administrator shall develop best practices for the use of unmanned aircraft systems by States and localities to respond to a catastrophe, disaster, or other emergency response and recovery operation.”

TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND

Pub. L. 115–254, div. B, title III, §354, Oct. 5, 2018, 132 Stat. 3305, provided that: “An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by

the FAA [Federal Aviation Administration] under title 49, United States Code.”

PROHIBITION REGARDING WEAPONS

Pub. L. 115-254, div. B, title III, §363, Oct. 5, 2018, 132 Stat. 3308, provided that:

“(a) IN GENERAL.—Unless authorized by the Administrator [of the Federal Aviation Administration], a person may not operate an unmanned aircraft or unmanned aircraft system that is equipped or armed with a dangerous weapon.

“(b) DANGEROUS WEAPON DEFINED.—In this section, the term ‘dangerous weapon’ has the meaning given that term in section 930(g)(2) of title 18, United States Code.

“(c) PENALTY.—A person who violates this section is liable to the United States Government for a civil penalty of not more than \$25,000 for each violation.”

PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT

Pub. L. 115-254, div. B, title III, §376, Oct. 5, 2018, 132 Stat. 3314, provided that:

“(a) IN GENERAL.—In conjunction with completing the requirements of section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), subject to subsection (b) of this section, the Administrator [of the Federal Aviation Administration], in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with unmanned aircraft systems industry stakeholders, shall develop a plan to allow for the implementation of unmanned aircraft systems traffic management (UTM) services that expand operations beyond visual line of sight, have full operational capability, and ensure the safety and security of all aircraft.

“(b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—The Administrator shall ensure that the UTM system pilot program, as established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), is conducted to meet the following objectives of a comprehensive UTM system by the conclusion of the pilot program:

“(1) In cooperation with the National Aeronautics and Space Administration and manned and unmanned aircraft industry stakeholders, allow testing of unmanned aircraft operations, of increasing volumes and density, in airspace above test ranges, as such term is defined in section 44801 of title 49, United States Code, as well as other sites determined by the Administrator to be suitable for UTM testing, including those locations selected under the pilot program required in the October 25, 2017, Presidential Memorandum entitled, ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301 [set out below].

“(2) Permit the testing of various remote identification and tracking technologies evaluated by the Unmanned Aircraft Systems Identification and Tracking Aviation Rulemaking Committee.

“(3) Where the particular operational environment permits, permit blanket waiver authority to allow any unmanned aircraft approved by a UTM system pilot program selectee to be operated under conditions currently requiring a case-by-case waiver under part 107, title 14, Code of Federal Regulations, provided that any blanket waiver addresses risks to airborne objects as well as persons and property on the ground.

“(c) IMPLEMENTATION PLAN CONTENTS.—The plan required by subsection (a) shall—

“(1) include the development of safety standards to permit, authorize, or allow the use of UTM services, which may include the demonstration and validation of such services at the test ranges, as defined in section 44801 of title 49, United States Code, or other sites as authorized by the Administrator;

“(2) outline the roles and responsibilities of industry and government in establishing UTM services that allow applicants to conduct commercial and noncommercial operations, recognizing the primary private sector role in the development and implementation of the Low Altitude Authorization and Notification Capability and future expanded UTM services;

“(3) include an assessment of various components required for necessary risk reduction and mitigation in relation to the use of UTM services, including—

“(A) remote identification of both cooperative and non-cooperative unmanned aircraft systems in the national airspace system;

“(B) deconfliction of cooperative unmanned aircraft systems in the national airspace system by such services;

“(C) the manner in which the Federal Aviation Administration will conduct oversight of UTM systems, including interfaces between UTM service providers and air traffic control;

“(D) the need for additional technologies to detect cooperative and non-cooperative aircraft;

“(E) collaboration and coordination with air traffic control, or management services and technologies to ensure the safety oversight of manned and unmanned aircraft, including—

“(i) the Federal Aviation Administration responsibilities to collect and disseminate relevant data to UTM service providers; and

“(ii) data exchange protocols to share UAS operator intent, operational approvals, operational restraints, and other data necessary to ensure safety or security of the National Airspace System;

“(F) the potential for UTM services to manage unmanned aircraft systems carrying either cargo, payload, or passengers, weighing more than 55 pounds, and operating at altitudes higher than 400 feet above ground level; and

“(G) cybersecurity protections, data integrity, and national and homeland security benefits; and

“(4) establish a process for—

“(A) accepting applications for operation of UTM services in the national airspace system;

“(B) setting the standards for independent private sector validation and verification that the standards for UTM services established pursuant to paragraph (1) enabling operations beyond visual line of sight, have been met by applicants; and

“(C) notifying the applicant, not later than 120 days after the Administrator receives a complete application, with a written approval, disapproval, or request to modify the application.

“(d) SAFETY STANDARDS.—In developing the safety standards in subsection (c)(1), the Administrator—

“(1) shall require that UTM services help ensure the safety of unmanned aircraft and other aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below, including operations conducted under a waiver issued pursuant to subpart D of part 107 of title 14, Code of Federal Regulations;

“(2) shall consider, as appropriate—

“(A) protection of persons and property on the ground;

“(B) remote identification and tracking of aircraft;

“(C) collision avoidance with respect to obstacles and non-cooperative aircraft;

“(D) deconfliction of cooperative aircraft and integration of other relevant airspace considerations;

“(E) right of way rules, inclusive of UAS operations;

“(F) safe and reliable coordination between air traffic control and other systems operated in the national airspace system;

“(G) detection of non-cooperative aircraft;

“(H) geographic and local factors including but not limited to terrain, buildings and structures;

“(I) aircraft equipage; and

“(J) qualifications, if any, necessary to operate UTM services; and

“(3) may establish temporary flight restrictions or other means available such as a certificate of waiver or authorization (COA) for demonstration and validation of UTM services.

“(e) REVOCATION.—The Administrator may revoke the permission, authorization, or approval for the operation of UTM services if the Administrator determines that the services or its operator are no longer in compliance with applicable safety standards.

“(f) LOW-RISK AREAS.—The Administrator shall establish expedited procedures for approval of UTM services operated in—

“(1) airspace away from congested areas; or

“(2) other airspace above areas in which operations of unmanned aircraft pose low risk, as determined by the Administrator.

“(g) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

“(h) SENSE OF CONGRESS.—It is the sense of Congress that, in developing the safety standards for UTM services, the Federal Aviation Administration shall consider ongoing research and development efforts on UTM services conducted by—

“(1) the National Aeronautics and Space Administration in partnership with industry stakeholders;

“(2) the UTM System pilot program required by section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]); and

“(3) the participants in the pilot program required in the October 25, 2017, Presidential Memorandum entitled, ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301.

“(i) DEADLINE.—Not later than 1 year after the date of conclusion of the UTM pilot program established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), the Administrator shall—

“(1) complete the plan required by subsection (a);

“(2) submit the plan to—

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

“(B) the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(3) publish the plan on a publicly accessible Internet website of the Federal Aviation Administration.”

EARLY IMPLEMENTATION OF CERTAIN UTM SERVICES

Pub. L. 115–254, div. B, title III, §377, Oct. 5, 2018, 132 Stat. 3317, provided that:

“(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, upon request of a UTM service provider, determine if certain UTM services may operate safely in the national airspace system before completion of the implementation plan required by section 376 [set out above].

“(b) ASSESSMENT OF UTM SERVICES.—In making the determination under subsection (a), the Administrator shall assess, at a minimum, whether the proposed UTM services, as a result of their operational capabilities, reliability, intended use, areas of operation, and the characteristics of the aircraft involved, will maintain the safety and efficiency of the national airspace system and address any identified risks to manned or unmanned aircraft and persons and property on the ground.

“(c) REQUIREMENTS FOR SAFE OPERATION.—If the Administrator determines that certain UTM services may operate safely in the national airspace system, the Administrator shall establish requirements for their safe operation in the national airspace system.

“(d) EXPEDITED PROCEDURES.—The Administrator shall provide expedited procedures for making the assessment and determinations under this section where

the UTM services will be provided primarily or exclusively in airspace above areas in which the operation of unmanned aircraft poses low risk, including but not limited to croplands and areas other than congested areas.

“(e) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

“(f) PREEXISTING UTM SERVICES APPROVALS.—Nothing in this Act [see Tables for classification] shall affect or delay approvals, waivers, or exemptions granted by the Administrator for UTM services already in existence or approved by the Administrator prior to the date of enactment of this Act [Oct. 5, 2018], including approvals under the Low Altitude Authorization and Notification Capability.”

TRANSITION LANGUAGE

Pub. L. 115–254, div. B, title III, §380, Oct. 5, 2018, 132 Stat. 3319, provided that:

“(a) REGULATIONS.—Notwithstanding the repeals under sections 341, 348 [probably should be “346”], 347, and 383 of this Act [repealing the provisions listed in subsec. (b)(1) to (4) below], all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section before the effective date of this Act [probably means Oct. 5, 2018, the date of enactment of Pub. L. 115–254] shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act [see Tables for classification].

“(b) LAWS DESCRIBED.—The laws described under this subsection are as follows:

“(1) Section 332 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 40101 note).

“(2) Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

“(3) Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

“(4) Section 2206 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

“(c) EFFECT ON PENDING PROCEEDINGS.—This Act shall not affect administrative or judicial proceedings pending on the effective date of this Act.”

UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP

Pub. L. 115–254, div. B, title VII, §721, Oct. 5, 2018, 132 Stat. 3411, provided that: “The Secretary [of Transportation] shall submit the unmanned aircraft systems roadmap to Congress on an annual basis as required under section 48802(a) [probably should be “44802(a)”] of title 49, United States Code, as added by this Act.”

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

Pub. L. 115–91, div. A, title X, §1092, Dec. 12, 2017, 131 Stat. 1610, provided that:

“(a) COLLABORATION.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense may collaborate on sense-and-avoid capabilities for unmanned aircraft systems.

“(2) ELEMENTS.—The collaboration described in paragraph (1) may include, as appropriate, the following:

“(A) Sharing information on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

“(B) The development of civil standards, policies, and procedures for the Federal Aviation Administration for integrating unmanned aircraft systems in the national airspace system by leveraging the historical and current testing, training, and oper-

ational experiences of the Department of Defense, particularly the Air Force, of unmanned flight operations[.]

“(C) Informing stakeholders about—

“(i) the development of airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems; and

“(ii) research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

“(b) PARTICIPATION BY FAA IN DOD ACTIVITIES.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may participate, and provide assistance to the Secretary of Defense for activities during the test and evaluation efforts of the Department of Defense, including the Air Force, relating to airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems.

“(2) PARTICIPATION THROUGH TEST SITES.—Participation under paragraph (1) may include provision of assistance through Department of Defense unmanned aircraft systems test sites or a Federal Aviation Administration test range.

“(c) DEFINITIONS.—In this section, the terms ‘unmanned aircraft system’ and ‘test range’ have the meaning given such terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]).

“(d) RESTORATION OF RULES FOR REGISTRATION AND MARKING OF UNMANNED AIRCRAFT.—The rules adopted by the Administrator of the Federal Aviation Administration in the matter of registration and marking requirements for small unmanned aircraft (FAA-2015-7396; published on December 16, 2015) that were vacated by the United States Court of Appeals for the District of Columbia Circuit in *Taylor v. Huerta* (No. 15-1495; decided on May 19, 2017) shall be restored to effect on the date of enactment of this Act [Dec. 12, 2017].”

UAS SAFETY

Pub. L. 114–190, title II, subtitle B, July 15, 2016, 130 Stat. 628, as amended by Pub. L. 115–254, div. B, title III, §§346(b)(3), 369, 383(b)(2), Oct. 5, 2018, 132 Stat. 3295, 3311, 3322, provided that:

“SEC. 2201. DEFINITIONS.

“(a) DEFINITIONS APPLIED.—In this subtitle, the terms ‘unmanned aircraft’, ‘unmanned aircraft system’, and ‘small unmanned aircraft’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), as amended by this Act.

“(b) FAA MODERNIZATION AND REFORM ACT.—[Amended section 331 of Pub. L. 112–95, set out in a note below.]

“SEC. 2202. IDENTIFICATION STANDARDS.

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Director of the National Institute of Standards and Technology, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

“(b) CONSIDERATIONS.—As part of any standards developed under subsection (a), the Administrator shall ensure the consideration of—

“(1) requirements for remote identification of unmanned aircraft systems;

“(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil; and

“(3) the feasibility of the development and operation of a publicly accessible online database of unmanned aircraft and the operators thereof, and any criteria for exclusion from the database.

“(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Adminis-

trator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on any standards developed under subsection (a).

“(d) GUIDANCE.—Not later than 1 year after the date on which the Administrator submits the report under subsection (c), the Administrator shall issue regulations or guidance, as appropriate, based on any standards developed under subsection (a).

“SEC. 2203. SAFETY STATEMENTS.

“(a) REQUIRED INFORMATION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), a manufacturer of a small unmanned aircraft shall make available to the owner at the time of delivery of the small unmanned aircraft the safety statement described in subsection (b)(2).

“(b) SAFETY STATEMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

“(2) REQUIREMENTS.—A safety statement required under subsection (a) shall include—

“(A) information about, and sources of, laws and regulations applicable to small unmanned aircraft;

“(B) recommendations for using small unmanned aircraft in a manner that promotes the safety of persons and property;

“(C) the date that the safety statement was created or last modified; and

“(D) language approved by the Administrator regarding the following:

“(i) A person may operate the small unmanned aircraft as a model aircraft (as defined in [former] section 336 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

“(ii) The definition of a model aircraft under [former] section 336 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

“(iii) The requirements regarding the operation of a model aircraft under [former] section 336 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

“(iv) The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

“(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a) of title 49, United States Code.

“SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUPPORT OF FIREFIGHTING OPERATIONS AND UTILITY RESTORATION.

“(a) FIREFIGHTING OPERATIONS.—The Administrator of the Federal Aviation Administration shall enter into agreements with the Secretary of the Interior and the Secretary of Agriculture, as necessary, to continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations consistent with the requirements of section 44806 of title 49, United States Code.

“(b) UTILITY RESTORATION.—The Administrator shall enter into agreements with the Secretary of Energy and with such other agencies or parties, including the Federal Emergency Management Agency, as are necessary to facilitate the expeditious authorization of safe unmanned aircraft system operations in support of service restoration efforts of utilities.

“(c) DEFINITION OF UTILITY.—In this section, the term ‘utility’ shall at a minimum include the definition in

section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)).

“SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION, LAW ENFORCEMENT, OR EMERGENCY RESPONSE EFFORT BY OPERATION OF UNMANNED AIRCRAFT.

“(a) IN GENERAL.—[Enacted section 46320 of this title.]

“(b) FAA TO IMPOSE CIVIL PENALTY.—[Amended section 46301 of this title.]

“(c) CLERICAL AMENDMENT.—[Amended analysis of chapter 463 of this title.]

“[SEC. 2206. Repealed. Pub. L. 115–254, div. B, title III, § 383(b)(2), Oct. 5, 2018, 132 Stat. 3322.]

“SEC. 2207. EMERGENCY EXEMPTION PROCESS.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. In processing such applications, the Administrator shall give priority to applications for public unmanned aircraft systems engaged in emergency response activities.

“(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

“(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight or nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

“(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with other emergency response efforts.

“(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other emergency, the Administrator shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

“SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

“(a) RESEARCH PLAN FOR UTM DEVELOPMENT AND DEPLOYMENT.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration (in this section referred to as the ‘Administrator’), in coordination with the Administrator of the National Aeronautics and Space Administration, shall continue development of a research plan for unmanned aircraft systems traffic management (in this section referred to as ‘UTM’) development and deployment.

“(2) REQUIREMENTS.—In developing the research plan, the Administrator shall—

“(A) identify research outcomes sought; and

“(B) ensure the plan is consistent with existing regulatory and operational frameworks, and considers potential future regulatory and operational frameworks, for unmanned aircraft systems in the national airspace system.

“(3) ASSESSMENT.—The research plan shall include an assessment of the interoperability of a UTM system with existing and potential future air traffic management systems and processes.

“(4) DEADLINES.—The Administrator shall—

“(A) initiate development of the research plan not later than 60 days after the date of enactment of this Act [July 15, 2016]; and

“(B) not later than 180 days after the date of enactment of this Act—

“(i) complete the research plan;

“(ii) submit the research plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(iii) publish the research plan on the Internet Web site of the Federal Aviation Administration.

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 90 days after the date of submission of the research plan under subsection (a)(4)(B), the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, the Drone Advisory Committee, the research advisory committee established by section 44508(a) of title 49, United States Code, and representatives of the unmanned aircraft industry, shall establish a UTM system pilot program.

“(2) SUNSET.—Not later than 2 years after the date of establishment of the pilot program, the Administrator shall conclude the pilot program.

“(c) UPDATES.—Not later than 180 days after the date of establishment of the pilot program, and every 180 days thereafter until the date of conclusion of the pilot program, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives an update on the status and progress of the pilot program.

“SEC. 2209. APPLICATIONS FOR DESIGNATION.

“(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

“(b) REVIEW PROCESS.—

“(1) APPLICATION PROCEDURES.—

“(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

“(B) REQUIREMENTS.—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

“(C) CONSIDERATIONS.—Only the following may be considered fixed site facilities:

“(i) Critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities.

“(ii) Oil refineries and chemical facilities.

“(iii) Amusement parks.

“(iv) Other locations that warrant such restrictions.

“(2) DETERMINATION.—

“(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

“(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

“(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

“(ii) such other limitations that the Administrator determines may be appropriate.

“(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

“(i) aviation safety;

“(ii) protection of persons and property on the ground;

“(iii) national security; or

“(iv) homeland security.

“(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

“(C) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

“(d) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

“(e) DEADLINES.—

“(1) Not later than March 31, 2019, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

“(2) Not later than 12 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.

“SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.

“(a) IN GENERAL.—Any application process established under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note) shall allow for a person to apply to the Administrator of the Federal Aviation Administration to operate an unmanned aircraft system, for purposes of conducting an activity described in subsection (b)—

“(1) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

“(2) during the day or at night.

“(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

“(1) activities for which manned aircraft may be used to comply with Federal, State, or local laws, including—

“(A) activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; and

“(B) activities relating to ensuring compliance with—

“(i) parts 192 and 195 of title 49, Code of Federal Regulations; and

“(ii) the requirements of any Federal, State, or local governmental or regulatory body, or industry best practice, pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities;

“(2) activities to inspect, repair, construct, maintain, or protect covered facilities, including for the purpose of responding to a pipeline, pipeline system, or electric energy infrastructure incident; and

“(3) activities in response to or in preparation for a natural disaster, manmade disaster, severe weather event, or other incident beyond the control of the applicant that may cause material damage to a covered facility.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED FACILITY.—The term ‘covered facility’ means—

“(A) a pipeline or pipeline system;

“(B) an electric energy generation, transmission, or distribution facility (including a renewable electric energy facility);

“(C) an oil or gas production, refining, or processing facility; or

“(D) any other critical infrastructure facility.

“(2) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given that term in section 2339D of title 18, United States Code.

“(d) DEADLINES.—

“(1) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act [July 15,

2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a certification that a process has been established to facilitate applications for unmanned aircraft systems operations described in this section.

“(2) FAILURE TO MEET CERTIFICATION DEADLINE.—If the Administrator cannot provide a certification under paragraph (1), the Administrator, not later than 180 days after the deadline specified in paragraph (1), shall update the process under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] ([former] 49 U.S.C. 40101 note) to facilitate applications for unmanned aircraft systems operations described in this section.

“(e) EXEMPTIONS.—In addition to the operations described in this section, the Administrator may authorize, exempt, or otherwise allow other unmanned aircraft systems operations under [former] section 333 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note) that are conducted beyond the visual line of sight of the individual operating the unmanned aircraft system or during the day or at night.

“SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.

[Amended section 332 of Pub. L. 112–95, formerly set out in a note below.]

“SEC. 2212. UNMANNED AIRCRAFT SYSTEMS—MANNED AIRCRAFT COLLISION RESEARCH.

“(a) RESEARCH.—The Administrator of the Federal Aviation Administration (in this section referred to as the ‘Administrator’), in continuation of ongoing work, shall coordinate with the Administrator of the National Aeronautics and Space Administration to develop a program to conduct comprehensive testing or modeling of unmanned aircraft systems colliding with various sized aircraft in various operational settings, as considered appropriate by the Administrator, including—

“(1) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and jet aircraft of various sizes, traveling at various speeds;

“(2) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and propeller-driven aircraft of various sizes, traveling at various speeds;

“(3) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and rotorcraft of various sizes, traveling at various speeds; and

“(4) collisions between unmanned aircraft systems and various parts of the aforementioned aircraft, including—

“(A) windshields;

“(B) noses;

“(C) engines;

“(D) radomes;

“(E) propellers; and

“(F) wings.

“(b) REPORT.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the costs and results of research under this section.

“SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVELOPMENT STUDY.

“(a) STUDY.—Not later than 30 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies to study the potential use of probabilistic assessments of risks by the Administration to streamline the integration of

unmanned aircraft systems into the national airspace system, including any research and development necessary.

“(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

UNMANNED AIRCRAFT JOINT TRAINING AND USAGE PLAN

Pub. L. 113-66, div. A, title X, §1075(a), Dec. 26, 2013, 127 Stat. 870, provided that:

“(1) METHODS.—The Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly develop and implement plans and procedures to review the potential of joint testing and evaluation of unmanned aircraft equipment and systems with other appropriate departments and agencies of the Federal Government that may serve the dual purpose of providing capabilities to the Department of Defense to meet the future requirements of combatant commanders and domestically to strengthen international border security.

“(2) REPORT.—Not later than 270 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly submit to Congress a report on the status of the development of the plans and procedures required under paragraph (1), including a cost-benefit analysis of the shared expenses between the Department of Defense and other appropriate departments and agencies of the Federal Government to support such plans.”

INTERAGENCY COLLABORATION

Pub. L. 112-239, div. A, title X, §1052(b), (c), Jan. 2, 2013, 126 Stat. 1935, 1936, provided that:

“(b) INTERAGENCY COLLABORATION.—

“(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 126 Stat. 72) [49 U.S.C. 44802 note].

“(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

“(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

“(4) REPORTS.—

“(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

“(i) progress in accomplishing the goals of the unmanned aircraft systems research, develop-

ment, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration;

“(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace; and

“(iii) progress in sharing with the Federal Aviation Administration safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the National Airspace System.

“(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act [Jan. 2, 2013].

“(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term ‘UAS Executive Committee’ means the National Aeronautics and Space and [sic] Administration and the Department of Defense—Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 [Pub. L. 110-417; 122 Stat. 4597] and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.”

UNMANNED AIRCRAFT SYSTEMS

Pub. L. 112-95, title III, subtitle B, Feb. 14, 2012, 126 Stat. 72, as amended by Pub. L. 114-190, title I, §1102(i), title II, §§2201(b), 2211, July 15, 2016, 130 Stat. 618, 628, 636; Pub. L. 115-254, div. B, title III, §§341(b)(2), 346(b)(2), 347(b)(2), 349(b)(2), Oct. 5, 2018, 132 Stat. 3287, 3295, 3296, 3300, provided that:

“SEC. 331. DEFINITIONS.

“In this subtitle, the following definitions apply:

“(1) ARCTIC.—The term ‘Arctic’ means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

“(2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms ‘certificate of waiver’ and ‘certificate of authorization’ mean a Federal Aviation Administration grant of approval for a specific flight operation.

“(3) PERMANENT AREAS.—The term ‘permanent areas’ means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

“(4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ‘public unmanned aircraft system’ means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).

“(5) SENSE AND AVOID CAPABILITY.—The term ‘sense and avoid capability’ means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

“(6) SMALL UNMANNED AIRCRAFT.—The term ‘small unmanned aircraft’ means an unmanned aircraft weighing less than 55 pounds, including everything that is on board or otherwise attached to the aircraft.

“(7) TEST RANGE.—

“(A) IN GENERAL.—The term ‘test range’ means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

“(B) INCLUSIONS.—The term ‘test range’ includes any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c), as in effect on the day before the date of enactment of this subparagraph [July 15, 2016], and any public entity authorized by the Federal Aviation Administration as an unmanned

aircraft system flight test center before January 1, 2009.

“(8) UNMANNED AIRCRAFT.—The term ‘unmanned aircraft’ means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

“(9) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

“[SEC. 332. Repealed. Pub. L. 115–254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287.]”

“[SEC. 333. Repealed. Pub. L. 115–254, div. B, title III, § 347(b)(2), Oct. 5, 2018, 132 Stat. 3296.]”

“[SEC. 334. Repealed. Pub. L. 115–254, div. B, title III, § 346(b)(2), Oct. 5, 2018, 132 Stat. 3295.]”

“SEC. 335. SAFETY STUDIES.

“The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

“[SEC. 336. Repealed. Pub. L. 115–254, div. B, title III, § 349(b)(2), Oct. 5, 2018, 132 Stat. 3300.]”

UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE

Pub. L. 112–81, div. A, title X, § 1097, Dec. 31, 2011, 125 Stat. 1608, provided that:

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011], the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

“(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

“(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

“(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

“(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

“(4) address both civil and public unmanned aircraft systems;

“(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

“(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

“(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

“(1) take into consideration geographic and climatic diversity;

“(2) take into consideration the location of ground infrastructure and research needs; and

“(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

“(d) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

“(e) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator’s findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned air-

craft systems and to validate sensor integration and operation of unmanned aircraft systems.

“(f) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act [Dec. 31, 2011].

“(g) DEFINITION.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) The term ‘test range’ means a defined geographic area where research and development are conducted.”

PROMOTING ECONOMIC COMPETITIVENESS WHILE SAFEGUARDING PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES IN DOMESTIC USE OF UNMANNED AIRCRAFT SYSTEMS

Memorandum of President of the United States, Feb. 15, 2015, 80 F.R. 9355, provided:

Memorandum for the Heads of Executive Departments and Agencies

Unmanned Aircraft Systems (UAS) technology continues to improve rapidly, and increasingly UAS are able to perform a variety of missions with greater operational flexibility and at a lower cost than comparable manned aircraft. A wide spectrum of domestic users—including industry, private citizens, and Federal, State, local, tribal, and territorial governments—are using or expect to use these systems, which may play a transformative role in fields as diverse as urban infrastructure management, farming, public safety, coastal security, military training, search and rescue, and disaster response.

The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Public Law 112–95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. As compared to manned aircraft, UAS may provide lower-cost operation and augment existing capabilities while reducing risks to human life. Estimates suggest the positive economic impact to U.S. industry of the integration of UAS into the NAS could be substantial and likely will grow for the foreseeable future.

As UAS are integrated into the NAS, the Federal Government will take steps to ensure that the integration takes into account not only our economic competitiveness and public safety, but also the privacy, civil rights, and civil liberties concerns these systems may raise.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish transparent principles that govern the Federal Government’s use of UAS in the NAS, and to promote the responsible use of this technology in the private and commercial sectors, it is hereby ordered as follows:

SECTION 1. *UAS Policies and Procedures for Federal Government Use.* The Federal Government currently operates UAS in the United States for several purposes, including to manage Federal lands, monitor wildfires, conduct scientific research, monitor our borders, support law enforcement, and effectively train our military. As with information collected by the Federal Government using any technology, where UAS is the platform for collection, information must be collected, used, retained, and disseminated consistent with the Constitution, Federal law, and other applicable regulations and policies. Agencies must, for example, comply with the Privacy Act of 1974 (5 U.S.C. 552a) (the “Privacy Act”), which, among other things, restricts the collection and dissemination of individuals’ information that is maintained in systems of records, including personally identifiable information (PII), and permits

individuals to seek access to and amendment of records.

(a) *Privacy Protections.* Particularly in light of the diverse potential uses of UAS in the NAS, expected advancements in UAS technologies, and the anticipated increase in UAS use in the future, the Federal Government shall take steps to ensure that privacy protections and policies relative to UAS continue to keep pace with these developments. Accordingly, agencies shall, prior to deployment of new UAS technology and at least every 3 years, examine their existing UAS policies and procedures relating to the collection, use, retention, and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected. Agencies shall update their policies and procedures, or issue new policies and procedures, as necessary. In addition to requiring compliance with the Privacy Act in applicable circumstances, agencies that collect information through UAS in the NAS shall ensure that their policies and procedures with respect to such information incorporate the following requirements:

(i) *Collection and Use.* Agencies shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.

(ii) *Retention.* Information collected using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

(iii) *Dissemination.* UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

(b) *Civil Rights and Civil Liberties Protections.* To protect civil rights and civil liberties, agencies shall:

(i) ensure that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

(ii) ensure that UAS activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

(iii) ensure that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.

(c) *Accountability.* To provide for effective oversight, agencies shall:

(i) ensure that oversight procedures for agencies' UAS use, including audits or assessments, comply with existing agency policies and regulations;

(ii) verify the existence of rules of conduct and training for Federal Government personnel and contractors who work on UAS programs, and procedures for reporting suspected cases of misuse or abuse of UAS technologies;

(iii) establish policies and procedures, or confirm that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information (including any PII) collected using UAS;

(iv) ensure that any data-sharing agreements or policies, data use policies, and record management policies applicable to UAS conform to applicable laws, regulations, and policies;

(v) establish policies and procedures, or confirm that policies and procedures are in place, to authorize the use of UAS in response to a request for UAS assistance in support of Federal, State, local, tribal, or territorial government operations; and

(vi) require that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of UAS for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds.

(d) *Transparency.* To promote transparency about their UAS activities within the NAS, agencies that use UAS shall, while not revealing information that could reasonably be expected to compromise law enforcement or national security:

(i) provide notice to the public regarding where the agency's UAS are authorized to operate in the NAS;

(ii) keep the public informed about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties; and

(iii) make available to the public, on an annual basis, a general summary of the agency's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to State, local, tribal, or territorial governments.

(e) *Reports.* Within 180 days of the date of this memorandum, agencies shall provide the President with a status report on the implementation of this section. Within 1 year of the date of this memorandum, agencies shall publish information on how to access their publicly available policies and procedures implementing this section.

SEC. 2. *Multi-stakeholder Engagement Process.* In addition to the Federal uses of UAS described in section 1 of this memorandum, the combination of greater operational flexibility, lower capital requirements, and lower operating costs could allow UAS to be a transformative technology in the commercial and private sectors for fields as diverse as urban infrastructure management, farming, and disaster response. Although these opportunities will enhance American economic competitiveness, our Nation must be mindful of the potential implications for privacy, civil rights, and civil liberties. The Federal Government is committed to promoting the responsible use of this technology in a way that does not diminish rights and freedoms.

(a) There is hereby established a multi-stakeholder engagement process to develop and communicate best practices for privacy, accountability, and transparency issues regarding commercial and private UAS use in the NAS. The process will include stakeholders from the private sector.

(b) Within 90 days of the date of this memorandum, the Department of Commerce, through the National Telecommunications and Information Administration, and in consultation with other interested agencies, will initiate this multi-stakeholder engagement process to develop a framework regarding privacy, accountability, and transparency for commercial and private UAS use. For this process, commercial and private use includes the use of UAS for commercial purposes as civil aircraft, even if the use would qualify a UAS as a public aircraft under 49 U.S.C. 40102(a)(41) and 40125. The process shall not focus on law enforcement or other non-commercial governmental use.

SEC. 3. *Definitions.* As used in this memorandum:

(a) "Agencies" means executive departments and agencies of the Federal Government that conduct UAS operations in the NAS.

(b) "Federal Government use" means operations in which agencies operate UAS in the NAS. Federal Government use includes agency UAS operations on behalf of another agency or on behalf of a State, local, tribal, or territorial government, or when a nongovernmental entity operates UAS on behalf of an agency.

(c) "National Airspace System" means the common network of U.S. airspace; air navigation facilities, equipment, and services; airports or landing areas; aeronautical charts, information, and services; related rules, regulations, and procedures; technical information; and manpower and material. Included in this definition are system components shared jointly by the De-

partments of Defense, Transportation, and Homeland Security.

(d) “Unmanned Aircraft System” means an unmanned aircraft (an aircraft that is operated without direct human intervention from within or on the aircraft) and associated elements (including communication links and components that control the unmanned aircraft) that are required for the pilot or system operator in command to operate safely and efficiently in the NAS.

(e) “Personally identifiable information” refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, as set forth in Office of Management and Budget Memorandum M–07–16 (May 22, 2007) and Office of Management and Budget Memorandum M–10–23 (June 25, 2010).

SEC. 4. *General Provisions.* (a) This memorandum complements and is not intended to supersede existing laws and policies for UAS operations in the NAS, including the National Strategy for Aviation Security and its supporting plans, the FAA Modernization and Reform Act of 2012, the Federal Aviation Administration’s (FAA’s) Integration of Civil UAS in the NAS Roadmap, and the FAA’s UAS Comprehensive Plan.

(b) This memorandum shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) Independent agencies are strongly encouraged to comply with this memorandum.

(e) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(f) The Secretary of Commerce is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Memorandum of President of the United States, Oct. 25, 2017, 82 F.R. 50301, provided:

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* It shall be the policy of the United States to promote the safe operation of unmanned aircraft systems (UAS) and enable the development of UAS technologies for use in agriculture, commerce, emergency management, human transportation, and other sectors. Compared to manned aircraft, UAS provide novel, low-cost capabilities for both public and private applications. UAS present opportunities to enhance the safety of the American public, increase the efficiency and productivity of American industry, and create tens of thousands of new American jobs.

The private sector has rapidly advanced UAS capabilities to address the needs of recreational, commercial, and public users. To promote continued technological innovation and to ensure the global leadership of the United States in this emerging industry, the regulatory framework for UAS operations must be sufficiently flexible to keep pace with the advancement of UAS technology, while balancing the vital Federal roles in protecting privacy and civil liberties; mitigating risks to national security and homeland security; and protecting the safety of the American public,

critical infrastructure, and the Nation’s airspace. Well-coordinated integration of UAS into the national airspace system (NAS) alongside manned aircraft will increase the safety of the NAS and enable the authorization of more complex UAS operations.

The Federal Aviation Administration (FAA) has taken steps to integrate UAS into the NAS at specific test sites and has issued operational requirements for small UAS operations in the NAS. Further integration will require continued private-sector cooperation and the involvement of State, local, and tribal governments in Federal efforts to develop and enforce regulations on UAS operations in their jurisdictions. Input from State, local, tribal, and private-sector stakeholders will be necessary to craft an optimal strategy for the national management of UAS operations. A coordinated effort between the private sector and among these governments will provide certainty and stability to UAS owners and operators, maximize the benefits of UAS technologies for the public, and mitigate risks to public safety and security.

SEC. 2. *UAS Integration Pilot Program.* (a) Within 90 days of the date of this memorandum, the Secretary of Transportation (Secretary), in consultation with the Administrator of the FAA (Administrator), shall establish a UAS Integration Pilot Program (Program) to test the further integration of UAS into the NAS in a select number of State, local, and tribal jurisdictions.

(b) The objectives of the Program shall be to:

(i) test and evaluate various models of State, local, and tribal government involvement in the development and enforcement of Federal regulations for UAS operations;

(ii) encourage UAS owners and operators to develop and safely test new and innovative UAS concepts of operations; and

(iii) inform the development of future Federal guidelines and regulatory decisions on UAS operations nationwide.

SEC. 3. *Implementation.* (a) To implement the Program, the Secretary or the Administrator, as appropriate, shall:

(i) solicit proposals from State, local, and tribal governments to test within their jurisdictions the integration of civil and public UAS operations into the NAS below 200 feet above ground level, or up to 400 feet above ground level if the Secretary determines that such an adjustment would be appropriate;

(ii) select proposals by State, local, and tribal governments for participation in the Program according to the criteria listed in subsection (b) of this section;

(iii) enter into agreements with the selected governments to establish the terms of their involvement in UAS operations within their jurisdictions, including their support for Federal enforcement responsibilities; describe the proposed UAS operations to be conducted; and identify the entities that will conduct such operations, including, if applicable, the governments themselves; and

(iv) as necessary, use existing authorities to grant exceptions, exemptions, authorizations, and waivers from FAA regulations to the entities identified in the agreements described in subsection (iii) of this section [sic], including through the issuance of waivers under 14 CFR Part 107 and Certificates of Waiver or Authorization under [former] section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) (Public Law 112–95) [see note above].

(b) In selecting proposals for participation in the Program under subsection (a) of this section, the Secretary shall consider:

(i) overall economic, geographic, and climatic diversity of the selected jurisdictions;

(ii) overall diversity of the proposed models of government involvement;

(iii) overall diversity of the UAS operations to be conducted;

(iv) the location of critical infrastructure;

(v) the involvement of commercial entities in the proposal, and their ability to advance objectives that

may serve the public interest as a result of further integration of UAS into the NAS;

(vi) the involvement of affected communities in, and their support for, participating in the Program;

(vii) the commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety, and to address competition, privacy, and civil liberties concerns; and

(viii) the commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

(A) promoting innovation and economic development;

(B) enhancing transportation safety;

(C) enhancing workplace safety;

(D) improving emergency response and search and rescue functions; and

(E) using radio spectrum efficiently and competitively.

(c) Within 180 days of the establishment of the Program, the Secretary shall enter into agreements with State, local, or tribal governments to participate in the Program, with the goal of entering into at least 5 such agreements by that time.

(d) In carrying out subsection (c) of this section, the Secretary shall select State, local, or tribal governments that plan to begin integration of UAS into the NAS in their jurisdictions within 90 days after the date on which the agreement is established.

(e) The Secretary shall consider new proposals for participation in the Program up to 1 year before the Program is scheduled to terminate.

(f) The Secretary shall apply best practices from existing FAA test sites, waivers granted under 14 CFR part 107, exemptions granted under [former] section 333 of the FMRA, the FAA Focus Area Pathfinder Program, and any other relevant programs in order to expedite the consideration of exceptions, exemptions, authorizations, and waivers from FAA regulations to be granted under the Program, as described in subsection (a)(iv) of this section.

(g) The Secretary shall address any non-compliance with the terms of exceptions, exemptions, authorizations, waivers granted, or agreements made with UAS users or participating jurisdictions in a timely and appropriate manner, including by revoking or modifying the relevant terms.

SEC. 4. *Coordination.* (a) The Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, shall apply relevant information collected during the Program and preliminary findings to inform the development of the UAS Traffic Management System under section 2208 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190) [set out in a note above].

(b) The Secretary, in coordination with the Secretaries of Defense and Homeland Security and the Attorney General, shall take necessary and appropriate steps to:

(i) mitigate risks to public safety and homeland and national security when selecting proposals and implementing the Program; and

(ii) monitor compliance with relevant laws and regulations to ensure that Program activities do not interfere with national defense, homeland security, or law enforcement operations and missions.

(c) The heads of executive departments and agencies with relevant law enforcement responsibilities (Federal law enforcement agencies), including the Attorney General and the Secretary of Homeland Security, shall develop and implement best practices to enforce the laws and regulations governing UAS operations conducted under the Program.

(d) In carrying out the responsibilities set forth in subsection (c) of this section, the heads of Federal law enforcement agencies shall coordinate with the Secretaries of Defense and Transportation, as well as with the relevant State, local, or tribal law enforcement agencies.

(e) In implementing the Program, the Secretary shall coordinate with the Secretaries of Defense and Homeland Security and the Attorney General to test counter-UAS capabilities, as well as platform and system-wide cybersecurity, to the extent appropriate and consistent with law.

SEC. 5. *Evaluation and Termination of UAS Integration Pilot Program.* (a) The Program shall terminate 3 years from the date of this memorandum, unless extended by the Secretary.

(b) Before and after the termination of the Program, the Secretary shall use the information and experience yielded by the Program to inform the development of regulations, initiatives, and plans to enable safer and more complex UAS operations, and shall, as appropriate, share information with the Secretaries of Defense and Homeland Security, the Attorney General, and the heads of other executive departments and agencies.

(c) After the date of this memorandum and until the Program is terminated, the Secretary, in consultation with the Secretaries of Defense and Homeland Security and the Attorney General, shall submit an annual report to the President setting forth the Secretary's interim findings and conclusions concerning the Program. Not later than 90 days after the Program is terminated, the Secretary shall submit a final report to the President setting forth the Secretary's findings and conclusions concerning the Program.

SEC. 6. *Definitions.* As used in this memorandum, the next stated terms, in singular and plural, are defined as follows:

(a) The term "unmanned aircraft system" has the meaning given that term in section 331 of the FMRA [Pub. L. 112-95, set out in a note above].

(b) The term "public unmanned aircraft system" has the meaning given that term in section 331 of the FMRA.

(c) The term "civil unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a civil aircraft, as defined in 49 U.S.C. 40102.

SEC. 7. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) the conduct of public aircraft operations, as defined in 49 U.S.C. 40102(a)(41) and 40125, by executive departments and agencies, consistent with applicable Federal law.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 44803. Unmanned aircraft test ranges

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

(7) engage test range operators, as necessary and within available resources, in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

(C) sense and avoid capabilities;

(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what research would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate;¹

(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

(c) **WAIVERS.**—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, in-

cluding related regulations, to the extent consistent with aviation safety.

(d) **REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.**—The operator of each test range under subsection (a) shall—

(1) review the operations of unmanned aircraft systems conducted at the test range, including—

(A) ongoing or completed research; and

(B) data regarding operations by private and public operators; and

(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

(e) **TESTING.**—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

(f) **COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**—The Administrator may use the other transaction authority under section 106(l)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

(g) **USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.**—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

(h) **TERMINATION.**—The program under this section shall terminate on March 8, 2024.

(Added Pub. L. 115–254, div. B, title III, §343(a), Oct. 5, 2018, 132 Stat. 3288; amended Pub. L. 118–15, div. B, title II, §2202(b), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(b), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

AMENDMENTS

2023—Subsec. (h). Pub. L. 118–34 substituted “March 8, 2024” for “December 31, 2023”.

Pub. L. 118–15 substituted “December 31, 2023” for “September 30, 2023”.

§ 44804. Small unmanned aircraft in the Arctic

(a) **IN GENERAL.**—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

(b) **PLAN CONTENTS.**—The plan under subsection (a) shall include the development of

¹ So in original. Probably should be followed by “and”.

processes to facilitate the safe operation of small unmanned aircraft beyond the visual line of sight.

(c) **REQUIREMENTS.**—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) **AGREEMENTS.**—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) **AIRCRAFT APPROVAL.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a small unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the small unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) **EXISTING PROCESS.**—The Secretary may implement an existing process to meet the requirements under paragraph (1).

(Added Pub. L. 115–254, div. B, title III, § 344(a), Oct. 5, 2018, 132 Stat. 3290.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(d) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

§ 44805. Small Unmanned¹ aircraft safety standards

(a) **FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.**—The Administrator of the Federal Aviation Administration shall establish a process for—

(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

(2) authorizing the operation of small² unmanned aircraft system make and model designed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the

Administrator, to alternatively satisfy the requirements of paragraph (1).

(b) **CONSIDERATIONS.**—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

(2) Using performance-based requirements.

(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

(7) Consensus identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

(8) To the extent not considered previously by the consensus body that crafted consensus safety standards, cost-benefit and risk analyses of consensus safety standards that may be accepted pursuant to subsection (a) for newly designed small unmanned aircraft systems.

(9) Applicability of consensus safety standards to small unmanned aircraft systems that are not manufactured commercially.

(10) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

(11) Any category of unmanned aircraft systems that should be exempt from the consensus safety standards based on risk factors.

(e)³ **NONAPPLICABILITY OF OTHER LAWS.**—The process for authorizing the operation of small unmanned aircraft systems under subsection (a) may allow for operation of any applicable small unmanned aircraft systems within the national airspace system without requiring—

(1) airworthiness certification requirements under section 44704 of this title; or

(2) type certification under part 21 of title 14, Code of Federal Regulations.

(f) **REVOCATION.**—The Administrator may suspend or revoke the authorizations in subsection (a) if the Administrator determines that the manufacturer or the small unmanned aircraft system is no longer in compliance with the standards accepted by the Administrator under subsection (a)(1) or with the manufacturer's statement of compliance under subsection (h).

(g) **REQUIREMENTS.**—With regard to an authorization under the processes in subsection (a), the

¹ So in original. Probably should not be capitalized.

² So in original. Probably should be preceded by "a".

³ So in original. There are no subsecs. (c) and (d).

Administrator may require a manufacturer of small unmanned aircraft systems to provide the Federal Aviation Administration with the following:

(1) The aircraft system's operating instructions.

(2) The aircraft system's recommended maintenance and inspection procedures.

(3) The manufacturer's statement of compliance described in subsection (h).

(4) Upon request, a sample aircraft to be inspected by the Federal Aviation Administration to ensure compliance with the consensus safety standards accepted by the Administrator under subsection (a).

(h) **MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.**—A manufacturer's statement of compliance shall—

(1) identify the aircraft make, model, range of serial numbers, and any applicable consensus safety standards used and accepted by the Administrator;

(2) state that the aircraft make and model meets the provisions of the consensus safety standards identified in paragraph (1);

(3) state that the aircraft make and model conforms to the manufacturer's design data and is manufactured in a way that ensures consistency across units in the production process in order to meet the applicable consensus safety standards accepted by the Administrator;

(4) state that the manufacturer will make available to the Administrator, operators, or customers—

(A) the aircraft's operating instructions, which conform to the consensus safety standards identified in paragraph (1); and

(B) the aircraft's recommended maintenance and inspection procedures, which conform to the consensus safety standards identified in paragraph (1);

(5) state that the manufacturer will monitor safety-of-flight issues and take action to ensure it meets the consensus safety standards identified in paragraph (1) and report these issues and subsequent actions to the Administrator;

(6) state that at the request of the Administrator, the manufacturer will provide reasonable access for the Administrator to its facilities for the purposes of overseeing compliance with this section; and

(7) state that the manufacturer, in accordance with the consensus safety standards accepted by the Federal Aviation Administration, has—

(A) ground and flight tested random samples of the aircraft;

(B) found the sample aircraft performance acceptable; and

(C) determined that the make and model of aircraft is suitable for safe operation.

(i) **PROHIBITIONS.**—

(1) **FALSE STATEMENTS OF COMPLIANCE.**—It shall be unlawful for any person to knowingly submit a statement of compliance described in subsection (h) that is fraudulent or intentionally false.

(2) **INTRODUCTION INTO INTERSTATE COMMERCE.**—Unless the Administrator determines

operation of an unmanned aircraft system may be conducted without an airworthiness certificate or permission, authorization, or approval under subsection (a), it shall be unlawful for any person to knowingly introduce or deliver for introduction into interstate commerce any small unmanned aircraft system that is manufactured after the date that the Administrator accepts consensus safety standards under this section unless—

(A) the make and model has been authorized for operation under subsection (a); or

(B) the aircraft has alternatively received design and production approval issued by the Federal Aviation Administration.

(j) **EXCLUSIONS.**—The Administrator may exempt from the requirements of this section small unmanned aircraft systems that are not capable of navigating beyond the visual line of sight of the operator through advanced flight systems and technology, if the Administrator determines that such an exemption does not pose a risk to the safety of the national airspace system.

(Added Pub. L. 115-254, div. B, title III, §345(a), Oct. 5, 2018, 132 Stat. 3291.)

Editorial Notes

REFERENCES IN TEXT

Section 2202 of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (b)(7), is section 2202 of Pub. L. 114-190, which is set out in a note under section 44802 of this title.

Statutory Notes and Related Subsidiaries

UNMANNED AIRCRAFT SYSTEMS RESEARCH FACILITY

Pub. L. 115-254, div. B, title III, §345(b), Oct. 5, 2018, 132 Stat. 3293, provided that: "The Center of Excellence for Unmanned Aircraft Systems shall establish an unmanned aircraft systems research facility to study appropriate safety standards for unmanned aircraft systems and to validate such standards, as directed by the Administrator of the Federal Aviation Administration, consistent with section 44805 of title 49, United States Code, as added by this section."

