

(d) The Secretary may carry out chapter 301 of this title through the Administrator.

(e) The Administrator shall consult with the Federal Highway Administrator on all matters related to the design, construction, maintenance, and operation of highways.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2415; Pub. L. 103-272, §5(m)(3), July 5, 1994, 108 Stat. 1375.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
105	23:401 (note).	Sept. 9, 1966, Pub. L. 89-564, §201(a) (less pay of Administrator and Deputy Administrator), (b)(2), (c), (d), 80 Stat. 735; Oct. 15, 1966, Pub. L. 89-670, §8(h), 80 Stat. 943; restated Dec. 31, 1970, Pub. L. 91-605, §202(a), 84 Stat. 1739.

In subsection (a), the words “The . . . is an administration in the” are substituted for “There is hereby established within the”, in section 201(a) (1st sentence) of the Highway Safety Act of 1966 (Pub. L. 89-564, 80 Stat. 731) to conform to other sections of the revised title. The words “(hereafter in this section referred to as the ‘Administration’)” are omitted as unnecessary.

In subsection (c), the words “carry out . . . duties and powers . . . prescribed by the Secretary” are substituted for “perform such duties as are delegated to him by the Secretary” to eliminate surplus words and for consistency. The list of excepted programs in clause (1) is substituted for “highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection”, in section 201(b)(2) of the Highway Safety Act of 1966 for clarity.

In subsection (d), the words “Administration . . . authorized by this section” are omitted as surplus.

The text of section 201(d) of the Highway Safety Act of 1966 is omitted as executed.

Editorial Notes

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-272 substituted “chapter 301 of this title” for “the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)”.

Statutory Notes and Related Subsidiaries

REQUIRED REPORTING OF NHTSA AGENDA

Pub. L. 114-94, div. B, title XXIV, §24401, Dec. 4, 2015, 129 Stat. 1720, provided that: “Not later than December 1 of the year beginning after the date of enactment of this Act [Dec. 4, 2015], and each year thereafter, the Administrator of the National Highway Traffic Safety Administration shall publish on the public website of the Administration, and file with the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual plan for the following calendar year detailing the Administration’s projected activities, including—

- “(1) the Administrator’s policy priorities;
- “(2) any rulemakings projected to be commenced;
- “(3) any plans to develop guidelines;
- “(4) any plans to restructure the Administration or to establish or alter working groups;
- “(5) any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and
- “(6) any projected dates or timetables associated with any of the items described in paragraphs (1) through (5).”

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE

Pub. L. 112-141, div. C, title I, §31401, July 6, 2012, 126 Stat. 772, provided that:

“(a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the ‘Council’) to build, integrate, and aggregate the Administration’s expertise in passenger motor vehicle electronics and other new and emerging technologies.

“(2) IMPLEMENTATION OF ROADMAP.—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration’s Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863).

“(3) INTRA-AGENCY COORDINATION.—The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

“(b) HONORS RECRUITMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish, within the National Highway Traffic Safety Administration, an honors program for engineering students, computer science students, and other students interested in vehicle safety that will enable such students to train with engineers and other safety officials for careers in vehicle safety.

“(2) STIPEND.—The Secretary is authorized to provide a stipend to any student during the student’s participation in the program established under paragraph (1).

“(c) ASSESSMENT.—The Council, in consultation with affected stakeholders, shall periodically assess the implications of emerging safety technologies in passenger motor vehicles, including the effect of such technologies on consumers, product availability, and cost.”

§ 106. Federal Aviation Administration

(a) The Federal Aviation Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator after August 23, 1994, shall be 5 years.

(c) The Administrator must—

- (1) be a citizen of the United States;
- (2) be a civilian; and
- (3) have experience in a field directly related to aviation.

(d)(1) The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall be a citizen of the United States and have experience in a field directly related to aviation. An officer on active duty in an armed force may be ap-

pointed as Deputy Administrator. However, if the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty in an armed force.

(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.

