

services on a preferential basis to aircraft equipped with certain NextGen [Next Generation Air Transportation System] avionics that—

“(1) lasts at least 2 years; and

“(2) operates in at least 3 suitable airports.

“(b) DURATION OF DAILY SERVICE.—The air traffic control services provided under the pilot program established under subsection (a) shall occur for at least 3 consecutive hours between 0600 and 2200 local time during each day of the pilot program.

“(c) AIRPORT SELECTION.—The Administrator shall designate airports for participation in the pilot program after consultation with aircraft operators, manufacturers, and airport sponsors.

“(d) DEFINITIONS.—

“(1) CERTAIN NEXTGEN AVIONICS.—The term ‘certain NextGen avionics’ means those avionics and related software designated by the Administrator after consultations with aircraft operators and manufacturers.

“(2) PREFERENTIAL BASIS.—The term ‘preferential basis’ means—

“(A) prioritizing aircraft equipped with certain NextGen avionics during a Ground Delay Program by assigning them fewer minutes of delay relative to other aircraft based upon principles established after consultation with aircraft operators and manufacturers; or

“(B) sequencing aircraft equipped with certain NextGen avionics ahead of other aircraft in the Traffic Flow Management System to the maximum extent consistent with safety.

“(e) SUNSET.—The pilot program established under subsection (a) shall terminate on September 30, 2023.

“(f) REPORT.—Not later than 90 days after the date on which the pilot program terminates, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the pilot program.”

MAINTAINING RESTRICTIONS UNDER CERTAIN NOTAMS

Pub. L. 108-199, div. F, title V, §521, Jan. 23, 2004, 118 Stat. 343, provided that:

“(a) IN GENERAL.—The Secretary of Transportation—

“(1) shall, without regard to any fiscal year limitation, maintain in full force and effect the restrictions imposed under Federal Aviation Administration Notices to Airmen FDC 3/2122, FDC 3/2123, and FDC 2/0199; and

“(2) may not grant any waivers or exemptions from such restrictions, except—

“(A) as authorized by air traffic control for operational or safety purposes;

“(B) with respect to an event, stadium, or other venue—

“(i) for operational purposes;

“(ii) for the transport of team members, officials of the governing body, and immediate family members and guests of such team members and officials to and from such event, stadium, or venue;

“(iii) in the case of a sporting event, for the transport of equipment or parts to and from such sporting event;

“(iv) to permit a broadcast rights holder to provide broadcast coverage of such event, stadium, or venue; and

“(v) for safety and security purposes related to such event, stadium, or venue; and

“(C) to allow the operation of an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic control procedures.

“(b) LIMITATIONS ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by title I of this Act [div. F of Pub. L. 108-199, see Tables for classification] may be obligated or expended to terminate or limit the restrictions imposed under the Federal Aviation Administration Notices to Airmen re-

ferred to in subsection (a), or to grant waivers of, or exemptions from, such restrictions except as provided under subsection (a)(2).

“(c) BROADCAST CONTRACTS NOT AFFECTED.—Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.”

NATIONAL AIRSPACE REDESIGN

Pub. L. 106-181, title VII, §736, Apr. 5, 2000, 114 Stat. 171, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

“(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

“(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

“(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

“(b) REDESIGN.—The Administrator [of the Federal Aviation Administration], with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

“(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator’s comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

“(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section \$12,000,000 for each of fiscal years 2000, 2001, and 2002.”

§ 40104. Promotion of civil aeronautics and safety of air commerce

(a) DEVELOPING CIVIL AERONAUTICS AND SAFETY OF AIR COMMERCE.—The Administrator of the Federal Aviation Administration shall encourage the development of civil aeronautics and safety of air commerce in and outside the United States. In carrying out this subsection, the Administrator shall take action that the Administrator considers necessary to establish, within available resources, a program to distribute civil aviation information in each region served by the Administration. The program shall provide, on request, informational material and expertise on civil aviation to State and local school administrators, college and university officials, and officers of other interested organizations.

(b) INTERNATIONAL ROLE OF THE FAA.—

(1) IN GENERAL.—The Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator’s foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.