§ 44806. Public unmanned aircraft systems

(a) **GUIDANCE.**—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

(2) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

(3) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) **AGREEMENTS WITH GOVERNMENT AGENCIES.**—

(1) **IN GENERAL.**—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of author-

ization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

(2) CONTENTS.—An agreement under paragraph (1) shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

(i) within or beyond the visual line of sight of the operator;

(ii) less than 400 feet above the ground;

(iii) during daylight conditions;

(iv) within Class G airspace; and

(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

(c) PUBLIC ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall permit the use of, and may issue guidance regarding, the use of public actively tethered unmanned aircraft systems that are—

(A) operated at an altitude of less than 150 feet above ground level;

(B) operated—

(i) within class G airspace; or

(ii) at or below the ceiling depicted on the Federal Aviation Administration's published UAS facility maps for class B, C, D, or E surface area airspace;

(C) not flown directly over non-participating persons;

(D) operated within visual line of sight of the operator; and

(E) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) REQUIREMENTS.—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—Public actively tethered unmanned aircraft systems operated

within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(Added Pub. L. 115-254, div. B, title III, §346(a), Oct. 5, 2018, 132 Stat. 3294.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (b) of this section were contained in section 334(a) and (c) of Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §346(b)(2), Oct. 5, 2018, 132 Stat. 3295. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE

Pub. L. 115-254, div. B, title III, §368, Oct. 5, 2018, 132 Stat. 3310, provided that: "Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities."

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, operation over

people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

(c) **REQUIREMENTS FOR SAFE OPERATION.**—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.

(d) **SUNSET.**—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective March 8, 2024.

(Added Pub. L. 115–254, div. B, title III, §347(a), Oct. 5, 2018, 132 Stat. 3296; amended Pub. L. 118–15, div. B, title II, §2202(c), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(c), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 333 of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §347(b)(2), Oct. 5, 2018, 132 Stat. 3296. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

AMENDMENTS

2023—Subsec. (d). Pub. L. 118–34 substituted “March 8, 2024” for “December 31, 2023”.

Pub. L. 118–15 substituted “December 31, 2023” for “September 30, 2023”.

§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

(b) **CONTENTS.**—Any rulemaking conducted under subsection (a) shall provide for the following:

(1) Use performance-based requirements.

(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

(4) Include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

(A) airworthiness of small unmanned aircraft systems;

(B) qualifications for operators and the type and nature of the operations;

(C) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations; and

(D) the views of State, local, and tribal officials related to potential impacts of the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the communities to be served.

(5) **SMALL UAS.**—The Secretary may amend part 298 of title 14, Code of Federal Regulations, to update existing regulations to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such authority shall only require—

(A) registration with the Department of Transportation;

(B) authorization from the Federal Aviation Administration to conduct operations; and

(C) compliance with chapters 401, 411, and 417.

(6) **AVAILABILITY OF CURRENT CERTIFICATION PROCESSES.**—Pending completion of the rulemaking required in subsection (a) of this section, a person may seek an air carrier operating certificate and certificate of public convenience and necessity, or an exemption from such certificate, using existing processes.

(Added Pub. L. 115–254, div. B, title III, §348(a), Oct. 5, 2018, 132 Stat. 3297.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

§ 44809. Exception for limited recreational operations of unmanned aircraft

(a) **IN GENERAL.**—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization’s set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

(6) In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

(b) OTHER OPERATIONS.—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

(c) OPERATIONS AT FIXED SITES.—

(1) OPERATING PROCEDURE REQUIRED.—Persons operating unmanned aircraft under subsection (a) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization conducting a sanctioned event within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

(2) UNMANNED AIRCRAFT WEIGHING MORE THAN 55 POUNDS.—A person may operate an unmanned aircraft weighing more than 55 pounds, including the weight of anything attached to or carried by the aircraft, under subsection (a) if—

(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

(B) the aircraft is operated from a fixed site as described in paragraph (1).

(d) UPDATES.—

(1) IN GENERAL.—The Administrator, in consultation with government, stakeholders, and community-based organizations, shall initiate a process to periodically update the operational parameters under subsection (a), as appropriate.

(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

(A) appropriate operational limitations to mitigate risks to aviation safety and national security, including risk to the uninvolved public and critical infrastructure;

(B) operations outside the membership, guidelines, and programming of a community-based organization;

(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

(D) trends in use, enforcement, or incidents involving unmanned aircraft systems;

(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology; and

(F) equipage requirements that facilitate safe, efficient, and secure operations and further integrate all unmanned aircraft into the national airspace system.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require a person operating an unmanned aircraft under this section to seek permissive authority of the Administrator, beyond that required in subsection (a) of this section, prior to operation in the national airspace system.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

(f) EXCEPTIONS.—Nothing in this section prohibits the Administrator from promulgating rules generally applicable to unmanned aircraft, including those unmanned aircraft eligible for the exception set forth in this section, relating to—

(1) updates to the operational parameters for unmanned aircraft in subsection (a);

(2) the registration and marking of unmanned aircraft;

(3) the standards for remotely identifying owners and operators of unmanned aircraft systems and associated unmanned aircraft; and

(4) other standards consistent with maintaining the safety and security of the national airspace system.

(g) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be administered electronically by the Administrator, a community-based organization, or a person designated by the Administrator.

(2) REQUIREMENTS.—The Administrator shall ensure the aeronautical knowledge and safety test is designed to adequately demonstrate an operator's—

(A) understanding of aeronautical safety knowledge; and

(B) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

(h) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term “community-based organization” means a membership-based association entity that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

(3) the mission of which is demonstrably the furtherance of model aviation;

(4) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;

(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

(i) **RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.**—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of the date of enactment of this section that identifies the criteria and process required for recognition of community-based organizations.

(Added Pub. L. 115–254, div. B, title III, §349(a), Oct. 5, 2018, 132 Stat. 3298.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (g)(1) and (i), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (h)(1), (2), is classified to section 501 of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (e) of this section were contained in section 336(a) and (b) of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §349(b)(2), Oct. 5, 2018, 132 Stat. 3300. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

Statutory Notes and Related Subsidiaries

USE OF UNMANNED AIRCRAFT SYSTEMS FOR EDUCATIONAL PURPOSES

Pub. L. 115–254, div. B, title III, §350, Oct. 5, 2018, 132 Stat. 3300, as amended by Pub. L. 116–283, div. H, title C, §10002, Jan. 1, 2021, 134 Stat. 4863, provided that:

“(a) **EDUCATIONAL AND RESEARCH PURPOSES.**—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a ‘recreational purpose’ as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system—

“(1) operated by an institution of higher education for educational or research purposes;

“(2) flown as part of an established Junior Reserve Officers’ Training Corps (JROTC) program for education or research purposes; or

“(3) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).

“(b) **UPDATES.**—In updating an operational parameter under subsection (d)(1) of such section for unmanned

aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

“(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution’s curricula or research;

“(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

“(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

“(c) **DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.**—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

“(d) **DEFINITIONS.**—In this section:

“(1) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) **EDUCATIONAL OR RESEARCH PURPOSES.**—The term ‘education or research purposes’, with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

“(A) instruction of students at the institution;

“(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

“(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

“(D) other academic activities approved by the institution.

“(e) **STATUTORY CONSTRUCTION.**—

“(1) **ENFORCEMENT.**—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

“(2) **REGULATIONS AND STANDARDS.**—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.”

§ 44810. Airport safety and airspace hazard mitigation and enforcement

(a) **COORDINATION.**—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(b) **PLAN.**—

(1) **IN GENERAL.**—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

(2) **CONTENTS.**—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the

Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply to an aviation rulemaking committee chartered under this paragraph.

(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data.

(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary² of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),¹ sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection³ (c) and (d).

(h) SUNSET.—This section ceases to be effective March 8, 2024.

(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Ad-

ministrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

(Added Pub. L. 115–254, div. B, title III, §383(a), Oct. 5, 2018, 132 Stat. 3321; amended Pub. L. 118–15, div. B, title II, §2202(d), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(d), Dec. 26, 2023, 137 Stat. 1113.)

Editorial Notes

REFERENCES IN TEXT

The Aircraft Sabotage Act, referred to in subsec. (g), is part B (§§2011–2015) of chapter XX of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2187. Section 2013(b) of the Act generally amended section 32 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 31 of Title 18 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

The Computer Fraud and Abuse Act of 1986, referred to in subsec. (g), is Pub. L. 99–474, §1, Oct. 16, 1986, 100 Stat. 1213, which amended section 1030 of Title 18, Crimes and Criminal Procedure. Section 1031 of Title 18 was enacted by Pub. L. 100–700, known as the Major Fraud Act of 1988.

AMENDMENTS

2023—Subsec. (h). Pub. L. 118–34 substituted “March 8, 2024” for “December 31, 2023”.

Pub. L. 118–15 substituted “December 31, 2023” for “September 30, 2023”.

Statutory Notes and Related Subsidiaries

COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY

Pub. L. 115–254, div. B, title III, §365, Oct. 5, 2018, 132 Stat. 3310, provided that: “In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.”

ENFORCEMENT

Pub. L. 115–254, div. B, title III, §372, Oct. 5, 2018, 132 Stat. 3312, as amended by Pub. L. 118–15, div. B, title II, §2202(q), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, §102(q), Dec. 26, 2023, 137 Stat. 1114, provided that:

“(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

“(b) REPORTING.—As part of the pilot program, the Administrator shall establish and publicize a mecha-

¹ See References in Text note below.

² So in original. Probably should be preceded by “the”.

³ So in original. Probably should be “subsections”.

nism for the public and Federal, State, and local law enforcement to report suspected operation of unmanned aircraft in violation of applicable Federal laws and regulations.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018], and annually thereafter through the duration of the pilot program established in subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the following:

“(1) The number of unauthorized unmanned aircraft operations detected in restricted airspace, including in and around airports, together with a description of such operations.

“(2) The number of enforcement cases brought by the Federal Aviation Administration or other Federal agencies for unauthorized operation of unmanned aircraft detected through the program, together with a description of such cases.

“(3) Recommendations for safety and operational standards for unmanned aircraft detection and mitigation systems.

“(4) Recommendations for any legislative or regulatory changes related to mitigation or detection or identification of unmanned aircraft systems.

“(d) SUNSET.—The pilot program established in subsection (a) shall terminate on March 8, 2024.

“(e) CIVIL PENALTIES.—[Amended section 46301 of this title.]

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this subtitle or any other applicable provision of aviation safety law or regulation using remote detection or identification or other technology following the sunset of the pilot program.”

CHAPTER 449—SECURITY

SUBCHAPTER I—REQUIREMENTS

- Sec.
- 44901. Screening passengers and property.
- 44902. Refusal to transport passengers and property.
- 44903. Air transportation security.
- 44904. Domestic air transportation system security.
- 44905. Information about threats to civil aviation.
- 44906. Foreign air carrier security programs.
- 44907. Security standards at foreign airports.
- 44908. Travel advisory and suspension of foreign assistance.
- 44909. Passenger manifests.
- 44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security.
- 44911. Intelligence.
- 44912. Research and development.
- 44913. Explosive detection.
- 44914. Airport construction guidelines.
- 44915. Exemptions.
- 44916. Assessments and evaluations.
- 44917. Deployment of Federal air marshals.
- 44918. Crew training.
- 44919. PreCheck Program.
- 44920. Security screening opt-out program.¹
- 44921. Federal flight deck officer program.
- 44922. Deputization of State and local law enforcement officers.
- 44923. Airport security improvement projects.
- 44924. Repair station security.
- 44925. Deployment and use of detection equipment at airport screening checkpoints.
- 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.

¹Section catchline amended by Pub. L. 115-254 without corresponding amendment of chapter analysis.

- 44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans.
- 44928. Honor Flight program.
- 44929. Donation of screening equipment to protect the United States.

SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

- 44931. Authority to exempt.
- 44932. Administrative.
- 44933. Federal Security Managers.
- 44934. Foreign Security Liaison Officers.
- 44935. Employment standards and training.
- 44936. Employment investigations and restrictions.
- 44937. Prohibition on transferring duties and powers.
- 44938. Reports.
- 44939. Training to operate certain aircraft.
- 44940. Security service fee.
- 44941. Immunity for reporting suspicious activities.
- 44942. Performance goals and objectives.
- 44943. Performance management system.
- 44944. Voluntary provision of emergency services.
- 44945. Disposition of unclaimed money and clothing.
- 44946. Aviation Security Advisory Committee.
- 44947. Air cargo security division.
- 44948. National Deployment Office.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, div. K, title I, §§1937(b)(2), 1943(b), 1955(a)(2), 1988(b), 1991(j)(2), 1992, Oct. 5, 2018, 132 Stat. 3579, 3584, 3596, 3623, 3646, added items 44929, 44931, 44932, 44942, 44943, 44947, and 44948 and substituted “PreCheck Program” for “Security screening pilot program” in item 44919 and “Deputization” for “Deputation” in item 44922.

2014—Pub. L. 113-238, §2(b), Dec. 18, 2014, 128 Stat. 2846, which directed amendment of analysis for subchapter II of chapter 449 of title 49 by adding item 44946 at the end, was executed by adding item 44946 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 113-221, §2(b), Dec. 16, 2014, 128 Stat. 2094, which directed amendment of analysis for title 49 by adding item 44928 after item 44927, was executed by adding item 44928 to analysis for this chapter, to reflect the probable intent of Congress.

2013—Pub. L. 113-27, §2(b), Aug. 9, 2013, 127 Stat. 504, which directed amendment of analysis for subchapter I of chapter 449 by adding item 44927 after item 44926, was executed by adding item 44927 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112-271, §2(b), Jan. 14, 2013, 126 Stat. 2447, substituted “Disposition of unclaimed money and clothing” for “Disposition of unclaimed money” in item 44945.

2007—Pub. L. 110-53, title XVI, §1606(b), Aug. 3, 2007, 121 Stat. 483, added item 44926.

2004—Pub. L. 108-458, title IV, §4013(b), Dec. 17, 2004, 118 Stat. 3720, added item 44925.

Pub. L. 108-334, title V, §515(c), Oct. 18, 2004, 118 Stat. 1318, added item 44945.

2003—Pub. L. 108-176, title VI, §§605(b)(3), 611(b)(2), Dec. 12, 2003, 117 Stat. 2568, 2572, added items 44923 and 44924.

Pub. L. 108-7, div. I, title III, §351(c), Feb. 20, 2003, 117 Stat. 420, added item 44922.

2002—Pub. L. 107-296, title XIV, §1402(b)(1), Nov. 25, 2002, 116 Stat. 2305, added item 44921.

2001—Pub. L. 107-71, title I, §§101(f)(6), 105(b), 107(b), 108(b), 113(b), 125(b), 131(b), Nov. 19, 2001, 115 Stat. 603, 607, 611, 613, 622, 632, 635, added items 44917 to 44920, 44939, 44941, and 44944 and struck out items 44931 “Director of Intelligence and Security” and 44932 “Assistant Administrator for Civil Aviation Security”.

Pub. L. 107-71, title I, §118(b), Nov. 19, 2001, 115 Stat. 627, which directed addition of item 44940 to the anal-

ysis for chapter 449 without specifying the Code title to be amended, was executed by adding item 44940 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104-264, title III, §312(b), Oct. 9, 1996, 110 Stat. 3254, added item 44916.

SUBCHAPTER I—REQUIREMENTS

§ 44901. Screening passengers and property

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5), except as otherwise provided in section 44920 and except for identifying passengers and baggage for screening under the CAPPs and known shipper programs and conducting positive bag-match programs.

(b) **SUPERVISION OF SCREENING.**—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

(c) **CHECKED BAGGAGE.**—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable.

(d) **EXPLOSIVES DETECTION SYSTEMS.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall take all necessary action to ensure that—

(A) explosives detection systems are deployed as soon as possible to ensure that all United States airports described in section 44903(c) have sufficient explosives detection systems to screen all checked baggage, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

(B) all systems deployed under subparagraph (A) are fully utilized; and

(C) if explosives detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

(2) **PRECLEARANCE AIRPORTS.**—

(A) **IN GENERAL.**—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Administrator of the Transportation Security Administration may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(B) **AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.**—In this paragraph, the term “aviation security preclearance agreement” means an agreement that delineates and implements security standards and protocols that are determined by the Administrator of the Transportation Security Administration, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

(C) **RESCREENING REQUIREMENT.**—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel rescreen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.

(D) **REPORT.**—The Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Administrator determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosives detection system before such baggage continued on an additional flight or flight segment.

(ii) The amount of Federal savings generated from the exercise of such authority.

(e) **MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.**—As soon as practicable and until the requirements of subsection (b)(1)(A) are met, the Administrator of the Transportation Security Administration shall require alternative means for screening any piece of checked baggage that is not screened by an explosives detection system. Such alternative means may include 1 or more of the following:

(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

(2) Manual search.

(3) Search by canine explosives detection units in combination with other means.

(4) Other means or technology approved by the Administrator.

(f) **CARGO DEADLINE.**—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable.

(g) **AIR CARGO ON PASSENGER AIRCRAFT.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

(2) **MINIMUM STANDARDS.**—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

(3) **REGULATIONS.**—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

(4) **SCREENING DEFINED.**—In this subsection the term “screening” means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(h) **DEPLOYMENT OF ARMED PERSONNEL.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

(2) **MINIMUM REQUIREMENTS.**—Except at airports required to enter into agreements under subsection (c), the Administrator of the Transportation Security Administration shall order the deployment of at least 1 law enforcement

officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Administrator shall order the deployment of additional law enforcement personnel at airport security screening locations if the Administrator determines that the additional deployment is necessary to ensure passenger safety and national security.

(i) **EXEMPTIONS AND ADVISING CONGRESS ON REGULATIONS.**—The Administrator of the Transportation Security Administration—

(1) may exempt from this section air transportation operations, except scheduled passenger operations of an air carrier providing air transportation under a certificate issued under section 41102 of this title or a permit issued under section 41302 of this title; and

(2) shall advise Congress of a regulation to be prescribed under this section at least 30 days before the effective date of the regulation, unless the Administrator decides an emergency exists requiring the regulation to become effective in fewer than 30 days and notifies Congress of that decision.

(j) **BLAST-RESISTANT CARGO CONTAINERS.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall—

(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before August 3, 2007; and

(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees¹ of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

(2) **ACQUISITION, MAINTENANCE, AND REPLACEMENT.**—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

(B) pay for the program; and

(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

(3) **DISTRIBUTION TO AIR CARRIERS.**—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.

(k) **GENERAL AVIATION AIRPORT SECURITY PROGRAM.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall—

(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m));² and

¹ So in original. Probably should be “committees”.

² See References in Text note below.

(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

(2) GRANT PROGRAM.—The Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m))¹ for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—The Administrator shall develop a risk-based system under which—

(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

(B) such information is checked against appropriate databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).

(I) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ADVANCED IMAGING TECHNOLOGY.—The term “advanced imaging technology”—

(i) means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as “whole-body imaging technology” or “body scanning machines”.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term “automatic target recognition software” means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

(2) USE OF ADVANCED IMAGING TECHNOLOGY.—The Administrator of the Transportation Security Administration shall ensure that any advanced imaging technology used for the screening of passengers under this section—

(A) is equipped with and employs automatic target recognition software; and

(B) complies with such other requirements as the Administrator determines necessary to address privacy considerations.

(3) EXTENSION.—

(A) IN GENERAL.—The Administrator of the Transportation Security Administration may extend the deadline specified in paragraph (2), if the Administrator determines that—

(i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software; or

(ii) additional testing of such software is necessary.

(B) DURATION OF EXTENSIONS.—The Administrator of the Transportation Security Administration may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator of the Transportation Security Administration issues any extension under paragraph (3), the Administrator shall submit to the appropriate congressional committees a report on the implementation of this subsection.

(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:

(i) A description of all matters the Administrator of the Transportation Security Administration considers relevant to the implementation of the requirements of this subsection.

(ii) The status of compliance by the Transportation Security Administration with such requirements.

(iii) If the Administration is not in full compliance with such requirements—

(I) the reasons for the noncompliance; and

(II) a timeline depicting when the Administrator of the Transportation Security Administration expects the Administration to achieve full compliance.

(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107-71, title I, §§101(f)(7), 110(b), Nov. 19, 2001, 115 Stat. 603, 614; Pub. L. 107-296, title IV, §425, Nov. 25, 2002, 116 Stat. 2185; Pub. L. 110-53, title XVI, §§1602(a), 1609, 1617, Aug. 3, 2007, 121 Stat. 477, 484, 488; Pub. L. 112-95, title VIII, §826, Feb. 14, 2012, 126 Stat. 132; Pub. L. 112-218, §2, Dec. 20, 2012, 126 Stat. 1593; Pub. L. 114-125, title VIII, §815, Feb. 24, 2016, 130 Stat. 220; Pub. L. 115-254, div. K, title I, §§1937(b)(3), 1991(d)(1), Oct. 5, 2018, 132 Stat. 3579, 3627.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44901(a)	49 App.:1356(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §315(a) (1st, 2d sentences, 3d sentence 19th-last words); added Aug. 5, 1974, Pub. L. 93-366, §202, 88 Stat. 415; Aug. 8, 1985, Pub. L. 99-83, §551(b)(1), 99 Stat. 225.
44901(b)	49 App.:1356(a) (2d sentence).	
44901(c)(1) ..	49 App.:1356(c).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §315(c); added Aug. 5, 1974, Pub. L. 93-366, §202, 88 Stat. 415; Nov. 16, 1990, Pub. L. 101-604, §102(a), 104 Stat. 3068.
44901(c)(2) ..	49 App.:1356(a) (3d sentence 19th-last words).	

In subsection (a), the words “or continue in effect reasonable”, “intended”, and “the aircraft for such transportation” are omitted as surplus.

In subsection (b), the words “Notwithstanding subsection (a) of this section” are added for clarity. The words “One year after August 5, 1974, or after the effective date of such regulations, whichever is later” are omitted as executed. The words “alter or”, “a continuation of”, “the extent deemed necessary to”, and “acts of” are omitted as surplus.

In subsection (c)(1), the words “in whole or in part” and “those” are omitted as surplus. The word “providing” is substituted for “engaging in” for consistency in the revised title. The words “interstate, overseas, or foreign” are omitted because of the definition of “air transportation” in section 40102(a) of the revised title. The words “of public convenience and necessity”, “by the Civil Aeronautics Board”, “foreign air carrier”, and “by the Board” are omitted as surplus.

In subsection (c)(2), the words “or amendments thereto” and “or amendments” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (g)(4), is section 1602(b) of Pub. L. 110-53, title XVI, Aug. 3, 2007, 121 Stat. 479, which is not classified to the Code.

Section 47134(m), referred to in subsec. (k)(1)(A), (2), is section 47134(m) of this title, which was repealed by Pub. L. 115-254, div. B, title I, §160(a)(6), Oct. 5, 2018, 132 Stat. 3221.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(1)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” and struck out “, United States Code” after “title 5”.

Pub. L. 115-254, §1937(b)(3), struck out “44919 or” before “44920”.

Subsec. (c). Pub. L. 115-254, §1991(d)(1)(B), struck out “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act” before period at end.

Subsec. (d)(1). Pub. L. 115-254, §1991(d)(1)(C)(i)(I), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 115-254, §1991(d)(1)(C)(i)(II), struck out “no later than December 31, 2002” after “to screen all checked baggage”.

Subsec. (d)(2). Pub. L. 115-254, §1991(d)(1)(C)(ii), (iii), redesignated par. (4) as (2) and struck out former par. (2) which related to determination by the Under Secretary of Transportation for Security that the Transportation Security Administration would not be able to

deploy required explosives detection systems at certain airports by Dec. 31, 2002.

Subsec. (d)(2)(A). Pub. L. 115-254, §1991(d)(1)(C)(iv)(I), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary (Transportation Security Administration)”.

Subsec. (d)(2)(B). Pub. L. 115-254, §1991(d)(1)(C)(iv)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

Subsec. (d)(2)(D). Pub. L. 115-254, §1991(d)(1)(C)(iv)(III), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” and, in cl. (i), substituted “Administrator” for “Assistant Secretary”.

Subsec. (d)(3), (4). Pub. L. 115-254, §1991(d)(1)(C)(ii), (iii), struck out par. (3) and redesignated par. (4) as (2). Prior to amendment, text of par. (3) read as follows: “Until the Transportation Security Administration has met the requirements of paragraph (1), the Under Secretary shall submit a classified report every 30 days after the date of enactment of this Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the progress made toward meeting such requirements at each airport.”

Subsec. (e). Pub. L. 115-254, §1991(d)(1)(D)(i), in introductory provisions, struck out “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act” after “practicable” and substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(4). Pub. L. 115-254, §1991(d)(1)(D)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (f). Pub. L. 115-254, §1991(d)(1)(E), struck out “after the date of enactment of the Aviation and Transportation Security Act” before period at end.

Subsec. (g)(1). Pub. L. 115-254, §1991(d)(1)(F)(i), substituted “The” for “Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the”.

Subsec. (g)(2). Pub. L. 115-254, §1991(d)(1)(F)(ii), substituted “baggage.” for “baggage as follows:

“(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

“(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.”

Subsec. (g)(3). Pub. L. 115-254, §1991(d)(1)(F)(iii), amended par. (3) generally. Prior to amendment, par. (3) related to the issuance by the Secretary of Homeland Security of an interim final rule and a final rule implementing subsec. (g).

Subsec. (g)(4), (5). Pub. L. 115-254, §1991(d)(1)(F)(iv), (v), redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text of par. (4) read as follows: “Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.”

Subsec. (h)(1). Pub. L. 115-254, §1991(d)(1)(G)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (h)(2). Pub. L. 115-254, §1991(d)(1)(G)(ii), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in first sentence, and “Administrator” for “Under Secretary” in two places in second sentence.

Subsec. (i). Pub. L. 115-254, §1991(d)(1)(H)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in introductory provisions.

Subsec. (i)(2). Pub. L. 115-254, §1991(d)(1)(H)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (j)(1). Pub. L. 115-254, §1991(d)(1)(I)(i), substituted “The” for “Before January 1, 2008, the” in introductory provisions.

Subsec. (j)(1)(A). Pub. L. 115-254, §1991(d)(1)(I)(ii), substituted “August 3, 2007” for “the date of enactment of this subsection”.

Subsec. (k)(1). Pub. L. 115-254, §1991(d)(1)(J)(i), substituted “The” for “Not later than one year after the date of enactment of this subsection, the” in introductory provisions.

Subsec. (k)(2). Pub. L. 115-254, §1991(d)(1)(J)(ii), substituted “The” for “Not later than 6 months after the date of enactment of this subsection, the”.

Subsec. (k)(3). Pub. L. 115-254, §1991(d)(1)(J)(iii), substituted “The” for “Not later than 180 days after the date of enactment of this subsection, the” in introductory provisions.

Subsec. (l)(2). Pub. L. 115-254, §1991(d)(1)(K)(i)(I), substituted “The Administrator of the Transportation Security Administration” for “Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (l)(2)(B). Pub. L. 115-254, §1991(d)(1)(K)(i)(II), substituted “Administrator” for “Assistant Secretary”.

Subsec. (l)(3)(A). Pub. L. 115-254, §1991(d)(1)(K)(ii)(I), substituted “Administrator of the Transportation Security Administration may extend” for “Assistant Secretary may extend” and “Administrator determines” for “Assistant Secretary determines” in introductory provisions.

Subsec. (l)(3)(B). Pub. L. 115-254, §1991(d)(1)(K)(ii)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

Subsec. (l)(4)(A). Pub. L. 115-254, §1991(d)(1)(K)(iii)(I), struck out “60 days after the deadline specified in paragraph (2), and not later than” after “Not later than” and substituted “Administrator of the Transportation Security Administration issues” for “Assistant Secretary issues” and “Administrator shall” for “Assistant Secretary shall”.

Subsec. (l)(4)(B)(i), (iii)(II). Pub. L. 115-254, §1991(d)(1)(K)(iii)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

2016—Subsec. (d)(4)(C), (D). Pub. L. 114-125 added subpar. (C) and redesignated former subpar. (C) as (D).

2012—Subsec. (d). Pub. L. 112-218, §2(b), which directed substitution of “explosives” for “explosive” wherever appearing in this section, was executed in subsec. (d) by making such substitution wherever appearing in text as well as by substituting “Explosives” for “Explosive” in heading, to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 112-218, §2(a), added par. (4).

Subsec. (e). Pub. L. 112-218, §2(b), substituted “explosives” for “explosive” in introductory provisions and in par. (3).

Subsec. (l). Pub. L. 112-95 added subsec. (l).

2007—Subsecs. (g) to (i). Pub. L. 110-53, §1602(a), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

Subsec. (j). Pub. L. 110-53, §1609, added subsec. (j).

Subsec. (k). Pub. L. 110-53, §1617, added subsec. (k).

2002—Subsec. (d)(2), (3). Pub. L. 107-296 added pars. (2) and (3).

2001—Subsec. (a). Pub. L. 107-71, §110(b)(2), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “The Administrator of the Federal Aviation Administration shall prescribe regulations requiring screening of all passengers and property that will be carried in a cabin of an aircraft in air transportation or intrastate air transportation. The screening must take place before boarding and be carried out by a weapon-detecting facility or procedure used or operated by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier.”

Subsec. (b). Pub. L. 107-71, §110(b)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Notwithstanding subsection (a) of this section, the Administrator may amend a regulation prescribed under subsection (a) to require screen-

ing only to ensure security against criminal violence and aircraft piracy in air transportation and intrastate air transportation.”

Subsec. (c). Pub. L. 107-71, §110(b)(2), added subsec. (c). Former subsec. (c) redesignated (h).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions and par. (2).

Subsecs. (d) to (g). Pub. L. 107-71, §110(b)(2), added subsecs. (d) to (g).

Subsec. (h). Pub. L. 107-71, §110(b)(1), redesignated subsec. (c) as (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

SAVINGS PROVISION

Pub. L. 107-71, title I, §141, Nov. 19, 2001, 115 Stat. 643, provided that:

“(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act [see Tables for classification], those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

“(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

“(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

“(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration], any other authorized official, a court of competent jurisdiction, or operation of law.

“(c) PROCEEDINGS.—

“(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect [Nov. 19, 2001], insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

“(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such pro-

ceeding could have been discontinued or modified if this Act had not been enacted.

“(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

“(d) SUITS.—

“(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act [Nov. 19, 2001], except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

“(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

“(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

“(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

“(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

“(g) ACT DEFINED.—In this section, the term ‘Act’ includes the amendments made by this Act.”

TRANSITION PROVISIONS

Pub. L. 107-71, title I, §101(g), Nov. 19, 2001, 115 Stat. 603, provided that:

“(1) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall assume civil aviation security functions and responsibilities under chapter 449 of title 49, United States Code, as amended by this Act, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

“(2) ASSUMPTION OF CONTRACTS.—As of the date specified in paragraph (1), the Under Secretary may assume the rights and responsibilities of an air carrier or foreign air carrier contract for provision of passenger screening services at airports in the United States described in section 44903(c), subject to payment of adequate compensation to parties to the contract, if any.

“(3) ASSIGNMENT OF CONTRACTS.—

“(A) IN GENERAL.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 of title 49, United States Code, may enter into an

agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out the function, before the Under Secretary assumes responsibility for the function.

“(B) SCHEDULE.—The Under Secretary may enter into an agreement under subparagraph (A) as soon as possible, but not later than 90 days after the date of enactment of this Act [Nov. 19, 2001]. The Under Secretary may enter into such an agreement for one 180-day period and may extend such agreement for one 90-day period if the Under Secretary determines it necessary.

“(4) TRANSFER OF OWNERSHIP.—In recognition of the assumption of the financial costs of security screening of passengers and property at airports, and as soon as practical after the date of enactment of this Act [Nov. 19, 2001], air carriers may enter into agreements with the Under Secretary to transfer the ownership, at no cost to the United States Government, of any personal property, equipment, supplies, or other material associated with such screening, regardless of the source of funds used to acquire the property, that the Secretary determines to be useful for the performance of security screening of passengers and property at airports.

“(5) PERFORMANCE OF UNDER SECRETARY’S FUNCTIONS DURING INTERIM PERIOD.—Until the Under Secretary takes office, the functions of the Under Secretary that relate to aviation security may be carried out by the Secretary or the Secretary’s designee.”

TSA REACHING ACROSS NATIONALITIES, SOCIETIES, AND LANGUAGES TO ADVANCE TRAVELER EDUCATION

Pub. L. 117-263, div. G, title LXXI, §7131, Dec. 23, 2022, 136 Stat. 3644, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Administrator of the Transportation Security Administration (TSA) shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports.

“(b) CONTENTS.—The plan required under subsection (a) shall include the following:

“(1) An identification of the most common languages other than English that are the primary languages of individuals that travel through or work in each major airport.

“(2) A plan to improve—

“(A) TSA materials to communicate information in languages identified pursuant to paragraph (1); and

“(B) the communication of TSA material to individuals with vision or hearing impairments or other possible barriers to understanding such material.

“(c) CONSIDERATIONS.—In developing the plan required under subsection (a), the Administrator of the TSA, acting through the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA, shall take into consideration data regarding the following:

“(1) International enplanements.

“(2) Local populations surrounding major airports.

“(3) Languages spoken by members of Indian Tribes within each service area population in which a major airport is located.

“(d) IMPLEMENTATION.—Not later than 180 days after the submission of the plan required under subsection (a), the Administrator of the TSA, in consultation with the owner or operator of each major airport, shall implement such plan.

“(e) GAO REVIEW.—Not later than one year after the implementation pursuant to subsection (d) of the plan required under subsection (a), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of such implementation.

“(f) DEFINITIONS.—In this section:

“(1) AIRPORT.—The term ‘airport’ has the meaning given such term in section 40102 of title 49, United States Code.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act [Dec. 23, 2022] pursuant to section 104 of that Act (25 U.S.C. 5131).

“(3) MAJOR AIRPORTS.—The term ‘major airports’ means Category X and Category I airports.

“(4) NON-TRAVELING INDIVIDUAL.—The term ‘non-traveling individual’ has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations.

“(5) TSA MATERIAL.—The term ‘TSA material’ means signs, videos, audio messages, websites, press releases, social media postings, and other communications published and disseminated by the Administrator of the TSA in Category X and Category I airports for use by both traveling and non-traveling individuals.”

ONE-STOP PILOT PROGRAM

Pub. L. 117–263, div. G, title LXXI, §7132, Dec. 23, 2022, 136 Stat. 3645, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security and Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate.

“(3) TSA.—The term ‘TSA’ means the Transportation Security Administration of the Department of Homeland Security.

“(b) IMPLEMENTATION.—Notwithstanding [section] 44901(a) of title 49, United States Code, the Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection and the Secretary of State, may implement a pilot program at not more than six foreign last point of departure airports to permit passengers and their accessible property arriving on direct flights or flight segments originating at such participating foreign airports to continue on additional flights or flight segments originating in the United States without additional security re-screening if—

“(1) the initial screening was conducted in accordance with an aviation security screening agreement described in subsection (e);

“(2) passengers arriving from participating foreign airports are unable to access their checked baggage until the arrival at their final destination; and

“(3) upon arrival in the United States, passengers arriving from participating foreign airports do not come into contact with other arriving international passengers, those passengers’ property, or other persons who have not been screened or subjected to other appropriate security controls required for entry into the airport’s sterile area.

“(c) REQUIREMENTS FOR PILOT PROGRAM.—In carrying out this section, the Administrator shall ensure that there is no reduction in the level of security or specific TSA aviation security standards or requirements for screening passengers and their property prior to boarding an international flight bound for the United States, including specific aviation security standards and requirements regarding the following:

“(1) High risk passengers and their property.

“(2) Weapons, explosives, and incendiaries.

“(3) Screening passengers and property transferring at a foreign last point of departure airport from an-

other airport and bound for the United States, and addressing any commingling of such passengers and property with passengers and property screened under the pilot program described in subsection (b).

“(4) Insider risk at foreign last point of departure airports.

“(d) RE-SCREENING OF CHECKED BAGGAGE.—Subject to subsection (f), the Administrator may determine whether checked baggage arriving from participating foreign airports referenced in subsection (b) that screen using an explosives detection system must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

“(e) AVIATION SECURITY SCREENING AGREEMENT.—

“(1) IN GENERAL.—An aviation security screening agreement described in this subsection is a treaty, executive agreement, or non-binding instrument entered into with a foreign country that delineates and implements security standards and protocols utilized at a foreign last point of departure airport that are determined by the Administrator—

“(A) to be comparable to those of the United States; and

“(B) sufficiently effective to enable passengers and their accessible property to deplane into sterile areas of airports in the United States without the need for re-screening.

“(2) NON-DELEGATION.—The authority to approve an aviation security screening agreement may not be delegated below the level of the Secretary of State, the Secretary of Homeland Security, or the Administrator.

“(f) RE-SCREENING REQUIREMENT.—

“(1) IN GENERAL.—If the Administrator determines that a foreign country participating in the aviation security screening agreement has not maintained and implemented security standards and protocols comparable to those of the United States at foreign last point of departure airports at which a pilot program has been established in accordance with this section, the Administrator shall ensure that passengers and their property arriving from such airports are re-screened in the United States, including by using explosives detection systems in accordance with section 44901(d)(1) of title 49, United States Code, and implementing regulations and directives, before such passengers and their property are permitted into sterile areas of airports in the United States.

“(2) CONSULTATION.—If the Administrator has reasonable grounds to believe the other party to an aviation security screening agreement has not complied with such agreement, the Administrator shall request immediate consultation with such party.

“(3) SUSPENSION OR TERMINATION OF AGREEMENT.—If a satisfactory resolution between TSA and a foreign country is not reached within 45 days after a consultation request under paragraph (2) or in the case of the foreign country’s continued or egregious failure to maintain the security standards and protocols described in paragraph (1), the President, or with the concurrence of the Secretary of State, the Secretary of Homeland Security or the Administrator, as appropriate, shall suspend or terminate the aviation security screening agreement with such country, as determined appropriate by the President, the Secretary of Homeland Security, or the Administrator. The Administrator shall notify the appropriate congressional committees of such consultation and suspension or termination, as the case may be, not later than seven days after such consultation and suspension or termination.

“(g) BRIEFINGS TO CONGRESS.—Not later than 45 days before an aviation security screening agreement described in subsection (e) enters into force, the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

“(1) An aviation security threat assessment for the country in which such foreign last point of departure airport is located.

“(2) Information regarding any corresponding mitigation efforts to address any security issues identified in such threat assessment, including any plans for joint covert testing.

“(3) Information on potential security vulnerabilities associated with commencing a pilot program at such foreign last point of departure airport pursuant to subsection (b) and mitigation plans to address such potential security vulnerabilities.

“(4) An assessment of the impacts such pilot program will have on aviation security.

“(5) An assessment of the screening performed at such foreign last point of departure airport, including the feasibility of TSA personnel monitoring screening, security protocols, and standards.

“(6) Information regarding identifying the entity or entities responsible for screening passengers and property at such foreign last point of departure airport.

“(7) The name of the entity or local authority and any contractor or subcontractor.

“(8) Information regarding the screening requirements relating to such aviation security screening agreement.

“(9) Details regarding information sharing mechanisms between the TSA and such foreign last point of departure airport, screening authority, or entity responsible for screening provided for under such aviation security screening agreement.

“(10) A copy of the aviation security screening agreement, which shall identify the foreign last point of departure airport or airports at which a pilot program under this section is to be established.

“(h) CERTIFICATIONS RELATING TO THE PILOT PROGRAM FOR ONE-STOP SECURITY.—For each aviation security screening agreement described in subsection (e), the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

“(1)(A) A certification that such agreement satisfies all of the requirements specified in subsection (c); or

“(B) in the event that one or more of such requirements are not so satisfied, a description of the unsatisfied requirement and information on what actions the Administrator will take to ensure that such remaining requirements are satisfied before such agreement enters into force.

“(2) A certification that TSA and U.S. Customs and Border Protection have ensured that any necessary physical modifications or appropriate mitigations exist in the domestic one-stop security pilot program airport prior to receiving international passengers from a last point of departure airport under the aviation security screening agreement.

“(3) A certification that a foreign last point of departure airport covered by an aviation security screening agreement has an operation to screen all checked bags as required by law, regulation, or international agreement, including the full utilization of explosives detection systems to the extent applicable.

“(4) A certification that the Administrator consulted with stakeholders, including air carriers, aviation nonprofit labor organizations, airport operators, relevant interagency partners, and other stakeholders that the Administrator determines appropriate.

“(i) REPORT TO CONGRESS.—Not later than five years after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Homeland Security, in coordination with the Administrator, shall submit to the appropriate congressional committees a report regarding the implementation of the pilot program authorized under this section, including information relating to the following:

“(1) The impact of such program on homeland security and international aviation security, including any benefits and challenges of such program.

“(2) The impact of such program on passengers, airports, and air carriers, including any benefits and challenges of such program.

“(3) The impact and feasibility of continuing such program or expanding it into a more permanent program, including any benefits and challenges of such continuation or expansion.

“(j) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of U.S. Customs and Border Protection to inspect persons and baggage arriving in the United States in accordance with applicable law.

“(k) SUNSET.—The pilot program authorized under this section shall terminate on the date that is six years after the date of the enactment of this Act.”

PLAN TO REDUCE THE SPREAD OF CORONAVIRUS AT PASSENGER SCREENING CHECKPOINTS

Pub. L. 117-81, div. F, title LXIV, §6415, Dec. 27, 2021, 135 Stat. 2413, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID-19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

“(b) CONTENTS.—The plan required under subsection (a) shall include the following:

“(1) An identification of best practices developed and screening technologies deployed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

“(2) Specific operational changes to aviation security screening operations informed by the identification of best practices and screening technologies under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

“(c) CONSIDERATIONS.—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

“(1) Aviation security screening procedures and practices in place at security screening locations, including procedures and practices implemented in response to the coronavirus.

“(2) Volume and average wait times at each such security screening location.

“(3) Public health measures already in place at each such security screening location.

“(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

“(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID-19 national emergency beyond the end of such emergency.

“(d) CONSULTATION.—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code.

“(e) SUBMISSION.—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(f) ISSUANCE AND IMPLEMENTATION.—The Administrator shall not be required to issue or implement, as

the case may be, the plan required under subsection (a) upon the termination of the COVID-19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

“(g) GAO REVIEW.—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review, if appropriate, of such plan and any efforts to implement such plan.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) The term ‘coronavirus’ has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123) [134 Stat. 155].

“(3) The term ‘COVID-19 national emergency’ means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

“(4) The term ‘public and private stakeholders’ has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

“(5) The term ‘TSA’ means the Transportation Security Administration.”

SCREENING OUTSIDE PRIMARY PASSENGER TERMINAL SCREENING AREA PILOT PROGRAM

Pub. L. 116-6, div. A, title II, §225, Feb. 15, 2019, 133 Stat. 25, as amended by Pub. L. 116-260, div. F, title II, §223, Dec. 27, 2020, 134 Stat. 1459; Pub. L. 117-328, div. F, title II, §222, Dec. 29, 2022, 136 Stat. 4737, provided that:

“(a) Subject to the provisions of this section, the Administrator of the Transportation Security Administration (hereafter in this section referred to as ‘the Administrator’) may conduct a pilot program to provide screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or would be eligible to be provided under the Transportation Security Administration’s annually appropriated passenger screening program as a primary passenger terminal screening area.

“(b) Any request for screening services under subsection (a) shall be initiated only at the request of a public or private entity regulated by the Transportation Security Administration; shall be made in writing to the Administrator; and may only be submitted to the Transportation Security Administration after consultation with the relevant local airport authority.

“(c) The Administrator may provide the requested screening services under subsection (a) if the Administrator provides a certification to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that implementation of subsection (a) does not reduce the security or efficiency of screening services already provided in primary passenger terminals at any impacted airports.

“(d) No screening services may be provided under subsection (a) unless the requesting entity agrees in writing to the scope of the screening services to be provided, and agrees to compensate the Transportation Security Administration for all reasonable personnel and non-personnel costs, including overtime, of providing the screening services.

“(e) The authority available under this section is effective for fiscal years 2019 through 2025 and may be utilized at not more than eight locations for transportation security purposes.

“(f) Notwithstanding any other provision of law, an airport authority, air carrier, or other requesting entity shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

“(1) an airport authority’s or other entity’s decision to request that the Transportation Security Administration provide passenger screening services outside of a primary passenger terminal screening area; or

“(2) any act of negligence, gross negligence, or intentional wrongdoing by employees of the Transportation Security Administration providing passenger and property security screening services at a pilot program screening location.

“(g) Notwithstanding any other provision of law, any compensation received by the Transportation Security Administration under subsection (d) shall be credited to the account used to finance the provision of reimbursable security screening services under subsection (a).

“(h) The Administrator shall submit to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate—

“(1) an implementation plan for the pilot programs under subsection (a), including the application process, that is due by 90 days after the date of enactment of this Act [Feb. 15, 2019];

“(2) an evaluation plan for the pilot programs; and

“(3) annual performance reports, by not later than 60 days after the end of each fiscal year in which the pilot programs are in operation, including—

“(A) the amount of reimbursement received by the Transportation Security Administration from each entity in the pilot program for the preceding fiscal year, delineated by personnel and non-personnel costs;

“(B) an analysis of the results of the pilot programs corresponding to the evaluation plan required under paragraph (2);

“(C) any Transportation Security Administration staffing changes created at the primary passenger screening checkpoints and baggage screening as a result of the pilot program; and

“(D) any other unintended consequences created by the pilot program.

“(i) Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of the Transportation Security Administration.

“(j) For the purposes of this section, the term ‘airport’ means a commercial service airport as defined by section 47107(7) of title 49[,] United States Code.

“(k) For the purposes of this section, the term ‘screening services’ means the screening of passengers, flight crews, and their carry-on baggage and personal articles, and may include checked baggage screening if that type of screening is performed at an offsite location that is not part of a passenger terminal of a commercial airport.

“(l) For the purpose of this section, the term ‘primary passenger terminal screening area’ means the security checkpoints relied upon by airports as the principal points of entry to a sterile area of an airport.”

RECIPROCAL RECOGNITION OF SECURITY STANDARDS

Pub. L. 115-254, div. K, title I, §1914, Oct. 5, 2018, 132 Stat. 3555, provided that:

“(a) IN GENERAL.—The Administrator [of the Transportation Security Administration], in coordination with appropriate international aviation security authorities, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

“(b) REQUIREMENT.—The validation process shall ensure that the certification by each participating inter-

national security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA [Transportation Security Administration], the Department of Homeland Security, and the National Institute of Standards and Technology.”

REAL-TIME SECURITY CHECKPOINT WAIT TIMES

Pub. L. 115-254, div. K, title I, §1922, Oct. 5, 2018, 132 Stat. 3561, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall make available to the public information on wait times at each airport security checkpoint at which security screening operations are conducted or overseen by the TSA [Transportation Security Administration].

“(b) REQUIREMENTS.—The information described in subsection (a) shall be provided in real time via technology and published—

“(1) online; and

“(2) in physical locations at applicable airport terminals.

“(c) CONSIDERATIONS.—The Administrator shall only make the information described in subsection (a) available to the public if it can do so in a manner that does not increase public area security risks.

“(d) DEFINITION OF WAIT TIME.—In this section, the term ‘wait time’ means the period beginning when a passenger enters a queue for a screening checkpoint and ending when that passenger exits the checkpoint.”