(3) An officer on active duty or a retired officer serving as Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as Deputy Administrator. The Deputy Administrator may elect to receive (A) the pay provided by law for the Deputy Administrator, or (B) the pay and allowances or the retired pay of the military grade held. If the Deputy Administrator elects to receive the military pay and allowances or retired pay, the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

(4) The appointment and service of a member of the armed forces as a Deputy Administrator does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from the status, office, rank, or grade. The Secretary of a military department does not control the member when the member is carrying out duties and powers of the Deputy Administrator.

(e) The Administrator and the Deputy Administrator may not have a pecuniary interest in, or own stock in or bonds of, an aeronautical enterprise, or engage in another business, vocation, or employment.

(f) **AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.—**

(1) **AUTHORITY OF THE SECRETARY.—**Except as provided in paragraph (2), the Secretary of Transportation shall carry out the duties and powers, and controls the personnel and activities, of the Administration. Neither the Secretary nor the Administrator may submit decisions for the approval of, or be bound by the decisions or recommendations of, a committee, board, or organization established by executive order.

(2) **AUTHORITY OF THE ADMINISTRATOR.—**The Administrator—

(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

(ii) the acquisition and maintenance of property, services, and equipment of the Administration;

(iii) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

(iv) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

(B) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

(D) except as otherwise provided for in this title, and notwithstanding any other provision of law, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

(3) **REGULATIONS.—**

(A) **IN GENERAL.—**In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 16 months after the last day of the public comment period for the regulations or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after the date of publication in the Federal Register of notice of the proposed rulemaking. On February 1 and August 1 of each year 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 letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.

(B) **APPROVAL OF SECRETARY OF TRANSPORTATION.—**(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is

significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

(I) have an annual effect on the economy of \$250,000,000 or more or adversely affect in a substantial and material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; or

(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.

(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after such date of enactment beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

(iii) For purposes of this subparagraph, the term “unusually burdensome regulation” means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$25,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Act of 1996) in any year.

(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).

(4) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term “political appointee” means any individual who—

(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(g) DUTIES AND POWERS OF ADMINISTRATOR.—The Administrator shall carry out the following:

(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in the following:

(A) Section 308(b).

(B) Subsections (c) and (d) of section 1132.

(C) Sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), and 40114(a).

(D) Chapter 445, except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515.

(E) Chapter 447, except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723.

(F) Chapter 451.

(G) Chapter 453.

(H) Section 46104.

(I) Subsections (d) and (h)(2) of section 46301 and sections 46303(c), 46304 through 46308, 46310, 46311, and 46313 through 46316.

(J) Chapter 465.

(K) Sections 47504(b) (related to flight procedures), 47508(a), and 48107.

(2) Additional duties and powers prescribed by the Secretary of Transportation.

(h) Section 40101(d) of this title applies to duties and powers specified in subsection (g)(1) of this section. Any of those duties and powers may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers is administratively final.

(i) The Deputy Administrator shall carry out duties and powers prescribed by the Administrator. The Deputy Administrator acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.

(j) There is established within the Federal Aviation Administration an institute to conduct civil aeromedical research under section 44507 of this title. Such institute shall be known as the “Civil Aeromedical Institute”. Research conducted by the institute should take appropriate advantage of capabilities of other government agencies, universities, or the private sector.

(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

- (A) \$10,247,000,000 for fiscal year 2018;
- (B) \$10,486,000,000 for fiscal year 2019;
- (C) \$10,732,000,000 for fiscal year 2020;
- (D) \$11,000,000,000 for fiscal year 2021;
- (E) \$11,269,000,000 for fiscal year 2022; and
- (F) \$11,537,000,000 for fiscal year 2023.

Such sums shall remain available until expended.

(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

(A) Such sums as may be necessary for fiscal years 2012 through 2015 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

(B) Such sums as may be necessary for fiscal years 2012 through 2015 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

(C) Such sums as may be necessary for fiscal years 2012 through 2015 to carry out the Aviation Safety Reporting System and the development and maintenance of helicopter approach procedures.