(2) BILATERAL AND MULTILATERAL ENGAGEMENT; TECHNICAL ASSISTANCE.—The Administrator shall—

(A) in consultation with the Secretary of State, engage bilaterally and multilaterally, including with the International Civil Aviation Organization, on an ongoing basis to bolster international collaboration, data sharing, and harmonization of international aviation safety requirements including through—

(i) sharing of continued operational safety information;

(ii) prioritization of pilot training deficiencies, including manual flying skills and flight crew training, to discourage over reliance on automation, further bolstering the components of airmanship;

(iii) encouraging the consideration of the safety advantages of appropriate Federal regulations, which may include relevant Federal regulations pertaining to flight crew training requirements; and

(iv) prioritizing any other flight crew training areas that the Administrator believes will enhance all international aviation safety; and

(B) seek to expand technical assistance provided by the Federal Aviation Administration in support of enhancing international aviation safety, including by—

(i) promoting and enhancing effective oversight systems, including operational safety enhancements identified through data collection and analysis;

(ii) promoting and encouraging compliance with international safety standards by counterpart civil aviation authorities;

(iii) minimizing cybersecurity threats and vulnerabilities across the aviation ecosystem;

(iv) supporting the sharing of safety information, best practices, risk assessments, and mitigations through established international aviation safety groups; and

(v) providing technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.

(c) **AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.**—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47175.

(d) **PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.**—The Secretary shall take appropriate actions to—

(1) promote United States aerospace-related safety standards abroad;

(2) facilitate and vigorously defend approvals of United States aerospace products and services abroad;

(3) with respect to bilateral partners, utilize bilateral safety agreements and other mechanisms to improve validation of United States certificated aeronautical products, services, and appliances and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

(4) with respect to the aeronautical safety authorities of a foreign country, streamline validation and coordination processes.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1102; Pub. L. 103–429, § 6(47), Oct. 31, 1994, 108 Stat. 4384; Pub. L. 104–264, title IV, § 401(b)(1), Oct. 9, 1996, 110 Stat. 3255; Pub. L. 108–176, title III, § 303, title VIII, § 813, Dec. 12, 2003, 117 Stat. 2533, 2590; Pub. L. 115–254, div. B, title II, § 241, title V, § 539(a), Oct. 5, 2018, 132 Stat. 3257, 3370; Pub. L. 116–260, div. V, title I, § 119(f)(1), (2), Dec. 27, 2020, 134 Stat. 2342.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40104	49 App.:1346. 49 App.:1346a. 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, § 305, 72 Stat. 749. July 12, 1976, Pub. L. 94–353, § 21, 90 Stat. 884. Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

The words “and foster” in 49 App.:1346 are omitted as surplus. The words “In carrying out this section” are substituted for “In furtherance of his mandate to promote civil aviation” in 49 App.:1346a because of the restatement. The word “Administrator” is substituted for “Secretary of Transportation acting through the Administrator of the Federal Aviation Administration” for consistency with the source provisions restated in this section. The words “be designed so as to”, “various aspects of”, and “civil and” are omitted as surplus.

PUB. L. 103–429, § 6(47)(A), (B)

This makes conforming amendments to 49:40104, as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1102), because of the restatement of 49 App.:1655(c)(1) (words after last comma) as 49:40104(b) by section 6(47)(C) of the bill.

PUB. L. 103–429, § 6(47)(C)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40104(b)	49 App.:1655(c)(1) (words after last comma).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1) (words after last comma), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.

Editorial Notes

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–260 designated existing provisions as par. (1), inserted heading, and added par. (2).

2018—Subsec. (c). Pub. L. 115–254, § 539(a), substituted “section 47175” for “section 47176”.

Subsec. (d). Pub. L. 115–254, § 241, added subsec. (d).

2003—Subsec. (b). Pub. L. 108–176, § 813, amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary of Transportation may develop and construct a civil supersonic aircraft.”

Subsec. (c). Pub. L. 108–176, § 303, added subsec. (c).

1996—Pub. L. 104–264, § 401(b)(1)(A), inserted “safety of” before “air commerce” in section catchline.

Subsec. (a). Pub. L. 104–264, § 401(b)(1)(B), (C), inserted “SAFETY OF” before “AIR COMMERCE” in heading and “safety of” before “air commerce” in text.