SCREENING TECHNOLOGY REVIEW AND PERFORMANCE OBJECTIVES

Pub. L. 115-254, div. K, title I, §1924, Oct. 5, 2018, 132 Stat. 3562, provided that:

“(a) REVIEW OF TECHNOLOGY ACQUISITIONS PROCESS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with relevant officials of the Department [of Homeland Security], shall conduct a review of existing advanced transportation security screening technology testing and evaluation, acquisitions, and procurement practices within TSA [Transportation Security Administration].

“(2) CONTENTS.—Such review shall include—

“(A) identifying process delays and obstructions within the Department and the Administration regarding how such technology is identified, tested and evaluated, acquired, and deployed;

“(B) assessing whether the TSA can better leverage existing resources or processes of the Department for the purposes of technology testing and evaluation;

“(C) assessing whether the TSA can further encourage innovation and competition among technology stakeholders, including through increased participation of and funding for small business concerns (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632));

“(D) identifying best practices of other Department components or United States Government entities; and

“(E) a plan to address any problems or challenges identified by such review.

“(b) BRIEFING.—The Administrator shall provide to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a briefing on the findings of the review required under this section and a plan to address any problems or challenges identified by such review.

“(c) ACQUISITIONS AND PROCUREMENT ENHANCEMENT.—Incorporating the results of the review in subsection (a), the Administrator shall—

“(1) engage in outreach, coordination, and collaboration with transportation stakeholders to identify

and foster innovation of new advanced transportation security screening technologies;

“(2) streamline the overall technology development, testing, evaluation, acquisitions, procurement, and deployment processes of the Administration; and

“(3) ensure the effectiveness and efficiency of such processes.

“(d) ASSESSMENT.—The Secretary [of Homeland Security], in consultation with the Chief Privacy Officer of the Department, shall submit to the appropriate committees of Congress a compliance assessment of the TSA acquisition process relating to the health and safety risks associated with implementation of screening technologies.

“(e) PERFORMANCE OBJECTIVES.—The Administrator shall establish performance objectives for the testing and verification of security technology, including testing and verification conducted by appropriate third parties under section 1911 [49 U.S.C. 114 note], to ensure that progress is made, at a minimum, toward—

“(1) reducing time for each phase of testing while maintaining security (including testing for detection testing, operational testing, testing and verification framework, and field testing);

“(2) eliminating testing and verification delays; and

“(3) increasing accountability.

“(f) TRACKING.—

“(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish and continually track performance metrics for each type of security technology submitted for testing and verification, including testing and verification conducted by appropriate third parties under section 1911.

“(2) MEASURING PROGRESS TOWARD GOALS.—The Administrator shall use the metrics established and tracked under paragraph (1) to generate data on an ongoing basis and to measure progress toward the achievement of the performance objectives established under subsection (e).

“(3) REPORT REQUIRED.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (e), as measured by the performance metrics established and tracked under paragraph (1) of this subsection, have been met.

“(B) ELEMENTS.—The report required by subparagraph (A) shall include—

“(i) a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and

“(ii) a comparison of the progress achieved for testing and verification of security technology conducted by the TSA and the testing and verification of security technology conducted by third parties.

“(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

“(i) not include identifying information regarding an individual or entity or equipment; and

“(ii) protect proprietary information.

“(g) INFORMATION TECHNOLOGY SECURITY.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a plan to conduct recurring reviews of the operational, technical, and management security controls for Administration information technology systems at airports.”

COMPUTED TOMOGRAPHY PILOT PROGRAMS

Pub. L. 115-254, div. K, title I, §1925, Oct. 5, 2018, 132 Stat. 3563, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall carry out a pilot program to test the use of

screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

“(b) FEASIBILITY STUDY.—

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator, in coordination with the Under Secretary for Science and Technology of the Department [of Homeland Security], shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a feasibility study regarding expanding the use of computed tomography technology for the screening of air cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation, interstate air transportation, or interstate air commerce.

“(2) CONSIDERATIONS.—In conducting the feasibility study under paragraph (1), the Administrator shall consider the following:

“(A) Opportunities to leverage computed tomography systems used for screening passengers and baggage.

“(B) Costs and benefits of using computed tomography technology for screening air cargo.

“(C) An analysis of emerging computed tomography systems that may have potential to enhance the screening of air cargo, including systems that may address aperture challenges associated with screening certain categories of air cargo.

“(D) An analysis of emerging screening technologies, in addition to computed tomography, that may be used to enhance the screening of air cargo.

“(c) PILOT PROGRAM.—Not later than 120 days after the date the feasibility study is submitted under subsection (b), the Administrator shall initiate a 2-year pilot program to achieve enhanced air cargo security screening outcomes through the use of new or emerging screening technologies, such as computed tomography technology, as identified through such study.

“(d) UPDATES.—Not later than 60 days after the date the pilot program under subsection (c) is initiated, and biannually thereafter for 2 years, the Administrator shall brief the appropriate committees of Congress on the progress of implementation of such pilot program.

“(e) DEFINITIONS.—In this section:

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

“(2) AIR TRANSPORTATION.—The term ‘air transportation’ has the meaning given the term in section 40102 of title 49, United States Code.

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

“(4) INTERSTATE AIR COMMERCE.—The term ‘interstate air commerce’ has the meaning given the term in section 40102 of title 49, United States Code.

“(5) INTERSTATE AIR TRANSPORTATION.—The term ‘interstate air transportation’ has the meaning given the term in section 40102 of title 49, United States Code.”

SCREENING PERFORMANCE ASSESSMENTS

Pub. L. 115–254, div. K, title I, §1947, Oct. 5, 2018, 132 Stat. 3587, provided that: “Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator [of the Transportation Security Administration] shall quarterly make available to the airport director of an airport—

“(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

“(2) a briefing on the results of performance data reports, including—

“(A) a scorecard of objective metrics developed by the Office of Security Operations to measure

screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

“(B) other performance data, including—

“(i) passenger throughput;

“(ii) wait times; and

“(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by the TSA [Transportation Security Administration].”

IMPROVEMENTS FOR SCREENING OF PASSENGERS WITH DISABILITIES

Pub. L. 115–254, div. K, title I, §1950, Oct. 5, 2018, 132 Stat. 3589, provided that:

“(a) REVISED TRAINING.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with nationally-recognized veterans and disability organizations, shall revise the training requirements for Transportation Security Officers related to the screening of passengers with disabilities, including passengers with disabilities who participate in the PreCheck program.

“(2) TRAINING SPECIFICATIONS.—In revising the training requirements under paragraph (1), the Administrator shall address the proper screening, and any particular sensitivities related to the screening, of a passenger with a disability—

“(A) traveling with a medical device, including an indwelling medical device;

“(B) traveling with a prosthetic;

“(C) traveling with a wheelchair, walker, scooter, or other mobility device;

“(D) traveling with a service animal; or

“(E) with sensitivities to touch, pressure, sound, or hypersensitivity to stimuli in the environment.

“(3) TRAINING FREQUENCY.—The Administrator shall implement the revised training under paragraph (1) during initial and recurrent training of all Transportation Security Officers.

“(b) BEST PRACTICES.—The individual at the TSA [Transportation Security Administration] responsible for civil rights, liberties, and traveler engagement shall—

“(1) record each complaint from a passenger with a disability regarding the screening practice of the TSA;

“(2) identify the most frequent concerns raised, or accommodations requested, in the complaints;

“(3) determine the best practices for addressing the concerns and requests identified in paragraph (2); and

“(4) recommend appropriate training based on such best practices.

“(c) SIGNAGE.—At each category X airport, the TSA shall place signage at each security checkpoint that—

“(1) specifies how to contact the appropriate TSA employee at the airport designated to address complaints of screening mistreatment based on disability; and

“(2) describes how to receive assistance from that individual or other qualified personnel at the security screening checkpoint.

“(d) REPORTS TO CONGRESS.—Not later than September 30 of the first full fiscal year after the date of enactment of this Act [Oct. 5, 2018], and each fiscal year thereafter, the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the checkpoint experiences of passengers with disabilities, including the following:

“(1) The number and most frequent types of disability-related complaints received.

“(2) The best practices recommended under subsection (b) to address the top areas of concern.

“(3) The estimated wait times for assist requests for passengers with disabilities, including disabled

passengers who participate in the PreCheck program.”

AIR CARGO ADVANCE SCREENING PROGRAM

Pub. L. 115-254, div. K, title I, §1951, Oct. 5, 2018, 132 Stat. 3590, provided that:

“(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection and the Administrator [of the Transportation Security Administration], consistent with the requirements of the Trade Act of 2002 (Public Law 107-210)[,] shall—

“(1) establish an air cargo advance screening program (referred to in this section as the ‘ACAS Program’) for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

“(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

“(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

“(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

“(5) identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

“(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall ensure that all cargo that has been identified as high-risk is inspected—

“(1) prior to the loading of such cargo onto aircraft at the last point of departure; or

“(2) at an earlier point in the supply chain, before departing for the United States.

“(c) CONSULTATION.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

“(1) the collection of advance information with respect to cargo on aircraft departing for the United States is applied; and

“(2) the inspection of high-risk cargo recognizes the significant differences among air cargo business models and modes of transportation.

“(d) ANALYSIS.—The Commissioner of U.S. Customs and Border Protection and the Administrator may analyze the information described in subsection (a) in the Department of Homeland Security’s automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

“(e) NO DUPLICATION.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department [of Homeland Security] programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

“(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall—

“(1) consider the content and timeliness of the available data may vary among entities in the air cargo industry and among countries;

“(2) explore procedures to accommodate the variations described in paragraph (1) while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

“(3) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft depart-

ing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

“(4) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563 [5 U.S.C. 601 note] or any successor Executive order or regulation.

“(g) GUIDANCE.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

“(h) USE OF DATA.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.

“(i) FINAL RULE.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Commissioner of U.S. Customs and Border Protection, in coordination with the Administrator, shall issue a final regulation to implement the ACAS Program to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data.

“(j) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.”

RAISING INTERNATIONAL STANDARDS

Pub. L. 115-254, div. K, title I, §1955(c), Oct. 5, 2018, 132 Stat. 3596, provided that: “Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall collaborate with other aviation authorities and the United States Ambassador or the Charge d’Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.”

INTERNATIONAL SECURITY STANDARDS

Pub. L. 115-254, div. K, title I, §1956, Oct. 5, 2018, 132 Stat. 3596, provided that:

“(a) GLOBAL AVIATION SECURITY REVIEW.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with the Commissioner of the U.S. Customs and Border Protection, the Director of the Office of International Engagement of the Department of Homeland Security, and the Secretary of State, shall conduct a global aviation security review to improve aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

“(2) BEST PRACTICES.—The global aviation security review shall establish best practices regarding the following:

“(A) Collaborating with foreign partners to improve global aviation security capabilities and standards.

“(B) Identifying foreign partners that—

“(i) have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security; and

“(ii) have not taken steps to implement such security protocols;[.]

“(C) Improving the development, outreach, and implementation process for security directives or emergency amendments issued to domestic and foreign air carriers.

“(D) Assessing the cybersecurity risk of security screening equipment.

“(b) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of the progress of the review under subsection (a) and any proposed international improvements to aviation security.

“(c) ICAO.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

“(d) BRIEFINGS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador with respect to subsection (c), shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsections (a) and (b).”

CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS

Pub. L. 115-254, div. K, title I, §1962, Oct. 5, 2018, 132 Stat. 3601, provided that:

“(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator [of the Transportation Security Administration] shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

“(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

“(1) research and evaluate—

“(A) the impact, if any, the amendment would have on security risks;

“(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

“(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

“(2) consult with appropriate aviation security stakeholders, including ASAC [Aviation Security Advisory Committee].

“(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

“(d) NOTIFICATION.—The Administrator shall—

“(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

“(2) notify the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Af-

fairs of the Senate and Committee on Homeland Security of the House of Representatives] of the amendment not later than 3 days before publication under paragraph (1).”

CONSIDERATION OF PRIVACY AND CIVIL LIBERTIES

Pub. L. 115-141, div. F, title V, §521, Mar. 23, 2018, 132 Stat. 628, provided that: “Hereafter, in developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.”

BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING

Pub. L. 114-293, Dec. 16, 2016, 130 Stat. 1503, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Bottles and Breastfeeding Equipment Screening Act’.

“SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

“Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2016], the Administrator of the Transportation Security Administration shall—

“(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration’s guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration’s guidelines known as the 3-1-1 Liquids Rule Exemption; and

“(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.”

AVIATION SECURITY

Pub. L. 114-190, title III, §§3001-3506, July 15, 2016, 130 Stat. 649-664, as amended by Pub. L. 115-254, div. K, title I, §§1937(b)(1), 1955(b), Oct. 5, 2018, 132 Stat. 3579, 3596, provided that:

“SEC. 3001. SHORT TITLE.

“This title [amending section 44946 of this title and sections 607, 609, and 1112 of Title 6, Domestic Security, and enacting this note] may be cited as the ‘Aviation Security Act of 2016’.

“SEC. 3002. DEFINITIONS.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

“(3) PRECHECK PROGRAM.—The term ‘PreCheck Program’ means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 49 U.S.C. 114 note).

“(4) TSA.—The term ‘TSA’ means the Transportation Security Administration.

“[SUBTITLE A—TSA PRECHECK EXPANSION]

“[SECS. 3101, 3102. Repealed. Pub. L. 115–254, div. K, title I, §1937(b)(1), Oct. 5, 2018, 132 Stat. 3579.]

“SUBTITLE B—SECURING AVIATION FROM FOREIGN ENTRY POINTS AND GUARDING AIRPORTS THROUGH ENHANCED SECURITY

“SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

“(b) CONTENTS.—The security risk assessment required under subsection (a) shall include consideration of the following:

“(1) The level of coordination and cooperation between the TSA and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

“(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

“(3) The number of known or suspected terrorists annually transiting through such airport.

“(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

“(5) The passenger security screening practices, capabilities, and capacity of such airport.

“(6) The security vetting undergone by aviation workers at such airport.

“(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

“SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.

“(a) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress and the Government Accountability Office a plan—

“(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

“(2) that includes an assessment of the ability of the TSA to enter into a mutual agreement with a foreign government entity that permits TSA representatives to conduct without prior notice inspections of foreign airports.

“(b) GAO REVIEW.—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the TSA to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

“SEC. 3203. WORKFORCE ASSESSMENT.

“Not later than 270 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies of the TSA or whose primary professional duties contribute to the TSA’s global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

“[SEC. 3204. Repealed. Pub. L. 115–254, div. K, title I, §1955(b), Oct. 5, 2018, 132 Stat. 3596.]

“SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.

“(a) IN GENERAL.—The Administrator may evaluate foreign countries’ air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

“(b) APPROVAL AND RECOGNITION.—

“(1) IN GENERAL.—If the Administrator determines that a foreign country’s air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country’s air cargo security program.

“(2) EFFECT OF APPROVAL AND RECOGNITION.—If the Administrator approves and officially recognizes pursuant to paragraph (1) a foreign country’s air cargo security program, an aircraft transporting cargo that is departing such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

“(c) REVOCATION AND SUSPENSION.—

“(1) IN GENERAL.—If the Administrator determines at any time that a foreign country’s air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country’s cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

“(2) NOTIFICATION.—If the Administrator revokes or suspends pursuant to paragraph (1) a foreign country’s air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension.

“(d) APPLICATION.—This section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, a foreign air carrier, a cargo carrier, or a foreign cargo carrier.

“SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

“(a) IN GENERAL.—The Administrator shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

“(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from training and capacity development assistance pursuant to subsection (a), the Administrator may provide to the appropriate authorities of such foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

“(1) active shooter scenarios;

“(2) incident response;

“(3) use of canines;

“(4) mitigation of insider threats;

“(5) perimeter security;

“(6) operation and maintenance of security screening technology; and

“(7) recurrent related training and exercises.

“SUBTITLE C—CHECKPOINT OPTIMIZATION AND EFFICIENCY

“SEC. 3301. SENSE OF CONGRESS.

“It is the sense of Congress that airport checkpoint wait times should not take priority over the security of the aviation system of the United States.

“SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall complete an assessment of the TSA’s staffing allocation model to determine the necessary staffing positions at all airports in the United States at which the TSA operates passenger checkpoints.

“(b) APPROPRIATE STAFFING.—The staffing allocation model described in subsection (a) shall be based on necessary staffing levels to maintain minimal passenger wait times and maximum security effectiveness.

“(c) ADDITIONAL RESOURCES.—In assessing necessary staffing for minimal passenger wait times and maximum security effectiveness referred to in subsection (b), the Administrator shall include the use of canine explosives detection teams and technology to assist screeners conducting security checks.

“(d) TRANSPARENCY.—The Administrator shall share with aviation security stakeholders the staffing allocation model described in subsection (a), as appropriate.

“(e) EXCHANGE OF INFORMATION.—The Administrator shall require each Federal Security Director to engage on a regular basis with the appropriate aviation security stakeholders to exchange information regarding airport operations, including security operations.

“(f) GAO REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the staffing allocation model described in subsection (a) and report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of such review.

“SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RESOURCES.

“(a) IN GENERAL.—To the greatest extent practicable, the Administrator shall direct that Transportation Security Officers with appropriate certifications and training are assigned to passenger and baggage security screening functions and that other TSA personnel who may not have certification and training to screen passengers or baggage are utilized for tasks not directly related to security screening, including restocking bins and providing instructions and support to passengers in security lines.

“(b) ASSESSMENT AND REASSIGNMENT.—The Administrator shall conduct an assessment of headquarters personnel and reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis, as appropriate.

“SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall take the following actions:

“(1) Utilize the TSA’s Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck Program lanes to ensure that such lanes are operational for use and maximum efficiency.

“(2) Make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness.

“(3) Disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices.

“(4) Request the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United States Code) provide recommendations on best practices for checkpoint security operations optimization.

“(b) STAFFING ADVISORY COORDINATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall—

“(1) direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to provide recommendations to the Administrator on Transportation Security Officer staffing numbers, for each such airport; and

“(2) certify to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such staffing advisory working groups have been established.

“(c) REPORTING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall—

“(1) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding how the TSA’s Passenger Screening Canine assets may be deployed and utilized for maximum efficiency to mitigate risk and optimize checkpoint operations; and

“(2) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the TSA’s Credential Authentication Technology Assessment program and how deployment of such program might optimize checkpoint operations.

“SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.

“For purposes of this subtitle, the term ‘aviation security stakeholders’ shall mean, at a minimum, air carriers, airport operators, and labor organizations representing Transportation Security Officers or, where applicable, contract screeners.

“SEC. 3306. RULE OF CONSTRUCTION.

“Nothing in this subtitle may be construed as authorizing or directing the Administrator to prioritize reducing wait times over security effectiveness.

“SUBTITLE D—AVIATION SECURITY ENHANCEMENT AND OVERSIGHT

“SEC. 3401. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security of the House of Representatives;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(C) the Committee on Commerce, Science, and Transportation of the Senate.

“(2) ASAC.—The term ‘ASAC’ means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(4) SIDA.—The term ‘SIDA’ means the Secure Identification Display Area as such term is defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

“SEC. 3402. THREAT ASSESSMENT.

“(a) INSIDER THREATS.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as such term is defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

“(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

“(A) domestic intelligence;

“(B) international intelligence;

“(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their workers;

“(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their workers;

“(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their workers;

“(F) the recent security breaches at domestic and foreign airports; and

“(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees, including the ASAC.

“(b) REPORTS.—The Administrator shall submit to the appropriate congressional committees—

“(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

“(2) a report on the implementation status of any recommendations made by the ASAC; and

“(3) regular updates about the insider threat environment as new information becomes available or as needed.

“SEC. 3403. OVERSIGHT.

“(a) ENHANCED REQUIREMENTS.—

“(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

“(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

“(A) increased fines and advanced oversight for airport operators that report missing more than five percent of credentials for unescorted access to any SIDA of an airport;

“(B) best practices for Category X airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(C) additional audits and status checks for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(D) review and analysis of the prior five years of audits for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and

“(F) a method for termination by the employer of any airport worker who fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

“(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airports and aircraft operators of free, one-time, 24-hour temporary credentials for workers who have reported, in a timely manner, their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

“(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

“(1) notify the appropriate congressional committees each time an airport operator reports that more than three percent of credentials for unescorted access to any SIDA at a Category X airport are missing, or more than five percent of credentials to access any SIDA at any other airport are missing; and

“(2) submit to the appropriate congressional committees an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

“SEC. 3404. CREDENTIALS.

“(a) LAWFUL STATUS.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall issue to airport operators guidance regarding placement of an expiration date on each airport credential issued to a non-United States citizen that is not longer than the period of time during which such non-United States citizen is lawfully authorized to work in the United States.

“(b) REVIEW OF PROCEDURES.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

“(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

“(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

“(2) INCLUSIONS.—The guidance issued pursuant to paragraph (1) shall require a comprehensive review of background checks and employment authorization documents issued by United States Citizenship and Immigration Services during the course of a review of procedures under such paragraph.

“SEC. 3405. VETTING.

“(a) ELIGIBILITY REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence under section 3502, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport.

“(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

“(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

“(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to any SIDA of an airport for an individual found to be otherwise ineligible for such credentials; and

“(B) consider, as appropriate and practicable—

“(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

“(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

“(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual’s application, or if the individual was incarcerated for such crime and released from incarceration within five years before the date of the individual’s application.

“(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

“(A) a specific need exists for providing the individual with unescorted access authority; and

“(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

“(6) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the TSA.

“(b) RECURRENT VETTING.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible TSA-regulated populations of individuals with unescorted access to any SIDA of an airport.

“(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

“(A) any status notifications the TSA receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the TSA under section 44903 of title 49, United States Code, or other Federal law; and

“(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

“(3) REPORT TO CONGRESS.—Not later than 30 days after implementation of the Rap Back service described in paragraph (1), the Administrator shall submit to the appropriate congressional committees a report on the such implementation.

“(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of the enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism-related category codes to improve the effectiveness of the TSA’s credential vetting program for individuals who are seeking or have unescorted access to any SIDA of an airport.

“(d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to any SIDA of an airport.

“SEC. 3406. METRICS.

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [July 15, 2016], the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

“(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

“(1) adherence to access point procedures;

“(2) proper use of credentials;

“(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;

“(4) differences in access point characteristics and requirements at airports; and

“(5) any additional factors the Administrator considers necessary to measure performance.

“SEC. 3407. INSPECTIONS AND ASSESSMENTS.

“(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

“(1) use intelligence, scientific algorithms, and risk-based factors;

“(2) ensure integrity, accountability, and control;

“(3) subject airport workers to random physical security inspections conducted by TSA representatives in accordance with this section;

“(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to SIDAs; and

“(5) include validation of identification materials, such as with biometrics.

“(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point to—

“(1) verify the credentials of such airport workers;

“(2) determine whether such airport workers possess prohibited items, except for those items that may be necessary for the performance of such airport workers’ duties, as appropriate, in any SIDA of an airport; and

“(3) verify whether such airport workers are following appropriate procedures to access any SIDA of an airport.

“(c) SCREENING REVIEW.—

“(1) IN GENERAL.—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

“(A) comprehensive airport worker screening at access points to secure areas;

“(B) comprehensive perimeter screening, including vehicles;

“(C) enhanced fencing or perimeter sensors; and

“(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

“(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

“(A) identify best practices for additional access control and airport worker security at airports; and

“(B) disseminate to airport operators the best practices identified under subparagraph (A).

“(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at one or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

“SEC. 3408. COVERT TESTING.

“(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

“(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDAs of airports.

“(c) REPORTS TO CONGRESS.—

“(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate congressional committees a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

“(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate congressional committees a report on the effectiveness of airport

access controls to the SIDAs of airports based on red-team, covert testing under subsection (b).

“SEC. 3409. SECURITY DIRECTIVES.

“(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016] and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity to—

“(1) determine whether each such security directive continues to be relevant;

“(2) determine whether such security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and

“(3) update, consolidate, or revoke any security directive as necessary.

“(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate congressional committees notice of—

“(1) the extent to which each such security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and

“(2) when it is anticipated that each such security directive will expire.

“SEC. 3410. IMPLEMENTATION REPORT.

“Not later than one year after the date of the enactment of this Act [July 15, 2016], the Comptroller General of the United States shall—

“(1) assess the progress made by the TSA and the effect on aviation security of implementing the requirements under sections 3402 through 3409 of this subtitle; and

“(2) report to the appropriate congressional committees on the results of the assessment under paragraph (1), including any recommendations.

“SEC. 3411. MISCELLANEOUS AMENDMENTS.

“(a) ASAC TERMS OF OFFICE.—[Amended section 44946 of this title.]

“(b) FEEDBACK.—[Amended section 44946 of this title.]

“SUBTITLE E—CHECKPOINTS OF THE FUTURE

“SEC. 3501. CHECKPOINTS OF THE FUTURE.

“(a) IN GENERAL.—The Administrator, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee (established pursuant to section 44946 of such title) to develop recommendations for more efficient and effective passenger screening processes.

“(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

“(1) the configuration of a checkpoint;

“(2) technology innovation;

“(3) ways to address any vulnerabilities identified in audits of checkpoint operations;

“(4) ways to prevent security breaches at airports at which Federal security screening is provided;

“(5) best practices in aviation security;

“(6) recommendations from airports and aircraft operators, and any relevant advisory committees; and

“(7) ‘curb to curb’ processes and procedures.

“(c) REPORT.—Not later than one year after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the Aviation Security Advisory Committee review under this section, including any recommendations for improving passenger screening processes.

“SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY AND SECURITY AT CATEGORY X AIRPORTS.

“(a) IN GENERAL.—The Administrator shall establish a pilot program at at least three and not more than six

airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly at airports that have large open areas at which screening is conducted.

“(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

“(1) select airports from among airports classified by the TSA as Category X airports and that are able to begin the reconfiguration and installation of security systems expeditiously; and

“(2) give priority to an airport that—

“(A) submits a proposal that seeks Federal funding for reconfiguration of such airport’s security systems;

“(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

“(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

“SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND TESTING OF PROTOTYPES FOR AIRPORT SECURITY SYSTEMS.

“(a) IN GENERAL.—The Administrator shall establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations that are intended to expedite the movement of passengers by deploying a range of technologies, including passive and active systems, new types of security baggage and personal screening systems, and new systems to review and address passenger and baggage anomalies.

“(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

“(1) select airports from among airports classified by the TSA as Category X airports that are able to begin the reconfiguration and installation of security systems expeditiously;

“(2) consider detection capabilities; and

“(3) give priority to an airport that—

“(A) submits a proposal that seeks Federal funding to test prototypes for new airport security systems;

“(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

“(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

“SEC. 3504. REPORT REQUIRED.

“Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and a report on the pilot programs established under sections 3502 and 3503 of this subtitle.

“SEC. 3505. FUNDING.

“The Administrator shall carry out the pilot programs established under sections 3502 and 3503 of this subtitle using amounts—

“(1) appropriated to the TSA before the date of the enactment of this Act [July 15, 2016] and available for obligation as of such date of enactment; and

“(2) amounts obtained as reimbursements from airports under such pilot programs.

“SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY THE TRANSPORTATION SECURITY ADMINISTRATION.

“The Administrator, in carrying out the functions of the pilot programs established under sections 3502 and 3503 of this subtitle, may accept services, supplies,

equipment, personnel, or facilities, without reimbursement, from any other public or private entity.”

PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES

Pub. L. 110-53, title XVI, §1610, Aug. 3, 2007, 121 Stat. 484, provided that:

“(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

“(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

“(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

“(A) to deploy technologies described in paragraph (1); and

“(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”

STANDARDS FOR INCREASING THE USE OF EXPLOSIVE DETECTION EQUIPMENT

Pub. L. 109-295, title V, §518, Oct. 4, 2006, 120 Stat. 1380, provided that: “The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 109-90, title V, §524, Oct. 18, 2005, 119 Stat. 2086.

USE OF EXISTING EQUIPMENT TO SCREEN PASSENGER CARGO; REPORTS

Pub. L. 109-90, title V, §525, Oct. 18, 2005, 119 Stat. 2086, as amended by Pub. L. 114-113, div. F, title V, §510(c), Dec. 18, 2015, 129 Stat. 2514, provided that: “The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That beginning with November 2005, TSA shall provide a monthly report to the Committees on Appropriations of the Senate and the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month.”

IN-LINE CHECKED BAGGAGE SCREENING

Pub. L. 108-458, title IV, §4019(a), (b), Dec. 17, 2004, 118 Stat. 3721, provided that:

“(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

“(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act [Dec. 17, 2004], the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor

placement will have on staffing needs and levels related to aviation security.”

CHECKED BAGGAGE SCREENING AREA MONITORING

Pub. L. 108-458, title IV, §4020, Dec. 17, 2004, 118 Stat. 3722, provided that:

“(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”

PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS

Pub. L. 108-458, title IV, §4051, Dec. 17, 2004, 118 Stat. 3728, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), beginning not later than 180 days after Dec. 17, 2004, to carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device, and directed the Assistant Secretary to provide incentives to air carriers to volunteer to participate in such program.

AIR CARGO SECURITY

Pub. L. 108-458, title IV, §4052, Dec. 17, 2004, 118 Stat. 3728, provided that:

“(a) AIR CARGO SCREENING TECHNOLOGY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

“(b) IMPROVED AIR CARGO AND AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

“(1) \$200,000,000 for fiscal year 2005;

“(2) \$200,000,000 for fiscal year 2006; and

“(3) \$200,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

“(c) RESEARCH, DEVELOPMENT, AND DEPLOYMENT.—To carry out subsection (a), there is authorized to be appropriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

“(1) \$100,000,000 for fiscal year 2005;

“(2) \$100,000,000 for fiscal year 2006; and

“(3) \$100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

“(d) ADVANCED CARGO SECURITY GRANTS.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

“(2) ELIGIBILITY CRITERIA, ETC.—The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide

for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and rapidly as possible.”

IDENTIFICATION STANDARDS

Pub. L. 108-458, title VII, §7220, Dec. 17, 2004, 118 Stat. 3835, provided that:

“(a) PROPOSED STANDARDS.—

“(1) IN GENERAL.—The Secretary of Homeland Security—

“(A) shall propose minimum standards for identification documents required of domestic commercial airline passengers for boarding an aircraft; and

“(B) may, from time to time, propose minimum standards amending or replacing standards previously proposed and transmitted to Congress and approved under this section.

“(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act [Dec. 17, 2004], the Secretary shall submit the standards under paragraph (1)(A) to the Senate and the House of Representatives on the same day while each House is in session.

“(3) EFFECTIVE DATE.—Any proposed standards submitted to Congress under this subsection shall take effect when an approval resolution is passed by the House and the Senate under the procedures described in subsection (b) and becomes law.

“(b) CONGRESSIONAL APPROVAL PROCEDURES.—

“(1) RULEMAKING POWER.—This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of such approval resolutions; and it supersedes other rules only to the extent that they are inconsistent therewith; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“(2) APPROVAL RESOLUTION.—For the purpose of this subsection, the term ‘approval resolution’ means a joint resolution of Congress, the matter after the resolving clause of which is as follows: ‘That the Congress approves the proposed standards issued under section 7220 of the 9/11 Commission Implementation Act of 2004, transmitted by the President to the Congress on _____’, the blank space being filled in with the appropriate date.

“(3) INTRODUCTION.—Not later than the first day of session following the day on which proposed standards are transmitted to the House of Representatives and the Senate under subsection (a), an approval resolution—

“(A) shall be introduced (by request) in the House by the Majority Leader of the House of Representatives, for himself or herself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House; and

“(B) shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

“(4) PROHIBITIONS.—

“(A) AMENDMENTS.—No amendment to an approval resolution shall be in order in either the House of Representatives or the Senate.

“(B) MOTIONS TO SUSPEND.—No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a re-

quest to suspend the application of this paragraph by unanimous consent.

“(5) REFERRAL.—

“(A) IN GENERAL.—An approval resolution shall be referred to the committees of the House of Representatives and of the Senate with jurisdiction. Each committee shall make its recommendations to the House of Representatives or the Senate, as the case may be, within 45 days after its introduction. Except as provided in subparagraph (B), if a committee to which an approval resolution has been referred has not reported it at the close of the 45th day after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar.

“(B) FINAL PASSAGE.—A vote on final passage of the resolution shall be taken in each House on or before the close of the 15th day after the resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(C) COMPUTATION OF DAYS.—For purposes of this paragraph, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

“(6) COORDINATION WITH ACTION OF OTHER HOUSE.—If prior to the passage by one House of an approval resolution of that House, that House receives the same approval resolution from the other House, then the procedure in that House shall be the same as if no approval resolution has been received from the other House, but the vote on final passage shall be on the approval resolution of the other House.

“(7) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) DEBATE.—Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit an approval resolution or to move to reconsider the vote by which an approval resolution is agreed to or disagreed to.

“(C) MOTION TO POSTPONE.—Motions to postpone made in the House of Representatives with respect to the consideration of an approval resolution and motions to proceed to the consideration of other business shall be decided without debate.

“(D) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an approval resolution shall be decided without debate.

“(E) RULES OF THE HOUSE OF REPRESENTATIVES.—Except to the extent specifically provided in subparagraphs (A) through (D), consideration of an approval resolution shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

“(8) FLOOR CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) DEBATE ON RESOLUTION.—Debate in the Senate on an approval resolution, and appeals in connection therewith, shall be limited to not more

than 10 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

“(C) DEBATE ON MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an approval resolution shall be limited to not more than 1 hour, which shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or designee. Such leaders, or either of them, may, from time under their control on the passage of an approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

“(D) LIMIT ON DEBATE.—A motion in the Senate to further limit debate is not debatable. A motion to recommend an approval resolution is not in order.

“(c) DEFAULT STANDARDS.—

“(1) IN GENERAL.—If the standards proposed under subsection (a)(1)(A) are not approved pursuant to the procedures described in subsection (b), then not later than 1 year after rejection by a vote of either House of Congress, domestic commercial airline passengers seeking to board an aircraft shall present, for identification purposes—

“(A) a valid, unexpired passport;

“(B) domestically issued documents that the Secretary of Homeland Security designates as reliable for identification purposes;

“(C) any document issued by the Attorney General or the Secretary of Homeland Security under the authority of 1 of the immigration laws (as defined under section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))]; or

“(D) a document issued by the country of nationality of any alien not required to possess a passport for admission to the United States that the Secretary designates as reliable for identifications purposes

“(2) EXCEPTION.—The documentary requirements described in paragraph (1)—

“(A) shall not apply to individuals below the age of 17, or such other age as determined by the Secretary of Homeland Security;

“(B) may be waived by the Secretary of Homeland Security in the case of an unforeseen medical emergency.

“(d) RECOMMENDATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Homeland Security shall recommend to Congress—

“(1) categories of Federal facilities that the Secretary determines to be at risk for terrorist attack and requiring minimum identification standards for access to such facilities; and

“(2) appropriate minimum identification standards to gain access to those facilities.”

DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS

Pub. L. 107-71, title I, §110(c), Nov. 19, 2001, 115 Stat. 616, provided that, not later than 1 year after Nov. 19, 2001, the Administrator of the Transportation Security Administration would deploy at all airports in the United States where screening is required under this section a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under this section and also not later than 1 year after Nov. 19, 2001, certify to Congress that this requirement was met.

REPORTS

Pub. L. 107-71, title I, §110(d), Nov. 19, 2001, 115 Stat. 616, provided that:

“(1) DEPLOYMENT.—Within 6 months after the date of enactment of this Act [Nov. 19, 2001], the Under Sec-

retary of Transportation for Security [now Administrator of the Transportation Security Administration] shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the deployment of the systems required by section 44901(c) of title 49, United States Code. The Under Secretary shall include in the report—

“(A) an installation schedule;

“(B) the dates of installation of each system; and

“(C) the date on which each system installed is operational.

“(2) SCREENING OF SMALL AIRCRAFT.—Within 1 year after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.”

INSTALLATION OF ADVANCED SECURITY EQUIPMENT; AGREEMENTS

Pub. L. 104-264, title III, §305(b), Oct. 9, 1996, 110 Stat. 3252, provided that: “The Administrator is authorized to use noncompetitive or cooperative agreements with air carriers and airport authorities that provide for the Administrator to purchase and assist in installing advanced security equipment for the use of such entities.”

PASSENGER PROFILING

Pub. L. 104-264, title III, §307, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Administrator of the Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.”

AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES

Pub. L. 104-264, title III, §308, Oct. 9, 1996, 110 Stat. 3253, which provided that funds from project grants made under subchapter I of chapter 471 of this title and passenger facility fees collected under section 40117 of this title could be used for the improvement of facilities and the purchase and deployment of equipment to enhance and ensure safe air travel, was repealed by Pub. L. 108-176, title I, §143, Dec. 12, 2003, 117 Stat. 2503.

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Pub. L. 101-45, title I, June 30, 1989, 103 Stat. 110, provided in part that: “Not later than thirty days after the date of the enactment of this Act [June 30, 1989], the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act”.

RESEARCH AND DEVELOPMENT OF IMPROVED AIRPORT SECURITY SYSTEMS

Pub. L. 100-649, §2(d), Nov. 10, 1988, 102 Stat. 3817, required the Administrator of the Federal Aviation Ad-

ministration to conduct such research and development as necessary to improve airport security metal detectors and airport security x-ray systems in detecting firearms that were subject to the prohibitions of section 922(p) of Title 18, Crimes and Criminal Procedure.

DEFINITIONS OF TERMS IN TITLE IV OF PUB. L. 108-458

Pub. L. 108-458, title IV, §4081, Dec. 17, 2004, 118 Stat. 3731, provided that: "In this title [enacting section 44925 of this title, amending sections 114, 44903, 44904, 44909, 44917, 44923, 46301 to 46303, and 48301 of this title and sections 70102 and 70103 of Title 46, Shipping, and enacting provisions set out as notes under this section, sections 114, 44703, 44913, 44917, 44923, 44925, and 44935 of this title, section 2751 of Title 22, Foreign Relations and Intercourse, and section 70101 of Title 46] (other than in sections 4001 and 4026 [amending sections 114 and 44904 of this title and enacting provisions set out as a note under section 2751 of Title 22]), the following definitions apply:

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

"(2) AVIATION DEFINITIONS.—The terms 'air carrier', 'air transportation', 'aircraft', 'airport', 'cargo', 'foreign air carrier', and 'intrastate air transportation' have the meanings given such terms in section 40102 of title 49, United States Code.

"(3) SECURE AREA OF AN AIRPORT.—The term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations)."

DEFINITIONS OF TERMS IN PUB. L. 107-71

For definitions of terms used in sections 101(g) and 110(c), (d), of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.

§ 44902. Refusal to transport passengers and property

(a) MANDATORY REFUSAL.—The Administrator of the Transportation Security Administration shall prescribe regulations requiring an air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

(1) a passenger who does not consent to a search under section 44901(a) of this title establishing whether the passenger is carrying unlawfully a dangerous weapon, explosive, or other destructive substance; or

(2) property of a passenger who does not consent to a search of the property establishing whether the property unlawfully contains a dangerous weapon, explosive, or other destructive substance.

(b) PERMISSIVE REFUSAL.—Subject to regulations of the Administrator of the Transportation Security Administration, an air carrier, intrastate air carrier, or foreign air carrier may refuse to transport a passenger or property the carrier decides is, or might be, inimical to safety.

(c) AGREEING TO CONSENT TO SEARCH.—An agreement to carry passengers or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier is deemed to include an agreement that the passenger or property will not be carried if consent to search the passenger or

property for a purpose referred to in this section is not given.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(2), Oct. 5, 2018, 132 Stat. 3630.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44902(a)	49 App.:1511(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1111; added Sept. 5, 1961, Pub. L. 87-197, §4, 75 Stat. 467; re-stated Aug. 5, 1974, Pub. L. 93-366, §204, 88 Stat. 418.
44902(b)	49 App.:1511(a) (last sentence).	
44902(c)	49 App.:1511(b).	

In this section, the word "passenger" is substituted for "person" for consistency in the revised title.

In subsection (a)(1), the words "of his person" are omitted as surplus.

In subsection (a)(2), the words "or inspection" are omitted as surplus.

In subsection (b), the words "reasonable" and "also" are omitted as surplus. The word "rules" is omitted as being synonymous with "regulations". The words "the carrier decides is" are substituted for "when, in the opinion of the carrier, such transportation would" to eliminate unnecessary words. The words "of flight" are omitted as surplus.

In subsection (c), the words "for compensation or hire" are omitted because of the definitions of "air transportation" and "intrastate air transportation" in section 40102(a) of the revised title. The word "inspect" is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(2)(A), substituted "Administrator of the Transportation Security Administration" for "Under Secretary of Transportation for Security" in introductory provisions.

Subsec. (b). Pub. L. 115-254, §1991(d)(2)(B), substituted "Administrator of the Transportation Security Administration" for "Under Secretary".

2001—Subsec. (a). Pub. L. 107-71 substituted "Under Secretary of Transportation for Security" for "Administrator of the Federal Aviation Administration" in introductory provisions.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator".

§ 44903. Air transportation security

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(2) LAW ENFORCEMENT PERSONNEL.—The term "law enforcement personnel" means individuals—

- (A) authorized to carry and use firearms;
- (B) vested with the degree of the police power of arrest the Administrator considers necessary to carry out this section; and
- (C) identifiable by appropriate indicia of authority.

(b) PROTECTION AGAINST VIOLENCE AND PIRACY.—The Administrator shall prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. When prescribing

a regulation under this subsection, the Administrator shall—

(1) consult with the Secretary of Transportation, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities;

(2) consider whether a proposed regulation is consistent with—

(A) protecting passengers; and

(B) the public interest in promoting air transportation and intrastate air transportation;

(3) to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure—

(A) their safety; and

(B) courteous and efficient treatment by an air carrier, an agent or employee of an air carrier, and Government, State, and local law enforcement personnel carrying out this section; and

(4) consider the extent to which a proposed regulation will carry out this section.

(c) SECURITY PROGRAMS.—(1) The Administrator shall prescribe regulations under subsection (b) of this section that require each operator of an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at each of those airports that is adequate to ensure the safety of passengers. The regulations shall authorize the operator to use the services of qualified State, local, and private law enforcement personnel. When the Administrator decides, after being notified by an operator in the form the Administrator prescribes, that not enough qualified State, local, and private law enforcement personnel are available to carry out subsection (b), the Administrator may authorize the operator to use, on a reimbursable basis, personnel employed by the Administrator, or by another department, agency, or instrumentality of the Government with the consent of the head of the department, agency, or instrumentality, to supplement State, local, and private law enforcement personnel. When deciding whether additional personnel are needed, the Administrator shall consider the number of passengers boarded at the airport, the extent of anticipated risk of criminal violence or aircraft piracy at the airport or to the air carrier aircraft operations at the airport, and the availability of qualified State or local law enforcement personnel at the airport.

(2)(A) The Administrator may approve a security program of an airport operator, or an amendment in an existing program, that incorporates a security program of an airport tenant (except an air carrier separately complying with part 108 or 129 of title 14, Code of Federal Regulations) having access to a secured area of the airport, if the program or amendment incorporates—

(i) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, to carry out

the security requirements imposed by the Administrator on the airport operator under the access control system requirements of section 107.14 of title 14, Code of Federal Regulations, or under other requirements of part 107 of title 14; and

(ii) the methods the airport operator will use to monitor and audit the tenant's compliance with the security requirements and provides that the tenant will be required to pay monetary penalties to the airport operator if the tenant fails to carry out a security requirement under a contractual provision or requirement imposed by the airport operator.

(B) If the Administrator approves a program or amendment described in subparagraph (A) of this paragraph, the airport operator may not be found to be in violation of a requirement of this subsection or subsection (b) of this section when the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for the violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.

(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation may require airports to maximize the use of technology and equipment that is designed to detect or neutralize potential chemical or biological weapons.

(3) PILOT PROGRAMS.—The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.

(d) AUTHORIZING INDIVIDUALS TO CARRY FIREARMS AND MAKE ARRESTS.—With the approval of the Attorney General and the Secretary of State, the Administrator may authorize an individual who carries out air transportation security duties—

(1) to carry firearms; and

(2) to make arrests without warrant for an offense against the United States committed in the presence of the individual or for a felony under the laws of the United States, if the individual reasonably believes the individual to be arrested has committed or is committing a felony.

(e) EXCLUSIVE RESPONSIBILITY OVER PASSENGER SAFETY.—The Administrator has the exclusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection.

(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator

may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of chapter 10 of title 5.

(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

(1) ENFORCEMENT.—

(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

(2) IMPROVEMENTS.—The Administrator shall—

(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses;

(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;

(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

(F) improve the execution of the Administrator's quality control program; and

(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, conces-

sions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.

(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

(1) IN GENERAL.—The Administrator, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Administrator shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation.

(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Homeland Security may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.

(4) AIRPORT PERIMETER SCREENING.—The Administrator—

(A) shall require screening or inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport in the United States described in section 44903(c);¹

(B) shall prescribe specific requirements for such screening and inspection that will assure at least the same level of protection as will result from screening of passengers and their baggage;

(C) shall establish procedures to ensure the safety and integrity of—

(i) all persons providing services with respect to aircraft providing passenger air transportation or intrastate air transportation and facilities of such persons at an airport in the United States described in subsection (c);

(ii) all supplies, including catering and passenger amenities, placed aboard such aircraft, including the sealing of supplies to ensure easy visual detection of tampering; and

(iii) all persons providing such supplies and facilities of such persons;

(D) shall require vendors having direct access to the airfield and aircraft to develop security programs; and

(E) shall issue guidance for the use of biometric or other technology that positively

¹ So in original. Probably should be "subsection (c)".

verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

(5) **USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.**—In issuing guidance under paragraph (4)(E), the Administrator in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

(C) procedures for implementing biometric identifier systems—

(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

(ii) to resolve failures to enroll, false matches, and false non-matches; and

(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

(6) **USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(i) implement this paragraph by publication in the Federal Register; and

(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.

(B) **PROGRAM REQUIREMENTS.**—The program shall—

(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;

(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;

(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and

(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric tech-

nology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

(C) **PROCEDURES.**—In establishing the program, the Secretary of Homeland Security shall develop procedures—

(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;

(ii) to preserve the anonymity of the armed law enforcement officer;

(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;

(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;

(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;

(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and

(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.

(7) **DEFINITIONS.**—In this subsection, the following definitions apply:

(A) **BIOMETRIC IDENTIFIER INFORMATION.**—The term “biometric identifier information” means the distinct physical or behavioral characteristics of an individual that are used for unique identification, or verification of the identity, of an individual.

(B) **BIOMETRIC IDENTIFIER.**—The term “biometric identifier” means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

(C) **FAILURE TO ENROLL.**—The term “failure to enroll” means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

(D) **FALSE MATCH.**—The term “false match” means the incorrect matching of one individual’s biometric identifier information to another individual’s biometric identifier information by a biometric identifier system.

(E) **FALSE NON-MATCH.**—The term “false non-match” means the rejection of a valid identity by a biometric identifier system.

(F) **SECURE AREA OF AN AIRPORT.**—The term “secure area of an airport” means the sterile

area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(i) **AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.**—

(1) **IN GENERAL.**—If the Administrator, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Administrator may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

(2) **USAGE.**—If the Administrator grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Administrator shall—

(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.

(3) **REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.**—If the Administrator receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Administrator shall respond to that request within 90 days.

(j) **SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.**—

(1) **IN GENERAL.**—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

(2) **SECURE FLIGHT PROGRAM.**—

(A) **IN GENERAL.**—The Administrator shall ensure that the Secure Flight program, or any successor program—

(i) is used to evaluate all passengers before they board an aircraft; and

(ii) includes procedures to ensure that individuals selected by the program and their carry-on and checked baggage are adequately screened.