(D) Not more than the following amounts for commercial space transportation activities:

- (i) \$22,587,000 for fiscal year 2018.
- (ii) \$33,038,000 for fiscal year 2019.
- (iii) \$43,500,000 for fiscal year 2020.
- (iv) \$54,970,000 for fiscal year 2021.
- (v) \$64,449,000 for fiscal year 2022.
- (vi) \$75,938,000 for fiscal year 2023.

(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2018 through 2023, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce non-safety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).

(I) PERSONNEL AND SERVICES.—

(1) OFFICERS AND EMPLOYEES.—Except as provided in subsections (a) and (g) of section 40122, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of

experts and consultants in accordance with section 3109 of title 5.

(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

(5) VOLUNTARY SERVICES.—

(A) GENERAL RULE.—In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) INCIDENTAL EXPENSES.—The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

(C) LIMITED TREATMENT AS FEDERAL EMPLOYEES.—An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.

(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.

(7) PROHIBITION ON CERTAIN PERFORMANCE-BASED INCENTIVES.—No employee of the Administration shall be given an award, financial incentive, or other compensation, as a result of actions to meet performance goals related to meeting or exceeding schedules, quotas, or deadlines for certificates issued under section 44704.

(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities.

The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, with or without reimbursement, supplies, personnel, services, and equipment other than administrative supplies or equipment.

(n) ACQUISITION.—

(1) IN GENERAL.—The Administrator is authorized—

(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(i) air traffic control facilities and equipment;

(ii) research and testing sites and facilities; and

(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

(B) to lease to others such real and personal property; and

(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.

(p) MANAGEMENT ADVISORY COUNCIL AND AIR TRAFFIC SERVICES BOARD.—

(1) ESTABLISHMENT.—Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the “Council”). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

(2) MEMBERSHIP.—The Council shall consist of 13 members, who shall consist of—

(A) a designee of the Secretary of Transportation;

(B) a designee of the Secretary of Defense;

(C) 10 members representing aviation interests, appointed by—

(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate, except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation; and

(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by the Secretary of Transportation.

(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.

(4) FUNCTIONS.—

(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council or Air Traffic Services Committee appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the “Freedom of Information Act”), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council or Air Traffic Services Committee who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

(5) CHAPTER 10 OF TITLE 5 NOT TO APPLY.—Chapter 10 of title 5 does not apply to the Council, the Air Traffic Services Committee, such aviation rulemaking committees as the Administrator shall designate, or such aerospace rulemaking committees as the Secretary shall designate.

(6) ADMINISTRATIVE MATTERS.—

(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

- (i) 3 shall be appointed for terms of 1 year;
- (ii) 4 shall be appointed for terms of 2 years; and
- (iii) 3 shall be appointed for terms of 3 years.

(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

(C) TERMS FOR AIR TRAFFIC SERVICES COMMITTEE MEMBERS.—The members appointed to the Air Traffic Services Committee shall be appointed for a term of 5 years, except that the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).

(D) REAPPOINTMENT.—An individual may not be appointed to the Committee to more than two 5-year terms.

(E) VACANCY.—Any vacancy on the Council or Committee shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(F) CONTINUATION IN OFFICE.—A member of the Council or Committee whose term expires shall continue to serve until the date on which the member's successor takes office.

(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Committee may be removed for cause by the Secretary.

(H) CLAIMS AGAINST MEMBERS OF COMMITTEE.—

(i) IN GENERAL.—A member appointed to the Committee shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Committee.

(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

- (I) to affect any other immunity or protection that may be available to a

member of the Subcommittee under applicable law with respect to such transactions;

(II) to affect any other right or remedy against the United States under applicable law; or

(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

(I) ETHICAL CONSIDERATIONS.—

(i) FINANCIAL DISCLOSURE.—During the entire period that an individual is serving as a member of the Committee, such individual shall be treated as serving as an officer or employee referred to in section 13103(f) of title 5 for purposes of subchapter I of chapter 131 of such title; except that section 13103(d) of such title shall apply without regard to the number of days of service in the position.

