

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 702.

§ 40113. Administrative

(a) **GENERAL AUTHORITY.**—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 that Administrator or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by that Administrator) may take action the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, considers necessary to carry out this part, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) **HAZARDOUS MATERIAL.**—In carrying out this part, the Secretary has the same authority to regulate the transportation of hazardous material by air that the Secretary has under section 5103 of this title. However, this subsection does not prohibit or regulate the transportation of a firearm (as defined in section 232 of title 18) or ammunition for a firearm, when transported by an individual for personal use.

(c) **GOVERNMENTAL ASSISTANCE.**—The Secretary (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may use the assistance of the Administrator of the National Aeronautics and Space Administration and any research or technical department, agency, or instrumentality of the United States Government on matters related to aircraft fuel and oil, and to the design, material, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each department, agency, and instrumentality may conduct scientific and technical research, investigations, and tests necessary to assist the Secretary or Administrator of the Federal Aviation Administration in carrying out this part. This part does not authorize duplicating laboratory research activities of a department, agency, or instrumentality.

(d) **INDEMNIFICATION.**—The Administrator of the Federal Aviation Administration may indemnify an officer or employee of the Federal Aviation 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.

(e) **ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.**—

(1) **SAFETY-RELATED TRAINING AND OPERATIONAL SERVICES.**—The Administrator may provide safety-related training and operational services to foreign aviation authorities (whether public or private) with or without reimbursement, if the Administrator determines that providing such services promotes avia-

tion safety or efficiency. The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6). To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

(2) **REIMBURSEMENT SOUGHT.**—The Administrator shall actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement. The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.

(3) **CREDITING APPROPRIATIONS.**—Funds received by the Administrator pursuant to this section shall—

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

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

(C) remain available until expended.

(4) **REPORTING.**—Not later than December 31, 1995, and annually thereafter, the Administrator shall transmit to Congress a list of the foreign aviation authorities to which the Administrator provided services under this subsection in the preceding fiscal year. Such list shall specify the dollar value of such services and any reimbursement received for such services.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator, \$5,000,000 for each of fiscal years 2021 through 2023, to carry out this subsection. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(f) **APPLICATION OF CERTAIN REGULATIONS TO ALASKA.**—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1110; Pub. L. 103–305, title II, §202, Aug. 23, 1994, 108 Stat. 1582; Pub. L. 106–181, title I, §156(a), Apr. 5, 2000, 114 Stat. 89; Pub. L. 107–71, title I, §140(c), Nov. 19, 2001, 115 Stat. 641; Pub. L. 112–95, title II, §207, Feb. 14, 2012, 126 Stat. 39; Pub. L. 115–254, div. K, title I, §1991(c)(2), Oct. 5, 2018, 132 Stat. 3627; Pub. L. 116–260, div. V, title I, §119(g), Dec. 27, 2020, 134 Stat. 2342.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40113(a)	49 App.:1324(a). 49 App.:1354(a). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §§204(a), 313(a), 72 Stat. 743, 752. 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.
40113(b)	49 App.:1472(h)(1), (3).	Aug. 23, 1958, Pub. L. 85-726, §902(h)(1), (3), 72 Stat. 785; restated Jan. 3, 1975, Pub. L. 93-633, §113(c), 88 Stat. 2162, 2163.
40113(c)	49 App.:1505.	Aug. 23, 1958, Pub. L. 85-726, §1105, 72 Stat. 798; Oct. 15, 1962, Pub. L. 87-810, §3, 76 Stat. 921.
40113(d)	49 App.:1655(c)(1). 49 App.:1354(e).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §313(e); added Dec. 30, 1987, Pub. L. 100-223, §205, 101 Stat. 1521.

In subsections (a), (c), and (d), the word “Administrator” in sections 313(a) and (e) and 1105 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 752, 798) is retained on authority of 49:106(g).

Subsection (a) is substituted for 49 App.:1324(a) and 1354(a) to eliminate unnecessary words. The word “standards” is added for consistency.