(B) **MODIFICATIONS.**—The Administrator may modify any requirement under the Secure Flight program for flights that originate and terminate within the same State, if the Administrator determines that—

(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

(C) **ADVANCED AIRLINE PASSENGER PRESCREENING.**—

(i) **COMMENCEMENT OF TESTING.**—The Administrator shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

(ii) **ASSUMPTION OF FUNCTION.**—The Administrator, or the designee of the Administrator, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

(iii) **REQUIREMENTS.**—In assuming performance of the function under clause (ii), the Administrator shall—

(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

(V) implement substantial security measures to protect the system from unauthorized access;

(VI) adopt policies establishing effective oversight of the use and operation of the system; and

(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

(iv) **PASSENGER INFORMATION.**—After the completion of the testing of the advanced passenger prescreening system, the Administrator, by order or interim final rule—

(I) shall require air carriers to supply to the Administrator the passenger information needed to begin implementing the advanced passenger prescreening system; and

(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Administrator, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term “detainee” means an individual in the custody or under the physical control of the United States as a result of armed conflict.

(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Administrator, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

- (i) being certificated by the Federal Aviation Administration;
- (ii) being granted unescorted access to the secure area of an airport; or
- (iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

(i) IN GENERAL.—The Administrator Administrator² shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to or transport aboard such aircraft any persons identified on such watch list.

(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security,

in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

(G) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Administrator shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Administrator will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Transportation Security Administration record shall contain information determined by the Administrator to authenticate the identity of such a passenger or individual.

(H) DEFINITION.—In this paragraph, the term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(k) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual reasonably believed that such an act of criminal violence or piracy was occurring or was about to occur.

(l) AIR CHARTER PROGRAM.—

(1) IN GENERAL.—The Administrator shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation

² So in original.

of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

(C) ARMED FORCES DEFINED.—In this paragraph, the term “armed forces” has the meaning given that term by section 101(a)(4) of title 10.

(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Administrator, in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

(2) PROTOCOLS.—In developing the plan, the Administrator shall consider—

- (A) leveraging existing security screening models used to reduce passenger wait times;
- (B) establishing standard guidelines for the screening of military uniform items, including combat boots; and
- (C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Administrator to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

(4) REPORT TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress a report on the implementation of the plan.

(n) PASSENGER EXIT POINTS FROM STERILE AREA.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the Transportation Security Administration is responsible for monitoring passenger exit points from the sterile area of airports at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

(2) STERILE AREA DEFINED.—In this section, the term “sterile area” has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1205; Pub. L. 106–181, title VII, §717, Apr. 5, 2000, 114 Stat. 163; Pub. L. 106–528, §§4, 6, Nov. 22, 2000, 114 Stat. 2520, 2521; Pub. L. 107–71, title I, §§101(f)(7)–(9), 106(a), (c), (d), 120, 126(b), 136, 144, Nov. 19, 2001, 115 Stat. 603, 608–610, 629, 632, 636, 644; Pub. L. 107–296, title XIV, §§1405, 1406, Nov.

25, 2002, 116 Stat. 2307; Pub. L. 108–176, title VI, §606(a), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 108–458, title IV, §§4011(a), 4012(a)(1), Dec. 17, 2004, 118 Stat. 3712, 3714; Pub. L. 110–53, title XVI, §1615(a), Aug. 3, 2007, 121 Stat. 486; Pub. L. 111–83, title V, §553, Oct. 28, 2009, 123 Stat. 2179; Pub. L. 112–86, §2(a), Jan. 3, 2012, 125 Stat. 1874; Pub. L. 113–67, div. A, title VI, §603, Dec. 26, 2013, 127 Stat. 1188; Pub. L. 115–254, div. K, title I, §1991(d)(3), Oct. 5, 2018, 132 Stat. 3630; Pub. L. 117–286, §4(a)(316), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44903(a)	49 App.:1357(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(a), (b), (e)(2), (3), (f); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415, 417.
44903(b)	49 App.:1357(a).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(g); added Aug. 15, 1990, Pub. L. 101–370, §2, 104 Stat. 451. Aug. 8, 1985, Pub. L. 99–83, §553(b), 99 Stat. 226.
44903(c)(1) ..	49 App.:1357(b).	
44903(c)(2) ..	49 App.:1357(g).	
44903(d)	49 App.:1356b.	
44903(e)	49 App.:1357(e)(2), (3).	

In this section, the word “passengers” is substituted for “persons” for consistency in the revised title.

In subsection (a)(2), the words “the degree of” are substituted for “such” for clarity.

In subsection (b), before clause (1), the word “rules” is omitted as being synonymous with “regulations”. The words “such reasonable . . . requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary” are omitted as surplus. The word “air” after “intrastate” is added for clarity and consistency. The words “and amending” are omitted as surplus. In clause (1), the words “the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities” are substituted for “such other Federal, State, and local agencies” for consistency in the revised title and with other titles of the United States Code. The words “as he may deem appropriate” are omitted as surplus. In clause (2)(A), the words “in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy” are omitted as surplus. In clause (3), before subclause (A), the words “inspection” and “in air transportation and intrastate air transportation” are omitted as surplus. In subclause (B), the words “that they will receive” and “any air transportation security program established under” are omitted as surplus. In clause (4), the words “contribute to . . . the purposes of” are omitted as surplus.

In subsection (c)(1), the words “traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy” and “whose services are made available by their employers” are omitted as surplus. The words “department, agency, or instrumentality of the Government” are substituted for “Federal department or agency” for consistency in the revised title and with other titles of the Code. The word “When” is substituted for “In any case in which” to eliminate unnecessary words. The words “receipt of”, “by order”, “the services of”, “directly”, and “at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary” are omitted as surplus. The words “When deciding whether additional personnel are needed” are substituted for “In making the determination referred to in the preceding sentence” for clarity.

In subsection (c)(2)(A), before clause (i), the words “under this section” are omitted as surplus. The words “or an amendment in an existing program” are sub-

stituted for “and may approve an amendment to a security program of an airport operator approved by the Administrator under subsection (b)” to eliminate unnecessary words. In clause (ii), the word “monetary” is substituted for “financial” for consistency.

In subsection (e), the words “Notwithstanding any other provisions of law”, “the commission of”, “considered”, and “the moment when” before “such door” are omitted as surplus. The words “to allow passengers to leave” are substituted for “disembarkation”, and the words “the aircraft” are added, for clarity. The words “departments, agencies, and instrumentalities of the Government” are substituted for “Federal departments and agencies” for consistency in the revised title and with other titles of the Code. The words “as may be . . . the purposes of” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 607 of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (j)(2)(F), is section 607 of Pub. L. 108-176, which is set out as a note below.

AMENDMENTS

2022—Subsec. (f). Pub. L. 117-286 substituted “chapter 10 of title 5.” for “the Federal Advisory Committee Act (5 U.S.C. App.)”.

2018—Pub. L. 115-254, § 1991(d)(3)(I), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, § 1991(d)(3)(A), substituted “Definitions” for “Definition” in heading and “In this section:” for “In this section, ‘law enforcement personnel’ means individuals—” in introductory provisions, added par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C) of par. (2), inserted before subpar. (A) “(2) LAW ENFORCEMENT PERSONNEL.—The term ‘law enforcement personnel’ means individuals—”, and in subpar. (B) substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (d). Pub. L. 115-254, § 1991(d)(3)(B), substituted “Administrator” for “Secretary of Transportation” in introductory provisions.

Subsec. (g)(2)(E), (F). Pub. L. 115-254, § 1991(d)(3)(C), substituted “Administrators” for “Under Secretaries”.

Subsec. (h)(3). Pub. L. 115-254, § 1991(d)(3)(D)(i), substituted “Secretary of Homeland Security” for “Secretary”.

Subsec. (h)(4)(A). Pub. L. 115-254, § 1991(d)(3)(D)(ii)(I), struck out “, as soon as practicable after the date of enactment of this subsection,” after “shall require”.

Subsec. (h)(4)(C)(i). Pub. L. 115-254, § 1991(d)(3)(D)(ii)(II), substituted “subsection (c)” for “section 44903(c)”.

Subsec. (h)(4)(E). Pub. L. 115-254, § 1991(d)(3)(D)(ii)(III), struck out “, not later than March 31, 2005,” after “shall issue”.

Subsec. (h)(5). Pub. L. 115-254, § 1991(d)(3)(D)(iii), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (h)(6)(A). Pub. L. 115-254, § 1991(d)(3)(D)(iv)(I), substituted “The” for “Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the” in introductory provisions.

Subsec. (h)(6)(A)(i). Pub. L. 115-254, § 1991(d)(3)(D)(iv)(II), substituted “paragraph” for “section”.

Subsec. (h)(6)(C). Pub. L. 115-254, § 1991(d)(3)(D)(v), substituted “Secretary of Homeland Security” for “Secretary” in introductory provisions.

Subsec. (i)(3). Pub. L. 115-254, § 1991(d)(3)(E), struck out “, after the date of enactment of this paragraph,” after “If”.

Subsec. (j)(1). Pub. L. 115-254, § 1991(d)(3)(F)(i), amended par. (1) generally. Prior to amendment, par. (1) re-

quired the Under Secretary of Transportation for Security to recommend to airport operators, within 6 months after Nov. 19, 2001, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

Subsec. (j)(2). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(VII), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Pub. L. 115-254, § 1991(d)(3)(F)(ii)(I), substituted “Secure flight program” for “Computer-assisted passenger prescreening system” in heading.

Subsec. (j)(2)(A). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(II), substituted “Administrator” for “Secretary of Transportation”, “Secure Flight program” for “Computer-Assisted Passenger Prescreening System”, and, in two places, “program” for “system”.

Subsec. (j)(2)(B). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(III), in introductory provisions, substituted “Administrator” for “Secretary of Transportation”, “Secure Flight program” for “Computer-Assisted Passenger Prescreening System”, and “Administrator” for “Secretary”.

Subsec. (j)(2)(C)(i). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(IV)(aa), substituted “The Administrator” for “Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary,”.

Subsec. (j)(2)(C)(ii). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(IV)(bb), substituted “The” for “Not later than 180 days after completion of testing under clause (i), the”.

Subsec. (j)(2)(C)(iv). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(IV)(cc), substituted “After” for “Not later than 180 days after” in introductory provisions.

Subsec. (j)(2)(D). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(V), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (j)(2)(E)(i). Pub. L. 115-254, § 1991(d)(3)(F)(ii)(VI), substituted “The Administrator” for “Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the” in introductory provisions.

Subsec. (l)(1). Pub. L. 115-254, § 1991(d)(3)(G), substituted “Administrator” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (m). Pub. L. 115-254, § 1991(d)(3)(H)(ii), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Subsec. (m)(1). Pub. L. 115-254, § 1991(d)(3)(H)(i), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)”.

2013—Subsec. (n). Pub. L. 113-67 added subsec. (n).

2012—Subsec. (m). Pub. L. 112-86 added subsec. (m).

2009—Subsec. (j)(2)(C)(v). Pub. L. 111-83 added cl. (v).

2007—Subsec. (h)(6). Pub. L. 110-53 amended par. (6) generally. Prior to amendment, par. (6) related to establishment of a uniform law enforcement officer travel credential incorporating biometric identifier technology not later than 120 days after Dec. 17, 2004.

2004—Subsec. (h)(4)(E). Pub. L. 108-458, § 4011(a)(1), substituted “shall issue, not later than March 31, 2005, guidance for” for “may provide for”.

Subsec. (h)(5) to (7). Pub. L. 108-458, § 4011(a)(2), added pars. (5) to (7).

Subsec. (j)(2)(C) to (H). Pub. L. 108-458, § 4012(a)(1), added subpars. (C) to (H).

2003—Subsec. (l). Pub. L. 108-176 added subsec. (l).

2002—Subsec. (h). Pub. L. 107-296, § 1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

Pub. L. 107-296, § 1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews with less-than-lethal weapons, as (i).

Subsec. (i). Pub. L. 107-296, § 1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews

with less-than-lethal weapons, as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 107-296, §1405(b)(1), substituted “If the Under Secretary” for “If the Secretary” and “the Under Secretary may” for “the Secretary may”.

Subsec. (i)(2). Pub. L. 107-296, §1405(b)(2), substituted “Under Secretary” for “Secretary” in two places in introductory provisions.

Subsec. (i)(3). Pub. L. 107-296, §1405(a), added par. (3). Subsec. (j). Pub. L. 107-296, §1406(1), redesignated subsec. (i) as (j).

Subsec. (k). Pub. L. 107-296, §1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

2001—Subsec. (a)(2). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places in introductory provisions.

Subsec. (c)(1), (2)(A), (B). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

Subsec. (c)(2)(C). Pub. L. 107-71, §120, amended heading and text of subpar. (C) generally, substituting provisions relating to maximum use of chemical and biological weapon detection equipment for provisions relating to a manual process at explosive detection locations for randomly selecting additional checked bags for screening.

Subsec. (c)(3). Pub. L. 107-71, §106(d), added par. (3).

Subsecs. (e), (f), (g)(1)(A), (B). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

Subsec. (g)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (g)(2)(A). Pub. L. 107-71, §106(c)(1), substituted “weaknesses;” for “weaknesses by January 31, 2001;”.

Subsec. (g)(2)(D). Pub. L. 107-71, §106(c)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: “assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;”.

Subsec. (g)(2)(C). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (g)(2)(E). Pub. L. 107-71, §101(f)(8), substituted “Under Secretary’s” for “Administrator’s”.

Subsec. (g)(2)(F). Pub. L. 107-71, §§101(f)(8), 106(c)(3), substituted “Under Secretary’s” for “Administrator’s” and “program;” for “program by January 31, 2001;”.

Subsec. (g)(2)(G). Pub. L. 107-71, §106(c)(4), added subpar. (G) and struck out former subpar. (G) which read as follows: “require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.”

Subsec. (h). Pub. L. 107-71, §144, which directed that subsec. (h) relating to limitation on liability for acts to thwart criminal violence or aircraft piracy be added at end of section 44903, without specifying the Code title to be amended, was executed by making the addition at the end of this section, to reflect the probable intent of Congress.

Pub. L. 107-71, §126(b), added subsec. (h) relating to authority to arm flight deck crews with less-than-lethal weapons.

Pub. L. 107-71, §106(a), added subsec. (h) relating to improved airport perimeter access security.

Subsec. (i). Pub. L. 107-71, §136, added subsec. (i).

2000—Subsec. (c)(2)(C). Pub. L. 106-528, §6, added subpar. (C).

Subsec. (f). Pub. L. 106-181 added subsec. (f).

Subsec. (g). Pub. L. 106-528, §4, added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-86, §2(b), Jan. 3, 2012, 125 Stat. 1875, provided that: “Not later than 180 days after the date of

enactment of this Act [Jan. 3, 2012], the Assistant Secretary shall implement the plan required by this Act [amending this section and enacting provisions set out as a note under section 40101 of this title].”

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENTS

Amendment by Pub. L. 106-528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106-528, set out as a note under section 106 of this title.

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

SECONDARY COCKPIT BARRIERS

Pub. L. 115-254, div. B, title III, §336, Oct. 5, 2018, 132 Stat. 3281, provided that:

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

“(b) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.”

SEXUAL MISCONDUCT ONBOARD AIRCRAFT

Pub. L. 115-254, div. B, title III, §§339A, 339B, Oct. 5, 2018, 132 Stat. 3282, 3283, provided that:

“SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT TASK FORCE.

“(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of Transportation shall establish a task force, to be known as the ‘National In-Flight Sexual Misconduct Task Force’ (referred to in this section as ‘Task Force’) to—

“(1) review current practices, protocols and requirements of air carriers in responding to allegations of sexual misconduct by passengers onboard aircraft, including training, reporting and data collection; and

“(2) provide recommendations on training, reporting and data collection regarding allegations of sexual misconduct occurring on passenger airline flights that are informed by the review of information described in paragraph (1) and subsection (c)(5) on passengers who have experienced sexual misconduct onboard aircraft.

“(b) MEMBERSHIP.—The Task Force shall be composed of, at a minimum, representatives from—

“(1) [the] Department of Transportation;

“(2) [the] Department of Justice, including the Federal Bureau of Investigation, Office of Victims for Crimes [sic], and the Office on Violence Against Women;

“(3) National organizations that specialize in providing services to sexual assault victims;

“(4) labor organizations that represent flight attendants;

“(5) labor organizations that represent pilots;

“(6) airports;

“(7) air carriers;

“(8) State and local law enforcement agencies; and

“(9) such other Federal agencies and stakeholder organizations as the Secretary of Transportation considers appropriate.

“(c) PURPOSE OF TASK FORCE.—The purpose of the Task Force shall be to—

“(1) issue recommendations for addressing allegations of sexual misconduct by passengers onboard aircraft, including airline employee and contractor training;

“(2) issue recommendations on effective ways for passengers involved in incidents of alleged sexual misconduct to report such allegation of sexual misconduct;

“(3) issue recommendations on how to most effectively provide data on instances of alleged sexual misconduct onboard aircraft and to whom the data collected should be reported in a manner that protects the privacy and confidentiality of individuals involved in incidents of alleged sexual misconduct and precludes the release of data that publically identifies an individual air carrier to enable better understanding of the frequency and severity of such misconduct;

“(4) issue recommendations for flight attendants, pilots, and other appropriate airline personnel on law enforcement notification in incidents of alleged sexual misconduct;

“(5) review and utilize first-hand accounts from passengers who have experienced sexual misconduct onboard aircraft; and

“(6) other matters deemed necessary by the Task Force.

“(d) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Task Force shall submit a report with its recommendations and findings developed pursuant to subsection (c) to the Secretary of Transportation.

“(e) PLAN.—Not later than 180 days after receiving the report required under subsection (d)[,] the Secretary of Transportation, in coordination with relevant federal agencies, shall submit to [the] appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a plan to address the recommendations in the report required under subsection (d). The Secretary of Transportation shall make changes to guidance, policies and regulations, as necessary, within 1 year of submitting the plan required in this subsection.

“(f) REGULATIONS.—Not later than 1 year after submitting the plan required in this subsection [probably means “subsection (e)”], the Secretary of Transportation may issue regulations as deemed necessary to require each air carrier and other covered entity to develop a policy concerning sexual misconduct in accordance with the recommendations and findings of the Task Force under subsection (c).

“(g) SUNSET.—The Task Force established pursuant to subsection (a) shall terminate upon the submission of the report pursuant to subsection (d).

“SEC. 339B. REPORTING PROCESS FOR SEXUAL MISCONDUCT ONBOARD AIRCRAFT.

“(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act [Oct. 5, 2018], the Attorney General, in coordination with relevant Federal agencies, shall establish a streamlined process, based on the plan required under section 339A(e) of this Act, for individuals involved in incidents of alleged sexual misconduct onboard aircraft to report such allegations of sexual misconduct to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations.

“(b) AVAILABILITY OF REPORTING PROCESS.—The process for reporting established under subsection (a) shall be made available to the public on the primary Internet websites of—

“(1) the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice;

“(2) the Federal Bureau of Investigation; and

“(3) the Department of Transportation.”

EMPLOYEE ASSAULT PREVENTION AND RESPONSE PLANS

Pub. L. 115-254, div. B, title V, §551, Oct. 5, 2018, 132 Stat. 3378, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a ‘part 121 air carrier’), shall submit to the Administrator [of the Federal Aviation Administration] for review and acceptance an Employee Assault Prevention and Response Plan related to the customer service agents of the air carrier and that is developed in consultation with the labor union representing such agents.

“(b) CONTENTS OF PLAN.—An Employee Assault Prevention and Response Plan submitted under subsection (a) shall include the following:

“(1) Reporting protocols for air carrier customer service agents who have been the victim of a verbal or physical assault.

“(2) Protocols for the immediate notification of law enforcement after an incident of verbal or physical assault committed against an air carrier customer service agent.

“(3) Protocols for informing Federal law enforcement with respect to violations of section 46503 of title 49, United States Code.

“(4) Protocols for ensuring that a passenger involved in a violent incident with a customer service agent of an air carrier is not allowed to move through airport security or board an aircraft until appropriate law enforcement has had an opportunity to assess the incident and take appropriate action.

“(5) Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security duties within an airport.

“(c) EMPLOYEE TRAINING.—A part 121 air carrier shall conduct initial and recurrent training for all employees, including management, of the air carrier with respect to the plan required under subsection (a), which shall include training on de-escalating hostile situations, written protocols on dealing with hostile situations, and the reporting of relevant incidents.

“(d) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

“(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

“(2) submit the findings of the study, including any recommendations, to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives].

“(e) GAP ANALYSIS.—The study required under subsection (d) shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.”

TRANSPORTATION SECURITY LABORATORY

Pub. L. 115-254, div. K, title I, §1915, Oct. 5, 2018, 132 Stat. 3555, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary [of Homeland Security], in consultation with the Administrator [of the Transportation Security Administration] and the Undersecretary for Science and Technology—

“(1) shall conduct a review to determine whether the TSA [Transportation Security Administration] is the most appropriate component within the Department [of Homeland Security] to administer the Transportation Security Laboratory; and

“(2) may direct the TSA to administer the Transportation Security Laboratory if the review under paragraph (1) identifies the TSA as the most appropriate component.

“(b) PERIODIC REVIEWS.—The Secretary shall periodically review the screening technology test and evalua-

tion process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.

“(c) REPORTS.—The Secretary shall report the findings of each review under this section to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives].”

PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY

Pub. L. 115–254, div. K, title I, §1920, Oct. 5, 2018, 132 Stat. 3560, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

“(b) PARTNERSHIP.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

“(c) COST SHARE.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section \$15,000,000 for each of fiscal years 2019 through 2021.

“(e) GAO REPORT.—Not later than 2 years after the date the pilot program is implemented, the Comptroller General of the United States shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the pilot program, including—

“(1) the extent of airport participation in the pilot program and how the program was implemented;

“(2) the results of the pilot program and any reported benefits, including the impact on security and any cost-related efficiencies realized by TSA [Transportation Security Administration] or at the participating airports; and

“(3) the feasibility of expanding the pilot program to additional airports, including to medium and large hub airports.”

SECURING AIRPORT WORKER ACCESS POINTS

Pub. L. 115–254, div. K, title I, §1934, Oct. 5, 2018, 132 Stat. 3572, provided that:

“(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT SECURITY AWARENESS.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall consult with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees to enhance security awareness of credentialed airport populations regarding insider threats to aviation security and best practices related to airport access controls.

“(b) CREDENTIALING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees, shall assess credentialing standards, policies, and practices, including implementation of relevant credentialing updates required under the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615) [see

Tables for classification], to ensure that insider threats to aviation security are adequately addressed.

“(c) SIDA APPLICATIONS.—

“(1) SOCIAL SECURITY NUMBERS REQUIRED.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall revise the application submitted by an individual applying for a credential granting access to the Secure Identification Area of an airport to require the social security number of such individual in order to strengthen security vetting effectiveness.

“(B) FAILURE TO PROVIDE NUMBER.—An applicant who does not provide such applicant’s social security number may be denied such a credential.

“(2) SCREENING NOTICE.—The Administrator shall issue requirements for an airport operator to include in each application for access to a Security Identification Display Area notification to the applicant that an employee holding a credential granting access to a Security Identification Display Area may be screened at any time while gaining access to, working in, or leaving a Security Identification Display Area.

“(d) SECURED AND STERILE AREAS OF AIRPORTS.—The Administrator shall consult with airport operators and airline operators to identify advanced technologies, including biometric identification technologies, that could be used for securing employee access to the secured areas and sterile areas of airports.

“(e) RAP BACK VETTING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify and submit to the appropriate committees of Congress the number of credentialed aviation worker populations at airports that are continuously vetted through the Federal Bureau of Investigation’s Rap Back Service, consistent with section 3405(b)(2) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note).

“(f) INSIDER THREAT EDUCATION AND MITIGATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify means of enhancing the TSA’s ability to leverage the resources of the Department and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to educate Administration personnel on insider threats to aviation security and how the TSA can better mitigate such insider threats.

“(g) EMPLOYEE INSPECTIONS.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall ensure that TSA-led, random employee physical inspection efforts of aviation workers are targeted, strategic, and focused on providing the greatest level of security effectiveness.

“(h) COVERT TESTING.—

“(1) IN GENERAL.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall continue to conduct covert testing of TSA-led employee inspection operations at airports and measure existing levels of security effectiveness.

“(2) REQUIREMENTS.—The Administrator shall provide—

“(A) the results of such testing to—

“(i) the airport operator for the airport that is the subject of any such testing; and

“(ii) as appropriate, to air carriers and foreign air carriers that operate at the airport that is the subject of such testing; and

“(B) recommendations and technical assistance for air carriers, foreign air carriers, and airport operators to conduct their own employee inspections, as needed.

“(3) ANNUAL REPORTING.—The Administrator shall for each of fiscal years 2019 through 2021, submit to the appropriate committees of Congress a report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

“(i) CENTRALIZED DATABASE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator, in consultation with ASAC, shall—

“(A) subject to paragraph (2), establish a national, centralized database of the names of each individual who—

“(i) has had an airport-issued badge revoked for failure to comply with aviation security requirements; or

“(ii) has had an aircraft operator-issued badge revoked for failure to comply with aviation security requirements;

“(B) determine the appropriate reporting mechanisms for air carriers, foreign air carriers, and airport operators—

“(i) to submit to the Administration data regarding an individual described in subparagraph (A); and

“(ii) to access the database; and

“(C) establish a process to allow an individual whose name is mistakenly entered into the database to correct the record and have the individual’s name expunged from the database.

“(2) LIMITATION.—The database shall not include the name of any individual whose badge has been revoked as a result of a termination or cessation of employment unrelated to—

“(A) a violation of a security requirement; or

“(B) a determination that the individual poses a threat to aviation security.”

[For definitions of terms used in section 1934 of Pub. L. 115-254, set out above, see section 1902 of Pub. L. 115-254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115-254 note under section 101 of this title.]

LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM

Pub. L. 115-254, div. K, title I, §1935, Oct. 5, 2018, 132 Stat. 3574, provided that:

“(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator [of the Transportation Security Administration] shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

“(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

“(2) to increase the presence of law enforcement officers at screening checkpoints;

“(3) to reduce the response times of law enforcement officers during security incidents; and

“(4) to provide visible deterrents to potential terrorists.

“(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.

“(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, \$55,000,000 for each of fiscal years 2019 through 2021.”

AIRPORT PERIMETER AND ACCESS CONTROL SECURITY

Pub. L. 115-254, div. K, title I, §1936, Oct. 5, 2018, 132 Stat. 3575, provided that:

“(a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

“(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall—

“(A) not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], update the Trans-

portation Sector Security Risk Assessment (referred to in this section as the ‘TSSRA’); and

“(B) not later than 90 days after the date the TSSRA is updated under subparagraph (A)—

“(i) update with the most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (referred to in this section as the ‘Risk Assessment of Airport Security’);

“(ii) establish a regular schedule for periodic updates to the Risk Assessment of Airport Security; and

“(iii) conduct a system-wide assessment of airport access control points and airport perimeter security.

“(2) CONTENTS.—The security risk assessments required under paragraph (1)(B) shall—

“(A) include updates reflected in the TSSRA and Joint Vulnerability Assessment findings;

“(B) reflect changes to the risk environment relating to airport access control points and airport perimeters;

“(C) use security event data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

“(D) consider the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

“(3) REPORT.—The Administrator shall report the results of the TSSRA and Risk Assessment of Airport Security under paragraph (1) to—

“(A) the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives];

“(B) relevant Federal departments and agencies; and

“(C) airport operators.

“(b) AIRPORT SECURITY STRATEGY DEVELOPMENT.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (referred to in this section as the ‘National Strategy’).

“(2) CONTENTS.—The update to the National Strategy shall include—

“(A) information from the Risk Assessment of Airport Security; and

“(B) information on—

“(i) airport security-related activities;

“(ii) the status of TSA [Transportation Security Administration] efforts to address the objectives of the National Strategy;

“(iii) finalized outcome-based performance measures and performance levels for—

“(I) each activity described in clause (i); and

“(II) each objective described in clause (ii);

and

“(iv) input from airport operators.

“(3) UPDATES.—Not later than 90 days after the date the update to the National Strategy is complete, the Administrator shall establish a regular schedule for determining if and when additional updates to the strategy under paragraph (1) are necessary.”

TRAVELER REDRESS IMPROVEMENT

Pub. L. 115-254, div. K, title I, §1949, Oct. 5, 2018, 132 Stat. 3588, provided that:

“(a) REDRESS PROCESS.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], using existing resources, systems, and processes, shall ensure the availability of the Department of Homeland Security Traveler Redress Inquiry Program (referred to in this section as ‘DHS TRIP’) redress process to adjudicate an inquiry for an individual who—

“(A) is a citizen of the United States or alien lawfully admitted for permanent residence;

“(B) has filed the inquiry with DHS TRIP after receiving enhanced screening at an airport passenger security checkpoint more than 3 times in any 60-day period; and

“(C) believes the individual has been wrongly identified as being a threat to aviation security.

“(2) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the implementation of the redress process required under paragraph (1).

“(b) PRIVACY IMPACT REVIEW AND UPDATE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and update the Privacy Impact Assessment for the Secure Flight programs to ensure the assessment accurately reflects the operation of such programs.

“(2) PUBLIC DISSEMINATION; FORM.—The Administrator shall—

“(A) publish the Secure Flight Privacy Impact Assessment review and update required under paragraph (1) on a publicly-accessible internet webpage of the TSA [Transportation Security Administration]; and

“(B) submit the Secure Flight Privacy Impact Assessment review and update to the appropriate committees of Congress.

“(c) RULE REVIEW AND NOTIFICATION PROCESS.—

“(1) RULE REVIEW.—Not later than 60 days after the date of enactment of this Act, and every 120 days thereafter, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA, in coordination with the entities specified in paragraph (3), shall identify and review the screening rules established by the Office of Intelligence and Analysis of [the] TSA.

“(2) NOTIFICATION PROCESS.—Not later than 2 days after the date that any change to a rule identified under paragraph (1) is made, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA shall notify the entities specified in paragraph (3) of the change.

“(3) ENTITIES SPECIFIED.—The entities specified in this paragraph are as follows:

“(A) The Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA.

“(B) The Office of Civil Rights and Liberties of the Department [of Homeland Security].

“(C) The Office of Chief Counsel of the TSA.

“(D) The Office of General Counsel of the Department.

“(E) The Privacy Office of the Administration.

“(F) The Privacy Office of the Department.

“(G) The Federal Air Marshal Service.

“(H) The Traveler Redress Inquiry Program of the Department.

“(d) FEDERAL AIR MARSHAL SERVICE COORDINATION.—

“(1) IN GENERAL.—The Administrator shall ensure that the rules identified in subsection (c) are taken into account for Federal Air Marshal mission scheduling.

“(2) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on whether, and if so how, the rules identified in subsection (c) are incorporated in the risk analysis conducted during the Federal Air Marshal mission scheduling process.

“(e) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

“(1) study the rules identified under subsection (c)(1), including—

“(A) whether the rules are effective in mitigating potential threats to aviation security; and

“(B) whether, and if so how, the TSA coordinates with the Department regarding any proposed change to a rule; and

“(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including any recommendations.”

GENERAL AVIATION AIRPORTS

Pub. L. 115–254, div. K, title I, §1952, Oct. 5, 2018, 132 Stat. 3592, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Securing General Aviation and Charter Air Carrier Service Act’.

“(b) ADVANCED PASSENGER PRESCREENING SYSTEM.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on the status of the deployment of the advanced passenger prescreening system, and access thereto for certain aircraft charter operators, as required by section 44903(j)(2)(E) of title 49, United States Code, including—

“(1) the reasons for the delay in deploying the system; and

“(2) a detailed schedule of actions necessary for the deployment of the system.

“(c) SCREENING SERVICES OTHER THAN IN PRIMARY PASSENGER TERMINALS.—

“(1) IN GENERAL.—Subject to the provisions of this subsection, the Administrator may provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport.

“(2) REQUESTS.—A request for screening services under paragraph (1) shall be made at such time, in such form, and in such manner as the Administrator may require, except that the request shall be made to the Federal Security Director for the applicable airport at which the screening services are requested.

“(3) AVAILABILITY.—A Federal Security Director may provide requested screening services under this section if the Federal Security Director determines such screening services are available.

“(4) AGREEMENTS.—

“(A) LIMITATION.—No screening services may be provided under this section unless a charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services.

“(B) PAYMENTS.—Notwithstanding section 3302 of title 31, United States Code, payment received under subparagraph (A) shall be credited to the account that was used to cover the cost of providing the screening services. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

“(5) DEFINITIONS.—In this subsection:

“(A) APPLICABLE AIRPORT.—The term ‘applicable airport’ means an airport that—

“(i) is not a commercial service airport; and

“(ii) is receiving screening services for scheduled passenger aircraft.

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

“(C) SCREENING SERVICES.—The term ‘screening services’ means the screening of passengers and property similar to the screening of passengers and property described in section 44901 of title 49, United States Code.

“(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the appropriate Committees of Congress an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the ASAC and with which the Administrator has concurred before the date of the enactment of this Act:

“(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

“(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

“(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

“(e) DESIGNATED STAFFING.—The Administrator may designate 1 or more full-time employees of the TSA to liaise with, and respond to issues raised by, general aviation stakeholders.

“(f) SECURITY ENHANCEMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.”

[For definitions of terms used in section 1952 of Pub. L. 115-254, set out above, see section 1902 of Pub. L. 115-254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115-254 note under section 101 of this title.]

FLIGHT DECK SAFETY AND SECURITY

Pub. L. 115-254, div. K, title I, §1961, Oct. 5, 2018, 132 Stat. 3600, provided that:

“(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

“(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall disseminate RTCA Document (DO-329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.”

AVIATION CYBERSECURITY

Pub. L. 115-254, div. B, title V, §509, Oct. 5, 2018, 132 Stat. 3355, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a review of the comprehensive and strategic framework of principles and policies (referred to in this section as the ‘framework’) developed pursuant to section 2111 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 44903 note) [set out below].

“(b) CONTENTS.—In undertaking the review under subsection (a), the Administrator shall—

“(1) assess the degree to which the framework identifies and addresses known cybersecurity risks associated with the aviation system;

“(2) review existing short- and long-term objectives for addressing cybersecurity risks to the national airspace system; and

“(3) assess the [Federal Aviation] Administration’s level of engagement and coordination with aviation stakeholders and other appropriate agencies, organizations, or groups with which the Administration consults to carry out the framework.

“(c) UPDATES.—Upon completion of the review under subsection (a), the Administrator shall modify the framework, as appropriate, to address any deficiencies identified by the review.

“(d) REPORT TO CONGRESS.—Not later than 180 days after initiating the review required by subsection (a),

the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the review, including a description of any modifications made to the framework.”

Pub. L. 114-190, title II, §2111, July 15, 2016, 130 Stat. 625, provided that:

“(a) COMPREHENSIVE AND STRATEGIC AVIATION FRAMEWORK.—

“(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall facilitate and support the development of a comprehensive and strategic framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems using a total systems approach that takes into consideration the interactions and interdependence of different components of aircraft systems and the national airspace system.

“(2) SCOPE.—In carrying out paragraph (1), the Administrator shall—

“(A) identify and address the cybersecurity risks associated with—

“(i) the modernization of the national airspace system;

“(ii) the automation of aircraft, equipment, and technology; and

“(iii) aircraft systems, including by—

“(I) directing the Aircraft Systems Information Security Protection Working Group—

“(aa) to assess cybersecurity risks to aircraft systems;

“(bb) to review the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

“(cc) to provide appropriate recommendations to the Administrator if separate or additional rulemaking, policy, or guidance is needed to address cybersecurity risks to aircraft systems; and

“(II) identifying and addressing—

“(aa) cybersecurity risks associated with in-flight entertainment systems; and

“(bb) whether in-flight entertainment systems can and should be isolated and separate, such as through an air gap, under existing rulemaking, policy, and guidance;

“(B) clarify cybersecurity roles and responsibilities of offices and employees of the Federal Aviation Administration, as the roles and responsibilities relate to cybersecurity at the Federal Aviation Administration;

“(C) identify and implement objectives and actions to reduce cybersecurity risks to air traffic control information systems, including actions to improve implementation of information security standards, such as those of the National Institute of Standards and Technology;

“(D) support voluntary efforts by industry, RTCA, Inc., and other standards-setting organizations to develop and identify consensus standards and best practices relating to guidance on aviation systems information security protection, consistent, to the extent appropriate, with the cybersecurity risk management activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e));

“(E) establish guidelines for the voluntary exchange of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities;

“(F) identify short- and long-term objectives and actions that can be taken in response to cybersecurity risks to the national airspace system; and

“(G) identify research and development activities to inform actions in response to cybersecurity risks.

“(3) IMPLEMENTATION REQUIREMENTS.—In carrying out the activities under this subsection, the Administrator shall—

“(A) coordinate with aviation stakeholders, including, at a minimum, representatives of industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

“(B) consult with the heads of relevant agencies and with international regulatory authorities;

“(C) if determined appropriate, convene an expert panel or working group to identify and address cybersecurity risks; and

“(D) evaluate, on a periodic basis, the effectiveness of the principles established under this subsection.

“(b) UPDATE ON CYBERSECURITY IMPLEMENTATION PROGRESS.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator shall provide to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an update on progress made toward the implementation of this section.

“(c) CYBERSECURITY THREAT MODEL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Director of the National Institute of Standards and Technology, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess and research the potential cost and timetable of developing and maintaining an agencywide threat model, which shall be updated regularly, to strengthen the cybersecurity of agency systems across the Federal Aviation Administration. The Administrator shall brief the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status, results, and composition of the threat model.

“(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INFORMATION SECURITY STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after consultation with the Director of the National Institute of Standards and Technology, shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

“(1) a cybersecurity standards plan to improve implementation of the National Institute of Standards and Technology’s latest revisions to information security guidance for Federal Aviation Administration information and Federal Aviation Administration information systems within set timeframes; and

“(2) an explanation of why any such revisions are not incorporated in the plan or are not incorporated within set timeframes.

“(e) CYBERSECURITY RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other agencies as appropriate, shall establish a cybersecurity research and development plan for the national air-space system, including—

“(1) any proposal for research and development cooperation with international partners;

“(2) an evaluation and determination of research and development needs to determine any cybersecurity risks of cabin communications and cabin information technology systems on board in the passenger domain; and

“(3) objectives, proposed tasks, milestones, and a 5-year budgetary profile.”

AIRPORT SECURITY

Pub. L. 114–50, Sept. 24, 2015, 129 Stat. 490, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Gerardo Hernandez Airport Security Act of 2015’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

“(2) ADMINISTRATION.—The term ‘Administration’ means the Transportation Security Administration.

“SEC. 3. SECURITY INCIDENT RESPONSE AT AIRPORTS.

“(a) IN GENERAL.—The Assistant Secretary shall, in consultation with other Federal agencies as appropriate, conduct outreach to all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures, and provide technical assistance as necessary, to verify such airports have in place individualized working plans for responding to security incidents inside the perimeter of the airport, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

“(b) TYPES OF PLANS.—Such plans may include, but may not be limited to, the following:

“(1) A strategy for evacuating and providing care to persons inside the perimeter of the airport, with consideration given to the needs of persons with disabilities.

“(2) A plan for establishing a unified command, including identification of staging areas for non-airport-specific law enforcement and fire response.

“(3) A schedule for regular testing of communications equipment used to receive emergency calls.

“(4) An evaluation of how emergency calls placed by persons inside the perimeter of the airport will reach airport police in an expeditious manner.

“(5) A practiced method and plan to communicate with travelers and all other persons inside the perimeter of the airport.

“(6) To the extent practicable, a projected maximum timeframe for law enforcement response to active shooters, acts of terrorism, and incidents that target passenger security-screening checkpoints.

“(7) A schedule of joint exercises and training to be conducted by the airport, the Administration, other stakeholders such as airport and airline tenants, and any relevant law enforcement, airport police, fire, and medical personnel.

“(8) A schedule for producing after-action joint exercise reports to identify and determine how to improve security incident response capabilities.

“(9) A strategy, where feasible, for providing airport law enforcement with access to airport security video surveillance systems at category X airports where those systems were purchased and installed using Administration funds.

“(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to airports under subsection (a), including an analysis of the level of preparedness such airports have to respond to security incidents, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

“SEC. 4. DISSEMINATING INFORMATION ON BEST PRACTICES.

“The Assistant Secretary shall—

“(1) identify best practices that exist across airports for security incident planning, management, and training; and

“(2) establish a mechanism through which to share such best practices with other airport operators nationwide.

“SEC. 5. CERTIFICATION.

“Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], and annually thereafter, the Assistant Secretary shall certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that all screening personnel have participated in practical training exercises for active shooter scenarios.

“SEC. 6. REIMBURSABLE AGREEMENTS.

“Not later than 90 days after the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of how the Administration can use cost savings achieved through efficiencies to increase over the next 5 fiscal years the funding available for checkpoint screening law enforcement support reimbursable agreements.

“SEC. 7. SECURITY INCIDENT RESPONSE FOR SURFACE TRANSPORTATION SYSTEMS.

“(a) IN GENERAL.—The Assistant Secretary shall, in consultation with the Secretary of Transportation, and other relevant agencies, conduct outreach to all passenger transportation agencies and providers with high-risk facilities, as identified by the Assistant Secretary, to verify such agencies and providers have in place plans to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers.

“(b) TYPES OF PLANS.—As applicable, such plans may include, but may not be limited to, the following:

“(1) A strategy for evacuating and providing care to individuals, with consideration given to the needs of persons with disabilities.

“(2) A plan for establishing a unified command.

“(3) A plan for frontline employees to receive active shooter training.

“(4) A schedule for regular testing of communications equipment used to receive emergency calls.

“(5) An evaluation of how emergency calls placed by individuals using the transportation system will reach police in an expeditious manner.

“(6) A practiced method and plan to communicate with individuals using the transportation system.

“(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to the agencies and providers under subsection (a), including an analysis of the level of preparedness such transportation systems have to respond to security incidents.

“(d) DISSEMINATION OF BEST PRACTICES.—The Assistant Secretary shall identify best practices for security incident planning, management, and training and establish a mechanism through which to share such practices with passenger transportation agencies nationwide.

“SEC. 8. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

“No additional funds are authorized to be appropriated to carry out this Act, and this Act shall be carried out using amounts otherwise available for such purpose.

“SEC. 9. INTEROPERABILITY REVIEW.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall, in consultation with the Assistant Secretary of the Office of Cybersecurity and Communications, conduct a review of the interoperable

communications capabilities of the law enforcement, fire, and medical personnel responsible for responding to a security incident, including active shooter events, acts of terrorism, and incidents that target passenger-screening checkpoints, at all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures.

“(b) REPORT.—Not later than 30 days after the completion of the review, the Assistant Secretary shall report the findings of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

CABIN FLIGHT CREW PARTICIPATION IN KNOWN CREWMEMBER PILOT PROGRAM

Pub. L. 113–6, div. D, title II, Mar. 26, 2013, 127 Stat. 349, provided in part: “That the Administrator of the Transportation Security Administration shall, within 270 days of the date of enactment of this Act [Mar. 26, 2013], establish procedures allowing members of cabin flight crews of air carriers to participate in the Known Crewmember pilot program, unless the Administrator determines that meeting the requirement within this timeline is not practicable and informs the Committees on Appropriations of the Senate and House of Representatives of the basis for that determination and the new timeline for implementing the requirement”.

STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM

Pub. L. 110–53, title XVI, §1605, Aug. 3, 2007, 121 Stat. 481, provided that:

“(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—

“(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

“(2) provides a projected timeline for each phase of testing and implementation of the system;

“(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

“(4) describes how the system complies with section 552a of title 5, United States Code.

“(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

“(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

“(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

“(3) describes the Transportation Security Administration’s plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

“(4) provides a realistic determination of when the system will be completed; and

“(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.”

PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES

Pub. L. 110-53, title XVI, §1613, Aug. 3, 2007, 121 Stat. 485, provided that:

“(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.

“(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

“(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;

“(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not collocated with a screening checkpoint; and

“(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.

“(c) REPORTS.—

“(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

“(A) the airport or airports selected to participate in the pilot program;

“(B) the technologies to be tested;

“(C) the potential savings from implementing the technologies at selected airport exits;

“(D) the types of configurations expected to be deployed at such airports; and

“(E) the expected financial contribution from each airport.

“(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—

“(A) the changes in security procedures and technologies deployed;

“(B) the estimated cost savings at the airport or airports that participated in the pilot program; and

“(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.

“(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

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

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on Homeland Security of the House of Representatives; and

“(E) the Committee on Appropriations of the House of Representatives.

“(d) USE OF EXISTING FUNDS.—This section shall be executed using existing funds.”

SECURITY CREDENTIALS FOR AIRLINE CREWS

Pub. L. 110-53, title XVI, §1614, Aug. 3, 2007, 121 Stat. 486, provided that:

“(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration’s efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and

cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted.

“(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than 1 year after the date on which the Administrator submits the report under subsection (a).”

CAPPS2

Pub. L. 108-176, title VI, §607, Dec. 12, 2003, 117 Stat. 2568, provided that:

“(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as ‘CAPPS2’) until the Under Secretary provides to Congress a certification that—

“(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

“(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

“(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

“(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

“(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

“(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

“(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

“(8) there are no specific privacy concerns with the technological architecture of the system.

“(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.”

REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

Pub. L. 108-176, title VIII, §821, Dec. 12, 2003, 117 Stat. 2594, provided that: “The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

“(1) the screening of catering supplies; and

“(2) checking documents at security checkpoints.”

IMPROVED FLIGHT DECK INTEGRITY MEASURES

Pub. L. 107-71, title I, §104, Nov. 19, 2001, 115 Stat. 605, provided that:

“(a) IN GENERAL.—As soon as possible after the date of enactment of this Act [Nov. 19, 2001], the Administrator of the Federal Aviation Administration shall—

“(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

“(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14, Code of Federal Regulations, except to authorized persons;

“(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

“(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

“(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

“(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.

“(b) IMPLEMENTATION OF OTHER METHODS.—As soon as possible after such date of enactment [Nov. 19, 2001], the Administrator of the Federal Aviation Administration may develop and implement methods—

“(1) to use video monitors or other devices to alert pilots in the flight deck to activity in the cabin, except that the use of such monitors or devices shall be subject to nondisclosure requirements applicable to cockpit video recordings under section 1114(c) [of title 49];

“(2) to ensure continuous operation of an aircraft transponder in the event of an emergency; and

“(3) to revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies, including providing for the installation of switches or other devices or methods in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(c) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing the flight deck of scheduled passenger aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so operating, taking into consideration such aircraft operating in regions where there is minimal threat to aviation security or national security.”

SMALL AND MEDIUM AIRPORTS

Pub. L. 107-71, title I, §106(b), Nov. 19, 2001, 115 Stat. 609, provided that:

“(1) TECHNICAL SUPPORT AND FINANCIAL ASSISTANCE.—The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall develop a plan to—

“(A) provide technical support to airports, each of which had less than 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available, to enhance security operations; and

“(B) provide financial assistance to those airports to defray the costs of enhancing security.

“(2) REMOVAL OF CERTAIN RESTRICTIONS.—

“(A) CERTIFICATION BY OPERATOR.—If the operator of an airport described in paragraph (1), after consultation with the appropriate State and local law enforcement authorities, determines that safeguards

are in place to sufficiently protect public safety, and so certifies in writing to the Under Secretary, then any security rule, order, or other directive restricting the parking of passenger vehicles shall not apply at that airport after the applicable time period specified in subparagraph (B), unless the Under Secretary, taking into account individual airport circumstances, notifies the airport operator that the safeguards in place do not adequately respond to specific security risks and that the restriction must be continued in order to ensure public safety.