1994—Pub. L. 103–429 designated existing provisions as subsec. (a), inserted heading, substituted “carrying out this subsection” for “carrying out this section”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as other-

wise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

INTERNATIONAL PILOT TRAINING

Pub. L. 116-260, div. V, title I, §119(e), Dec. 27, 2020, 134 Stat. 2341, provided that:

“(1) IN GENERAL.—The Secretary of Transportation, the Administrator, and other appropriate officials of the Government shall exercise leadership in setting global standards to improve air carrier pilot training and qualifications for—

“(A) monitoring and managing the behavior and performance of automated systems;

“(B) controlling the flightpath of aircraft without autoflight systems engaged;

“(C) effectively utilizing and managing autoflight systems, when appropriate;

“(D) effectively identifying situations in which the use of autoflight systems is appropriate and when such use is not appropriate; and

“(E) recognizing and responding appropriately to non-normal conditions.

“(2) INTERNATIONAL LEADERSHIP.—The Secretary, the Administrator, and other appropriate officials of the Government shall exercise leadership under paragraph (1) by working with—

“(A) foreign counterparts of the Administrator in the ICAO and its subsidiary organizations;

“(B) other international organizations and fora; and

“(C) the private sector.

“(3) CONSIDERATIONS.—In exercising leadership under paragraph (1), the Secretary, the Administrator, and other appropriate officials of the Government shall consider—

“(A) the latest information relating to human factors;

“(B) aircraft manufacturing trends, including those relating to increased automation in the cockpit;

“(C) the extent to which cockpit automation improves aviation safety and introduces novel risks;

“(D) the availability of opportunities for pilots to practice manual flying skills;

“(E) the need for consistency in maintaining and enhancing manual flying skills worldwide;

“(F) recommended practices of other countries that enhance manual flying skills and automation management; and

“(G) whether a need exists for initial and recurrent training standards for improve pilots’ proficiency in manual flight and in effective management of autoflight systems.

“(4) CONGRESSIONAL BRIEFING.—The Secretary, the Administrator, and other appropriate officials of the Government shall provide to the congressional committees of jurisdiction regular briefings on the status of efforts undertaken pursuant to this subsection.”

[For definitions of terms used in section 119(e) of div. V of Pub. L. 116-260, set out above, see section 137 of div. V of Pub. L. 116-260, set out as a note under section 40101 of this title.]

INTERNATIONAL EFFORTS REGARDING TRACKING OF CIVIL AIRCRAFT

Pub. L. 115-254, div. B, title III, §304, Oct. 5, 2018, 132 Stat. 3261, provided that: “The Administrator [of the

Federal Aviation Administration] shall exercise leadership on creating a global approach to improving aircraft tracking by working with—

“(1) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

“(2) other international organizations and fora; and

“(3) the private sector.”

§ 40105. International negotiations, agreements, and obligations

(a) ADVICE AND CONSULTATION.—The Secretary of State shall advise the Administrator of the Federal Aviation Administration and the Secretaries of Transportation and Commerce, and consult with them as appropriate, about negotiations for an agreement with a government of a foreign country to establish or develop air navigation, including air routes and services. The Secretary of Transportation shall consult with the Secretary of State in carrying out this part to the extent this part is related to foreign air transportation.

(b) ACTIONS OF SECRETARY AND ADMINISTRATOR.—(1) In carrying out this part, the Secretary of Transportation and the Administrator—

(A) shall act consistently with obligations of the United States Government under an international agreement;

(B) shall consider applicable laws and requirements of a foreign country; and

(C) may not limit compliance by an air carrier with obligations or liabilities imposed by the government of a foreign country when the Secretary takes any action related to a certificate of public convenience and necessity issued under chapter 411 of this title.

(2) This subsection does not apply to an agreement between an air carrier or an officer or representative of an air carrier and the government of a foreign country, if the Secretary of Transportation disapproves the agreement because it is not in the public interest. Section 40106(b)(2) of this title applies to this subsection.

(c) CONSULTATION ON INTERNATIONAL AIR TRANSPORTATION POLICY.—In carrying out section 40101(e) of this title, the Secretaries of State and Transportation, to the maximum extent practicable, shall consult on broad policy goals and individual negotiations with—

(1) the Secretaries of Commerce and Defense;

(2) airport operators;

(3) scheduled air carriers;

(4) charter air carriers;

(5) airline labor;

(6) consumer interest groups;

(7) travel agents and tour organizers; and

(8) other groups, institutions, and governmental authorities affected by international aviation policy.

(d) CONGRESSIONAL OBSERVERS AT INTERNATIONAL AVIATION NEGOTIATIONS.—The President shall grant to at least one representative of each House of Congress the privilege of attending international aviation negotiations as an observer if the privilege is requested in advance in writing.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1102.)