(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual who is a member of the Committee shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Committee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

(J) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

(K) TRAVEL AND PER DIEM.—Each member of the Council or Committee shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

(L) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council or Committee such staff, information, and administrative services and assistance as may reasonably be required to enable the Council or Committee to carry out its responsibilities under this subsection.

(7) AIR TRAFFIC SERVICES COMMITTEE.—

(A) ESTABLISHMENT.—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the "Committee").

(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Committee shall consist of five members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

(i) shall have a fiduciary responsibility to represent the public interest;

(ii) shall be citizens of the United States; and

(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

(I) Management of large service organizations.

(II) Customer service.

(III) Management of large procurements.

(IV) Information and communications technology.

(V) Organizational development.

(VI) Labor relations.

(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

(ii) engage in another business related to aviation or aeronautics; or

(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

(D) GENERAL RESPONSIBILITIES.—

(i) OVERSIGHT.—The Committee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

(ii) CONFIDENTIALITY.—The Committee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

(E) SPECIFIC RESPONSIBILITIES.—The Committee shall have the following specific responsibilities:

(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

(I) a mission and objectives;

(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

(III) annual and long-range strategic plans.

(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

(II) procurements of air traffic control equipment in excess of \$100,000,000.

(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

(I) plans for modernization of the air traffic control system;

(II) plans for increasing productivity or implementing cost-saving measures; and

(III) plans for training and education.

(iv) MANAGEMENT.—To—

(I) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

(II) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

(III) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

(IV) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

(v) BUDGET.—To—

(I) review and make recommendations on the budget request of the Administration related to the air traffic control system prepared by the Administrator;

(II) submit such budget recommendations to the Secretary; and

(III) base such budget recommendations on the annual and long-range strategic plans.

(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(G) ADMINISTRATIVE MATTERS.—

(i) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Committee, the powers of the chairperson shall include—

(I) establishing committees;

(II) setting meeting places and times;

(III) establishing meeting agendas; and

(IV) developing rules for the conduct of business.

(ii) MEETINGS.—The Committee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

(iii) QUORUM.—Three members of the Committee shall constitute a quorum. A

majority of members present and voting shall be required for the Committee to take action.

(H) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.

(8) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this section, the term “air traffic control system” has the meaning such term has under section 40102(a).

(q) AIRCRAFT NOISE OMBUDSMAN.—

(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

(A) be appointed by the Administrator;

(B) serve as a liaison with the public on issues regarding aircraft noise; and

(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

(3) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Ombudsman under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.

(r) CHIEF OPERATING OFFICER.—

(1) IN GENERAL.—

(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Committee. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

(2) COMPENSATION.—

(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, with the approval of the Air Traffic Services Committee. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if the position of Chief Operating Officer were described in section 207(c)(2)(A)(i) of that title.

(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief Operating Officer’s performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Services Committee, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

(5) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Administration responsibilities, including the following:

(A) STRATEGIC PLANS.—To implement the strategic plan of the Administration for the air traffic control system in order to further—

(i) a mission and objectives;

(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity;

(iii) annual and long-range strategic plans; and

(iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

(B) OPERATIONS.—To oversee the day-to-day operational functions of the Administration for air traffic control, including—

(i) modernization of the air traffic control system;

(ii) increasing productivity or implementing cost-saving measures;

(iii) training and education; and

(iv) the management of cost-reimbursable contracts.

(C) BUDGET.—To—

(i) develop a budget request of the Administration related to the air traffic control system;

(ii) submit such budget request to the Administrator and the Committee; and

(iii) ensure that the budget request supports the agency’s annual and long-range strategic plans for air traffic control services.

(s) CHIEF TECHNOLOGY OFFICER.—

(1) IN GENERAL.—

(A) APPOINTMENT.—There shall be a Chief Technology Officer appointed by the Chief

Operating Officer. The Chief Technology Officer shall report directly to the Chief Operating Officer.