“(B) COUNTERMAND PERIOD.—The time period within which the Secretary may notify an airport operator, after receiving a certification under subparagraph (A), that a restriction must be continued in order to ensure public safety at the airport is—

“(i) 15 days for a nonhub airport (as defined in section 41714(h) of title 49, United States Code);

“(ii) 30 days for a small hub airport (as defined in such section);

“(iii) 60 days for a medium hub airport (as defined in such section); and

“(iv) 120 days for an airport that had at least 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available.”

AIRPORT SECURITY AWARENESS PROGRAMS

Pub. L. 107-71, title I, §106(e), Nov. 19, 2001, 115 Stat. 610, provided that: “The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall require scheduled passenger air carriers, and airports in the United States described in section 44903(c) [of title 49] to develop security awareness programs for airport employees, ground crews, gate, ticket, and curbside agents of the air carriers, and other individuals employed at such airports.”

AIRLINE COMPUTER RESERVATION SYSTEMS

Pub. L. 107-71, title I, §117, Nov. 19, 2001, 115 Stat. 624, provided that: “In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other nonpublic information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.”

AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES

Pub. L. 107-71, title I, §121, Nov. 19, 2001, 115 Stat. 630, provided that:

“(a) AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Transportation for fiscal years 2002 and 2003 a total of \$1,500,000,000 to reimburse airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

“(b) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers under this section for any cost for which the airport operator, on-airport parking lot, or vendor of on-airfield direct services does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

“(1) the cost is eligible for reimbursement under subsection (a); and

“(2) the cost was incurred by the airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information necessary to conduct such an audit.

“(c) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act [Nov. 19, 2001], the Secretary, after consultation with airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.”

FLIGHT DECK SECURITY

Pub. L. 107-71, title I, § 128, Nov. 19, 2001, 115 Stat. 633, which authorized the pilot of a passenger aircraft to carry a firearm into the cockpit if approved by the Under Secretary of Transportation for Security and the air carrier, if the firearm is approved by the Under Secretary, and if the pilot has received proper training, was repealed by Pub. L. 107-296, title XIV, § 1402(b)(2), Nov. 25, 2002, 116 Stat. 2305.

CHARTER AIR CARRIERS

Pub. L. 107-71, title I, § 132(a), Nov. 19, 2001, 115 Stat. 635, which provided that within 90 days after Nov. 19, 2001, the Under Secretary of Transportation for Security was to implement an aviation security program for charter air carriers with a maximum certificated take-off weight of 12,500 pounds or more, was repealed by Pub. L. 108-176, title VI, § 606(b), Dec. 12, 2003, 117 Stat. 2568.

PHYSICAL SECURITY FOR ATC FACILITIES

Pub. L. 106-528, § 5, Nov. 22, 2000, 114 Stat. 2521, provided that:

“(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

“(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

“(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

“(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.”

DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS

Pub. L. 106-181, title V, § 512, Apr. 5, 2000, 114 Stat. 142, provided that:

“(a) DEFINITIONS.—In this section, the following definitions apply:

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

“(2) AIR TRANSPORTATION.—The term ‘air transportation’ has the meaning given that term in such section.

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1)(A).

“(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

“(1) IN GENERAL.—The Attorney General may—

“(A) establish a program under which the Attorney General may deputize State and local law en-

forcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

“(B) encourage the participation of law enforcement officers of State and local governments in the program.

“(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

“(A) the United States Government (including the Administrator [of the Federal Aviation Administration] or a designated representative of the Administrator); and

“(B) State and local governments in any geographic area in which the program may operate.

“(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

“(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

“(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

“(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

“(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

“(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

“(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

“(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

“(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

“(A) be considered to be an employee of the United States Government; or

“(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

“(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

“(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

“(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer’s capacity under any other applicable State or Federal law.

“(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

“(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of the enactment of this Act [Apr. 5, 2000], the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.”

DEVELOPMENT OF AVIATION SECURITY LIAISON
AGREEMENT

Pub. L. 104-264, title III, §309, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies’ field offices in or near cities served by a designated high-risk airport.”

DEFINITIONS OF TERMS IN PUB. L. 107-71

For definitions of terms used in sections 104, 106(b), (e), 117, 121, 128, and 132(a) of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.

§ 44904. Domestic air transportation system security

(a) ASSESSING THREATS.—The Administrator of the Transportation Security Administration and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Administrator of the Transportation Security Administration and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(b) ASSESSING SECURITY.—In coordination with the Director, the Administrator of the Transportation Security Administration shall carry out periodic threat and vulnerability assessments on security at each airport that is part of the domestic air transportation system. Each assessment shall include consideration of—

- (1) the adequacy of security procedures related to the handling and transportation of checked baggage and cargo;
- (2) space requirements for security personnel and equipment;
- (3) separation of screened and unscreened passengers, baggage, and cargo;
- (4) separation of the controlled and uncontrolled areas of airport facilities; and
- (5) coordination of the activities of security personnel of the Transportation Security Administration, the United States Customs Service, the Immigration and Naturalization Service, and air carriers, and of other law enforcement personnel.

(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(s)(3), the modal security plan for aviation prepared under section 114(s) shall—

(1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

(2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

(d) OPERATIONAL CRITERIA.—The Administrator of the Transportation Security Administration shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(s)(1) and shall approve best practices guidelines for airport assets.

(e) IMPROVING SECURITY.—The Administrator of the Transportation Security Administration shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107-71, title I, §101(f)(1), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 108-458, title IV, §4001(b), Dec. 17, 2004, 118 Stat. 3712; Pub. L. 115-254, div. K, title I, §1991(d)(4), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44904(a)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, §106(a), (b), 104 Stat. 3075.
44904(b)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, §106(c), 104 Stat. 3075.
44904(c)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, §106(e), 104 Stat. 3075.

In subsection (a), the words “domestic air transportation system” are substituted for “domestic aviation system” for consistency in this section.

In subsection (b), before clause (1), the word “Director” is substituted for “Federal Bureau of Investigation” because of 28:532. In clauses (1) and (3), the word “mail” is omitted as being included in “cargo”.

In subsection (c), the word “correcting” is substituted for “remedying” for clarity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(4)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(4)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in first sentence.

Subsec. (c). Pub. L. 115-254, §1991(d)(4)(B), substituted “section 114(s)(3)” for “section 114(t)(3)” and “section 114(s)” for “section 114(t)” in introductory provisions.

Subsec. (d). Pub. L. 115-254, §1991(d)(4)(C), substituted “The Administrator of the Transportation Security Administration” for “Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)” and “section 114(s)(1)” for “section 114(t)(1)”.

2004—Subsecs. (c) to (e). Pub. L. 108-458 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

2001—Subsec. (a). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary” for “Administrator” in two places and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator" in introductory provisions.

Subsec. (b)(5). Pub. L. 107-71, §101(f)(1), substituted "the Transportation Security Administration" for "the Administration".

Subsec. (c). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator".

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

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

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

REGULAR JOINT THREAT ASSESSMENTS

Pub. L. 104-264, title III, §310, Oct. 9, 1996, 110 Stat. 3253, provided that: "The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk."

§ 44905. Information about threats to civil aviation

(a) PROVIDING INFORMATION.—Under guidelines the Administrator of the Transportation Security Administration prescribes, an air carrier, airport operator, ticket agent, or individual employed by an air carrier, airport operator, or ticket agent, receiving information (except a communication directed by the United States Government) about a threat to civil aviation shall provide the information promptly to the Administrator.

(b) FLIGHT CANCELLATION.—If a decision is made that a particular threat cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers and crew of a particular flight or series of flights, the Administrator of the Transportation Security Administration shall cancel the flight or series of flights.

(c) GUIDELINES ON PUBLIC NOTICE.—(1) The President shall develop guidelines for ensuring that public notice is provided in appropriate cases about threats to civil aviation. The guidelines shall identify officials responsible for—

(A) deciding, on a case-by-case basis, if public notice of a threat is in the best interest of the United States and the traveling public;

(B) ensuring that public notice is provided in a timely and effective way, including the use of a toll-free telephone number; and

(C) canceling the departure of a flight or series of flights under subsection (b) of this section.

(2) The guidelines shall provide for consideration of—

(A) the specificity of the threat;

(B) the credibility of intelligence information related to the threat;

(C) the ability to counter the threat effectively;

(D) the protection of intelligence information sources and methods;

(E) cancellation, by an air carrier or the Administrator of the Transportation Security Administration, of a flight or series of flights instead of public notice;

(F) the ability of passengers and crew to take steps to reduce the risk to their safety after receiving public notice of a threat; and

(G) other factors the Administrator of the Transportation Security Administration considers appropriate.

(d) GUIDELINES ON NOTICE TO CREWS.—The Administrator of the Transportation Security Administration shall develop guidelines for ensuring that notice in appropriate cases of threats to the security of an air carrier flight is provided to the flight crew and cabin crew of that flight.

(e) LIMITATION ON NOTICE TO SELECTIVE TRAVELERS.—Notice of a threat to civil aviation may be provided to selective potential travelers only if the threat applies only to those travelers.

(f) RESTRICTING ACCESS TO INFORMATION.—In cooperation with the departments, agencies, and instrumentalities of the Government that collect, receive, and analyze intelligence information related to aviation security, the Administrator of the Transportation Security Administration shall develop procedures to minimize the number of individuals who have access to information about threats. However, a restriction on access to that information may be imposed only if the restriction does not diminish the ability of the Government to carry out its duties and powers related to aviation security effectively, including providing notice to the public and flight and cabin crews under this section.

(g) DISTRIBUTION OF GUIDELINES.—The guidelines developed under this section shall be distributed for use by appropriate officials of the Department of Transportation, the Department of State, the Department of Justice, and air carriers.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(5), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44905(a)	49 App.:1358d(a).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §321; added Nov. 16, 1990, Pub. L. 101-604, §109(a), 104 Stat. 3078.
44905(b)	49 App.:1358d(b).	
44905(c)(1) ..	49 App.:1358d(c)(1), (d).	
44905(c)(2) ..	49 App.:1358d(e).	
44905(d)	49 App.:1358d(c)(2).	
44905(e)	49 App.:1358d(f).	
44905(f)	49 App.:1358d(h).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44905(g)	49 App.:1358d(g).	

In subsection (a), the words “employed by an air carrier, airport operator, or ticket agent” are substituted for “employed by such an entity” for clarity. The words “or a designee of the Secretary” are omitted as unnecessary.

In subsections (c)(1), before clause (A), and (d), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete.

In subsection (c)(1)(B), the words “when considered appropriate” are omitted as unnecessary because of the restatement.

In subsection (e), the words “selective potential travelers” are substituted for “only selective potential travelers” to eliminate an unnecessary word.

In subsection (f), the words “departments, agencies, and instrumentalities of the Government” are substituted for “agencies” for clarity and consistency in the revised title and with other titles of the United States Code. The words “However, a restriction on access to that information may be imposed only if the restriction does not diminish” are substituted for “Any restriction adopted pursuant to this subsection shall not diminish” for clarity.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(5)(A), substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” and “Administrator.” for “Secretary.”

Subsec. (b). Pub. L. 115-254, §1991(d)(5)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 115-254, §1991(d)(5)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

2001—Subsec. (b). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

§ 44906. Foreign air carrier security programs

The Administrator of the Transportation Security Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall not approve a security program of a foreign air carrier under section 129.25, or any successor regulation, unless the security program requires the foreign air carrier in its operations to and from airports in the United States to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. The foregoing requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures. The Administrator shall prescribe regulations to carry out this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1208; Pub. L. 104-132, title III, §322, Apr. 24, 1996, 110

Stat. 1254; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(6), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44906(a)(1) ..	49 App.:1357(k) (1)-(3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(k)(1)-(3); added Nov. 16, 1990, Pub. L. 101-604, §105(a), 104 Stat. 3074.
	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, §105(c), 104 Stat. 3075.

The text of 49 App.:1357(k)(3) and the words “Not later than 180 days after the date of enactment of this Act” in section 105(c) of the Aviation Security Improvement Act of 1990 (Public Law 101-604, 104 Stat. 3075) are omitted as obsolete.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” and, wherever appearing, “Administrator” for “Under Secretary”.

2001—Pub. L. 107-71 substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

1996—Pub. L. 104-132 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator may approve a security program of a foreign air carrier under section 129.25 only if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection similar to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall require a foreign air carrier to use procedures equivalent to those required of air carriers serving the same airport if the Administrator decides that the procedures are necessary to provide a level of protection similar to that provided passengers of the air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.”

§ 44907. Security standards at foreign airports

(a) ASSESSMENT.—(1) At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

(A) a foreign airport—

- (i) served by an air carrier;
- (ii) from which a foreign air carrier serves the United States; or
- (iii) that poses a high risk of introducing danger to international air travel; and

(B) other foreign airports the Secretary considers appropriate.

(2) The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate aeronautic authorities of the government of a foreign country concerned and each air carrier serving the foreign airport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign airport effectively maintains and carries out security measures, including the screening and vetting of airport workers; and

(C) by using a standard that will result in an analysis of the security measures at the airport based at least on the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation in effect on the date of the assessment.

(3) Each report to Congress required under section 44938(b) of this title shall contain a summary of the assessments conducted under this subsection.

(b) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign airports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international air travel.

(c) NOTIFYING FOREIGN AUTHORITIES.—When the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, decides that an airport does not maintain and carry out effective security measures, the Secretary of Transportation, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the airport up to the standard used by the Secretary of Transportation in making the assessment.

(d) ACTIONS WHEN AIRPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—(1) When the Secretary of Transportation decides under this section that an airport does not maintain and carry out effective security measures—

(A) the Secretary of Transportation shall—

(i) publish the identity of the airport in the Federal Register;

(ii) have the identity of the airport posted and displayed prominently at all United States airports at which scheduled air carrier operations are provided regularly; and

(iii) notify the news media of the identity of the airport;

(B) each air carrier and foreign air carrier providing transportation between the United States and the airport shall provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the airport;

(C) notwithstanding section 40105(b) of this title, the Secretary of Transportation, after consulting with the appropriate aeronautic authorities of the foreign country concerned and each air carrier serving the airport and with the approval of the Secretary of State, may withhold, revoke, or prescribe conditions on the operating authority of an air carrier or foreign air carrier that uses that airport to provide foreign air transportation; and

(D) the President may prohibit an air carrier or foreign air carrier from providing transportation between the United States and any other foreign airport that is served by aircraft flying to or from the airport with respect to which a decision is made under this section.

(2)(A) Paragraph (1) of this subsection becomes effective—

(i) 90 days after the government of a foreign country is notified under subsection (c) of this section if the Secretary of Transportation finds that the government has not brought the security measures at the airport up to the standard the Secretary used in making an assessment under subsection (a) of this section; or

(ii) immediately on the decision of the Secretary of Transportation under subsection (c) of this section if the Secretary of Transportation decides, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from the airport.

(B) The Secretary of Transportation immediately shall notify the Secretary of State of a decision under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 44908(a) of this title.

(3) The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the airport under subsection (a) of this section.

(4) An action required under paragraph (1)(A) and (B) of this subsection is no longer required only if the Secretary of Transportation, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the airport. The Secretary of Transportation shall notify Congress when the action is no longer required to be taken.

(e) SUSPENSIONS.—Notwithstanding sections 40105(b) and 40106(b) of this title, the Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of an air carrier or foreign air carrier to provide foreign air transportation, and the right of a person to operate aircraft in foreign air commerce, to or from a foreign airport when the Secretary of Transportation decides that—

(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from that airport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that airport.

(f) CONDITION OF CARRIER AUTHORITY.—This section is a condition to authority the Secretary of Transportation grants under this part to an air carrier or foreign air carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1209; Pub. L. 115-254, div. K, title I, §1954, Oct. 5, 2018, 132 Stat. 3595.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44907(a)(1) ..	49 App.:1515(a)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1115(a), (b), (d)-(h); added Aug. 5, 1974, Pub. L. 93-366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99-83, §551(a), 99 Stat. 222.
44907(a)(2) ..	49 App.:1515(a)(2), (3).	
44907(a)(3) ..	49 App.:1515(c).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1115(c); added Aug. 5, 1974, Pub. L. 93-366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99-83, §551(a), 99 Stat. 222; Nov. 16, 1990, Pub. L. 101-604, §102(c)(2), 104 Stat. 3069.
44907(b)	49 App.:1515(b).	
44907(c)	49 App.:1515(d).	
44907(d)(1) ..	49 App.:1515(e)(2).	
44907(d)(2) ..	49 App.:1515(e)(1).	
44907(d)(3) ..	49 App.:1515(e)(3).	
44907(d)(4) ..	49 App.:1515(f).	
44907(e)	49 App.:1515(g).	
44907(f)	49 App.:1515(h).	

In subsections (a)(2)(A) and (d)(2)(A)(i) and (3), the words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2)(B), the word “foreign” is added for clarity and consistency in this section.

In subsection (b)(2), the word “foreign” is added for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the Code.

In subsection (d)(1), before clause (A), the words “Subject to paragraph (1)” are omitted as surplus. In clause (C), the words “foreign country” are substituted for “foreign government” for clarity and consistency in the revised title and with other titles of the Code. The word “prescribe” is substituted for “impose” for consistency in the revised title and with other titles of the Code. The word “provide” is substituted for “engage in” for consistency in the revised title. In clause (D), the words “directly or indirectly” are omitted as surplus.

In subsection (d)(2)(A)(i), the words “identified” and “of such airport” are omitted as surplus.

In subsection (d)(2)(B), the words “issue a travel advisory required under section 44908(a) of this title” are substituted for “comply with the requirement of section 1515(a) [sic] of this Appendix that a travel advisory be issued” to eliminate unnecessary words.

In subsection (d)(4), the words “An action required . . . is no longer required” are substituted for “The sanctions required to be imposed with respect to an airport . . . may be lifted” to eliminate unnecessary words.

In subsection (e), before clause (1), the word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (f), the words “issued under authority vested in” are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2)(B). Pub. L. 115-254 inserted “, including the screening and vetting of airport workers” after “security measures”.

Statutory Notes and Related Subsidiaries

LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES

Pub. L. 115-254, div. K, title I, §1953, Oct. 5, 2018, 132 Stat. 3594, provided that:

“(a) NOTICE AND CONSULTATION.—

“(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

“(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

“(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

“(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

“(b) GAO REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Comptroller General of the United States shall review the effectiveness of the TSA [Transportation Security Administration] process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

“(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

“(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

“(B) review the extent of intra-agency and inter-agency coordination, stakeholder outreach, coordination, and feedback; and

“(C) review TSA’s process and criteria for, and implementation of, updating or revoking the policies described in subparagraph (A).

“(c) RESCREENING.—Subject to section 44901(d)(4)(c) [sic] of title 49, United States Code, upon discovery of specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

“(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.

“(e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any decision of the Administrator under subsection (a)(1) relating to consultation or notification shall not be subject to judicial review.”

§ 44908. Travel advisory and suspension of foreign assistance

(a) TRAVEL ADVISORIES.—On being notified by the Administrator of the Transportation Security Administration that the Administrator of the Transportation Security Administration has decided under section 44907(d)(2)(A)(ii) of this title that a condition exists that threatens the security of passengers, aircraft, or crew traveling to or from a foreign airport that the Administrator of the Transportation Security Ad-

ministration has decided under section 44907 of this title does not maintain and carry out effective security measures, the Secretary of State—

- (1) immediately shall issue a travel advisory for that airport; and
- (2) shall publicize the advisory widely.

(b) **SUSPENDING ASSISTANCE.**—The President shall suspend assistance provided under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country in which is located an airport with respect to which section 44907(d)(1) of this title becomes effective if the Secretary of State decides the country is a high terrorist threat country. The President may waive this subsection if the President decides, and reports to Congress, that the waiver is required because of national security interests or a humanitarian emergency.

(c) **ACTIONS NO LONGER REQUIRED.**—An action required under this section is no longer required only if the Administrator of the Transportation Security Administration has made a decision as provided under section 44907(d)(4) of this title. The Administrator shall notify Congress when the action is no longer required to be taken.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 105–277, div. G, subdiv. B, title XXII, §2224(a), Oct. 21, 1998, 112 Stat. 2681–819; Pub. L. 115–254, div. K, title I, §1991(d)(7), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44908(a)	49 App.:1515a(a).	Aug. 8, 1985, Pub. L. 99–83, §552, 99 Stat. 226.
44908(b)	49 App.:1515a(b).	
44908(c)	49 App.:1515a(c), (d).	

In subsection (a)(3), the words “take the necessary steps to” are omitted as surplus.

In subsection (b), the words “all” and “the requirements of” are omitted as surplus.

Subsection (c) is substituted for 49 App.:1515a(c) and (d) to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(7)(A), (B), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” wherever appearing and struck out “safety or” before “security of passengers”.

Subsec. (c). Pub. L. 115–254, §1991(d)(7)(A), (C), substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” and “The Administrator” for “The Secretary”.

1998—Subsec. (a). Pub. L. 105–277 inserted “and” at end of par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “shall publish the advisory in the Federal Register; and”.

§ 44909. Passenger manifests

(a) **AIR CARRIER REQUIREMENTS.**—(1) The Secretary of Transportation shall require each air carrier to provide a passenger manifest for a flight to an appropriate representative of the Secretary of State—

(A) not later than one hour after that carrier is notified of an aviation disaster outside the United States involving that flight; or

(B) if it is not technologically feasible or reasonable to comply with clause (A) of this paragraph, then as expeditiously as possible, but not later than 3 hours after the carrier is so notified.

(2) The passenger manifest should include the following information:

- (A) the full name of each passenger.
- (B) the passport number of each passenger, if required for travel.
- (C) the name and telephone number of a contact for each passenger.

(3) In carrying out this subsection, the Secretary of Transportation shall consider the necessity and feasibility of requiring air carriers to collect passenger manifest information as a condition for passengers boarding a flight of the carrier.

(b) **FOREIGN AIR CARRIER REQUIREMENTS.**—The Secretary of Transportation shall consider imposing a requirement on foreign air carriers comparable to that imposed on air carriers under subsection (a)(1) and (2) of this section.

(c) **FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.**—

(1) **IN GENERAL.**—Each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of U.S. Customs and Border Protection by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

(2) **INFORMATION.**—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

- (A) The full name of each passenger and crew member.
- (B) The date of birth and citizenship of each passenger and crew member.
- (C) The sex of each passenger and crew member.
- (D) The passport number and country of issuance of each passenger and crew member if required for travel.

(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

(F) Such other information as the Administrator of the Transportation Security Administration, in consultation with the Commissioner of U.S. Customs and Border Pro-

tection, determines is reasonably necessary to ensure aviation safety.

(3) PASSENGER NAME RECORDS.—The carriers shall make passenger name record information available to the Customs Service upon request.

(4) TRANSMISSION OF MANIFEST.—Subject to paragraphs (5) and (6), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

(5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Administrator of the Transportation Security Administration or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.

(6) PRESCREENING INTERNATIONAL PASSENGERS.—

(A) IN GENERAL.—The Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rule-making that will allow the Department of Homeland Security to compare passenger information for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

(B) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Secretary of Homeland Security will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary of Homeland Security to authenticate the identity of such a passenger or individual.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 106-181, title VII, §718, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107-71, title I, §115, Nov. 19, 2001, 115 Stat. 623; Pub. L. 108-458, title IV, §4012(a)(2), Dec. 17, 2004, 118 Stat. 3717; Pub. L. 114-125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210; Pub. L. 115-254, div. K, title I, §1991(d)(8), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44909(a)(3) ..	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101-604, §203(b), 104 Stat. 3082.
44909(b)	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101-604, §203(c), 104 Stat. 3083.

In subsection (a)(1), before clause (A), the words “each air carrier” are substituted “all United States air carriers” because of the definition of “air carrier” in section 40102(a) of the revised title. The words “an appropriate representative of the Secretary of State” are substituted for “appropriate representatives of the United States Department of State” because of 22:2651 and for consistency in the revised title and with other titles of the United States Code. In clause (B), the words “to comply with clause (A) of this paragraph” are substituted for “to fulfill the requirement of this subsection” for consistency in the revised title and with other titles of the Code.

In subsection (a)(2), before clause (B), the words “For purposes of this section” are omitted as unnecessary.

In subsection (a)(3), the words “In carrying out this subsection” are substituted for “In implementing the requirement pursuant to the amendment made by subsection (a) of this section” for clarity and to eliminate unnecessary words.

In subsection (b), the word “imposing” is added for clarity. The words “imposed on air carriers under subsection (a)(1) and (2) of this section” are substituted for “imposed pursuant to the amendment made by subsection (a)” for clarity and because of the restatement.

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254, §1991(d)(8)(A), substituted “The” for “Not later than March 16, 1991, the” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(8)(B)(i), substituted “Each” for “Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each”.

Subsec. (c)(2)(F), (5). Pub. L. 115-254, §1991(d)(8)(B)(ii), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c)(6)(A). Pub. L. 115-254, §1991(d)(8)(B)(iii)(I), substituted “The” for “Not later than 60 days after date of enactment of this paragraph, the”.

Subsec. (c)(6)(B)(ii). Pub. L. 115-254, §1991(d)(8)(B)(iii)(II), substituted “the Secretary of Homeland Security will” for “the Secretary will” and “the Secretary of Homeland Security to” for “the Secretary to”.

2004—Subsec. (c)(4). Pub. L. 108-458, §4012(a)(2)(A), substituted “paragraphs (5) and (6),” for “paragraph (5),”.

Subsec. (c)(6). Pub. L. 108-458, §4012(a)(2)(B), added par. (6).

2001—Subsec. (c). Pub. L. 107-71 which directed the addition of subsec. (c) to section 44909, without specifying the Code title to be amended, was executed by making the addition to this section, to reflect the probable intent of Congress.

2000—Subsec. (a)(2). Pub. L. 106-181 substituted “should” for “shall” in introductory provisions.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (c)(1) and (2)(F) on authority of section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44909(a)(1) ..	49 App.:1380(a).	Aug. 23, 1958, Pub. L. 85-726, §410, 72 Stat. 769; Oct. 15, 1962, Pub. L. 87-820, §8, 76 Stat. 936; restated Nov. 16, 1990, Pub. L. 101-604, §203(a), 104 Stat. 3082.
44909(a)(2) ..	49 App.:1380(b).	

Pub. L. 106-181, set out as a note under section 106 of this title.

TRANSFER OF FUNCTIONS

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

§ 44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance related to aircraft sabotage, aircraft hijacking, and airport security.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44910, 49 App.:1515 (note), Aug. 8, 1985, Pub. L. 99-83, §556, 99 Stat. 227.

§ 44911. Intelligence

(a) DEFINITION.—In this section, “intelligence community” means the intelligence and intelligence-related activities of the following units of the United States Government:

- (1) the Department of State.
(2) the Department of Defense.
(3) the Department of the Treasury.
(4) the Department of Energy.
(5) the Departments of the Army, Navy, and Air Force.
(6) the Central Intelligence Agency.
(7) the National Security Agency.
(8) the Defense Intelligence Agency.
(9) the Federal Bureau of Investigation.
(10) the Drug Enforcement Administration.

(b) POLICIES AND PROCEDURES ON REPORT AVAILABILITY.—The head of each unit in the intelligence community shall prescribe policies and procedures to ensure that intelligence reports about terrorism are made available, as appropriate, to the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Transportation Security Administration.

(c) UNIT FOR STRATEGIC PLANNING ON TERRORISM.—The heads of the units in the intelligence community shall place greater emphasis on strategic intelligence efforts by establishing a unit for strategic planning on terrorism.

(d) DESIGNATION OF INTELLIGENCE OFFICER.—At the request of the Secretary of Homeland Security, the Director of Central Intelligence shall designate at least one intelligence officer of the Central Intelligence Agency to serve in a senior position in the Office of the Secretary.

(e) WRITTEN WORKING AGREEMENTS.—The heads of units in the intelligence community, the Secretary of Homeland Security, and the Administrator of the Transportation Security Administration shall review and, as appropriate, revise written working agreements between the intelligence community and the Administrator of the Transportation Security Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107-71, title I, §§101(f)(7), (9), 102(b), (c), Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115-254, div. K, title I, §1991(d)(9), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1-5: 44911(a)-(e), 49 App.:1358d (note), Nov. 16, 1990, Pub. L. 101-604, §111(e), 104 Stat. 3080.

In this section, the word “units” is substituted for “agencies” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (e), the words “Not later than 180 days after the date of enactment of this Act” in section 111(a) and (d) of the Aviation Security Improvement Act of 1990 (Public Law 101-640, 104 Stat. 3080) are omitted as obsolete.

In subsection (b), the words “the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration” are substituted for “other members of the intelligence community, the Department of Transportation, and the Federal Aviation Administration” for clarity and consistency in the revised title and with other titles of the Code.

In subsections (c) and (e), the words “heads of units in the intelligence community” are substituted for “intelligence community” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (e), the words “memorandums of understanding” are omitted as being included in “written working agreements”.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254, §1991(d)(9)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (d). Pub. L. 115-254, §1991(d)(9)(B), substituted “request of the Secretary of Homeland Security” for “request of the Secretary”.

Subsec. (e). Pub. L. 115-254, §1991(d)(9)(C), substituted “Secretary of Homeland Security, and the Administrator of the Transportation Security Administration” for “Secretary, and the Under Secretary” and “intelligence community and the Administrator of the Transportation Security Administration” for “intelligence community and the Under Secretary”.

2001—Subsec. (b). Pub. L. 107-71, §102(b), struck out “international” before “terrorism”.

Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (c). Pub. L. 107-71, §102(c), substituted “place” for “consider placing”.

Subsec. (e). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

§ 44912. Research and development

(a) PROGRAM REQUIREMENT.—(1) The Administrator shall establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. The program shall provide for developing and having in place new equipment and procedures necessary to meet the technological challenges presented by terrorism. The program shall include research on, and development of, technological improvements and ways to enhance human performance.

(2) In designing and carrying out the program established under this subsection, the Administrator shall—

(A) consult and coordinate activities with other departments, agencies, and instrumentalities of the United States Government doing similar research;

(B) identify departments, agencies, and instrumentalities that would benefit from that research; and

(C) seek cost-sharing agreements with those departments, agencies, and instrumentalities.

(3) In carrying out the program established under this subsection, the Administrator shall review and consider the annual reports the Secretary of Transportation submits to Congress on transportation security and intelligence.

(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Administrator a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

(i) progress made in engineering, research, and development with respect to security technology;

(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for en-

gineering, research, and development with respect to such technologies.

(5) The Administrator may—

(A) make grants to institutions of higher learning and other appropriate research facilities with demonstrated ability to carry out research described in paragraph (1) of this subsection, and fix the amounts and terms of the grants; and

(B) make cooperative agreements with governmental authorities the Administrator decides are appropriate.

(b) REVIEW OF THREATS.—(1) The Administrator shall periodically review threats to civil aviation, with particular focus on—

(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

(ii) the disruption of civil aviation service, including by cyber attack;

(B) explosive material that presents the most significant threat to civil aircraft;

(C) the minimum amounts, configurations, and types of explosive material that can cause, or would reasonably be expected to cause, catastrophic damage to aircraft in air transportation;

(D) the amounts, configurations, and types of explosive material that can be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(E) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;

(F) the feasibility of using various ways to minimize damage caused by explosive material that cannot be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(G) the ability to screen passengers, carry-on baggage, checked baggage, and cargo; and

(H) the technologies that might be used in the future to attempt to destroy or otherwise threaten commercial aircraft and the way in which those technologies can be countered effectively.

(2) The Administrator shall use the results of the review under this subsection to develop the focus and priorities of the program established under subsection (a) of this section.

(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

- (i) the development and testing of effective explosive detection systems;
- (ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;
- (iii) technologies involved in minimizing air-frame damage to aircraft from explosives; and
- (iv) other scientific and technical areas the Administrator considers appropriate.

(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

(4) Biennially, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—The Administrator shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

(2) DISCLOSURE.—

(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

- (i) be an unwarranted invasion of personal privacy;
- (ii) reveal a trade secret or privileged or confidential commercial or financial information; or
- (iii) be detrimental to transportation safety.

(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

- (i) to conceal a violation of law, inefficiency, or administrative error;
- (ii) to prevent embarrassment to a person, organization, or agency;
- (iii) to restrain competition; or
- (iv) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Ad-

ministrator of the Transportation Security Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

(e) DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107–71, title I, §§101(f)(7), (9), 112, Nov. 19, 2001, 115 Stat. 603, 620; Pub. L. 115–254, div. K, title I, §1991(d)(10), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44912(a)	49 App.:1357(d)(3)(A), (D), (4)–(7).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(d)(3)–(8); added Nov. 16, 1990, Pub. L. 101–604, §107, 104 Stat. 3076.
44912(b)	49 App.:1357(d)(3)(B), (C).	
44912(c)	49 App.:1357(d)(8).	

In subsection (a)(1), the words “It shall be the purpose of the program established under paragraph (3)” and “established under paragraph (3)” are omitted as unnecessary.

In subsection (a)(2)(A), the word “activities” is added for clarity. The words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Federal agencies” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4), the words “The Administrator may . . . make grants” are substituted for “Amounts appropriated for each fiscal year under paragraph (9) shall be made available by the Administrator, by way of grants” to eliminate unnecessary words. In clause (A), the words “institutions of higher learning” are substituted for “colleges, universities”, and the word “institutions” is substituted for “institutions and facilities”, for clarity and consistency in the revised title and with other titles of the Code. In clause (B), the words “governmental authorities” are substituted for “governmental entities” for consistency in the revised title and with other titles of the Code.

In subsection (b)(1), before clause (A), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete. Clause (B) is substituted for 49 App.:1357(d)(3)(B)(ii) and (iii) for clarity and to eliminate unnecessary words.

In subsection (b)(1)(E), the word “mail” is omitted as being included in “cargo”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(10)(C), substituted “Administrator” for “Under Secretary” wherever appearing in subsecs. (a) to (c).

Subsec. (a)(1). Pub. L. 115–254, §1991(d)(10)(A)(i), substituted “Administrator” for “Under Secretary of Transportation for Security” and struck out “, not later than November 16, 1993,” after “in place”.

Subsec. (a)(4)(C). Pub. L. 115-254, §1991(d)(10)(A)(ii), substituted “Administrator” for “Research, Engineering and Development Advisory Committee” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(10)(B)(i), struck out “, as a subcommittee of the Research, Engineering, and Development Advisory Committee,” after “panel”.

Subsec. (c)(4). Pub. L. 115-254, §1991(d)(10)(B)(ii), substituted “Biennially,” for “Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter.”

Subsecs. (d), (e). Pub. L. 115-254, §1991(d)(10)(D), added subsecs. (d) and (e).

2001—Subsec. (a)(1). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (a)(2), (3). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(4). Pub. L. 107-71, §112(b)(1)(B), added par. (4). Former par. (4) redesignated (5).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Subsec. (a)(5). Pub. L. 107-71, §112(b)(1)(A), redesignated par. (4) as (5).

Subsec. (b)(1). Pub. L. 107-71, §§101(f)(7), 112(a)(1), in introductory provisions, substituted “Under Secretary” for “Administrator” and “periodically review” for “complete an intensive review of”.

Subsec. (b)(1)(A). Pub. L. 107-71, §112(b)(2)(B), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (b)(1)(B). Pub. L. 107-71, §112(b)(2)(A), redesignated subpar. (A) as (B). Former subpar. (B) redesignated (C).

Pub. L. 107-71, §112(a)(2), substituted “aircraft in air transportation;” for “commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;”.

Subsec. (b)(1)(C). Pub. L. 107-71, §112(b)(2)(A), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (b)(1)(D). Pub. L. 107-71, §112(b)(2)(A), redesignated subpar. (C) as (D). Former subpar. (D) redesignated (E).

Pub. L. 107-71, §112(a)(3), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (b)(1)(E) to (G). Pub. L. 107-71, §112(b)(2)(A), redesignated subpars. (D) to (F) as (E) to (G), respectively. Former subpar. (G) redesignated (H).

Pub. L. 107-71, §112(a)(3), redesignated subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (b)(1)(H). Pub. L. 107-71, §112(b)(2)(A), redesignated subpar. (G) as (H).

Subsec. (b)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (c). Pub. L. 107-71, §112(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering and Development Advisory Committee, to review, comment on, advise on the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft by the next generation of terrorist weapons. The panel shall consist of individuals with scientific and technical expertise in—

“(1) the development and testing of effective explosive detection systems;

“(2) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective technology must be capable of detecting;

“(3) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(4) other scientific and technical areas the Administrator considers appropriate.”

Statutory Notes and Related Subsidiaries

INNOVATION TASK FORCE

Pub. L. 115-254, div. K, title I, §1916, Oct. 5, 2018, 132 Stat. 3556, provided that:

“(a) IN GENERAL.—The Administrator shall establish an innovation task force—

“(1) to cultivate innovations in transportation security;

“(2) to develop and recommend how to prioritize and streamline requirements for new approaches to transportation security;

“(3) to accelerate the development and introduction of new innovative transportation security technologies and improvements to transportation security operations; and

“(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

“(b) ACTIVITIES.—The task force shall—

“(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance transportation security, including—

“(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;

“(B) by gathering performance data from such a demonstration to inform the acquisition process; and

“(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

“(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other transportation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

“(3) submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force-sponsored projects and checkpoint enhancements.

“(c) COMPOSITION.—

“(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

“(2) CHAIRPERSON.—The task force shall be chaired by the Administrator’s designee.

“(3) REPRESENTATION.—The task force shall be comprised of representatives of—

“(A) the relevant offices of the TSA;

“(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

“(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

“(D) such industry representatives as the Administrator considers appropriate.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

“(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the task force established under this section.”

[For definitions of terms used in section 1916 of Pub. L. 115-254, set out above, see section 1902 of Pub. L. 115-254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115-254 note under section 101 of this title.]

RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY

Pub. L. 107-71, title I, §137, Nov. 19, 2001, 115 Stat. 637, as amended by Pub. L. 110-53, title XVI, §1608, Aug. 3, 2007, 121 Stat. 484, provided that:

“(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2006 through 2011 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance transportation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2006 through 2011 for—

“(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

“(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

“(B) faster, to facilitate screening of all checked baggage at larger airports; or

“(C) more accurate, to reduce the number of false positives requiring additional security measures;

“(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

“(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

“(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

“(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

“(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

“(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

“(b) GRANTS.—Grants awarded under this subtitle [probably should be “this section”] shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Transportation Security Administration that shall include sufficient information to permit the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Under Secretary shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act [Nov. 19, 2001].

“(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation’s annual budget submission.

“(d) DEFENSE RESEARCH.—There is authorized to be appropriated \$20,000,000 to the Transportation Security Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

“(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

“(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

“(3) advances in biometrics for identification and threat assessment; or

“(4) other technologies for preventing acts of terrorism in aviation.”

[For definitions of terms used in section 137 of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.]

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than expiration of 2-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to expiration of such 2-year period, or in the case of a panel established by Congress, its duration is otherwise provided for by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

§ 44913. Explosive detection

(a) DEPLOYMENT AND PURCHASE OF EQUIPMENT.—(1) A deployment or purchase of explosive detection equipment under section 108.7(b)(8) or 108.20 of title 14, Code of Federal Regulations, or similar regulation is required only if the Administrator of the Transportation Security Administration (referred to in this section as “the Administrator”) certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall base the certification on the results of tests conducted under protocols developed in consultation with expert scientists outside of the Transportation Security Administration. Those tests shall be completed not later than April 16, 1992.

(2) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security. The Administrator may permit the requirements of this paragraph to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.

(3) This subsection does not prohibit the Administrator from purchasing or deploying explosive detection equipment described in paragraph (1) of this subsection.

(b) GRANTS.—The Administrator may provide grants to continue the Explosive Detection K-9 Team Training Program to detect explosives at airports and on aircraft.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 104–264, title III, §305(a), Oct. 9, 1996, 110 Stat. 3252; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 107–71, title I, §101(f)(2), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(11), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44913(a)(1) ..	49 App.:1358c(a), (b).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §320; added Nov. 16, 1990, Pub. L. 101–604, §108, 104 Stat. 3077.
44913(a)(2) ..	49 App.:1358c(c).	Sept. 3, 1982, Pub. L. 97–248, §529, 96 Stat. 699; Dec. 30, 1987, Pub. L. 100–223, §114, 101 Stat. 1505.
44913(a)(3) ..	49 App.:1358c(d).	
44913(b)	49 App.:2225.	

In subsection (a), the words “after November 16, 1990” are omitted as executed. The words “The Administrator shall base the certification on” are substituted for “based on” because of the restatement.

In subsection (b), the words “but not be limited to” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(11)(A)(iv), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a)(1). Pub. L. 115–254, §1991(d)(11)(A)(i), substituted “Administrator of the Transportation Security Administration (referred to in this section as ‘the Administrator’)” for “Under Secretary of Transportation for Security”.

Subsec. (a)(2) to (4). Pub. L. 115–254, §1991(d)(11)(A)(ii), (iii), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “Before completion of the tests described in paragraph (1) of this subsection, but not later than April 16, 1992, the Under Secretary may require deployment of explosive detection equipment described in paragraph (1) if the Under Secretary decides that deployment will enhance aviation security significantly. In making that decision, the Under Secretary shall consider factors such as the ability of the equipment alone, or as part of an integrated system, to detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Under Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of a deployment decision made under this paragraph.”

Subsec. (b). Pub. L. 115–254, §1991(d)(11)(B), substituted “Administrator” for “Secretary of Transportation”.

2001—Subsec. (a)(1). Pub. L. 107–71, §101(f)(9), substituted “of Transportation for Security” for “of the Federal Aviation Administration”.

Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Pub. L. 107–71, §101(f)(2), substituted “of the Transportation Security Administration” for “of the Administration” in second sentence.

Subsec. (a)(2) to (4). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

1996—Subsec. (a)(2). Pub. L. 104–287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Subsec. (a)(3), (4). Pub. L. 104–264 added par. (3) and redesignated former par. (3) as (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

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

IMPROVED EXPLOSIVE DETECTION SYSTEMS

Pub. L. 108–458, title IV, §4024, Dec. 17, 2004, 118 Stat. 3724, provided that:

“(a) PLAN AND GUIDELINES.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.”

WEAPONS AND EXPLOSIVE DETECTION STUDY

Pub. L. 104–264, title III, §303, Oct. 9, 1996, 110 Stat. 3250, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

“(b) PANEL OF EXPERTS.—

“(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section referred to as the ‘panel’).

“(2) EXPERTISE.—Each member of the panel shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

“(c) STUDY.—The panel, in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

“(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

“(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas;

“(3) assess the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment; and

“(4) on the basis of the assessments and determinations made under paragraphs (1), (2), and (3), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

“(d) COOPERATION.—The National Science and Technology Council shall take such actions as may be nec-

essary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

- “(1) expertise; and
- “(2) to the extent allowable by law, resources and facilities.

“(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of Congress.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1997 through 2001 such sums as may be necessary to carry out this section.”

§ 44914. Airport construction guidelines

In consultation with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration considers appropriate, the Administrator shall develop guidelines for airport design and construction to allow for maximum security enhancement. In developing the guidelines, the Administrator shall consider the results of the assessment carried out under section 44904(a) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(12), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44914	49 App.:1357 (note). 49 App.:1432(d).	Nov. 16, 1990, Pub. L. 101-604, §106(f), 104 Stat. 3075. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §612(d); added Nov. 16, 1990, Pub. L. 101-604, §110(a), 104 Stat. 3080.

The words “In developing the guidelines” are substituted for “In developing airport construction guidelines under subsection (d) of section 612 of the Federal Aviation Act of 1958, as added by section 110 of this Act” in section 106(f) of the Aviation Security Improvement Act of 1990 (Public Law 101-604, 104 Stat. 3075) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254 substituted “with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration” for “with air carriers, airport authorities, and others the Under Secretary of Transportation for Security” and, in two places, “Administrator” for “Under Secretary”.

2001—Pub. L. 107-71 substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

§ 44915. Exemptions

The Administrator of the Transportation Security Administration may exempt from sections 44901, 44903(a)–(c) and (e), 44906, 44935, and

44936 of this title airports in Alaska served only by air carriers that—

- (1) hold certificates issued under section 41102 of this title;
- (2) operate aircraft with certificates for a maximum gross takeoff weight of less than 12,500 pounds; and
- (3) board passengers, or load property intended to be carried in an aircraft cabin, that will be screened under section 44901 of this title at another airport in Alaska before the passengers board, or the property is loaded on, an aircraft for a place outside Alaska.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(13), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44915	49 App.:1358.	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §317; added July 12, 1976, Pub. L. 94-353, §17(a), 90 Stat. 882.

In clause (1), the word “issued” is substituted for “granted” for consistency in this part. The words “by the Civil Aeronautics Board” are omitted as surplus.

Clause (3) is substituted for 49 App.:1358 (words after 3d comma) for consistency in the revised title.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

2001—Pub. L. 107-71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration” in introductory provisions.

§ 44916. Assessments and evaluations

(a) PERIODIC ASSESSMENTS.—The Administrator of the Transportation Security Administration shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Transportation Security Administration shall perform periodic audits of such assessments.

(b) INVESTIGATIONS.—The Administrator of the Transportation Security Administration shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.

(Added Pub. L. 104-264, title III, §312(a), Oct. 9, 1996, 110 Stat. 3253; amended Pub. L. 107-71, title I, §101(f)(3), (7), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(14), Oct. 5, 2018, 132 Stat. 3635.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(14)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (b). Pub. L. 115-254, §1991(d)(14)(B), substituted “Administrator of the Transportation Security Administration shall” for “Under Secretary shall” and “Administrator may” for “Under Secretary may”.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(3), substituted “Under Secretary of Transportation for Security” for “Administrator” in first sentence and “Transportation Security Administration” for “Administration” in second sentence.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 44917. Deployment of Federal air marshals

(a) IN GENERAL.—The Administrator of the Transportation Security Administration under the authority provided by section 44903(d)—

(1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;

(2) shall provide for deployment of Federal air marshals on every such flight determined by the Administrator to present high security risks;

(3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;

(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal’s home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft;

(8) may appoint—

(A) an individual who is a retired law enforcement officer;

(B) an individual who is a retired member of the Armed Forces; and

(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001,

as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals;

(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.

(b) INTERIM MEASURES.—Until the Under Secretary¹ completes implementation of subsection (a), the Under Secretary¹ may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.

(c) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

(3) FEES.—The Administrator of the Transportation Security Administration shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Administrator of the Transportation Security Administration for purposes for which amounts in such account are available.

(Added Pub. L. 107-71, title I, §105(a), Nov. 19, 2001, 115 Stat. 606; amended Pub. L. 108-458, title IV, §4018, Dec. 17, 2004, 118 Stat. 3721; Pub. L. 115-254, div. K, title I, §§1959(c)(5), (d)(1), 1991(d)(15), Oct. 5, 2018, 132 Stat. 3599, 3635.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(15)(A)(i), substituted “Administrator of the Transportation Se-

¹ So in original. Probably should be “Administrator”.

curity Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (a)(2). Pub. L. 115-254, §1991(d)(15)(A)(ii), substituted “by the Administrator” for “by the Secretary”.

Subsec. (a)(9) to (12). Pub. L. 115-254, §1959(d)(1), added pars. (9) to (12).

Subsec. (b). Pub. L. 115-254, §1959(c)(5), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority.”

Subsec. (c). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(15)(B)(i), which directed amendment of subsec. (d)(1) by substituting “Administrator of the Transportation Security Administration” for “Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security”, was executed to subsec. (c)(1) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (c)(3). Pub. L. 115-254, §1991(d)(15)(B)(ii), which directed amendment of subsec. (d)(3) by substituting “Administrator of the Transportation Security Administration” for “Assistant Secretary” in two places, was executed to subsec. (c)(3) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (d). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c).