In subsection (b), the words “his responsibilities under” and “safe” are omitted as surplus.

In subsection (c), the words “department, agency, and instrumentality” are substituted for “agency” and “governmental agency” for consistency in the revised title and with other titles of the United States Code. The text of 49 App.:1505 (2d, 3d sentences) is omitted as superseded by 49 App.:1903(b), restated in sections 1105, 1110, and 1111 of the revised title. The word “existing” is omitted as surplus.

In subsection (d), the text of 49 App.:1354(e) (last sentence) is omitted because of 49:322(a).

Editorial Notes

AMENDMENTS

2020—Subsec. (e)(1). Pub. L. 116-260, §119(g)(1), inserted “The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship.” after “safety or efficiency.”

Subsec. (e)(5). Pub. L. 116-260, §119(g)(2), added par. (5).

2018—Subsec. (a). Pub. L. 115-254, §1991(c)(2)(A), substituted “the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or” for “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”, “carried out by that Administrator” for “carried out by the Administrator”, and “, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration,” for “, Under Secretary, or Administrator,”.

Subsec. (d). Pub. L. 115-254, §1991(c)(2)(B), struck out “Under Secretary of Transportation for Security or the” before “Administrator of the Federal Aviation Administration” and substituted “employee of the Federal Aviation Administration or Federal Aviation Administration, as the case may be,” and “that the Administrator” for “that the Under Secretary or Administrator, as the case may be,”.

2012—Subsec. (e)(1). Pub. L. 112-95, §207(1), inserted “(whether public or private)” after “authorities” and substituted “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).” for “safety.”

Subsec. (e)(2). Pub. L. 112-95, §207(2), inserted at end “The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.”

Subsec. (e)(3). Pub. L. 112-95, §207(3), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.”

2001—Subsec. (a). Pub. L. 107-71, §140(c)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” before “the Administrator of the Federal Aviation Administration” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (d). Pub. L. 107-71, §140(c)(2), inserted “Under Secretary of Transportation for Security or the” after “The” and substituted “employee of the Transportation Security Administration or Federal Aviation Administration, as the case may be,” for “employee of the Administration” and “the Under Secretary or Administrator, as the case may be, decides” for “the Administrator decides”.

2000—Subsec. (f). Pub. L. 106-181 added subsec. (f).

1994—Subsec. (e). Pub. L. 103-305 added subsec. (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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 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.

INTRA-AGENCY COORDINATION

Pub. L. 115-254, div. B, title V, §520, Oct. 5, 2018, 132 Stat. 3362, provided that: “Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall implement a policy that—

“(1) designates the Associate Administrator for Commercial Space Transportation as the primary liaison between the commercial space transportation industry and the [Federal Aviation] Administration;
“(2) recognizes the necessity of, and set [sic] forth processes for, launch license and permit holder coordination with the Air Traffic Organization on matters including—

“(A) the use of air navigation facilities;

“(B) airspace safety; and

“(C) planning of commercial space launch and launch support activities;

“(3) designates a single point of contact within the Air Traffic Organization who is responsible for—

“(A) maintaining letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility;

“(B) making such letters of agreement available to the Associate Administrator for Commercial Space Transportation;

“(C) ensuring that a facility that has entered into such a letter of agreement is aware of and fulfills its responsibilities under the letter; and

“(D) liaising between the Air Traffic Organization and the Associate Administrator for Commercial Space Transportation on any matter relating to such a letter of agreement; and

“(4) requires the Associate Administrator for Commercial Space Transportation to facilitate, upon the request of a launch license or permit holder—

“(A) coordination between a launch license and permit holder and the Air Traffic Organization; and

“(B) the negotiation of letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility or the Air Traffic Organization.”