2004—Subsec. (d). Pub. L. 108-458 added subsec. (d).

Statutory Notes and Related Subsidiaries

FEDERAL AIR MARSHAL SERVICE UPDATES

Pub. L. 115-254, div. K, title I, §1959(a)–(c)(4), Oct. 5, 2018, 132 Stat. 3598, 3599, provided that:

“(a) STANDARDIZATION.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall develop a standard written agreement that shall be the basis of all negotiations and agreements that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

“(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

“(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

“(A) such mission is necessary for aviation security; and

“(B) the requirements of paragraph (4)(B) are met.

“(4) NOTIFICATION TO CONGRESS.—

“(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a copy of the agreement.

“(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

“(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

“(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

“(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

“(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.—

“(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

“(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d) [amending this section (see subsec. (a)(9) to (12) of this section) and enacting provisions set out as a note below].

“(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

“(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risks to aviation transportation based on current intelligence.”

IMPLEMENTATION DEADLINE

Pub. L. 115-254, div. K, title I, §1959(d)(3), Oct. 5, 2018, 132 Stat. 3600, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.”

FEDERAL AIR MARSHALS

Pub. L. 108-458, title IV, §4016, Dec. 17, 2004, 118 Stat. 3720, as amended by Pub. L. 115-254, div. K, title I, §1993, Oct. 5, 2018, 132 Stat. 3646, provided that:

“(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

“(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, \$83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

“(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.—

“(1) AVAILABILITY OF INFORMATION.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

“(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.”

§ 44918. Crew training

(a) BASIC SECURITY TRAINING.—

(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) The proper commands to give passengers and attackers.

(D) Appropriate responses to defend oneself.

(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration).

(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(G) Situational training exercises regarding various threat conditions.

(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

(I) The proper conduct of a cabin search, including explosive device recognition.

(J) Any other subject matter considered appropriate by the Administrator of the Transportation Security Administration.

(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Administrator of the Transportation Security Administration.

(4) MINIMUM STANDARDS.—The Administrator of the Transportation Security Administration may establish minimum standards for the training provided under this subsection and for recurrent training.

(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that

was approved by the Administrator or the Administrator of the Transportation Security Administration before December 12, 2003, may continue in effect until disapproved or ordered modified by the Administrator of the Transportation Security Administration.

(6) MONITORING.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Administrator of the Transportation Security Administration shall consider complaints from crew members. The Administrator of the Transportation Security Administration shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

(7) UPDATES.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

(b) ADVANCED SELF-DEFENSE TRAINING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

(A) Deterring a passenger who might present a threat.

(B) Advanced control, striking, and restraint techniques.

(C) Training to defend oneself against edged or contact weapons.

(D) Methods to subdue and restrain an attacker.

(E) Use of available items aboard the aircraft for self-defense.

(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

(G) Any other element of training that the Administrator of the Transportation Security Administration considers appropriate.

(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

(6) CONSULTATION.—In developing the training program under this subsection, the Administrator of the Transportation Security Administration shall consult with law enforce-

ment personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshal Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

(7) DESIGNATION OF TSA OFFICIAL.—The Administrator of the Transportation Security Administration shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).

(Added Pub. L. 107-71, title I, §107(a), Nov. 19, 2001, 115 Stat. 610; amended Pub. L. 107-296, title XIV, §1403(a), Nov. 25, 2002, 116 Stat. 2305; Pub. L. 108-176, title VI, §603, Dec. 12, 2003, 117 Stat. 2563; Pub. L. 115-254, div. K, title I, §1991(d)(16), Oct. 5, 2018, 132 Stat. 3635.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(16)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a)(2)(E). Pub. L. 115-254, §1991(d)(16)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (a)(4). Pub. L. 115-254, §1991(d)(16)(A)(ii), substituted “The” for “Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the”.

Subsec. (a)(5). Pub. L. 115-254, §1991(d)(16)(A)(iii), substituted “December 12, 2003,” for “the date of enactment of the Vision 100—Century of Aviation Reauthorization Act”.

Subsec. (b)(1). Pub. L. 115-254, §1991(d)(16)(B)(i), substituted “The” for “Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the”.

Subsec. (b)(6). Pub. L. 115-254, §1991(d)(16)(B)(ii), substituted “Federal Air Marshal Service” for “Federal Air Marshals Service”.

2003—Pub. L. 108-176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subssecs. (a) to (e) relating to development of detailed guidance for a scheduled passenger air carrier flight and cabin crew training program to prepare crew members for potential threat conditions.

2002—Subsec. (e). Pub. L. 107-296 designated existing provisions as par. (1), inserted heading, substituted “The Under Secretary” for “The Administrator”, added pars. (2) and (3), and realigned margins.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

CREW MEMBER SELF-DEFENSE TRAINING

Pub. L. 115-254, div. K, title I, §1960, Oct. 5, 2018, 132 Stat. 3600, provided that: “The Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.”

§ 44919. PreCheck Program

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

(b) EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

(c) MINIMUM CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

(A) such means—

(i) are evaluated and certified by the Secretary of Homeland Security;

(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and

(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means of biometrics if the collection—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as “Privacy Act of 1974”), and with agency regulations;

(C) is evaluated and certified by the Secretary of Homeland Security; and

(D) is determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history.

(e) **TARGET ENROLLMENT.**—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

- (1) 7,000,000 passengers before October 1, 2019.
- (2) 10,000,000 passengers before October 1, 2020.
- (3) 15,000,000 passengers before October 1, 2021.

(f) **MARKETING OF PRECHECK PROGRAM.**—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

- (1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and
- (2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

(g) **IDENTITY VERIFICATION ENHANCEMENT.**—The Administrator shall—

- (1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;
- (2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and
- (3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

(h) **PRECHECK PROGRAM LANES OPERATION.**—The Administrator shall—

- (1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and
- (2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(i) **ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR EXPEDITED SECURITY SCREENING.**—

(1) **IN GENERAL.**—Subject to paragraph (3), an individual specified in paragraph (2) is eligible for expedited security screening under the PreCheck Program.

(2) **INDIVIDUALS SPECIFIED.**—An individual specified in this subsection is any of the following:

(A) A member of the Armed Forces, including a member of a reserve component or the National Guard.

(B) A cadet or midshipman of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(C) A family member of an individual specified in subparagraph (A) or (B) who is younger than 12 years old and accompanying the individual.

(3) **IMPLEMENTATION.**—The eligibility of an individual specified in paragraph (2) for expedited security screening under the PreCheck Program is subject to such policies and procedures as the Administrator may prescribe to carry out this subsection, in consultation with the Secretary of Defense and, with respect to the United States Coast Guard, the Commandant of the United States Coast Guard.

(j) **VETTING FOR PRECHECK PROGRAM PARTICIPANTS.**—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

(k) **ASSURANCE OF SEPARATE PROGRAM.**—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b), (c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

(l) **Expenditure of Funds.**—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that includes the requirements of this section.

(Added Pub. L. 107–71, title I, §108(a), Nov. 19, 2001, 115 Stat. 611; amended Pub. L. 115–254, div. K, title I, §1937(a), Oct. 5, 2018, 132 Stat. 3576.)

Editorial Notes

REFERENCES IN TEXT

Section 109 of the Aviation and Transportation Security Act, referred to in subsec. (a), is section 109 of Pub. L. 107–71, which is set out as a note under section 114 of this title.

The date of enactment of the TSA Modernization Act, referred to in subssecs. (b) and (f), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254 amended section generally. Prior to amendment, section related to establishment of

pilot program under which the screening of passengers and property was to be conducted by a qualified private screening company.

Statutory Notes and Related Subsidiaries

ENROLLMENT REDRESS WITH RESPECT TO DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS

Pub. L. 117-81, div. F, title LXIV, §6417, Dec. 27, 2021, 135 Stat. 2415, provided that: “Notwithstanding any other provision of law, the Secretary of Homeland Security shall, with respect to an individual whose enrollment in a trusted traveler program was revoked in error extend by an amount of time equal to the period of revocation the period of active enrollment in such a program upon reenrollment in such a program by such an individual.”

PRECHECK EXPEDITED SCREENING

Pub. L. 115-254, div. K, title I, §1938, Oct. 5, 2018, 132 Stat. 3579, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall ensure that only a traveler who is a member of a trusted traveler program specified in subsection (b) is permitted to use a TSA PreCheck security screening lane at a passenger screening checkpoint.

“(b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A trusted traveler program specified in this subsection is any of the following:

“(1) The PreCheck Program under section 44919 of title 49, United States Code.

“(2) Any other program implemented by the TSA under section 109(a)(3) of the Aviation and Transportation Security Act [Pub. L. 107-71] (49 U.S.C. 114 note).

“(3) Any other United States Government program that issues a unique identifier, such as a known traveler number, that the TSA accepts as validating that the individual holding such identifier is a member of a known low-risk population.

“(c) EXEMPTIONS.—Nothing in this section shall affect—

“(1) the authority of the Administrator, under section 44927 of title 49, United States Code, to carry out expedited screening for members of the Armed Forces with disabilities or severe injuries or veterans with disabilities or severe injuries; or

“(2) the Honor Flight program under section 44928 of that title.

“(d) LOW-RISK TRAVELERS.—Any traveler who is determined by the Administrator to be low risk based on the traveler’s age and who is not a member of a trusted traveler program specified in subsection (b) shall be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same reservation as a member of such a program.

“(e) RISK MODIFIED SCREENING.—

“(1) PILOT PROGRAM.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018] and subject to paragraph (2), the Administrator shall commence a pilot program regarding a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at passenger screening checkpoints, in airports of varying categories, to further segment passengers based on risk.

“(2) ELIGIBILITY.—Only a low-risk passenger shall be eligible to participate in the risk modified screening pilot program under paragraph (1).

“(3) DEFINITION OF LOW-RISK PASSENGER.—In this subsection, the term ‘low-risk passenger’ means a passenger who—

“(A) meets a risk-based, intelligence-driven criteria prescribed by the Administrator; or

“(B) undergoes a canine enhanced screening upon arrival at the passenger screening checkpoint.

“(4) TERMINATION.—The pilot program shall terminate on the date that is 120 days after the date it commences under paragraph (1).

“(5) BRIEFING.—Not later than 30 days after the termination date under paragraph (4), the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the findings of the pilot program, including—

“(A) information relating to the security effectiveness and passenger facilitation effectiveness of the risk modified screening protocol;

“(B) a determination regarding whether the risk modified screening protocol was effective; and

“(C) if the Administrator determined that the protocol was effective, a plan for the deployment of the protocol at as many TSA passenger screening checkpoints as practicable.

“(6) IMPLEMENTATION.—In determining whether deployment of the protocol at a TSA passenger screening checkpoint at an airport is practicable, the Administrator shall consider—

“(A) the level of risk at the airport;

“(B) the available space at the airport;

“(C) passenger throughput levels at the airport;

“(D) the checkpoint configuration at the airport; and

“(E) adequate resources to appropriately serve passengers in TSA PreCheck security screening lanes at the passenger screening checkpoint.

“(f) WORKING GROUP.—

“(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish a working group to advise the Administrator on the development of plans for the deployment of the protocol at TSA passenger screening checkpoints, other than designated TSA PreCheck security screening lanes, in the most effective and efficient manner practicable.

“(2) MEMBERS.—The working group shall be comprised of representatives of Category X, I, II, III, and IV airports and air carriers (as the term is defined in section 40102 of title 49, United States Code).

“(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the working group established under this subsection.

“(g) BRIEFINGS.—

“(1) IN GENERAL.—The Administrator shall brief, on a biannual basis, the appropriate committees of Congress on the implementation of subsections [sic] (a) until the Administrator certifies that only travelers who are members of trusted traveler programs specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at passenger screening checkpoints.

“(2) CERTIFICATION.—Upon a determination by the Administrator that only travelers who are members of a trusted traveler program specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at checkpoints in accordance with subsection (a), the Administrator shall submit to the appropriate committees of Congress a written certification relating to such determination.

“(h) INSPECTOR GENERAL ASSESSMENTS.—The Inspector General of the Department [of Homeland Security] shall assess and transmit to the appropriate committees of Congress the Administrator’s implementation under subsection (a).

“(i) EXPANSION OF TSA PRECHECK PROGRAM ENROLLMENT.—

“(1) LONG-TERM STRATEGY.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall develop and begin the implementation [of] a long-term strategy to increase enrollment in the TSA PreCheck Program.

“(2) CONSIDERATIONS.—In developing the strategy under paragraph (1), the Administrator shall consider the following:

“(A) Partnering with air carriers (as the term is defined in section 40102 of title 49, United States Code) to incorporate PreCheck Program promotion

opportunities in the reservation process described in section 1560.101 of title 49, Code of Federal Regulations;[.]

“(B) Including in the PreCheck Program of [sic] an individual who—

“(i) holds a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance, unless the individual has had the individual’s clearance revoked or did not pass a periodic re-investigation; or

“(ii) is a current, full-time Federal law enforcement officer.

“(C) Providing PreCheck Program enrollment flexibility by offering secure mobile enrollment platforms that facilitate in-person identity verification and application data collection, such as through biometrics.

“(D) Reducing travel time to PreCheck Program enrollment centers for applicants, including—

“(i) by adjusting the locations and schedules of existing PreCheck Program enrollment centers to accommodate demand;

“(ii) by seeking to colocate such enrollment centers with existing facilities that support the issuance of—

“(I) United States passports; and

“(II) Security Identification Display Area credentials (as the term is defined in section 1540.5 of title 49, Code of Federal Regulations) located in public, non-secure areas of airports if no systems of an airport operator are used in support of enrollment activities for such credentials; and

“(iii) by increasing the availability of PreCheck Program enrollment platforms, such as kiosks, tablets, or staffed laptop stations.

“(E) The feasibility of providing financial assistance or other incentives for PreCheck Program enrollment for—

“(i) children who are at least 12 years or older, but less than 18 years old;

“(ii) families consisting of 5 or more immediate family members;

“(iii) private sector entities, including small businesses, to establish PreCheck Program enrollment centers in their respective facilities; and

“(iv) private sector entities, including small business concerns (as the term is described in section 3 of the Small Business Act (15 U.S.C. 632)), to reimburse an employee for the cost of the PreCheck Program application.”

§ 44920. Screening partnership program

(a) IN GENERAL.—An airport operator may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract entered into with the Transportation Security Administration.

(b) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Administrator shall approve or deny the application.

(2) STANDARDS.—The Administrator shall approve an application submitted by an airport operator under subsection (a) if the Administrator determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.

(3) REPORTS ON DENIALS OF APPLICATIONS.—

(A) IN GENERAL.—If the Administrator denies an application submitted by an airport operator under subsection (a), the Administrator shall provide to the airport operator, not later than 60 days following the date of the denial, a written report that sets forth—

(i) the findings that served as the basis for the denial;

(ii) the results of any cost or security analysis conducted in considering the application; and

(iii) recommendations on how the airport operator can address the reasons for the denial.

(B) SUBMISSION TO CONGRESS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).

(c) QUALIFIED PRIVATE SCREENING COMPANY.—A private screening company is qualified to provide screening services at an airport under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

(d) SELECTION OF CONTRACTS AND STANDARDS FOR PRIVATE SCREENING COMPANIES.—

(1) IN GENERAL.—The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.

(2) CONTRACTS.—The Administrator shall, to the extent practicable, enter into a contract with a private screening company from the list provided under paragraph (1) for the provision of screening at the airport not later than 120 days after the date of approval of an application submitted by the airport operator under subsection (a) if—

(A) the level of screening services and protection provided at the airport under the contract will be equal to or greater than the level that would be provided at the airport by Federal Government personnel under this chapter;

(B) the private screening company is owned and controlled by a citizen of the United States, to the extent that the Administrator determines that there are private screening companies owned and controlled by such citizens; and

(C) the selected qualified private screening company offered contract price is equal to or less than the cost to the Federal Government to provide screening services at the airport.

(3) WAIVERS.—The Administrator may waive the requirement of paragraph (2)(B) for any company that is a United States subsidiary with a parent company that has implemented a foreign ownership, control, or influence

mitigation plan that has been approved by the Defense Security Service of the Department of Defense prior to the submission of the application. The Administrator has complete discretion to reject any application from a private screening company to provide screening services at an airport that requires a waiver under this paragraph.

(e) SUPERVISION OF SCREENING PERSONNEL.—The Administrator shall—

(1) provide Federal Government supervisors to oversee all screening at each airport at which screening services are provided under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter; and

(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.

(f) TERMINATION OR SUSPENSION OF CONTRACTS.—The Administrator may suspend or terminate, as appropriate, any contract entered into with a private screening company to provide screening services at an airport under this section if the Administrator finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

(g) OPERATOR OF AIRPORT.—Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

(1) such airport operator's decision to submit an application to the Secretary of Homeland Security under subsection (a) or such airport operator's decision not to submit an application; and

(2) any act of negligence, gross negligence, or intentional wrongdoing by—

(A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary's designee; or

(B) employees of the Federal Government providing passenger and property security screening services at the airport.

(3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.

(h) EVALUATION OF SCREENING COMPANY PROPOSALS FOR AWARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, including title 48 of the Code of Federal Regulations and the Federal Advisory Com-

mittee Act (5 U.S.C. App.),¹ an airport operator that has applied and been approved to have security screening services carried out by a qualified private screening company under contract with the Administrator may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract.

(2) PARTICIPATION ON A PROPOSAL EVALUATION COMMITTEE.—Any participation on a proposal evaluation committee under paragraph (1) shall be conducted in accordance with chapter 21 of title 41.

(i)² INNOVATIVE SCREENING APPROACHES AND TECHNOLOGIES.—The Administrator shall encourage an airport operator to whom screening services are provided under this section to recommend to the Administrator innovative screening approaches and technologies. Upon receipt of any such recommendations, the Administrator shall review and, if appropriate, test, conduct a pilot project, and, if appropriate, deploy such approaches and technologies.

(j)² DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of the Transportation Security Administration.

(Added Pub. L. 107-71, title I, §108(a), Nov. 19, 2001, 115 Stat. 612; amended Pub. L. 109-90, title V, §547, Oct. 18, 2005, 119 Stat. 2089; Pub. L. 112-95, title VIII, §830(a)-(c), Feb. 14, 2012, 126 Stat. 135; Pub. L. 115-254, div. K, title I, §§1946(a), 1991(d)(17), Oct. 5, 2018, 132 Stat. 3585, 3636.)

Editorial Notes

REFERENCES IN TEXT

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, referred to in subsec. (g)(3), is subtitle G (§§861-865) of title VIII of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2238, also known as the SAFETY Act, which is classified generally to part G (§441 et seq.) of subchapter VIII of chapter 1 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (h)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

AMENDMENTS

2018—Pub. L. 115-254, §1946(a)(1), substituted "Screening partnership program" for "Security screening opt-out program" in section catchline.

Subsec. (a). Pub. L. 115-254, §1946(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: "On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an operator of an airport may submit to the Under Secretary an application to have the screening of passengers and property at the airport under section 44901 to be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary."

¹ See References in Text note below.

² So in original. Two subsecs. (i) have been enacted.

Subsec. (b)(1). Pub. L. 115-254, § 1946(a)(3)(A), amended par. (1) generally. Prior to amendment, text read as follows: “Not later than 120 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Under Secretary shall approve or deny the application.”

Subsec. (b)(2), (3). Pub. L. 115-254, § 1946(a)(3)(B), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (d). Pub. L. 115-254, § 1946(a)(4)(A), substituted “Selection of Contracts and Standards” for “Standards” in heading.

Subsec. (d)(1). Pub. L. 115-254, § 1946(a)(4)(C)(i), substituted “The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.” for “The Under Secretary may enter into a contract with a private screening company to provide screening at an airport under this section only if the Under Secretary determines and certifies to Congress that—”. Former subpars. (A) and (B) of par. (1) redesignated subpars. (A) and (B), respectively, of par. (2).

Subsec. (d)(2). Pub. L. 115-254, § 1946(a)(4)(C)(ii), inserted par. (2) designation, heading, and introductory provisions before former subpars. (A) and (B) of par. (1), thereby making them part of par. (2). Former par. (2) redesignated (3).

Subsec. (d)(2)(B). Pub. L. 115-254, § 1946(a)(4)(D)(ii)(I), substituted “Administrator” for “Under Secretary”.

Subsec. (d)(2)(C). Pub. L. 115-254, § 1946(a)(4)(D)(i), (ii)(II), (iii), added subpar. (C).

Subsec. (d)(3). Pub. L. 115-254, § 1946(a)(4)(E), substituted “Administrator” for “Under Secretary” in two places and “paragraph (2)(B)” for “paragraph (1)(B)”.

Pub. L. 115-254, § 1946(a)(4)(B), redesignated par. (2) as (3).

Subsec. (e). Pub. L. 115-254, § 1946(a)(5)(B)–(E), substituted “The Administrator shall—” for “The Under Secretary shall”, inserted par. (1) designation before “provide Federal Government”, realigned margins, and added par. (2).

Pub. L. 115-254, § 1946(a)(5)(A), substituted “Screening” for “Screened” in heading.

Subsec. (f). Pub. L. 115-254, § 1946(a)(6), inserted “or Suspension” after “Termination” in heading, and, in text, substituted “Administrator” for “Under Secretary” in two places and “suspend or terminate, as appropriate,” for “terminate”.

Subsec. (g)(1). Pub. L. 115-254, § 1991(d)(17)(A), substituted “subsection (a)” for “subsection (a) or section 44919”.

Subsec. (h). Pub. L. 115-254, § 1946(a)(7), added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “As part of any submission of an application for a private screening company to provide screening services at an airport, the airport operator shall provide to the Under Secretary a recommendation as to which company would best serve the security screening and passenger needs of the airport, along with a statement explaining the basis of the operator’s recommendation.”

Subsec. (i). Pub. L. 115-254, § 1991(d)(17)(B), added subsec. (i) defining “Administrator”.

Pub. L. 115-254, § 1946(a)(7), added subsec. (i) relating to innovative screening approaches and technologies.

2012—Subsec. (b). Pub. L. 112-95, § 830(a), amended subsec. (b) generally. Prior to amendment, text read as follows: “The Under Secretary may approve any application submitted under subsection (a).”

Subsec. (d). Pub. L. 112-95, § 830(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (h). Pub. L. 112-95, § 830(c), added subsec. (h). 2005—Subsec. (g). Pub. L. 109-90 added subsec. (g).

Statutory Notes and Related Subsidiaries

APPLICATIONS SUBMITTED BEFORE THE DATE OF ENACTMENT OF PUB. L. 115-254

Pub. L. 115-254, div. K, title I, § 1946(c), Oct. 5, 2018, 132 Stat. 3587, provided that: “Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination.”

Executive Documents

CHANGE OF NAME

Defense Security Service of the Department of Defense changed to Defense Counterintelligence and Security Agency effective June 20, 2019, pursuant to Ex. Ord. No. 13467, set out as a note under section 3161 of Title 50, War and National Defense.

§ 44921. Federal flight deck officer program

(a) ESTABLISHMENT.—The Administrator shall establish a program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as “Federal flight deck officers”.

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The Administrator shall establish procedural requirements to carry out the program under this section.

(2) COMMENCEMENT OF PROGRAM.—The Administrator shall train and deputize pilots who are qualified to be Federal flight deck officers as Federal flight deck officers under the program.

(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

(A) The type of firearm to be used by a Federal flight deck officer.

(B) The type of ammunition to be used by a Federal flight deck officer.

(C) The standards and training needed to qualify and requalify as a Federal flight deck officer.

(D) The placement of the firearm of a Federal flight deck officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

(E) An analysis of the risk of catastrophic failure of an aircraft as a result of the discharge (including an accidental discharge) of a firearm to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

(F) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only 1 pilot is a Federal flight deck officer and if both pilots are Federal flight deck officers.

(G) Procedures for ensuring that the firearm of a Federal flight deck officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

(H) Interaction between a Federal flight deck officer and a Federal air marshal on board the aircraft.

(I) The process for selection of pilots to participate in the program based on their fitness to participate in the program, including whether an additional background check should be required beyond that required by section 44936(a)(1).

(J) Storage and transportation of firearms between flights, including international flights, to ensure the security of the firearms, focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot's base airport.

(K) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a firearm under the program.

(L) Methods for ensuring that pilots (including Federal flight deck officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

(M) Any other issues that the Administrator considers necessary.

(N) The Administrator's decisions regarding the methods for implementing each of the foregoing procedural requirements shall be subject to review only for abuse of discretion.

(4) PREFERENCE.—In selecting pilots to participate in the program, the Administrator shall give preference to pilots who are former military or law enforcement personnel.

(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119¹ of this title, information developed under paragraph (3)(E) shall not be disclosed.

(6) NOTICE TO CONGRESS.—The Administrator shall provide notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

(7) MINIMIZATION OF RISK.—If the Administrator determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Administrator shall take such actions as may be necessary to minimize that risk.

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

(1) IN GENERAL.—The Administrator shall only be obligated to provide the training, supervision, and equipment necessary for a pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

(2) TRAINING.—

(A) IN GENERAL.—The Administrator shall base the requirements for the training of Federal flight deck officers under subsection (b) on the training standards applicable to Federal air marshals; except that the Administrator shall take into account the differing roles and responsibilities of Federal

flight deck officers and Federal air marshals.

(B) ELEMENTS.—The training of a Federal flight deck officer shall include, at a minimum, the following elements:

(i) Training to ensure that the officer achieves the level of proficiency with a firearm required under subparagraph (C)(i).

(ii) Training to ensure that the officer maintains exclusive control over the officer's firearm at all times, including training in defensive maneuvers.

(iii) Training to assist the officer in determining when it is appropriate to use the officer's firearm and when it is appropriate to use less than lethal force.

(C) TRAINING IN USE OF FIREARMS.—

(i) STANDARD.—In order to be deputized as a Federal flight deck officer, a pilot must achieve a level of proficiency with a firearm that is required by the Administrator. Such level shall be comparable to the level of proficiency required of Federal air marshals.

(ii) CONDUCT OF TRAINING.—

(I) IN GENERAL.—The training of a Federal flight deck officer in the use of a firearm may be conducted by the Administrator or by a firearms training facility.

(II) ACCESS TO TRAINING FACILITIES.—The Administrator shall designate additional firearms training facilities located in various regions of the United States for Federal flight deck officers for recurrent and requalifying training relative to the number of such facilities available on the day before such² date of enactment.

(iii) REQUALIFICATION.—

(I) IN GENERAL.—The Administrator shall require a Federal flight deck officer to requalify to carry a firearm under the program. Such requalification shall occur at an interval required by the Administrator.

(II) USE OF FACILITIES FOR REQUALIFICATION.—The Administrator shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a Transportation Security Administration-approved firearms training facility utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(iv) PERIODIC REVIEW.—The Administrator shall periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the program under this section while still maintaining effectiveness of the training, and update the training requirements as appropriate.

¹ See References in Text note below.

² So in original.

(D) TRAINING REVIEW.—Not later than 2 years after the date of enactment of the TSA Modernization Act, and biennially thereafter, the Administrator shall review training facilities and training requirements for initial and recurrent training for Federal flight deck officers and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training, and update the training requirements as appropriate.

(d) DEPUTIZATION.—

(1) IN GENERAL.—The Administrator may deputize, as a Federal flight deck officer under this section, a pilot who submits to the Administrator a request to be such an officer and whom the Administrator determines is qualified to be such an officer.

(2) QUALIFICATION.—

(A) IN GENERAL.—A pilot is qualified to be a Federal flight deck officer under this section if—

- (i) the pilot is employed by an air carrier;
- (ii) the Administrator determines (in the Administrator's discretion) that the pilot meets the standards established by the Administrator for being such an officer; and
- (iii) the Administrator determines that the pilot has completed the training required by the Administrator.

(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Administrator may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of the required airman medical certificate under part 67 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Administrator may request another Federal agency to deputize, as Federal flight deck officers under this section, those pilots that the Administrator determines are qualified to be such officers.

(4) REVOCATION.—The Administrator may (in the Administrator's discretion) revoke the deputization of a pilot as a Federal flight deck officer if the Administrator finds that the pilot is no longer qualified to be such an officer.

(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—In accordance with any applicable Transportation Security Administration appeals processes, a pilot deputized as a Federal flight deck officer who moves to inactive status may return to active status upon successful completion of a recurrent training program administered within program guidelines.

(e) COMPENSATION.—

(1) IN GENERAL.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight

deck officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry firearms under the program.

(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.

(f) AUTHORITY TO CARRY FIREARMS.—

(1) IN GENERAL.—The Administrator shall authorize a Federal flight deck officer to carry a firearm while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm aboard an aircraft of which the officer is the pilot in accordance with this section if the firearm is of a type that may be used under the program.

(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal flight deck officer, whenever necessary to participate in the program, may carry a firearm in any State and from 1 State to another State.

(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Administrator may take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm in a foreign country whenever necessary to participate in the program.

(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable and in a manner that does not jeopardize existing Federal air marshal agreements, the policies relating to the carriage of firearms on international flights by Federal flight deck officers with the policies of the Federal air marshal program for carrying firearms on such flights and carrying out the duties of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.

(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Administrator shall prescribe the standards and circumstances under which a Federal flight deck officer may use, while the program under this section is in effect, force (including lethal force) against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

(h) LIMITATION ON LIABILITY.—

(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal flight deck officer's use of or failure to use a firearm.

(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts

or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

(3) **LIABILITY OF FEDERAL GOVERNMENT.**—For purposes of an action against the United States with respect to an act or omission of a Federal flight deck officer in defending the flight deck of an aircraft, the officer shall be treated as an employee of the Federal Government under chapter 171 of title 28, relating to tort claims procedure.

(i) **PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.**—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Administrator—

(1) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Administrator determines that the discharge was attributable to the negligence of the officer; and

(2) if the Administrator determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, may temporarily suspend the program until the shortcoming is corrected.

(j) **LIMITATION ON AUTHORITY OF AIR CARRIERS.**—No air carrier shall prohibit or threaten any retaliatory action against a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier; or

(2) terminate the employment of a Federal flight deck officer, solely on the basis of his or her volunteering for or participating in the program under this section.

(k) **APPLICABILITY.**—This section shall not apply to air carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

(l) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) **AIR TRANSPORTATION.**—The term “air transportation” includes all-cargo air transportation.

(3) **FIREARMS TRAINING FACILITY.**—The term “firearms training facility” means a private or government-owned gun range approved by the Administrator to provide recurrent or requalification training, as applicable, for the program, utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(4) **PILOT.**—The term “pilot” means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member.

(Added Pub. L. 107–296, title XIV, §1402(a), Nov. 25, 2002, 116 Stat. 2300; amended Pub. L. 108–176,

title VI, §609(b), Dec. 12, 2003, 117 Stat. 2570; Pub. L. 115–254, div. K, title I, §1963(a)–(h), Oct. 5, 2018, 132 Stat. 3601–3603.)

Editorial Notes

REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (b)(5), was repealed by Pub. L. 115–254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The date of enactment of the TSA Modernization Act, referred to in subsec. (c)(2)(D), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115–254, §1963(h)(7), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1963(h)(1), substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (b)(1). Pub. L. 115–254, §1963(h)(2)(A), substituted “The Administrator” for “Not later than 3 months after the date of enactment of this section, the Under Secretary”.

Subsec. (b)(2). Pub. L. 115–254, §1963(h)(2)(B), substituted “The Administrator shall train and deputize” for “Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing”.

Subsec. (b)(3)(N). Pub. L. 115–254, §1963(h)(2)(C), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (c)(2)(C)(ii). Pub. L. 115–254, §1963(a), designated existing provisions as subcl. (I), inserted heading, struck out “approved by the Under Secretary” after “facility”, and added subcl. (II).

Subsec. (c)(2)(C)(iii). Pub. L. 115–254, §1963(b)(1), designated existing provisions as subcl. (I), inserted heading, substituted “The Administrator shall” for “The Under Secretary shall” and “the Administrator” for “the Under Secretary”, and added subcl. (II).

Subsec. (c)(2)(C)(iv). Pub. L. 115–254, §1963(b)(2), added cl. (iv).

Subsec. (c)(2)(D). Pub. L. 115–254, §1963(c), added subpar. (D).

Subsec. (d)(2). Pub. L. 115–254, §1963(f), designated existing provisions as subpar. (A), inserted heading, redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), substituted “Administrator’s” for “Under Secretary’s” in subpar. (A)(ii), and added subpar. (B).

Subsec. (d)(4). Pub. L. 115–254, §1963(h)(3), substituted “may” for “may,” and “Administrator’s” for “Under Secretary’s”.

Subsec. (d)(5). Pub. L. 115–254, §1963(g), added par. (5).

Subsec. (e). Pub. L. 115–254, §1963(d), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (f)(1), (3). Pub. L. 115–254, §1963(e)(1), substituted “Administrator” for “Under Secretary”.

Subsec. (f)(4). Pub. L. 115–254, §1963(e)(2), added par. (4).

Subsec. (i)(2). Pub. L. 115–254, §1963(h)(4), substituted “may” for “the Under Secretary may”.

Subsec. (k). Pub. L. 115–254, §1963(h)(5), struck out par. (1) designation and heading before “This section” and struck out pars. (2) and (3) which defined “pilot” and defined “air transportation” to include all-cargo air transportation.

Subsec. (l). Pub. L. 115–254, §1963(h)(6), added subsec. (l).

2003—Subsec. (a). Pub. L. 108–176, §609(b)(1), struck out “passenger” before “air transportation” in two places.

Subsec. (k)(2). Pub. L. 108–176, §609(b)(2), substituted “or any other flight deck crew member” for “or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command”.

Subsec. (k)(3). Pub. L. 108-176, §609(b)(3), added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

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

EFFECTIVE DATE

Section effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as a note under section 101 of Title 6, Domestic Security.

REGULATIONS

Pub. L. 115-254, div. K, title I, §1963(i), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018]—

“(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

“(2) the Administrator [of the Transportation Security Administration] shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.”

Pub. L. 115-254, div. K, title I, §1963(j), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall prescribe such regulations as may be necessary to carry out this section [amending this section and enacting provisions set out as a note under this section] and the amendments made by this section.”

EQUITABLE IMPLEMENTATION OF 2003 AMENDMENTS

Pub. L. 108-176, title VI, §609(c), Dec. 12, 2003, 117 Stat. 2570, provided that: “In carrying out the amendments made by subsection (d) [probably means subsec. (b), which amended this section], the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.”

TIME FOR IMPLEMENTATION

Pub. L. 108-176, title VI, §609(d), Dec. 12, 2003, 117 Stat. 2570, provided that: “The requirements of subsection (e) [section 609 of Pub. L. 108-176 has no subsec. (e)] shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 12, 2003].”

§ 44922. Deputization of State and local law enforcement officers

(a) DEPUTIZATION AUTHORITY.—The Administrator of the Transportation Security Administration may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law

enforcement officers to carry out Federal airport security duties.

(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Administrator of the Transportation Security Administration shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an “employee of the Government” for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer’s employment, subject to Federal supervision and control, and in accordance with the terms of such deputization.

(f) STATIONING OF OFFICERS.—The Administrator of the Transportation Security Administration may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.

(Added Pub. L. 108-7, div. I, title III, §351(a), Feb. 20, 2003, 117 Stat. 419; amended Pub. L. 115-254, div. K, title I, §1991(d)(18), Oct. 5, 2018, 132 Stat. 3636.)

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(18)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Pub. L. 115-254, §1991(d)(18)(A), substituted “Deputization” for “Deputation” in section catchline.

Subsec. (a). Pub. L. 115-254, §1991(d)(18)(B), in heading, substituted “Deputization” for “Deputation” and, in text, substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (e). Pub. L. 115-254, §1991(d)(18)(C), substituted “deputization” for “deputation”.

§ 44923. Airport security improvement projects

(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Administrator of the Transportation Security Administration shall make grants to airport sponsors—

(1) for projects to replace baggage conveyer systems related to aviation security;

(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

(3) for projects to enable the Administrator of the Transportation Security Administra-

tion to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or in line with the baggage handling system; and

(4) for other airport security capital improvement projects.

(b) **APPLICATIONS.**—A sponsor seeking a grant under this section shall submit to the Administrator of the Transportation Security Administration an application in such form and containing such information as the Administrator of the Transportation Security Administration prescribes.

(c) **APPROVAL.**—The Administrator of the Transportation Security Administration, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Administrator of the Transportation Security Administration determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

(d) **LETTERS OF INTENT.**—

(1) **ISSUANCE.**—The Administrator of the Transportation Security Administration shall issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

(2) **SCHEDULE.**—A letter of intent under this subsection shall establish a schedule under which the Administrator of the Transportation Security Administration will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Administrator of the Transportation Security Administration issues the letter, carries out the project without receiving amounts under this section.

(3) **NOTICE TO ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION.**—A sponsor that has been issued a letter of intent under this subsection shall notify the Administrator of the Transportation Security Administration of the sponsor's intent to carry out a project before the project begins.

(4) **NOTICE TO CONGRESS.**—The Administrator of the Transportation Security Administration shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science¹ and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

(5) **LIMITATIONS.**—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(6) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit

the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(e) **FEDERAL SHARE.**—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

(f) **SPONSOR DEFINED.**—In this section, the term “sponsor” has the meaning given that term in section 47102.

(g) **APPLICABILITY OF CERTAIN REQUIREMENTS.**—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

(h) **AVIATION SECURITY CAPITAL FUND.**—

(1) **IN GENERAL.**—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first \$250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2028 shall be available to be deposited in the Fund. The Administrator of the Transportation Security Administration shall impose the fee authorized by section 44940(a)(1) so as to collect at least \$250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Administrator of the Transportation Security Administration to make grants under this section.

(2) **ALLOCATION.**—Of the amount made available under paragraph (1) for a fiscal year, not less than \$200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

(3) **DISCRETIONARY GRANTS.**—Of the amount made available under paragraph (1) for a fiscal year, up to \$50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.

(i) **LEVERAGED FUNDING.**—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.

(Added Pub. L. 108-176, title VI, § 605(a), Dec. 12, 2003, 117 Stat. 2566; amended Pub. L. 108-458, title IV, § 4019(e)(1), Dec. 17, 2004, 118 Stat. 3722; Pub. L. 110-53, title XVI, §§ 1603(a), 1604(a), Aug. 3, 2007, 121 Stat. 480; Pub. L. 115-254, div. K, title I, § 1991(d)(19), Oct. 5, 2018, 132 Stat. 3636.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, § 1991(d)(19)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, § 1991(d)(19)(A), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (e). Pub. L. 115-254, § 1991(d)(19)(C), struck out par. (1) designation and heading before “The Govern-

¹ So in original. Probably should be “Science.”

ment's share" and struck out par. (2). Prior to amendment, text of par. (2) read as follows: "The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003."

Subsec. (j). Pub. L. 115-254, §1991(d)(19)(D), struck out subsec. (j) which authorized appropriations for fiscal years 2005 to 2011.

2007—Subsec. (a). Pub. L. 110-53, §1604(a)(1), substituted "shall make" for "may make" in introductory provisions.

Subsec. (d)(1). Pub. L. 110-53, §1604(a)(2), substituted "shall issue" for "may issue".

Subsec. (h)(1). Pub. L. 110-53, §1604(a)(3), substituted "2028" for "2007".

Subsec. (h)(2), (3). Pub. L. 110-53, §1604(a)(4), added pars. (2) and (3) and struck out former pars. (2) and (3) which related to allocation of \$125,000,000 of amount available per fiscal year for large, medium, and small hub airports, nonhub airports, and on the basis of aviation security risks, and allocation of \$125,000,000 of amount available per fiscal year for discretionary grants, with priority given to fulfilling letters of intent issued under subsec. (d).

Subsec. (i). Pub. L. 110-53, §1604(a)(6), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 110-53, §1603(a), substituted "2007, and \$450,000,000 for each of fiscal years 2008 through 2011" for "2007."

Subsec. (j). Pub. L. 110-53, §1604(a)(5), redesignated subsec. (i) as (j).

2004—Subsec. (i)(1). Pub. L. 108-458 substituted "\$400,000,000 for each of fiscal years 2005, 2006, and 2007" for "\$250,000,000 for each of fiscal years 2004 through 2007".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

PRIORITIZATION OF PROJECTS

Pub. L. 110-53, title XVI, §1604(b), Aug. 3, 2007, 121 Stat. 480, required the Administrator of the Transportation Security Administration to establish a prioritization schedule for airport security improvement projects described in this section based on risk and other relevant factors, to be funded under this section, and to provide to Congress, not later than 180 days after Aug. 3, 2007, a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under this section.

PERIOD OF REIMBURSEMENT

Pub. L. 108-458, title IV, §4019(e)(2), Dec. 17, 2004, 118 Stat. 3722, provided that: "Notwithstanding any other provision of law, the Secretary [of Homeland Security] may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 [Pub. L. 108-7, div. I] (49 U.S.C. 47110 note)."

§ 44924. Repair station security

(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Adminis-

trator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator of the Federal Aviation Administration under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f).

(b) ADDRESSING SECURITY CONCERNS.—The Administrator of the Transportation Security Administration shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator of the Federal Aviation Administration that a deficiency was identified in the security audit.

(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Administrator of the Transportation Security Administration determines that the foreign repair station does not maintain and carry out effective security measures, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall suspend the certification of the repair station until such time as the Administrator of the Transportation Security Administration determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator of the Federal Aviation Administration.

(2) IMMEDIATE SECURITY RISK.—If the Administrator of the Transportation Security Administration determines that a foreign repair station poses an immediate security risk, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall revoke the certification of the repair station.

(3) PROCEDURES FOR APPEALS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall establish procedures for appealing a revocation of a certificate under this subsection.

(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f), the Administrator of the Federal Aviation Ad-

ministration shall be barred from certifying any foreign repair station (other than a station that was previously certified, or is in the process of certification, by the Administration under this part) until such audits are completed for existing stations.

(e) **PRIORITY FOR AUDITS.**—In conducting the audits described in subsection (a), the Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

(f) **REGULATIONS.**—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

(g) **REPORT TO CONGRESS.**—If the Administrator of the Transportation Security Administration does not issue final regulations before the deadline specified in subsection (f), the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.

(Added Pub. L. 108–176, title VI, §611(b)(1), Dec. 12, 2003, 117 Stat. 2571; amended Pub. L. 110–53, title XVI, §1616(b), Aug. 3, 2007, 121 Stat. 488; Pub. L. 115–254, div. K, title I, §1991(d)(20), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(20)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(20)(A), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security,” and “Administrator of the Federal Aviation Administration under” for “Administrator under”.

Subsec. (b). Pub. L. 115–254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (c). Pub. L. 115–254, §1991(d)(20)(B), which directed substitution of “Administrator of the Federal Aviation Administration” for “Administrator”, was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 115–254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (f). Pub. L. 115–254, §1991(d)(20)(C), substituted “The” for “Not later than 240 days after the date of enactment of this section, the”.

Pub. L. 115–254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

2007—Subsec. (a). Pub. L. 110–53, §1616(b)(1), substituted “6 months” for “18 months”.

Subsec. (d). Pub. L. 110–53, §1616(b)(2), inserted “(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)” after “foreign repair station”.

Pub. L. 110–53, §1616(b)(1), which directed amendment of subsec. (b) by substituting “6 months” for “18 months”, was executed by making the substitution in subsec. (d), to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

SUSPENSION OF CERTIFICATION OF FOREIGN REPAIR STATIONS

Pub. L. 110–53, title XVI, §1616(a), Aug. 3, 2007, 121 Stat. 488, provided that: “If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 1 year after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.”

§ 44925. Deployment and use of detection equipment at airport screening checkpoints

(a) **WEAPONS AND EXPLOSIVES.**—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

(b) **STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

(2) **CONTENT.**—The strategic plan shall include, at minimum—

(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

(F) a description of any recommended legislative actions.

(c) **PORTAL DETECTION SYSTEMS.**—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

(d) **INTERIM ACTION.**—Until measures are implemented that enable the screening of all passengers for explosives, the Administrator of the Transportation Security Administration shall provide, by such means as the Administrator of the Transportation Security Administration considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(Added Pub. L. 108–458, title IV, § 4013(a), Dec. 17, 2004, 118 Stat. 3719; amended Pub. L. 110–53, title XVI, § 1607(b), Aug. 3, 2007, 121 Stat. 483; Pub. L. 115–254, div. K, title I, § 1991(d)(21), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–254, § 1991(d)(21)(A), substituted “The Administrator of the Transportation Security Administration” for “Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)”.

Subsec. (b)(3). Pub. L. 115–254, § 1991(d)(21)(B), struck out par. (3). Text read as follows: “The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.”

Subsec. (d). Pub. L. 115–254, § 1991(d)(21)(C), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” in two places.

2007—Subsec. (b)(3). Pub. L. 110–53 added par. (3).

Statutory Notes and Related Subsidiaries

MOVEMENT AND REDEPLOYMENT OF MOBILE EXPLOSIVES DETECTION SYSTEMS

Pub. L. 114–113, div. F, title II, Dec. 18, 2015, 129 Stat. 2499, provided in part: “That notwithstanding any other provision of law, for the current fiscal year and each fiscal year hereafter, mobile explosives detection systems purchased and deployed using funds made available under this heading [Transportation Security Administration, Aviation Security] may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports”.

ISSUANCE OF STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS

Pub. L. 110–53, title XVI, § 1607(a), Aug. 3, 2007, 121 Stat. 483, provided that, not later than 30 days after Aug. 3, 2007, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, was to issue the strategic plan the Secretary was required by subsec. (b) of this section to have issued within 90 days after Dec. 17, 2004.

ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES

Pub. L. 108–458, title IV, § 4014, Dec. 17, 2004, 118 Stat. 3720, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), not later than Mar. 31, 2005, to develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

§ 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

(a) **IN GENERAL.**—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

(b) **OFFICE OF APPEALS AND REDRESS.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

(2) **RECORDS.**—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

(3) **INFORMATION.**—To prevent repeated delays of a misidentified passenger or other individual, the Office shall—

(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

(4) **HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.**—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—

(A) require that Federal employees of the Department handling personally identifiable

information of passengers (in this paragraph referred to as “PII”) complete mandatory privacy and security training prior to being authorized to handle PII;

(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security technical protections as the Secretary determines necessary;

(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107-296);

(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).

(Added Pub. L. 110-53, title XVI, § 1606(a), Aug. 3, 2007, 121 Stat. 482; amended Pub. L. 115-254, div. K, title I, § 1991(d)(22), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

REFERENCES IN TEXT

The Federal Information Security Management Act of 2002, referred to in subsec. (b)(4)(E), is title X of Pub. L. 107-296, Nov. 25, 116 Stat. 2259. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6, Domestic Security, and Tables.

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115-254 substituted “a misidentified passenger” for “an misidentified passenger” in introductory provisions.

§ 44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans

(a) PASSENGER SCREENING.—The Administrator of the Transportation Security Administration, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and organiza-

tions identified by the Secretaries of Defense and Veterans Affairs that advocate on behalf of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, shall develop and implement a process to support and facilitate the ease of travel and to the extent possible provide expedited passenger screening services for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening. The process shall be designed to offer the individual private screening to the maximum extent practicable.

(b) OPERATIONS CENTER.—As part of the process under subsection (a), the Administrator of the Transportation Security Administration shall maintain an operations center to provide support and facilitate the movement of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening prior to boarding a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(c) PROTOCOLS.—The Administrator of the Transportation Security Administration shall—

(1) establish and publish protocols, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the organizations identified under subsection (a), under which a severely injured or disabled member of the Armed Forces or severely injured or disabled veteran, or the family member or other representative of such member or veteran, may contact the operations center maintained under subsection (b) and request the expedited passenger screening services described in subsection (a) for that member or veteran; and

(2) upon receipt of a request under paragraph (1), require the operations center to notify the appropriate Federal Security Director of the request for expedited passenger screening services, as described in subsection (a), for that member or veteran.

(d) TRAINING.—The Administrator of the Transportation Security Administration shall integrate training on the protocols established under subsection (c) into the training provided to all employees who will regularly provide the passenger screening services described in subsection (a).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authority of the Administrator of the Transportation Security Administration to require additional screening of a severely injured or disabled member of the Armed Forces, a severely injured or disabled veteran, or their accompanying family members or nonmedical attendants, if intelligence, law enforcement, or other information indicates that additional screening is necessary.

(f) REPORTS.—Each year, the Administrator of the Transportation Security Administration shall submit to Congress a report on the implementation of this section. Each report shall include each of the following:

(1) Information on the training provided under subsection (d).

(2) Information on the consultations between the Administrator of the Transportation Security Administration and the organizations identified under subsection (a).

(3) The number of people who accessed the operations center during the period covered by the report.

(4) Such other information as the Administrator of the Transportation Security Administration determines is appropriate.

(Added Pub. L. 113–27, §2(a), Aug. 9, 2013, 127 Stat. 503; amended Pub. L. 115–254, div. K, title I, §1991(d)(23), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(23)(A), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(23)(B), substituted “Veterans Affairs that” for “Veteran Affairs that”.

Subsec. (f). Pub. L. 115–254, §1991(d)(23)(C), substituted “Reports” for “Report” in heading and “Each year,” for “Not later than 1 year after the date of enactment of this section, and annually thereafter,” in introductory provisions.

§ 44928. Honor Flight program

The Administrator of the Transportation Security Administration shall establish, in collaboration with the Honor Flight Network or other not-for-profit organization that honors veterans, a process for providing expedited and dignified passenger screening services for veterans traveling on an Honor Flight Network private charter, or such other not-for-profit organization that honors veterans, to visit war memorials built and dedicated to honor the service of such veterans.

(Added Pub. L. 113–221, §2(a), Dec. 16, 2014, 128 Stat. 2094.)

§ 44929. Donation of screening equipment to protect the United States

(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) CONDITIONS.—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

(1) ensure that the screening equipment has been restored to commercially available settings;

(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

(3) verify that the appropriate officials have an adequate system—

(A) to properly maintain and operate the screening equipment; and

(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(c) REPORTS.—Not later than 30 days before any donation of security screening equipment

under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(Added Pub. L. 115–254, div. K, title I, §1955(a)(1), Oct. 5, 2018, 132 Stat. 3595.)

SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

§ 44931. Authority to exempt

The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

(Added Pub. L. 115–254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

Editorial Notes

PRIOR PROVISIONS

A prior section 44931, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1215, related to the Director of Intelligence and Security, prior to repeal by Pub. L. 107–71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

§ 44932. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Homeland Security or the Administrator of the Transportation Security Administration may take action the Secretary or the Administrator considers necessary to carry out this chapter and chapters 461, 463, and 465 of this title, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) INDEMNIFICATION.—The Administrator of the Transportation Security Administration may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

(Added Pub. L. 115-254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

Editorial Notes

PRIOR PROVISIONS

A prior section 44932, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107-71, title I, §110(a), Nov. 19, 2001, 115 Stat. 614, related to the Assistant Administrator for Civil Aviation Security, prior to repeal by Pub. L. 107-71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

§ 44933. Federal Security Managers¹

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Transportation Security Administration shall establish the position of Federal Security Director at each airport in the United States described in section 44903(c). The Administrator of the Transportation Security Administration shall designate individuals as Federal Security Directors for, and station those Federal Security Directors at, those airports.

(b) DUTIES AND POWERS.—The Federal Security Director at each airport shall—

(1) oversee the screening of passengers and property at the airport; and

(2) carry out other duties prescribed by the Administrator of the Transportation Security Administration.

(c) INFORMATION SHARING.—Not later than 1 year after the date of the enactment of the TSA Modernization Act, the Administrator shall—

(1) require each Federal Security Director of an airport to meet at least quarterly with the airport director, airport security coordinator, and law enforcement agencies serving each such airport to discuss incident management protocols, including the resolution of screening anomalies at passenger screening checkpoints; and

(2) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the respective airport security coordinator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with such airport operators to ensure coordinated responses to security matters.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1216; Pub. L. 107-71, title I, §§101(f)(4), 103, Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115-254, div. K, title I, §§1989(a), 1991(d)(24), Oct. 5, 2018, 132 Stat. 3624, 3637.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44933(a)	49 App.:1358b(a)(1), (2), (4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §319(a); added Nov. 16, 1990, Pub. L. 101-604, §104, 104 Stat. 3070.
44933(b)	49 App.:1358b(a)(3).	
44933(c)	49 App.:1358b(a)(5).	

In subsection (a), the words “Not later than 90 days after November 16, 1990” are omitted as obsolete. The words “The Administrator shall designate individuals as Managers for, and station those Managers at, those

¹ So in original. Probably should be “Directors”.

airports” are substituted for “and shall begin designating persons as such Managers and stationing such Managers at such airports” for clarity and because of the restatement. The words “and designate a current field employee of the Administration as a Manager” are substituted for “assign the functions and responsibilities described in this section to existing Federal Aviation Administration field personnel and designate such personnel accordingly” to eliminate unnecessary words. The words “to the office of” are omitted as unnecessary. The words “Not later than 1 year after November 16, 1990” are omitted as obsolete. The words “Secretary of Transportation” are substituted for “Department of Transportation” because of 49:102.

In subsection (b), before clause (1), the words “The Manager at each airport shall” are substituted for “The responsibilities of a Federal Security Manager shall include the following” to eliminate unnecessary words. In clause (2)(A), the words “air carrier” are substituted for “such air carrier” because this is the first time the term is used in the source provisions. In clause (3), the words “United States Government” are substituted for “Federal” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (7), the words “other Managers” are substituted for “Federal Security Managers at other airports, as appropriate” to eliminate unnecessary words.

In subsection (c), the words “duties and powers” are substituted for “responsibilities” for clarity and consistency in the revised title and with other titles of the Code.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the TSA Modernization Act, referred to in subsec. (c), is the date of the enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(24)(C), substituted “Administrator of the Transportation Security Administration shall designate” for “Under Secretary shall designate”.

Pub. L. 115-254, §1991(d)(24)(A), substituted “Administrator of the Transportation Security Administration shall establish” for “Under Secretary of Transportation for Security shall establish”, “Federal Security Director” for “Federal Security Manager”, and, in two places, “Federal Security Directors” for “Managers”.

Subsec. (b). Pub. L. 115-254, §1991(d)(24)(B), substituted “Federal Security Director” for “Manager” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-254, §1991(d)(24)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c). Pub. L. 115-254, §1989(a), added subsec. (c).

2001—Pub. L. 107-71, §103, amended section generally, substituting provisions relating to designation, establishment, and stationing procedures and duties and powers for provisions which contained a more detailed listing of responsibilities and a prohibition against a Civil Aviation Security Field Officer being assigned security duties and powers at an airport having a Manager.

Subsec. (a). Pub. L. 107-71, §101(f)(4), substituted “Under Secretary” for “Assistant Administrator for Civil Aviation Security”.

§ 44934. Foreign Security Liaison Officers

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Transportation Security Administration shall establish the position of Foreign Security Liaison Officer for each airport outside the United States at which the Administrator decides an Officer is

necessary for air transportation security. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports where extraordinary security measures are in place. The Secretary of State shall give high priority to stationing those Officers.

(b) DUTIES AND POWERS.—An Officer reports directly to the Administrator of the Transportation Security Administration. The Officer at each airport shall—

(1) serve as the liaison of the Administrator to foreign security authorities (including governments of foreign countries and foreign airport authorities) in carrying out United States Government security requirements at that airport; and

(2) to the extent practicable, carry out duties and powers referred to in section 44933(b) of this title.

(c) COORDINATION OF ACTIVITIES.—The activities of each Officer shall be coordinated with the chief of the diplomatic mission of the United States to which the Officer is assigned. Activities of an Officer under this section shall be consistent with the duties and powers of the Secretary of State and the chief of mission to a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 107–71, title I, §101(f)(4), (5), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(25), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44934(a)	49 App.:1358b(b)(1), (2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §319(b); added Nov. 16, 1990, Pub. L. 101–604, §104, 104 Stat. 3071.
44934(b)	49 App.:1358b(b)(3), (4).	
44934(c)	49 App.:1358b(b)(5).	

In subsection (a), the words “Not later than 90 days after November 16, 1990” are omitted as obsolete. The words “shall designate” are substituted for “shall begin assigning” for consistency with the source provisions restated in section 44933 of the revised title and because of the restatement. The words “Not later than 2 years after November 16, 1990” are omitted as obsolete. The word “designate” is substituted for “assign” for consistency with the source provisions restated in section 44933 of the revised title. The words “outside the United States” are omitted as unnecessary.

In subsection (b), before clause (1), the words “to the office of” are omitted as unnecessary. In clause (1), the words “governments of foreign countries and foreign airport authorities” are substituted for “foreign governments and airport authorities” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (2), the words “duties and powers” are substituted for “responsibilities” for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “duties and powers” are substituted for “authorities” for clarity and consistency in the revised title and with other titles of the Code.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(25)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”, “airports. In coordination with the Secretary of State” for “airports. In coordination with the Secretary”, “The Secretary of State shall give high priority” for “The Secretary shall give high priority”, and, wherever appearing, “Administrator” for “Under Secretary”.

Subsec. (b). Pub. L. 115–254, §1991(d)(25)(B)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in introductory provisions.

Subsec. (b)(1). Pub. L. 115–254, §1991(d)(25)(B)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (c). Pub. L. 115–254, §1991(d)(25)(C), substituted “the Secretary of State and the chief” for “the Secretary and the chief”.

2001—Subsec. (a). Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107–71, §101(f)(4), substituted “Under Secretary” for “Assistant Administrator for Civil Aviation Security” in introductory provisions.

Subsec. (b)(1). Pub. L. 107–71, §101(f)(5), substituted “Under Secretary” for “Assistant Administrator”.

§ 44935. Employment standards and training

(a) EMPLOYMENT STANDARDS.—The Administrator shall prescribe standards for the employment and continued employment of, and contracting for, air carrier personnel and, as appropriate, airport security personnel. The standards shall include—

- (1) minimum training requirements for new employees;
- (2) retraining requirements;
- (3) minimum staffing levels;
- (4) minimum language skills; and
- (5) minimum education levels for employees, when appropriate.

(b) REVIEW AND RECOMMENDATIONS.—In coordination with air carriers, airport operators, and other interested persons, the Administrator shall review issues related to human performance in the aviation security system to maximize that performance. When the review is completed, the Administrator shall recommend guidelines and prescribe appropriate changes in existing procedures to improve that performance.

(c) SECURITY PROGRAM TRAINING, STANDARDS, AND QUALIFICATIONS.—(1) The Administrator—

(A) may train individuals employed to carry out a security program under section 44903(c) of this title; and

(B) shall prescribe uniform training standards and uniform minimum qualifications for individuals eligible for that training.

(2) The Administrator may authorize reimbursement for travel, transportation, and subsistence expenses for security training of non-United States Government domestic and foreign individuals whose services will contribute significantly to carrying out civil aviation security programs. To the extent practicable, air travel reimbursed under this paragraph shall be on air carriers.

(d) EDUCATION AND TRAINING STANDARDS FOR SECURITY COORDINATORS, SUPERVISORY PER-

SONNEL, AND PILOTS.—(1) The Administrator shall prescribe standards for educating and training—

- (A) ground security coordinators;
- (B) security supervisory personnel; and
- (C) airline pilots as in-flight security coordinators.

(2) The standards shall include initial training, retraining, and continuing education requirements and methods. Those requirements and methods shall be used annually to measure the performance of ground security coordinators and security supervisory personnel.

(e) SECURITY SCREENERS.—

(1) TRAINING PROGRAM.—The Administrator shall establish a program for the hiring and training of security screening personnel.

(2) HIRING.—

(A) QUALIFICATIONS.—The Administrator shall establish qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any other provision of law, those standards shall require, at a minimum, an individual—

- (i) to have a satisfactory or better score on a Federal security screening personnel selection examination;
- (ii) to be a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));
- (iii) to meet, at a minimum, the requirements set forth in subsection (f);
- (iv) to meet such other qualifications as the Administrator may establish; and
- (v) to have the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

(B) BACKGROUND CHECKS.—The Administrator shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Administrator shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Administrator shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

(1) SCREENER REQUIREMENTS.—Notwithstanding any other provision of law, an indi-

vidual may not be deployed as a security screener unless that individual meets the following requirements:

(A) The individual shall possess a high school diploma, a general equivalency diploma, or experience that the Administrator has determined to be sufficient for the individual to perform the duties of the position.

(B) The individual shall possess basic aptitudes and physical abilities, including color perception, visual and aural acuity, physical coordination, and motor skills, to the following standards:

(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Administrator.

(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over an individual's entire body.

(C) The individual shall be able to read, speak, and write English well enough to—

(i) carry out written and oral instructions regarding the proper performance of screening duties;

(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

(iv) write incident reports and statements and log entries into security records in the English language.

(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (3).

(2) VETERANS PREFERENCE.—The Administrator shall provide a preference for the hiring of an individual as a security screener if the individual is a member or former member of the armed forces and if the individual is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.

(3) EXCEPTIONS.—An individual who has not completed the training required by this section may be deployed during the on-the-job

portion of training to perform functions if that individual—

(A) is closely supervised; and

(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

(4) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

(5) ANNUAL PROFICIENCY REVIEW.—The Administrator shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

(A) continues to meet all qualifications and standards required to perform a screening function;

(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(6) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (5), the Administrator shall provide for the operational testing of such personnel.

(g) TRAINING.—

(1) USE OF OTHER AGENCIES.—The Administrator may enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

(2) TRAINING PLAN.—The Administrator shall develop a plan for the training of security screening personnel. The plan shall require, at a minimum, that a security screener—

(A) has completed 40 hours of classroom instruction or successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

(B) has completed 60 hours of on-the-job instructions; and

(C) has successfully completed an on-the-job training examination prescribed by the Administrator.

(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

(h) TECHNOLOGICAL TRAINING.—

(1) IN GENERAL.—The Administrator shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons.

(2) PERIODIC ASSESSMENTS.—The Administrator shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items.

(3) CURRENT LISTS OF DUAL USE ITEMS.—Current lists of dual use items shall be part of the ongoing training for screeners.

(4) DUAL USE DEFINED.—For purposes of this subsection, the term “dual use” item means an item that may seem harmless but that may be used as a weapon.

(i) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

(j) UNIFORMS.—The Administrator shall require any individual who screens passengers and property pursuant to section 44901 to be attired while on duty in a uniform approved by the Administrator.

(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.

(l)¹ INITIAL AND RECURRING TRAINING.—

(1) IN GENERAL.—The Administrator shall establish a training program for new security screening personnel located at the Transportation Security Administration Academy.

(2) RECURRING TRAINING.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish recurring training for security screening personnel regarding updates to screening procedures and technologies, including, in response to weaknesses identified in covert tests at airports—

(i) methods to identify the verification of false or fraudulent travel documents; and

(ii) training on emerging threats.

(B) CONTENTS.—The training under subparagraph (A) shall include—

(i) internal controls for monitoring and documenting compliance of transportation security officers with such training requirements; and

(ii) such other matters as identified by the Administrator with regard to such training.

(l)¹ DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the

¹ So in original. Two subsecs. (l) have been enacted.

Administrator of the Transportation Security Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 106-528, §3, Nov. 22, 2000, 114 Stat. 2519; Pub. L. 107-71, title I, §§101(f)(7), (9), 111(a), Nov. 19, 2001, 115 Stat. 603, 616; Pub. L. 107-296, title XVI, §1603, Nov. 25, 2002, 116 Stat. 2313; Pub. L. 115-254, div. K, title I, §§1948(a), 1991(d)(26), Oct. 5, 2018, 132 Stat. 3587, 3638.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44935(a)	49 App.:1357(h).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(h)-(j); added Nov. 16, 1990, Pub. L. 101-604, §105(a), 104 Stat. 3073.
44935(b)	49 App.:1357(i).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(c); added Aug. 5, 1974, Pub. L. 93-366, §202, 88 Stat. 416; Oct. 31, 1992, Pub. L. 102-581, §202, 106 Stat. 4890.
44935(c)	49 App.:1357(c).	
44935(d)	49 App.:1357(j).	

In subsection (a), before clause (1), the words “Not later than 270 days after November 16, 1990” are omitted as obsolete. The words “contracting for” are substituted for “contracting of” for clarity and consistency in the revised title.

In subsection (c)(1)(A), the words “individuals employed” are substituted for “personnel employed by him . . . and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (c)(1)(B), the words “individuals eligible” are substituted for “personnel whose services are utilized to enforce any such transportation security program, including State, local, and private law enforcement personnel . . . for personnel eligible” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c)(2), the words “under this section” are omitted as unnecessary. The words “United States” before “air carriers” are omitted because of the definition of “air carrier” in section 40102(a) of the revised title.

In subsection (d)(1), before clause (A), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (l)(2)(A), is the date of enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(26)(E), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(26)(A), substituted “Administrator” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (e)(1). Pub. L. 115-254, §1991(d)(26)(B)(i), substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (e)(2)(A). Pub. L. 115-254, §1991(d)(26)(B)(ii)(I), in introductory provisions, substituted “The” for “Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the” and inserted “other” before “provision of law”.

Subsec. (e)(2)(A)(ii). Pub. L. 115-254, §1991(d)(26)(B)(ii)(II), which directed substitution of “section 101(a)(22)” for “section 1102(a)(22)”, was executed by making the substitution for “section 1101(a)(22)”, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 115-254, §1991(d)(26)(C), inserted “other” before “provision of law” in introductory provisions.

Subsec. (g)(2). Pub. L. 115-254, §1991(d)(26)(D), substituted “The” for “Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the” in introductory provisions.

Subsec. (k). Pub. L. 115-254, §1948(a)(1), which directed the redesignation of subsec. (i) relating to accessibility of computer-based training facilities as (k) by substituting “(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—” for “(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—”, was executed by making the substitution for “(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—” to reflect the probable intent of Congress.

Subsec. (l). Pub. L. 115-254, §1991(d)(26)(F), added subsec. (l) defining “Administrator”.

Pub. L. 115-254, §1948(a)(2), added subsec. (l) relating to initial and recurring training.

2002—Subsec. (e)(2)(A)(ii). Pub. L. 107-296 substituted “citizen of the United States or a national of the United States, as defined in section 1101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))” for “citizen of the United States”.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration” in introductory provisions.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Subsec. (c). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions of par. (1) and in par. (2).

Subsec. (d)(1). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (e). Pub. L. 107-71, §111(a)(2), added subsec. (e) and struck out former subsec. (e) which established training standards for screeners.

Subsec. (f). Pub. L. 107-71, §111(a)(2), added subsec. (f). Former subsec. (f) redesignated (i).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsecs. (g), (h). Pub. L. 107-71, §111(a)(2), added subsecs. (g) and (h).

Subsec. (i). Pub. L. 107-71, §111(a)(2), added subsec. (i) relating to limitation on right to strike.

Pub. L. 107-71, §111(a)(1), redesignated subsec. (f) as (i) relating to accessibility of computer-based training facilities.

Subsec. (j). Pub. L. 107-71, §111(a)(2), added subsec. (j). 2000—Subsecs. (e), (f). Pub. L. 106-528 added subsecs. (e) and (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106-528, set out as a note under section 106 of this title.

TRANSITION

Pub. L. 107-71, title I, §111(c), Nov. 19, 2001, 115 Stat. 620, provided that: “The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall complete the full implementation of section 44935 (e), (f), (g), and (h)

of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Under Secretary may make or continue such arrangements for the training of security screeners under that section as the Under Secretary determines necessary pending full implementation of that section as so amended.”

IMPROVEMENT OF SCREENER JOB PERFORMANCE

Pub. L. 108-458, title IV, §4015, Dec. 17, 2004, 118 Stat. 3720, provided that:

“(a) **REQUIRED ACTION.**—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

“(b) **HUMAN FACTORS STUDY.**—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act [Dec. 17, 2004], to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.”

[For definitions of “airport” and “appropriate congressional committees” used in section 4015 of Pub. L. 108-458, set out above, see section 4081 of Pub. L. 108-458, set out as a note under section 44901 of this title.]

SCREENER PERSONNEL

Pub. L. 107-71, title I, §111(d), Nov. 19, 2001, 115 Stat. 620, as amended by Pub. L. 112-171, §1(a), Aug. 16, 2012, 126 Stat. 1306; Pub. L. 116-92, div. F, title LXXVI, §7606, Dec. 20, 2019, 133 Stat. 2309, provided that:

“(1) **GENERAL AUTHORITY.**—Except as provided in paragraph (2), and notwithstanding any other provision of law, the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

“(2) **EXCEPTIONS.**—

“(A) **REEMPLOYMENT.**—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.

“(B) **LEAVE.**—The provisions of subchapter V of chapter 63 of title 5, United States Code, shall apply to any individual appointed under paragraph (1) as if such individual were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”

[Pub. L. 112-171, §1(b), Aug. 16, 2012, 126 Stat. 1306, provided that: “The amendments made by subsection (a) [amending section 111(d) of Pub. L. 107-71, set out above] shall take effect on the date that is 270 days after the date of the enactment of this Act [Aug. 16, 2012].”]

CERTIFICATION OF SCREENING COMPANIES

Pub. L. 104-264, title III, §302, Oct. 9, 1996, 110 Stat. 3250, provided that: “The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.”

STUDIES OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS AND OF PAY FOR TRAINING

Pub. L. 104-264, title V, §503, Oct. 9, 1996, 110 Stat. 3263, provided that the Administrator of the Federal Aviation Administration would appoint a task force

consisting of appropriate representatives of the aviation industry to study the development of standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of applicants for employment as a pilot by an air carrier, the standards and criteria for pilot training facilities to be licensed by the Administrator, and to determine if the practice of some air carriers to require employees or prospective employees to pay for necessary training or experience was in the public interest; and provided that, not later than 1 year after Oct. 9, 1996, the Administrator would send Congress a report on the results of the studies.

STUDY OF MINIMUM FLIGHT TIME

Pub. L. 104-264, title V, §504, Oct. 9, 1996, 110 Stat. 3263, required the Administrator of the Federal Aviation Administration to conduct a study to determine the sufficiency of existing minimum flight time requirements for individuals seeking employment as pilots with air carriers and to report to Congress on the study results not later than 1 year after Oct. 9, 1996.

§ 44936. Employment investigations and restrictions

(a) **EMPLOYMENT INVESTIGATION REQUIREMENT.**—(1)(A) The Administrator shall require by regulation that an employment investigation, including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator, shall be conducted of each individual employed in, or applying for, a position as a security screener under section 44935(e) or a position in which the individual has unescorted access, or may permit other individuals to have unescorted access, to—

(i) aircraft of an air carrier or foreign air carrier; or

(ii) a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier.

(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator) be conducted for—

(i) individuals who are responsible for screening passengers or property under section 44901 of this title;

(ii) supervisors of the individuals described in clause (i);

(iii) individuals who regularly have escorted access to aircraft of an air carrier or foreign air carrier or a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier; and

(iv) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

(C) **EXEMPTION.**—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m)(1) or (2) of title 14, Code of Federal Regulations, as in effect on November 22, 2000.

The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security.

(2) An air carrier, foreign air carrier, airport operator, or government that employs, or authorizes or makes a contract for the services of, an individual in a position described in paragraph (1) of this subsection shall ensure that the investigation the Administrator requires is conducted.

(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.

(b) PROHIBITED EMPLOYMENT.—(1) Except as provided in paragraph (3) of this subsection, an air carrier, foreign air carrier, airport operator, or government may not employ, or authorize or make a contract for the services of, an individual in a position described in subsection (a)(1) of this section if—

(A) the investigation of the individual required under this section has not been conducted; or

(B) the results of that investigation establish that, in the 10-year period ending on the date of the investigation, the individual was convicted (or found not guilty by reason of insanity) of—

(i) a crime referred to in section 46306, 46308, 46312, 46314, or 46315 or chapter 465 of this title or section 32 of title 18;

(ii) murder;

(iii) assault with intent to murder;

(iv) espionage;

(v) sedition;

(vi) treason;

(vii) rape;

(viii) kidnapping;

(ix) unlawful possession, sale, distribution, or manufacture of an explosive or weapon;

(x) extortion;

(xi) armed or felony unarmed robbery;

(xii) distribution of, or intent to distribute, a controlled substance;

(xiii) a felony involving a threat;

(xiv) a felony involving—

(I) willful destruction of property;

(II) importation or manufacture of a controlled substance;

(III) burglary;

(IV) theft;

(V) dishonesty, fraud, or misrepresentation;

(VI) possession or distribution of stolen property;

(VII) aggravated assault;

(VIII) bribery; and

(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or

(xv) conspiracy to commit any of the acts referred to in clauses (i) through (xiv).

(2) The Administrator may specify other factors that are sufficient to prohibit the employ-

ment of an individual in a position described in subsection (a)(1) of this section.

(3) An air carrier, foreign air carrier, airport operator, or government may employ, or authorize or contract for the services of, an individual in a position described in subsection (a)(1) of this section without carrying out the investigation required under this section, if the Administrator approves a plan to employ the individual that provides alternate security arrangements.

(c) FINGERPRINTING AND RECORD CHECK INFORMATION.—(1) If the Administrator requires an identification and criminal history record check, to be conducted by the Attorney General, as part of an investigation under this section, the Administrator shall designate an individual to obtain fingerprints and submit those fingerprints to the Attorney General. The Attorney General may make the results of a check available to an individual the Administrator designates. Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General. All Federal agencies shall cooperate with the Administrator and the Administrator's designee in the process of collecting and submitting fingerprints.

(2) The Administrator shall prescribe regulations on—

(A) procedures for taking fingerprints; and

(B) requirements for using information received from the Attorney General under paragraph (1) of this subsection—

(i) to limit the dissemination of the information; and

(ii) to ensure that the information is used only to carry out this section.

(3) If an identification and criminal history record check is conducted as part of an investigation of an individual under this section, the individual—

(A) shall receive a copy of any record received from the Attorney General; and

(B) may complete and correct the information contained in the check before a final employment decision is made based on the check.

(d) FEES AND CHARGES.—The Administrator and the Attorney General shall establish reasonable fees and charges to pay expenses incurred in carrying out this section. The employer of the individual being investigated shall pay the costs of a record check of the individual. Money collected under this section shall be credited to the account in the Treasury from which the expenses were incurred and are available to the Administrator and the Attorney General for those expenses.

(e) WHEN INVESTIGATION OR RECORD CHECK NOT REQUIRED.—This section does not require an investigation or record check when the investigation or record check is prohibited by a law of a foreign country.

(f) DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1218; Pub. L. 104-264, title III, §§304(a), 306, title V, §502(a), Oct. 9, 1996, 110 Stat. 3251, 3252, 3259; Pub. L. 105-102, §2(25), Nov. 20, 1997, 111 Stat. 2205;

Pub. L. 105-142, §1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106-181, title V, §508, Apr. 5, 2000, 114 Stat. 140; Pub. L. 106-528, §2(c), (d), Nov. 22, 2000, 114 Stat. 2517, 2518; Pub. L. 107-71, title I, §§101(f)(7), (9), 111(b), 138(a), (b)(1), 140(a)(1), Nov. 19, 2001, 115 Stat. 603, 620, 639-641; Pub. L. 115-254, div. K, title I, §1991(d)(27), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44936(a)	49 App.:1357(g)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(g); added Nov. 16, 1990, Pub. L. 101-604, §105(a), 104 Stat. 3071.
	49 App.:1357 (note).	Oct. 28, 1991, Pub. L. 102-143, §346, 105 Stat. 949.
44936(b)	49 App.:1357(g)(3).	
44936(c)	49 App.:1357(g)(2) (less (A) (2d sentence)).	
44936(d)	49 App.:1357(g)(2)(A) (2d sentence), (5).	
44936(e)	49 App.:1357(g)(4).	

In subsection (a), the text of section 346 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102-143, 105 Stat. 949) is omitted as executed.

In subsection (a)(2), the words “shall ensure” are substituted for “shall take such actions as may be necessary to ensure” to eliminate unnecessary words. The word “conducted” is substituted for “performed” for consistency in the revised title.

In subsection (b)(2), the words “The Administrator may specify” are substituted for “The Administrator may specify . . . the Administrator determines” to eliminate unnecessary words. The words “prohibit the employment of an individual” are substituted for “make an individual ineligible for employment” for clarity.

In subsection (b)(3), the words “may employ” are substituted for “It shall not be a violation of subparagraph (A) for . . . to employ” to eliminate unnecessary words.

In subsection (c)(1), the words “Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General” are substituted for “after consultation with the Attorney General” for clarity.

In subsection (c)(2), before clause (A), the words “For purposes of administering this subsection” are omitted as unnecessary. In clause (A), the word “implement” is omitted as unnecessary because of the restatement. In clause (B), before subclause (ii), the word “establish” is omitted as unnecessary because of the restatement. In subclause (ii), the words “to carry out this section” are substituted for “for the purposes of this section” for clarity.

In subsection (e), the words “a law of a foreign country” are substituted for “applicable laws of a foreign government” for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 105-102

This amends 49:44936(f)(1)(C) to reflect the redesignation of 49:30305(b)(7) as 49:30305(b)(8) by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(27)(C), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(27)(A)(i), which directed substitution of “Administrator” for “Under

Secretary of Transportation for Security” wherever appearing, was executed by making the substitution for “Under Secretary of Transportation for Security” before “shall require” and for “Under Secretary of Transportation for Transportation Security” after “determined practicable by the” in two places, to reflect the probable intent of Congress.

Subsec. (a)(1)(A). Pub. L. 115-254, §1991(d)(27)(A)(ii)(I), substituted “, shall be conducted” for “, shall be conducted” in introductory provisions.

Subsec. (a)(1)(C), (D). Pub. L. 115-254, §1991(d)(27)(A)(ii)(II), (iii), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to background checks of current employees.

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(27)(B), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (f). Pub. L. 115-254, §1991(d)(27)(D), added subsec. (f).

2001—Subsec. (a)(1)(A). Pub. L. 107-71, §138(a)(1), inserted “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security,” after “record check” in introductory provisions.

Pub. L. 107-71, §111(b)(1), inserted “as a security screener under section 44935(e) or a position” after “a position” in introductory provisions.

Pub. L. 107-71, §101(f)(7), (9), in introductory provisions, substituted “Under Secretary” for “Administrator” and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (a)(1)(A)(ii). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(1)(B). Pub. L. 107-71, §138(a)(2), in introductory provisions, substituted “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security” for “in any case described in subparagraph (C)”.

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (a)(1)(B)(i). Pub. L. 107-71, §138(a)(3), substituted “are” for “will be”.

Subsec. (a)(1)(B)(ii). Pub. L. 107-71, §138(a)(4), struck out “and” after semicolon.

Subsec. (a)(1)(B)(iii). Pub. L. 107-71, §138(a)(6), added cl. (iii). Former cl. (iii) redesignated (iv).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(1)(B)(iv). Pub. L. 107-71, §138(a)(5), redesignated cl. (iii) as (iv).

Subsec. (a)(1)(C). Pub. L. 107-71, §138(a)(7), (8), added subpar. (C) and struck out former subpar (C) which related to criminal history record checks.

Subsec. (a)(1)(D). Pub. L. 107-71, §138(a)(7), (9), (10), redesignated subpar. (F) as (D), substituted “107.31(m)(1) or (2)” for “107.31(m)” and “November 22, 2000. The Under Secretary shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security” for “the date of enactment of this subparagraph” and struck out former subpar. (D) which allowed a supervised employee to remain in position until completion of record check.

Subsec. (a)(1)(E). Pub. L. 107-71, §138(a)(7), struck out subpar. (E) which related to criminal history record checks for screeners and others.

Subsec. (a)(1)(E)(iv). Pub. L. 107-71, §111(b)(2), struck out cl. (iv) which related to effective dates for subpar. (E).

Subsec. (a)(1)(F). Pub. L. 107-71, §138(a)(7), redesignated subpar. (F) as (D).

Subsec. (a)(2). Pub. L. 107-71, §§107(f)(7), 138(a)(11), substituted “carrier, airport operator, or government” for “carrier, or airport operator” and “Under Secretary” for “Administrator”.

Subsec. (a)(3). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator".

Subsec. (b)(1). Pub. L. 107-71, §138(a)(12), substituted "carrier, airport operator, or government" for "carrier, or airport operator" in introductory provisions.

Subsec. (b)(1)(B)(xiv)(IX). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator".

Subsec. (b)(2). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator".

Subsec. (b)(3). Pub. L. 107-71, §§101(f)(7), 138(a)(13), substituted "carrier, airport operator, or government" for "carrier, or airport operator" and "Under Secretary" for "Administrator".

Subsec. (c)(1). Pub. L. 107-71, §138(a)(14), inserted at end "All Federal agencies shall cooperate with the Under Secretary and the Under Secretary's designee in the process of collecting and submitting fingerprints."

Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator" wherever appearing.

Subsec. (c)(2). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator" in introductory provisions.

Subsec. (d). Pub. L. 107-71, §101(f)(7), substituted "Under Secretary" for "Administrator" in two places.

Subsecs. (f) to (h). Pub. L. 107-71, §§138(b)(1), 140(a)(1), amended section identically, redesignating subsecs. (f) to (h) as (h) to (j), respectively, of section 44703 of this title.

2000—Subsec. (a)(1)(A). Pub. L. 106-528, §2(c)(1), in introductory provisions, struck out "as the Administrator decides is necessary to ensure air transportation security," after "shall be conducted".

Subsec. (a)(1)(C)(v). Pub. L. 106-181, §508(a), added cl. (v).

Subsec. (a)(1)(D). Pub. L. 106-528, §2(c)(2), substituted "in the position for which the individual applied" for "as a screener".

Subsec. (a)(1)(E), (F). Pub. L. 106-528, §2(c)(3), added subpars. (E) and (F).

Subsec. (b)(1)(B). Pub. L. 106-528, §2(d)(1), inserted "(or found not guilty by reason of insanity)" after "convicted" in introductory provisions.

Subsec. (b)(1)(B)(xi). Pub. L. 106-528, §2(d)(2), inserted "or felony unarmed" after "armed".

Subsec. (b)(1)(B)(xiii) to (xv). Pub. L. 106-528, §2(d)(3)-(5), added cls. (xiii) and (xiv), redesignated former cl. (xiii) as (xv), and in cl. (xv) substituted "clauses (i) through (xiv)" for "clauses (i)-(xii) of this paragraph".

Subsec. (f)(1)(B). Pub. L. 106-181, §508(b)(1), inserted "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "other person" in introductory provisions.

Subsec. (f)(1)(B)(ii). Pub. L. 106-181, §508(b)(2), substituted "individual's performance as a pilot" for "individual" in introductory provisions.

Subsec. (f)(5). Pub. L. 106-181, §508(b)(3), inserted before period at end of first sentence "except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A)".

Subsec. (f)(13). Pub. L. 106-181, §508(b)(4)(A), substituted "shall" for "may" in introductory provisions.

Subsec. (f)(13)(A)(i). Pub. L. 106-181, §508(b)(4)(B), inserted "and disseminated under paragraph (15)" after "requested under paragraph (1)".

Subsec. (f)(14)(B). Pub. L. 106-181, §508(b)(5), inserted "or from a foreign government or entity that employed the individual" after "exists".

Subsec. (f)(15). Pub. L. 106-181, §508(b)(6), added par. (15).

1997—Subsec. (f)(1). Pub. L. 105-142, §1(1), substituted "Subject to paragraph (14), before allowing an individual to begin service" for "Before hiring an individual" in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 105-142, §1(2), inserted "as a pilot of a civil or public aircraft" before "at any time" in introductory provisions.

Subsec. (f)(1)(C). Pub. L. 105-102 substituted "section 30305(b)(8) of this title" for "section 30305(b)(7)".

Subsec. (f)(4). Pub. L. 105-142, §1(3), inserted "and air carriers" after "Administrator" and substituted "paragraphs (1)(A) and (1)(B)" for "paragraph (1)(A)".

Subsec. (f)(5). Pub. L. 105-142, §1(4), substituted "this subsection" for "this paragraph".

Subsec. (f)(10). Pub. L. 105-142, §1(5), inserted "who is or has been" before "employed" and "but not later than 30 days after the date" after "reasonable time".

Subsec. (f)(14). Pub. L. 105-142, §1(6), added par. (14).

1996—Subsec. (a)(1). Pub. L. 104-264, §304(a), designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) of par. (1) as cls. (i) and (ii) of subpar. (A), respectively, and added subpars. (B) to (D).

Subsec. (a)(3). Pub. L. 104-264, §306, added par. (3).

Subsecs. (f) to (h). Pub. L. 104-264, §502(a), added subsecs. (f) to (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENTS

Amendment by Pub. L. 106-528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106-528, set out as a note under section 106 of this title.

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

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-264, title III, §304(b), Oct. 9, 1996, 110 Stat. 3252, provided that: "The amendment made by subsection (a)(3) [amending this section] shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act [Oct. 9, 1996]; except that the Administrator of the Federal Aviation Administration may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of the enactment of this Act."

Amendment by section 502(a) of Pub. L. 104-264 applicable to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following Oct. 9, 1996, see section 502(d) of Pub. L. 104-264, set out as a note under section 30305 of this title.

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

CRIMINAL HISTORY RECORD CHECKS

Pub. L. 106-528, §2(a), (b), Nov. 22, 2000, 114 Stat. 2517, provided that:

"(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

"(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

"(b) APPLICATION OF EXPANDED PROGRAM.—

“(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 22, 2000], the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator’s efforts to utilize the program described in subsection (a).”

“(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.”

§ 44937. Prohibition on transferring duties and powers

Except as specifically provided by law, the Administrator of the Transportation Security Administration may not transfer a duty or power under section 44903(a), (b), (c), or (e), 44906, 44912, 44935, 44936, or 44938(b)(3) of this title to another department, agency, or instrumentality of the United States Government.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1219; Pub. L. 103–429, §6(57), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(28), Oct. 5, 2018, 132 Stat. 3639.)

HISTORICAL AND REVISION NOTES PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44937	49 App.:1357(e)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(e)(1); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 417.

The word “otherwise” is omitted as surplus. The word “assigned” is omitted as being included in “transfer”. The word “function” is omitted as being included in “duty or power”. The words “department, agency, or instrumentality of the United States Government” are substituted for “Federal department or agency” for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 103–429

This amends 49:44937 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1219).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

2001—Pub. L. 107–71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

1994—Pub. L. 103–429 substituted “44906” for “44906(a)(1) or (b)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 44938. Reports

(a) TRANSPORTATION SECURITY.—Not later than March 31 of each year, the Secretary of Home-

land Security shall submit to Congress a report on transportation security with recommendations the Secretary considers appropriate. The report shall be prepared in conjunction with the biennial report the Administrator of the Transportation Security Administration submits under subsection (b) of this section in each year the Administrator of the Transportation Security Administration submits the biennial report, but may not duplicate the information submitted under subsection (b) or section 44907(a)(3) of this title. The Secretary may submit the report in classified and unclassified parts. The report shall include—

(1) an assessment of trends and developments in terrorist activities, methods, and other threats to transportation;

(2) an evaluation of deployment of explosive detection devices;

(3) recommendations for research, engineering, and development activities related to transportation security, except research engineering and development activities related to aviation security to the extent those activities are covered by the national aviation research plan required under section 44501(c) of this title;

(4) identification and evaluation of cooperative efforts with other departments, agencies, and instrumentalities of the United States Government;

(5) an evaluation of cooperation with foreign transportation and security authorities;

(6) the status of the extent to which the recommendations of the President’s Commission on Aviation Security and Terrorism have been carried out and the reasons for any delay in carrying out those recommendations;

(7) a summary of the activities of the Director of Intelligence and Security in the 12-month period ending on the date of the report;

(8) financial and staffing requirements of the Director;

(9) an assessment of financial and staffing requirements, and attainment of existing staffing goals, for carrying out duties and powers of the Administrator of the Transportation Security Administration related to security; and

(10) appropriate legislative and regulatory recommendations.

(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator of the Transportation Security Administration shall submit biennially to Congress a report—

(1) on the effectiveness of procedures under section 44901 of this title;

(2) that includes a summary of the assessments conducted under section 44907(a)(1) and (2) of this title; and

(3) that includes an assessment of the steps being taken, and the progress being made, in ensuring compliance with section 44906 of this title for each foreign air carrier security program at airports outside the United States—

(A) at which the Administrator of the Transportation Security Administration decides that Foreign Security Liaison Officers are necessary for air transportation security; and

(B) for which extraordinary security measures are in place.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1220; Pub. L. 103-305, title V, §502, Aug. 23, 1994, 108 Stat. 1595; Pub. L. 105-362, title XV, §1502(b), Nov. 10, 1998, 112 Stat. 3295; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(29), Oct. 5, 2018, 132 Stat. 3639.)

Subsec. (c). Pub. L. 105-362, §1502(b)(3), struck out heading and text of subsec. (c). Text read as follows: “The Administrator shall submit to Congress an annual report for each of the calendar years 1991 and 1992 on the progress being made, and the problems occurring, in carrying out section 44904 of this title. The report shall include recommendations for improving domestic air transportation security.”

1994—Subsec. (a). Pub. L. 103-305 substituted “March 31” for “December 31”.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44938(a)	49 App.:1356(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §315(b); added Nov. 16, 1990, Pub. L. 101-604, §102(a), 104 Stat. 3068.
44938(b)(1), (2).	49 App.:1356(a) (3d sentence 1st-18th words, last sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §315(a) (3d sentence 1st-18th words, last sentence); added Aug. 5, 1974, Pub. L. 93-366, §202, 88 Stat. 415; Aug. 8, 1965, Pub. L. 89-83, §551(b)(1), 99 Stat. 225; Nov. 16, 1990, Pub. L. 101-604, §102(b), 104 Stat. 3069.
44938(b)(3) ..	49 App.:1357(k)(4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(k)(4); added Nov. 16, 1990, Pub. L. 101-604, §105(a), 104 Stat. 3074.
44938(c)	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, §106(d), 104 Stat. 3075.

In subsection (a), before clause (1), the words “each year” are substituted for “of calendar year 1991 and of each calendar year thereafter” to eliminate unnecessary words. In clauses (8) and (9), the word “financial” is substituted for “funding” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the word “screening” is omitted as surplus.

In subsection (b)(2), the words “a summary of the assessments conducted under section 44907(a)(1) and (2) of this title” are substituted for “the information described in section 1515(c) of this Appendix” for clarity.

In subsection (b)(3), before clause (A), the words “that includes” are substituted for “The Administrator shall submit to Congress as part of the annual report required by section 315(a)” because of the restatement.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(29)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(29)(A), substituted “Secretary of Homeland Security” for “Secretary of Transportation” and “Administrator of the Transportation Security Administration submits under subsection (b)” for “Under Secretary of Transportation for Security submits under subsection (b)” in introductory provisions.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(7), (9), in introductory provisions, substituted “Under Secretary” for “Administrator” in two places and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (a)(9). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions and par. (3)(A).

1998—Subsec. (a). Pub. L. 105-362, §1502(b)(1), in second sentence of introductory provisions, substituted “biennial report” for “annual report” and inserted “in each year the Administrator submits the biennial report” after “subsection (b) of this section”.

Subsec. (b). Pub. L. 105-362, §1502(b)(2), substituted “biennially” for “annually” in introductory provisions.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 8th item on page 132 and the 11th item on page 138 identify reporting provisions which, as subsequently amended, are contained, respectively, in subssecs. (a) and (b)(1), (2) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 44939. Training to operate certain aircraft

(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

- (A) full name, including any aliases used by the applicant or variations in spelling of the applicant’s name;
- (B) passport and visa information;
- (C) country of citizenship;
- (D) date of birth;
- (E) dates of training; and
- (F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual's identification in such form as the Secretary may require.

(d) EXPEDITED PROCESSING.—The Secretary of Homeland Security shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

(1) holds an airman's certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

(e) TRAINING.—In subsection (a), the term "training" means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

(g) FEE.—

(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed \$100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

(B) shall remain available until expended.

(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence,

and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.

(Added Pub. L. 107-71, title I, §113(a), Nov. 19, 2001, 115 Stat. 622; amended Pub. L. 108-176, title VI, §612(a), Dec. 12, 2003, 117 Stat. 2572; Pub. L. 115-254, div. K, title I, §1991(d)(30), Oct. 5, 2018, 132 Stat. 3639.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-254 substituted "The Secretary of Homeland Security" for "Not later than 60 days after the date of enactment of this section, the Secretary" in introductory provisions.

2003—Pub. L. 108-176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subssecs. (a) to (d) relating to waiting period for training, interruption of training, covered training, and security awareness training for employees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-176, title VI, §612(c), Dec. 12, 2003, 117 Stat. 2574, provided that: "The amendment made by subsection (a) [amending this section] takes effect on the effective date of the interim final rule required by subsection (b)(1) [set out below] [rule effective Sept. 20, 2004, see 69 F.R. 56323]."

EFFECTIVE DATE

Pub. L. 107-71, title I, §113(d), Nov. 19, 2001, 115 Stat. 622, provided that: "The amendment made by subsection (a) [enacting this section] applies to applications for training received after the date of enactment of this Act [Nov. 19, 2001]."

IMPLEMENTATION

Pub. L. 108-176, title VI, §612(b), Dec. 12, 2003, 117 Stat. 2574, provided that:

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Dec. 12, 2003], the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

"(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

"(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section."

REPORT

Pub. L. 108-176, title VI, §612(d), Dec. 12, 2003, 117 Stat. 2574, provided that, not later than 1 year after Dec. 12,

2003, the Secretary of Homeland Security would submit to Congress a report on the effectiveness of the activities carried out under this section in reducing risks to aviation and national security.

INTERNATIONAL COOPERATION

Pub. L. 107-71, title I, §113(c), Nov. 19, 2001, 115 Stat. 622, provided that: “The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.”

§ 44940. Security service fee

(a) GENERAL AUTHORITY.—

(1) PASSENGER FEES.—The Administrator of the Transportation Security Administration shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the following costs of providing civil aviation security services:

(A) Salary, benefits, overtime, retirement and other costs of screening personnel, their supervisors and managers, and Federal law enforcement personnel deployed at airport security screening locations under section 44901.

(B) The costs of training personnel described in subparagraph (A), and the acquisition, operation, and maintenance of equipment used by such personnel.

(C) The costs of performing background investigations of personnel described in subparagraphs (A), (D), (F), and (G).

(D) The costs of the Federal air marshals program.

(E) The costs of performing civil aviation security research and development under this title.

(F) The costs of Federal Security Managers under section 44903.

(G) The costs of deploying Federal law enforcement personnel pursuant to section 44903(h).

(H) The costs of security-related capital improvements at airports.

(I) The costs of training pilots and flight attendants under sections 44918 and 44921.

(2) DETERMINATION OF COSTS.—

(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term “Federal law enforcement personnel” includes State and local law enforcement officers who are deputized under section 44922.

(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Administrator of the Transportation Security Administration shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

(c) LIMITATION ON FEE.—

(1) AMOUNT.—Fees imposed under subsection (a)(1) shall be \$5.60 per one-way trip in air

transportation or intrastate air transportation that originates at an airport in the United States, except that the fee imposed per round trip shall not exceed \$11.20.

(2) DEFINITION OF ROUND TRIP.—In this subsection, the term “round trip” means a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

(3) OFFSETTING COLLECTIONS.—Beginning on October 1, 2027, fees collected under subsection (a)(1) for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.