ADMINISTRATIVE SERVICES FRANCHISE FUND

Pub. L. 104-205, title I, Sept. 30, 1996, 110 Stat. 2957, provided in part that: “There is hereby established in the Treasury a fund, to be available without fiscal year limitation, for the costs of capitalizing and operating such administrative services as the FAA Administrator determines may be performed more advantageously as centralized services, including accounting, international training, payroll, travel, duplicating, multimedia and information technology services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the FAA and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automated Data Processing (ADP) software and systems (either required or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the FAA Administrator: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of FAA financial management, ADP, and support systems: *Provided further*, That no later than thirty days after the end of each fiscal year, amounts in excess of this reserve limitation shall be transferred to miscellaneous receipts in the Treasury.”

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Pub. L. 106-69, title III, §337, Oct. 9, 1999, 113 Stat. 1022, which provided that none of the funds in Pub. L. 106-69 were to be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000, was from the Department of Transportation and Related Agencies Appropriations Act, 2000, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105-277, div. A, §101(g) [title I], Oct. 21, 1998, 112 Stat. 2681-439, 2681-446.

Pub. L. 105-66, title I, Oct. 27, 1997, 111 Stat. 1431.

Pub. L. 104-205, title I, Sept. 30, 1996, 110 Stat. 2957.

Pub. L. 104-50, title I, Nov. 15, 1995, 109 Stat. 442.

Pub. L. 103-331, title I, Sept. 30, 1994, 108 Stat. 2476.

Pub. L. 103-122, title I, Oct. 27, 1993, 107 Stat. 1205.

Pub. L. 102-388, title I, Oct. 6, 1992, 106 Stat. 1527.

Pub. L. 102-143, title I, Oct. 28, 1991, 105 Stat. 924.

Pub. L. 101-516, title I, Nov. 5, 1990, 104 Stat. 2161.

Pub. L. 101-164, title I, Nov. 21, 1989, 103 Stat. 1076.

Pub. L. 100-457, title I, Sept. 30, 1988, 102 Stat. 2131.

Pub. L. 100-202, §101(l) [title I], Dec. 22, 1987, 101 Stat. 1329-358, 1329-363.

Pub. L. 99-500, §101(l) [H.R. 5205, title I], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, §101(l) [H.R. 5205, title I], Oct. 30, 1986, 100 Stat. 3341-308.

Pub. L. 99-190, §101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1273.

Pub. L. 98-473, title I, §3101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1950.

Pub. L. 98-78, title I, Aug. 15, 1983, 97 Stat. 458.

Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 339.

§ 40114. Reports and records

(a) WRITTEN REPORTS.—(1) Except as provided in this part, 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) shall make a written report of each proceeding and investigation under this part in which a formal hearing was held and shall provide a copy to each party to the proceeding or investigation. The report shall include the decision, conclusions, order, and requirements of the Secretary or Administrator as appropriate.

(2) The Secretary (or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator) shall have all reports, orders, decisions, and regulations the Secretary or Administrator, as appropriate, issues or prescribes published in the form and way best adapted for public use. A publication of the Secretary or Administrator is competent evidence of its contents.

(b) PUBLIC RECORDS.—Except as provided in subpart II of this part, copies of tariffs and arrangements filed with the Secretary under subpart II, and the statistics, tables, and figures contained in reports made to the Secretary under subpart II, are public records. The Secretary is the custodian of those records. A public record, or a copy or extract of it, certified by the Secretary under the seal of the Department of Transportation is competent evidence in an investigation by the Secretary and in a judicial proceeding.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1110.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40114(a)(1) ..	49 App.:1324(d) (1st, 2d sentences). 49 App.:1354(b) (1st, 2d sentences). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §§204(d), 313(b), 1103, 72 Stat. 743, 753, 797. 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.
40114(a)(2) ..	49 App.:1324(d) (3d, last sentences). 49 App.:1354(b) (3d, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
40114(b)	49 App.:1503. 49 App.:1551(b)(1)(E).	

In subsection (a), the word “Administrator” in section 313(b) of the Federal Aviation Act of 1958 (Public