(d) IMPOSITION OF FEE.—

(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Administrator of the Transportation Security Administration shall impose the fee under subsection (a)(1) through the publication of notice of such fee in the Federal Register and begin collection of the fee as soon as possible.

(2) SPECIAL RULES PASSENGER FEES.—A fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection shall apply only to tickets sold after the date on which such fee is imposed. If a fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection on transportation of a passenger of a carrier described in subsection (a)(1) is not collected from the passenger, the amount of the fee shall be paid by the carrier.

(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Administrator of the Transportation Security Administration may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

(4) LIMITATION ON COLLECTION.—No fee may be collected under this section, other than subsection (i), except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act or in section 44923.

(e) ADMINISTRATION OF FEES.—

(1) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this section are payable to the Administrator of the Transportation Security Administration.

(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier that sells a ticket for transportation described in subsection (a)(1).

(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

(4) INFORMATION.—The Administrator of the Transportation Security Administration may require the provision of such information as the Administrator of the Transportation Secu-

rity Administration decides it necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

(5) **FEE NOT SUBJECT TO TAX.**—For purposes of section 4261 of the Internal Revenue Code of 1986 (26 U.S.C. 4261), a fee imposed under this section shall not be considered to be part of the amount paid for taxable transportation.

(6) **COST OF COLLECTING FEE.**—No portion of the fee collected under this section may be retained by the air carrier or foreign air carrier for the costs of collecting, handling, or remitting the fee except for interest accruing to the carrier after collection and before remittance.

(f) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, any fee collected under this section—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

(3) shall remain available until expended.

(g) **REFUNDS.**—The Administrator of the Transportation Security Administration may refund any fee paid by mistake or any amount paid in excess of that required.

(h) **EXEMPTIONS.**—The Administrator of the Transportation Security Administration may exempt from the passenger fee imposed under subsection (a)(1) any passenger enplaning at an airport in the United States that does not receive screening services under section 44901 for that segment of the trip for which the passenger does not receive screening.

(i) **DEPOSIT OF RECEIPTS IN GENERAL FUND.**—

(1) **IN GENERAL.**—Beginning in fiscal year 2014, out of fees received in a fiscal year under subsection (a)(1), after amounts are made available in the fiscal year under section 44923(h), the next funds derived from such fees in the fiscal year, in the amount specified for the fiscal year in paragraph (4), shall be credited as offsetting receipts and deposited in the general fund of the Treasury.

(2) **FEE LEVELS.**—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect in a fiscal year at least the amount specified in paragraph (4) for the fiscal year for making deposits under paragraph (1).

(3) **RELATIONSHIP TO OTHER PROVISIONS.**—Subsections (b) and (f) shall not apply to amounts to be used for making deposits under this subsection.

(4) **FISCAL YEAR AMOUNTS.**—For purposes of paragraphs (1) and (2), the fiscal year amounts are as follows:

- (A) \$1,320,000,000 for fiscal year 2018.
- (B) \$1,360,000,000 for fiscal year 2019.
- (C) \$1,400,000,000 for fiscal year 2020.
- (D) \$1,440,000,000 for fiscal year 2021.
- (E) \$1,480,000,000 for fiscal year 2022.
- (F) \$1,520,000,000 for fiscal year 2023.
- (G) \$1,560,000,000 for fiscal year 2024.
- (H) \$1,600,000,000 for fiscal year 2025.
- (M)¹ \$1,640,000,000 for fiscal year 2026.

(N)¹ \$1,680,000,000 for fiscal year 2027.

(Added Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625; amended Pub. L. 108–7, div. I, title III, §351(b), Feb. 20, 2003, 117 Stat. 420; Pub. L. 108–176, title VI, §605(b)(1), (2), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 110–53, title XVI, §1601, Aug. 3, 2007, 121 Stat. 477; Pub. L. 110–161, div. E, title V, §540, Dec. 26, 2007, 121 Stat. 2079; Pub. L. 113–67, div. A, title VI, §601(a)(1), (2), (b), (c), Dec. 26, 2013, 127 Stat. 1187; Pub. L. 113–294, §1(a), Dec. 19, 2014, 128 Stat. 4009; Pub. L. 114–41, title III, §3001, July 31, 2015, 129 Stat. 460; Pub. L. 115–123, div. C, title II, §30202, Feb. 9, 2018, 132 Stat. 126; Pub. L. 115–254, div. K, title I, §§1940, 1991(d)(31), Oct. 5, 2018, 132 Stat. 3582, 3639.)

Editorial Notes

CODIFICATION

Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625, which directed the addition of section 44940 at end of subchapter II of chapter 449 without specifying the Code title to be amended, was executed by adding this section at the end of this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, §1991(d)(31)(A)(i)(II), struck out concluding provisions which read as follows: “The amount of such costs shall be determined by the Under Secretary and shall not be subject to judicial review. For purposes of subparagraph (A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”

Pub. L. 115–254, §1991(d)(31)(A)(i)(I), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §1991(d)(31)(A)(ii), added par. (2).

Subsec. (b). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c)(3). Pub. L. 115–254, §1940, added par. (3).

Subsec. (d)(1). Pub. L. 115–254, §1991(d)(31)(C)(i), struck out “within 60 days of the date of enactment of this Act, or” after “of the fee” and “thereafter” before period at end.

Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (d)(2). Pub. L. 115–254, §1991(d)(31)(C)(ii), substituted “paragraph (1) of this subsection” for “subsection (d)” in two places.

Subsec. (d)(3). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(1). Pub. L. 115–254, §1991(d)(31)(D), substituted “Fees payable to Administrator” for “Fees payable to Under Secretary” in heading.

Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(4). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in two places.

Subsecs. (g), (h). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (i)(4)(A) to (L). Pub. L. 115–254, §1991(d)(31)(E), redesignated subpars. (E) to (L) as (A) to (H), respectively, and struck out former subpars. (A) to (D) which read as follows:

“(A) \$390,000,000 for fiscal year 2014.

“(B) \$1,190,000,000 for fiscal year 2015.

¹ So in original.

“(C) \$1,250,000,000 for fiscal year 2016.
“(D) \$1,280,000,000 for fiscal year 2017.”

Subsec. (i)(4)(M), (N). Pub. L. 115-123 added subpars. (M) and (N).

2015—Subsec. (i)(4)(K), (L). Pub. L. 114-41 added subpars. (K) and (L).

2014—Subsec. (c). Pub. L. 113-294 amended subsec. (c) generally. Prior to amendment, text read as follows: “Fees imposed under subsection (a)(1) shall be \$5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.”

2013—Subsec. (a)(2). Pub. L. 113-67, §601(a)(1), struck out par. (2) which related to fees on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation.

Subsec. (c). Pub. L. 113-67, §601(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed \$5.00 per one-way trip.”

Subsec. (d)(1). Pub. L. 113-67, §601(a)(2), struck out “, and may impose a fee under subsection (a)(2),” after “under subsection (a)(1)”.

Subsec. (i). Pub. L. 113-67, §601(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) related to the Checkpoint Screening Security Fund.

2007—Subsec. (a)(2)(A), (B)(iv). Pub. L. 110-161, which directed amendment of subsec. (a)(2) “by striking the period in the last sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, ‘except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108-334: *Provided*, That such judicial review shall be pursuant to section 46110 of title 49, United States Code; *Provided further*, That such judicial review shall be limited only to additional amounts collected by the Secretary before October 1, 2007.’”, was executed by substituting the quoted language directed to be added for the period at the end of last sentence of subpar. (A) and for the period at the end of cl. (iv) of subpar. (B), to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 110-53, §1601(1), inserted “, other than subsection (i),” before “except to”.

Subsec. (i). Pub. L. 110-53, §1601(2), added subsec. (i).
2003—Subsec. (a)(1). Pub. L. 108-7 inserted at end of concluding provisions “For purposes of subparagraph (A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”

Subsec. (a)(1)(H), (I). Pub. L. 108-176, §605(b)(1), added subpars. (H) and (I).

Subsec. (d)(4). Pub. L. 108-176, §605(b)(2), substituted “appropriations Act or in section 44923” for “appropriations Act”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-294, §1(b), Dec. 19, 2014, 128 Stat. 4009, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of this Act [Dec. 19, 2014].”

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-67, div. A, title VI, §601(a)(3), Dec. 26, 2013, 127 Stat. 1187, provided that: “The repeal made by paragraph (1) [amending this section] and the amendment made by paragraph (2) [amending this section] shall each take effect on October 1, 2014.”

EFFECTIVE DATE OF 2003 AMENDMENT

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

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

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

IMPOSITION OF FEE INCREASE

Pub. L. 113-67, div. A, title VI, §601(d), Dec. 26, 2013, 127 Stat. 1188, provided that: “The Secretary of Homeland Security shall implement the fee increase authorized by the amendment made by subsection (b) [amending this section]—

“(1) beginning on July 1, 2014; and

“(2) through the publication of notice of such fee in the Federal Register, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.”

CONTINUED AVAILABILITY OF EXISTING BALANCES

Pub. L. 113-67, div. A, title VI, §601(e), Dec. 26, 2013, 127 Stat. 1188, provided that: “The amendments made by this section [amending this section] shall not affect the availability of funds made available under section 44940(i) of title 49, United States Code, before the date of enactment of this Act [Dec. 26, 2013].”

§ 44941. Immunity for reporting suspicious activities

(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Homeland Security, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) APPLICATION.—Subsection (a) shall not apply to—

(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

(Added Pub. L. 107-71, title I, §125(a), Nov. 19, 2001, 115 Stat. 631; amended Pub. L. 115-254, div. K, title I, §1991(d)(32), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 inserted “the Department of Homeland Security,” after “Department of Transportation.”

§ 44942. Performance goals and objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) **BASICS OF ACTION PLAN.**—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) **LONG-TERM RESULTS-BASED MANAGEMENT.**—

(1) **PERFORMANCE PLAN.**—

(A) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(B) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary of Homeland Security, the Administrator of the Transportation Security Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(2) **PERFORMANCE REPORT.**—Each year, consistent with the requirements of GPRA, the Administrator of the Transportation Security Administration shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(Added Pub. L. 107-71, title I, § 130, Nov. 19, 2001, 115 Stat. 633; amended Pub. L. 115-254, div. K, title I, § 1991(d)(33), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254, § 1991(d)(33)(A)(i)(I), in introductory provisions, substituted “The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and” for “Within 180 days after the date of enactment of the Aviation and Trans-

portation Security Act, the Under Secretary for Transportation Security may, in consultation with”.

Subsec. (a)(1)(A). Pub. L. 115-254, § 1991(d)(33)(A)(i)(II), substituted “; and” for “, and”.

Subsec. (a)(2). Pub. L. 115-254, § 1991(d)(33)(A)(ii), inserted comma after “Federal Aviation Administration”.

Subsec. (b). Pub. L. 115-254, § 1991(d)(33)(B)(i), (ii), struck out par. (1) designation and heading “Performance plan and report” and redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively.

Subsec. (b)(1). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(I), redesignated cls. (i) and (ii) of former par. (1)(A) as subpars. (A) and (B), respectively, of par. (1).

Subsec. (b)(1)(A). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(II), substituted “the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree” for “the Secretary and the Under Secretary for Transportation Security shall agree”.

Subsec. (b)(1)(B). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(III), substituted “the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,” for “the Secretary, the Under Secretary for Transportation Security”.

Subsec. (b)(2). Pub. L. 115-254, § 1991(d)(33)(B)(iv), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

§ 44943. Performance management system

(a) **ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.**—The Administrator of the Transportation Security Administration shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) **ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.**—

(1) **IN GENERAL.**—Each year, the Secretary of Homeland Security and Administrator of the Transportation Security Administration shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Administrator of the Transportation Security Administration.

(2) **GOALS.**—Each year, the Administrator of the Transportation Security Administration and each senior manager who reports to the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) **PERFORMANCE-BASED SERVICE CONTRACTING.**—To the extent contracts, if any, are used to implement the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

(Added Pub. L. 107-71, title I, § 130, Nov. 19, 2001, 115 Stat. 634; amended Pub. L. 115-254, div. K, title I, § 1991(d)(34), Oct. 5, 2018, 132 Stat. 3640.)

Editorial Notes

REFERENCES IN TEXT

The Aviation and Transportation Security Act, referred to in subsec. (c), is Pub. L. 107-71, Nov. 19, 2001, 115 Stat. 597. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of this title and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(34)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

Subsec. (b)(1). Pub. L. 115-254, §1991(d)(34)(B)(i), substituted “Secretary of Homeland Security and Administrator of the Transportation Security Administration” for “Secretary and Under Secretary of Transportation for Security” and “for the Administrator of the Transportation Security Administration” for “for the Under Secretary”.

Subsec. (b)(2). Pub. L. 115-254, §1991(d)(34)(B)(ii), substituted “Administrator of the Transportation Security Administration and” for “Under Secretary and” and, in two places, substituted “Administrator shall” for “Under Secretary shall”.

Subsec. (c). Pub. L. 115-254, §1991(d)(34)(C), substituted “Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration” for “Aviation Security Act, the Under Secretary for Transportation Security”.

§ 44944. Voluntary provision of emergency services

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Administrator of the Transportation Security Administration shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Administrator of the Transportation Security Administration shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Administrator of the Transportation Security Administration considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Administrator of the Transportation Security Administration requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Administrator of the Transportation Security Administration shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Administrator of the Transportation Security Administration shall consult with the Administrator of the Federal Aviation Administration, appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) EXEMPTION FROM LIABILITY.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Administrator of the Transportation Security Administration shall prescribe for purposes of this section.

(c) EXCEPTION.—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.

(Added Pub. L. 107-71, title I, §131(a), Nov. 19, 2001, 115 Stat. 635; amended Pub. L. 115-254, div. K, title I, §1991(d)(35), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(35)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a)(1). Pub. L. 115-254, §1991(d)(35)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Transportation Security”.

Subsec. (a)(4). Pub. L. 115-254, §1991(d)(35)(A)(ii), inserted “the Administrator of the Federal Aviation Administration,” after “consult with”.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 107-71, title I, §131(c), Nov. 19, 2001, 115 Stat. 635, provided that: “Nothing in this section [enacting this section] may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.”

[For definitions of “aircraft” and “air transportation” used in section 131(c) of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.]

§ 44945. Disposition of unclaimed money and clothing

(a) DISPOSITION OF UNCLAIMED MONEY.—Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.

(b) DISPOSITION OF UNCLAIMED CLOTHING.—

(1) IN GENERAL.—In disposing of unclaimed clothing recovered at any airport security checkpoint, the Administrator of the Transportation Security Administration shall make every reasonable effort, in consultation with the Secretary of Veterans Affairs, to transfer the clothing to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.

(2) **AGREEMENTS.**—In implementing paragraph (1), the Administrator of the Transportation Security Administration may enter into agreements with airport authorities.

(3) **OTHER CHARITABLE ARRANGEMENTS.**—Nothing in this subsection shall prevent an airport or the Transportation Security Administration from donating unclaimed clothing to a charitable organization of their choosing.

(4) **LIMITATION.**—Nothing in this subsection shall create a cost to the Government.

(Added Pub. L. 108-334, title V, §515(a), Oct. 18, 2004, 118 Stat. 1317; amended Pub. L. 112-271, §2(a), Jan. 14, 2013, 126 Stat. 2446; Pub. L. 115-254, div. K, title I, §1991(d)(36), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1), (2). Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

2013—Pub. L. 112-271 inserted “and clothing” after “money” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

ANNUAL REPORT

Pub. L. 108-334, title V, §515(b), Oct. 18, 2004, 118 Stat. 1318, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 18, 2004] and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.”

§ 44946. Aviation Security Advisory Committee

(a) **ESTABLISHMENT.**—The Administrator shall establish within the Transportation Security Administration an aviation security advisory committee.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The Administrator shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

(2) **RECOMMENDATIONS.**—

(A) **IN GENERAL.**—The Advisory Committee shall develop, at the request of the Administrator, recommendations for improvements to aviation security.

(B) **RECOMMENDATIONS OF SUBCOMMITTEES.**—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Administrator.

(3) **PERIODIC REPORTS.**—The Advisory Committee shall periodically submit to the Administrator—

(A) reports on matters identified by the Administrator; and

(B) reports on other matters identified by a majority of the members of the Advisory Committee.

(4) **ANNUAL REPORT.**—The Advisory Committee shall submit to the Administrator an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Administrator receives the annual report, the Administrator shall publish a public version describing the Advisory Committee’s activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

(5) **FEEDBACK.**—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (2) or (4), the Administrator shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Administrator concurs, and a justification for why any of the recommendations have been rejected.

(6) **CONGRESSIONAL NOTIFICATION.**—Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

(7) **REPORT TO CONGRESS.**—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Administrator shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

(c) **MEMBERSHIP.**—

(1) **APPOINTMENT.**—

(A) **IN GENERAL.**—The Administrator shall appoint the members of the Advisory Committee.

(B) **COMPOSITION.**—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual’s designee).

(C) **REPRESENTATION.**—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees

of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

(2) TERM OF OFFICE.—

(A) TERMS.—The term of each member of the Advisory Committee shall be two years, but a member may continue to serve until a successor is appointed. A member of the Advisory Committee may be reappointed.

(B) REMOVAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

(4) MEETINGS.—

(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Administrator shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

(d) SUBCOMMITTEES.—

(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Administrator, may establish within the Advisory Committee any subcommittee that the Administrator and Advisory Committee determine to be necessary. The Administrator and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs es-

tablished by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Administrator shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

(f) NONAPPLICABILITY OF CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 shall not apply to the Advisory Committee and its subcommittees.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the aviation security advisory committee established under subsection (a).

(3) PERIMETER SECURITY.—

(A) IN GENERAL.—The term “perimeter security” means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

(B) INCLUSIONS.—The term “perimeter security” includes the fence area surrounding an airport, access gates, and access controls.

(Added Pub. L. 113-238, §2(a), Dec. 18, 2014, 128 Stat. 2842; amended Pub. L. 114-190, title III, §3411, July 15, 2016, 130 Stat. 662; Pub. L. 115-254, div. K, title I, §1991(d)(37), Oct. 5, 2018, 132 Stat. 3641; Pub. L. 117-286, §4(a)(317), Dec. 27, 2022, 136 Stat. 4340.)

Editorial Notes

AMENDMENTS

2022—Subsec. (f). Pub. L. 117-286 substituted “Chapter 10 of Title 5” for “FACA” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2018—Pub. L. 115-254, §1991(d)(37)(B), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Subsec. (b)(4). Pub. L. 115-254, §1991(d)(37)(C), substituted “the Administrator receives” for “the Secretary receives” and “the Administrator shall” for “the Secretary shall”.

Subsec. (c)(1)(A). Pub. L. 115-254, §1991(d)(37)(D), substituted “The” for “Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the”.

Subsec. (g). Pub. L. 115-254, §1991(d)(37)(A), added par. (1), redesignated former par. (1) as (2), and struck out former par. (2) which defined “Assistant Secretary”.

2016—Subsec. (b)(5). Pub. L. 114-190, §3411(b), substituted “paragraph (2) or (4)” for “paragraph (4)”.

Subsec. (c)(2)(A). Pub. L. 114-190, §3411(a), amended subpar. (A) generally. Prior to amendment, text read as follows: “The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.”

§ 44947. Air cargo security division

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish an air cargo security division to carry out and engage with stakeholders regarding the implementation of air cargo security programs established by the Administration.

(b) LEADERSHIP; STAFFING.—The air cargo security division established pursuant to subsection (a) shall be headed by an individual in the executive service within the TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo security division with existing TSA personnel.

(Added Pub. L. 115-254, div. K, title I, §1943(a), Oct. 5, 2018, 132 Stat. 3584.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (a), is the date of enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

§ 44948. National Deployment Office

(a) ESTABLISHMENT.—There is established within the Transportation Security Administration a National Deployment Office, to be headed by an individual with supervisory experience. Such individual shall be designated by the Administrator of the Transportation Security Administration.

(b) DUTIES.—The individual designated as the head of the National Deployment Office shall be responsible for the following:

(1) Maintaining a National Deployment Force within the Transportation Security Administration, including transportation security officers, supervisory transportation secu-

rity officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security’s homeland security operations to mitigate and reduce risk, including for the following:

(A) Airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons.

(B) Special events requiring enhanced security including National Special Security Events, as determined by the Secretary of Homeland Security.

(C) Response in the aftermath of any man-made disaster, including any terrorist attack.

(D) Other such situations, as determined by the Administrator.

(2) Educating transportation security officers regarding how to participate in the Administration’s National Deployment Force.

(3) Recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator.

(4) Approving 1-year appointments for officers to serve on the National Deployment Force, with an option to extend upon officer request and with the approval of the appropriate Federal Security Director.

(5) Training officers to serve on the National Deployment Force.

(Added Pub. L. 115-254, div. K, title I, §1988(a), Oct. 5, 2018, 132 Stat. 3622.)

Statutory Notes and Related Subsidiaries

CAREER DEVELOPMENT

Pub. L. 115-254, div. K, title I, §1988(d), Oct. 5, 2018, 132 Stat. 3623, provided that: “The Administrator [of the Transportation Security Administration] may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within the TSA [Transportation Security Administration].”

CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Sec.	
45101.	Definition.
45102.	Alcohol and controlled substances testing programs.
45103.	Prohibited service.
45104.	Testing and laboratory requirements.
45105.	Rehabilitation.
45106.	Relationship to other laws, regulations, standards, and orders.
45107.	Transportation Security Administration.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-71, title I, §139(5), Nov. 19, 2001, 115 Stat. 641, added item 45107.

§ 45101. Definition

In this chapter, “controlled substance” means any substance under section 102 of the Com-

prehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Administrator of the Federal Aviation Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1221.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45101	49 App.:1434(f).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(f); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 956.

§ 45102. Alcohol and controlled substances testing programs

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct pre-employment testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of airmen, crewmembers, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random, and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.

(2) When the Administrator considers it appropriate in the interest of safety, the Adminis-

trator may prescribe regulations for conducting periodic recurring testing of employees of the Administration responsible for safety-sensitive functions for use of alcohol or a controlled substance in violation of law or a Government regulation.

(c) SANCTIONS.—In prescribing regulations under the programs required by this section, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to an individual referred to in this section, or the disqualification or dismissal of the individual, under this chapter when a test conducted and confirmed under this chapter indicates the individual has used alcohol or a controlled substance in violation of law or a Government regulation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1221; Pub. L. 104-59, title III, §342(d), Nov. 28, 1995, 109 Stat. 609; Pub. L. 107-71, title I, §139(1), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45102(a)	49 App.:1434(a)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(a); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 953.
45102(b)	49 App.:1434(a)(2).	
45102(c)	49 App.:1434(a)(3).	

In subsections (a)(2) and (b)(2), the word “also” is omitted as surplus.

Editorial Notes

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71 substituted “personnel” for “contract personnel” wherever appearing.

1995—Subsec. (a)(1). Pub. L. 104-59, §342(d)(1), added par. (1) and struck out former par. (1) which read as follows: “In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations not later than October 28, 1992, that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.”

Subsec. (b)(1). Pub. L. 104-59, §342(d)(2), added par. (1) and struck out former par. (1) which read as follows: “The Administrator shall establish a program of pre-employment, reasonable suspicion, random, and post-accident testing for the use of alcohol or a controlled substance in violation of law or a Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions.”

Statutory Notes and Related Subsidiaries

RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS

Pub. L. 103-305, title V, §501, Aug. 23, 1994, 108 Stat. 1594, provided that, not later than 180 days after Aug. 23, 1994, the Secretary would complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate required of random drug testing for personnel engaged in aviation activities.

§ 45103. Prohibited service

(a) **USE OF ALCOHOL OR A CONTROLLED SUBSTANCE.**—An individual may not use alcohol or a controlled substance after October 28, 1991, in violation of law or a United States Government regulation and serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator of the Federal Aviation Administration), or employee of the Administration with responsibility for safety-sensitive functions.

(b) **REHABILITATION REQUIRED TO RESUME SERVICE.**—Notwithstanding subsection (a) of this section, an individual found to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions only if the individual completes a rehabilitation program described in section 45105 of this title.

(c) **PERFORMANCE OF PRIOR DUTIES PROHIBITED.**—An individual who served as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions and who was found by the Administrator to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may not carry out the duties related to air transportation that the individual carried out before the finding of the Administrator if the individual—

- (1) used the alcohol or controlled substance when on duty;
- (2) began or completed a rehabilitation program described in section 45105 of this title before using the alcohol or controlled substance; or
- (3) refuses to begin or complete a rehabilitation program described in section 45105 of this title after a finding by the Administrator under this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1222; Pub. L. 107-71, title I, §139(2), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45103(a)	49 App.:1434(b)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(b); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 954.
45103(b)	49 App.:1434(b)(2).	
45103(c)	49 App.:1434(b)(3).	

In subsection (b), the words “Notwithstanding subsection (a) of this section” are added for clarity.

Editorial Notes**AMENDMENTS**

2001—Pub. L. 107-71 substituted “screening employee” for “screening contract employee” wherever appearing.

§ 45104. Testing and laboratory requirements

In carrying out section 45102 of this title, the Administrator of the Federal Aviation Administration shall develop requirements that—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this chapter, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this chapter;

(3) require that a laboratory involved in controlled substances testing under this chapter have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that all tests indicating the use of alcohol or a controlled substance in violation of law or a United States Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual’s confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this chapter; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1222.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45104	49 App.:1434(d).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(d); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 955.

In this section, the word “samples” is omitted as surplus.

In clause (2), before subclause (A), the word “subsequent” is omitted as surplus.

In clause (3), the words “of any individual” are omitted as surplus.

In clause (4), the words “by any individual” are omitted as surplus.

In clause (5), the word “tested” is substituted for “assayed” for consistency. The words “2d confirmation test” are substituted for “independent test” for clarity and consistency.

In clause (6), the word “Secretary” is substituted for “Department” for consistency in the revised title and with other titles of the United States Code.

§ 45105. Rehabilitation

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—The Administrator of the Federal Aviation Administration shall prescribe regulations establishing requirements for rehabilitation programs that at least provide for the identification and opportunity for treatment of employees of air carriers and foreign air carriers referred to in section 45102(a)(1) of this title who need assistance in resolving problems with the use of alcohol or a controlled substance in violation of law or a United States Government regulation. Each air carrier and foreign air carrier is encouraged to make such a program available to all its employees in addition to the employees referred to in section 45102(a)(1). The Administrator shall decide on the circumstances under which employees shall be required to participate in a program. This subsection does not prevent an air carrier or foreign air carrier from establishing a program under this subsection in cooperation with another air carrier or foreign air carrier.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—The Administrator shall establish and maintain a rehabilitation program that at least provides for the identification and opportunity for treatment of employees of the Administration whose duties include responsibility for safety-sensitive functions who need assistance in resolving problems with the use of alcohol or a controlled substance.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1223; Pub. L. 103-429, §6(58), Oct. 31, 1994, 108 Stat. 4385.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45105(a)	49 App.:1434(c)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(c); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 954.
45105(b)	49 App.:1434(c)(2).	

In subsection (a), the words “of air carriers and foreign air carriers” are added for clarity.

PUB. L. 103-429

This amends 49:45105(a) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1224).

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-429 substituted “section 45102(a)(1)” for “section 45102(a)(1)(A)” in second sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

PRIORITIZING AND SUPPORTING THE HUMAN INTERVENTION MOTIVATION STUDY (HIMS) PROGRAM AND THE FLIGHT ATTENDANT DRUG AND ALCOHOL PROGRAM (FADAP)

Pub. L. 115-254, div. B, title V, §554(a), Oct. 5, 2018, 132 Stat. 3380, provided that: “The [Federal Aviation] Administration shall continue to prioritize and support the Human Intervention Motivation Study (HIMS) program for flight crewmembers and the Flight Attendant Drug and Alcohol Program (FADAP) for flight attendants.”

HUMAN INTERVENTION MOTIVATION STUDY

Pub. L. 112-95, title VIII, §819, Feb. 14, 2012, 126 Stat. 127, provided that: “Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall develop a Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.”

§ 45106. Relationship to other laws, regulations, standards, and orders

(a) EFFECT ON STATE AND LOCAL GOVERNMENT LAWS, REGULATIONS, STANDARDS, OR ORDERS.—A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this chapter. However, a regulation prescribed under this chapter does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(b) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—(1) In prescribing regulations under this chapter, the Administrator of the Federal Aviation Administration—

(A) shall establish only requirements applicable to foreign air carriers that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(2) The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit crewmembers in international civil aviation from using alcohol or a controlled substance in violation of law or a United States Government regulation.

(c) OTHER REGULATIONS ALLOWED.—This section does not prevent the Administrator from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by airmen, crewmembers, airport security screening employees, air carrier employees responsible for safety-sensitive functions (as decided by the Administrator), or employees of the Administration with responsibility for safety-sensitive functions.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1224; Pub. L. 107–71, title I, §139(3), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45106(a)	49 App.:1434(e)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(e); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 956.
45106(b)	49 App.:1434(e)(3).	
45106(c)	49 App.:1434(e)(2).	

In subsection (a), the word “prescribe” is substituted for “adopt” for consistency in the revised title and with other titles of the United States Code. The word “rule” is omitted as being synonymous with “regulation”. The word “ordinance” is omitted as being included in “law” and “regulation”. The words “actual” and “whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public” are omitted as surplus.

In subsection (c) the word “prevent” is substituted for “restrict the discretion of” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2001—Subsec. (c). Pub. L. 107–71 substituted “screening employees” for “screening contract employees”.

§ 45107. Transportation Security Administration

(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Administrator of the Transportation Security Administration. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect

to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions.

(Added Pub. L. 107–71, title I, §139(4), Nov. 19, 2001, 115 Stat. 640; amended Pub. L. 115–254, div. K, title I, §1991(e), Oct. 5, 2018, 132 Stat. 3642.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(e)(1), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (b). Pub. L. 115–254, §1991(e)(2), struck out at end “The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for safety-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”

CHAPTER 453—FEES

Sec. 45301.	General provisions.
45302.	Fees involving aircraft not providing air transportation.
45303.	Administrative provisions.
45304.	Maximum fees for private person services.
45305.	Registration, certification, and related fees.
45306.	Manual surcharge. ¹

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–95, title I, §122(b), Feb. 14, 2012, 126 Stat. 20, added item 45305.

1996—Pub. L. 104–264, title II, §§273(b), 276(b), Oct. 9, 1996, 110 Stat. 3240, 3248, substituted “General provisions” for “Authority to impose fees” in item 45301, added items 45303 and 45304, and struck out former item 45303 “Maximum fees for private person services”.

§ 45301. General provisions

(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.

(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator

¹ Editorially supplied. Section added by Pub. L. 115–254 without corresponding amendment of chapter analysis.

shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

(2) **SERVICES FOR WHICH COSTS MAY BE RECOVERED.**—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

(3) **LIMITATIONS ON JUDICIAL REVIEW.**—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

(A) The establishment or adjustment of a fee by the Administrator under this section.

(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

(4) **AIRCRAFT ALTITUDE.**—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

(5) **COSTS DEFINED.**—In this subsection, the term “costs” includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

(c) **USE OF EXPERTS AND CONSULTANTS.**—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.

(d) **PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.**—In this section, the term “production-certification related service” has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.

(e) **ADJUSTMENT OF FEES.**—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.

(Added Pub. L. 104-264, title II, §273(a), Oct. 9, 1996, 110 Stat. 3239; amended Pub. L. 106-181, title

VII, §719, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107-71, title I, §119(d), Nov. 19, 2001, 115 Stat. 629; Pub. L. 112-95, title I, §121, Feb. 14, 2012, 126 Stat. 19; Pub. L. 115-254, div. B, title V, §539(k), Oct. 5, 2018, 132 Stat. 3371.)

Editorial Notes

PRIOR PROVISIONS

A prior section 45301, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1225; Pub. L. 103-305, title II, §209, Aug. 23, 1994, 108 Stat. 1589; Pub. L. 104-287, §5(76), Oct. 11, 1996, 110 Stat. 3396; Pub. L. 105-102, §3(d)(1)(C), Nov. 20, 1997, 111 Stat. 2215, related to authority to impose fees, prior to repeal by Pub. L. 104-264, title II, §§203, 273(a), Oct. 9, 1996, 110 Stat. 3227, 3239, effective 30 days after Oct. 9, 1996.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254 substituted “United States Government” for “United States government”.

2012—Subsec. (b). Pub. L. 112-95, §121(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to limitations on fees.

Subsec. (e). Pub. L. 112-95, §121(b), added subsec. (e).

2001—Subsec. (b)(1)(B). Pub. L. 107-71 substituted “reasonably” for “directly” and “Administration’s costs, as determined by the Administrator,” for “Administration’s costs” and inserted “The Determination of such costs by the Administrator is not subject to judicial review.” at end.

2000—Subsec. (a)(2). Pub. L. 106-181, §719(1), added par. (2) and struck out former par. (2) which read as follows: “Services (other than air traffic control services) provided to a foreign government.”

Subsec. (d). Pub. L. 106-181, §719(2), added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

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

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

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

OVERFLIGHT FEES

Pub. L. 108-176, title II, §229, Dec. 12, 2003, 117 Stat. 2532, provided that:

“(a) **ADOPTION AND LEGALIZATION OF CERTAIN RULES.**—

“(1) **APPLICABILITY AND EFFECT OF CERTAIN LAW.**—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act [Pub. L. 107-71] (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

“(2) **ADOPTION AND LEGALIZATION.**—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of

Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

“(3) FEES TO WHICH APPLICABLE.—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

“(b) DEFERRED COLLECTION OF FEES.—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress responding to the issues raised by the court in *Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA*, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

“(c) ENFORCEMENT.—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.”

§ 45302. Fees involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL AUTHORITY AND MAXIMUM FEES.—The Administrator of the Federal Aviation Administration may impose fees to pay for the costs of issuing airman certificates to pilots and certificates of registration of aircraft and processing forms for major repairs and alterations of fuel tanks and fuel systems of aircraft. The following fees may not be more than the amounts specified:

- (1) \$12 for issuing an airman’s certificate to a pilot.
- (2) \$25 for registering an aircraft after the transfer of ownership.
- (3) \$15 for renewing an aircraft registration.
- (4) \$7.50 for processing a form for a major repair or alteration of a fuel tank or fuel system of an aircraft.

(c) ADJUSTMENTS.—The Administrator shall adjust the maximum fees established by subsection (b) of this section for changes in the Consumer Price Index of All Urban Consumers published by the Secretary of Labor.

(d) CREDIT TO ACCOUNT AND AVAILABILITY.—Money collected from fees imposed under this section shall be credited to the account in the Treasury from which the Administrator incurs expenses in carrying out chapter 441 and sections 44701–44716 of this title (except sections 44701(c), 44703(g)(2), and 44713(d)(2)). The money is available to the Administrator to pay expenses for which the fees are collected.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—A fee may not be imposed under this section before the date on which the regulations prescribed under sections 44111(d), 44703(g)(2), and 44713(d)(2) of this title take effect.

(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1225; Pub. L. 103–429, §6(59), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 112–95, title I, §122(c), Feb. 14, 2012,

126 Stat. 20; Pub. L. 115–254, div. B, title V, §539(j), Oct. 5, 2018, 132 Stat. 3371.)

HISTORICAL AND REVISION NOTES PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45302(a)	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, §7214, 102 Stat. 4434.
45302(b), (c)	49 App.:1354(f)(1)–(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §313(f); added Nov. 18, 1988, Pub. L. 100–690, §7207(c)(1), 102 Stat. 4427.
45302(d)	49 App.:1354(f)(4).	

In subsection (b), before clause (1), the text of 49 App.:1354(f)(3) is omitted as obsolete because the final regulations are effective. The word “impose” is substituted for “establish and collect” for consistency.

In subsection (d), the words “Money collected from fees imposed” are substituted for “The amount of fees collected” for clarity and consistency.

PUB. L. 103–429

This amends 49:45302 because the final regulations are not yet effective.

Editorial Notes

AMENDMENTS

2018—Subsecs. (d), (e)(1). Pub. L. 115–254 substituted “44703(g)(2)” for “44703(f)(2)”.

2012—Subsec. (e). Pub. L. 112–95 designated existing provisions as par. (1), inserted heading, and added par. (2).

1994—Subsec. (e). Pub. L. 103–429 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

INSPECTOR GENERAL AUDIT

Pub. L. 100–690, title VII, §7207(c)(4), Nov. 18, 1988, 102 Stat. 4428, as amended by Pub. L. 104–66, title II, §2041, Dec. 21, 1995, 109 Stat. 728, provided that: “During the 5-year period beginning after the date on which fees are first collected under section 313(f) of the Federal Aviation Act of 1958 [see subsec. (b) of this section], the Department of Transportation Inspector General shall conduct an annual audit of the collection and use of such fees for the purpose of ensuring that such fees do not exceed the costs for which they are collected and submit to Congress a report on the results of such audit.”

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 30th item on page 4 identifies a reporting provision which, as subsequently amended, is contained in section 7207(c)(4) of Pub. L. 100–690, set out as a note above), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

§ 45303. Administrative provisions

(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

(3) shall remain available until expended.

(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a list of fee collections by the Administration during the preceding fiscal year;

(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

(4) any proposed disposition of surplus fees by the Administration; and

(5) such other information as those committees consider necessary.

(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

(g) DATA TRANSPARENCY.—

(1) AIR TRAFFIC SERVICES INITIAL DATA REPORT.—

(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator and the Chief Operating Officer of the Air Traffic Organization shall, based upon the most recently available full fiscal year data, complete the following calculations for each segment of air traffic services users:

(i) The total costs allocable to the use of air traffic services for that segment during such fiscal year.

(ii) The total revenues received from that segment during such fiscal year.

(B) VALIDATION OF MODEL.—

(i) REVIEW AND DETERMINATION.—Not later than 3 months after completion of the initial report required under subparagraph (A), the inspector general of the Department of Transportation shall review and determine the validity of the model used by the Administrator and the Chief Operating Officer to complete the calculations required under subparagraph (A).

(ii) VALIDATION PROCESS.—In the event that the inspector general determines that the model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A) is not valid—

(I) the inspector general shall provide the Administrator and Chief Operating Officer recommendations on how to revise the model;

(II) the Administrator and the Chief Operating Officer shall complete the calculations required by subparagraph (A) utilizing the revised model and resubmit the revised initial report required under subparagraph (A) to the inspector general; and

(III) not later than 3 months after completion of the revised initial report required under subparagraph (A), the inspector general shall review and determine the validity of the revised model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A).

(iii) ACCESS TO DATA.—The Administrator and the Chief Operating Officer shall provide the inspector general of the Department of Transportation with unfettered access to all data produced by the cost accounting system operated and maintained pursuant to subsection (e).

(C) REPORT TO CONGRESS.—Not later than 60 days after completion of the review and receiving a determination that the model used is valid under subparagraph (B), the Administrator and the Chief Operating Officer shall submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report describing the results of the calculations completed under subparagraph (A).

(D) PUBLICATION.—Not later than 60 days after submission of the report required under subparagraph (C), the Administrator and Chief Operating Officer shall publish the initial report, including any revision thereto if required as a result of the validation process for the model.

(2) AIR TRAFFIC SERVICES BIENNIAL DATA REPORTING.—

(A) BIENNIAL DATA REPORTING.—Not later than March 31, 2019, and biennially thereafter for 8 years, the Administrator and the Chief Operating Officer shall, using the validated model, complete the following calculations for each segment of air traffic services users for the most recent full fiscal year:

(i) The total costs allocable to the use of the air traffic services for that segment.

(ii) The total revenues received from that segment.

(B) REPORT TO CONGRESS.—Not later than 15 days after completing the calculations under subparagraph (A), the Administrator and the Chief Operating Officer shall complete and submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report containing the results of such calculations.

(C) PUBLICATION.—Not later than 60 days after completing the calculations pursuant to subparagraph (A), the Administrator and the Chief Operating Officer shall publish the results of such calculations.

(3) SEGMENTS OF AIR TRAFFIC SERVICES USERS.—

(A) IN GENERAL.—For purposes of this subsection, each of the following shall constitute a separate segment of air traffic services users:

(i) Passenger air carriers conducting operations under part 121 of title 14, Code of Federal Regulations.

(ii) All-cargo air carriers conducting operations under part 121 of such title.

(iii) Operators covered by part 125 of such title.

(iv) Air carriers and operators of piston-engine aircraft operating under part 135 of such title.

(v) Air carriers and operators of turbine-engine aircraft operating under part 135 of such title.

(vi) Foreign air carriers providing passenger air transportation.

(vii) Foreign air carriers providing all-cargo air transportation.

(viii) Operators of turbine-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(ix) Operators of piston-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(x) Operators covered by subpart (K) of part 91 of such title.

(xi) Operators covered by part 133 of such title.

(xii) Operators covered by part 136 of such title.

(xiii) Operators covered by part 137 of such title.

(xiv) Operators of public aircraft that qualify under section 40125.

(xv) Operators of aircraft that neither take off from, nor land in, the United States.

(B) ADDITIONAL SEGMENTS.—The Secretary may identify and include additional segments of air traffic users under subparagraph (A) as revenue and air traffic services cost data become available for that additional segment of air traffic services users.

(4) DEFINITIONS.—For purposes of this subsection:

(A) AIR TRAFFIC SERVICES.—The term “air traffic services” means services—

(i) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

(ii) provided directly, or contracted for, by the Federal Aviation Administration.

(B) AIR TRAFFIC SERVICES USER.—The term “air traffic services user” means any individual or entity using air traffic services provided directly, or contracted for, by the Federal Aviation Administration within United States airspace or international airspace delegated to the United States.

(Added Pub. L. 104-264, title II, §276(a)(2), Oct. 9, 1996, 110 Stat. 3247; amended Pub. L. 115-254, div. B, title V, §519, Oct. 5, 2018, 132 Stat. 3359.)

Editorial Notes

REFERENCES IN TEXT

The Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f), is title II of Pub. L. 104-264, Oct. 9, 1996, 110 Stat. 3227. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 40101 of this title and Tables.

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (g)(1)(A), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

PRIOR PROVISIONS

A prior section 45303 was renumbered section 45304 of this title.

AMENDMENTS

2018—Subsec. (g). Pub. L. 115-254 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

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

§ 45304. Maximum fees for private person services

The Administrator of the Federal Aviation Administration may establish maximum fees

that private persons may charge for services performed under a delegation to the person under section 44702(d) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1225, §45303; renumbered §45304, Pub. L. 104-264, title II, §276(a)(1), Oct. 9, 1996, 110 Stat. 3247.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45303	49 App.:1355(a) (last sentence related to fees); 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §314(a) (last sentence related to fees), 72 Stat. 754, Oct. 15, 1966, Pub. L. 89-870, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, the word “Administrator” in section 314(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 754) is retained on authority of 49:106(g). The words “services performed under a delegation to the person under section 44702(d) of this title” are substituted for “their services” because of the restatement.

§ 45305. Registration, certification, and related fees

(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (c), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

- (1) Registering an aircraft.
- (2) Reregistering, replacing, or renewing an aircraft registration certificate.
- (3) Issuing an original dealer’s aircraft registration certificate.
- (4) Issuing an additional dealer’s aircraft registration certificate (other than the original).
- (5) Issuing a special registration number.
- (6) Issuing a renewal of a special registration number reservation.
- (7) Recording a security interest in an aircraft or aircraft part.
- (8) Issuing an airman certificate.
- (9) Issuing a replacement airman certificate.
- (10) Issuing an airman medical certificate.
- (11) Providing a legal opinion pertaining to aircraft registration or recordation.

(b) CERTIFICATION SERVICES.—Subject to subsection (c), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

- (1) is established and collected in a manner consistent with aviation safety agreements; and
- (2) does not exceed the estimated costs of the services.

(c) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

(d) FEES CREDITED AS OFFSETTING COLLECTIONS.—

- (1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

(C) remain available until expended.

(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration’s regular appropriations.

(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.

(Added Pub. L. 112-95, title I, §122(a), Feb. 14, 2012, 126 Stat. 19; amended Pub. L. 115-254, div. B, title II, §244, Oct. 5, 2018, 132 Stat. 3260.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §244(1), substituted “Subject to subsection (c)” for “Subject to subsection (b)” in introductory provisions.

Subsecs. (b) to (d). Pub. L. 115-254, §244(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

§ 45306. Manual surcharge

(a) IN GENERAL.—Not later 3 years after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall impose and collect a surcharge on a Civil Aviation Registry transaction that—

- (1) is conducted in person at the Civil Aviation Registry;
- (2) could be conducted, as determined by the Administrator, with the same or greater level of efficiency by electronic or other remote means; and
- (3) is not related to research or other non-commercial activities.

(b) MAXIMUM SURCHARGE.—A surcharge imposed and collected under subsection (a) shall not exceed twice the maximum fee the Administrator is authorized to charge for the registration of an aircraft, not used to provide air transportation, after the transfer of ownership under section 45302(b)(2).

(c) CREDIT TO ACCOUNT AND AVAILABILITY.—Monies collected from a surcharge imposed under subsection (a) shall be treated as monies collected under section 45302 and subject to the terms and conditions set forth in section 45302(d).

(Added Pub. L. 115-254, div. B, title V, §546(d), Oct. 5, 2018, 132 Stat. 3376.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of en-

actment of Pub. L. 115-254, which was approved Oct. 5, 2018.

SUBPART IV—ENFORCEMENT AND PENALTIES

CHAPTER 461—INVESTIGATIONS AND PROCEEDINGS

Sec.	
46101.	Complaints and investigations.
46102.	Proceedings.
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Editorial Notes

AMENDMENTS

2003—Pub. L. 108-176, title VI, § 601(b), Dec. 12, 2003, 117 Stat. 2563, added item 46111.

2001—Pub. L. 107-71, title I, § 140(b)(8), Nov. 19, 2001, 115 Stat. 641, substituted “Department of Transportation” for “Secretary of Transportation and Administrator of the Federal Aviation Administration” in item 46106.

§ 46101. Complaints and investigations

(a) GENERAL.—(1) A person may file a complaint in writing with the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) about a person violating this part or a requirement prescribed under this part. Except as provided in subsection (b) of this section, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall investigate the complaint if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation.

(2) On the initiative of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may conduct an investigation, if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation, about—

(A) a person violating this part or a requirement prescribed under this part; or

(B) any question that may arise under this part.

(3) The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may dismiss a complaint without a hearing when the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration is of the opinion that the complaint does not state facts that warrant an investigation or action.

(4) After notice and an opportunity for a hearing and subject to section 40105(b) of this title, the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall issue an order to compel compliance with this part if the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration finds in an investigation under this subsection that a person is violating this part.

(b) COMPLAINTS AGAINST MEMBERS OF ARMED FORCES.—The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall refer a complaint against a member of the armed forces of the United States performing official duties to the Secretary of the department concerned for action. Not later than 90 days after receiving the complaint, the Secretary of that department shall inform the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration of the action taken on the complaint, including any corrective or disciplinary action taken.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107-71, title I, § 140(b)(1)–(3), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115-254, div. K, title I, § 1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46101(a)(1) ..	49 App.:1482(a) (1st, 2d sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, § 1002(a), (b), 72 Stat. 788. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, § 3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444.
46101(a)(2) ..	49 App.:1482(b). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46101(a)(3) ..	49 App.:1482(a) (3d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46101(a)(4) ..	49 App.:1482(c). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, § 1002(c), 72 Stat. 789; Feb. 15, 1980, Pub. L. 96-192, § 25, 94 Stat. 47.
46101(b)	49 App.:1482(a) (4th, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a)(1), the words “the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) about a person violating this part or a requirement prescribed under this part” are sub-