(B) MINIMUM QUALIFICATIONS.—The Chief Technology Officer shall have—

- (i) at least 10 years experience in engineering management or another relevant technical management field; and
- (ii) knowledge of or experience in the aviation industry.

(C) REMOVAL.—The Chief Technology Officer shall serve at the pleasure of the Administrator.

(D) RESTRICTION.—The Chief Technology Officer may not also be the Deputy Administrator.

(2) RESPONSIBILITIES.—The responsibilities of the Chief Technology Officer shall include—

(A) ensuring the proper operation, maintenance, and cybersecurity of technology systems relating to the air traffic control system across all program offices of the Administration;

(B) coordinating the implementation, operation, maintenance, and cybersecurity of technology programs relating to the air traffic control system with the aerospace industry and other Federal agencies;

(C) reviewing and providing advice to the Secretary, the Administrator, and the Chief Operating Officer on the Administration's budget, cost-accounting system, and benefit-cost analyses with respect to technology programs relating to the air traffic control system;

(D) consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress;

(E) developing an annual air traffic control system technology operation and maintenance plan that is consistent with the annual performance targets established under paragraph (4); and

(F) ensuring that the air traffic control system architecture remains, to the maximum extent practicable, flexible enough to incorporate future technological advances developed and directly procured by aircraft operators.

(3) COMPENSATION.—

(A) IN GENERAL.—The Chief Technology Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, in consultation with the Chief Operating Officer. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Technology Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of that title.

(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Technology Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Technology Officer's performance in relation to the performance targets established under paragraph (4).

(4) ANNUAL PERFORMANCE TARGETS.—

(A) IN GENERAL.—The Administrator and the Chief Operating Officer, in consultation with the Chief Technology Officer, shall establish measurable annual performance targets for the Chief Technology Officer in key operational areas.

(B) REPORT.—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 describing the annual performance targets established under subparagraph (A).

(5) ANNUAL PERFORMANCE REPORT.—The Chief Technology Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual report containing—

(A) detailed descriptions and metrics of how successful the Chief Technology Officer was in meeting the annual performance targets established under paragraph (4); and

(B) other information as may be requested by the Administrator and the Chief Operating Officer.

(t) OFFICE OF WHISTLEBLOWER PROTECTION AND AVIATION SAFETY INVESTIGATIONS.—

(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the "Agency") the Office of Whistleblower Protection and Aviation Safety Investigations (in this subsection referred to as the "Office").

(2) DIRECTOR.—

(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

(C) TERM.—The Director shall be appointed for a term of 5 years.

(D) VACANCIES.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

(E) LIMITATION OF DUTIES.—The Director may only perform duties of the Director described in paragraph (3)(A).

(3) COMPLAINTS AND INVESTIGATIONS.—

(A) AUTHORITY OF DIRECTOR.—The Director shall—

- (i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process established under or pursuant to a safety management system) and employees of the Agency concerning the possible existence

of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;

(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred;

(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator of the Agency, in writing, regarding further investigation or corrective actions;

(iv) receive allegations of whistleblower retaliation by employees of the Agency;

(v) coordinate with and provide all necessary assistance to the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, and the Office of Special Counsel on investigations relating to whistleblower retaliation by employees of the Agency; and

(vi) investigate allegations of whistleblower retaliation by employees of the Agency that have been delegated to the Office by the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, or the Office of Special Counsel.

(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

(i) the individual consents to the disclosure in writing; or

(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material of the Agency necessary to determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety may have occurred.

(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further in-

vestigations or corrective actions taken in response to the recommendation.

(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

(7) ANNUAL REPORTS TO CONGRESS.—Not later than November 15 of each year, the Director shall submit to Congress a report containing—

(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding fiscal year;

(B) summaries of those submissions;

(C) summaries of the resolution of those submissions, including any further investigations and corrective actions recommended in response to the submissions;

(D) summaries of the responses of the Administrator to such recommendations; and

(E) A¹ summary of the activities of the Whistleblower Ombudsman, including—

(i) the number of employee consultations conducted by the Whistleblower Ombudsman in the preceding 12-month period and a summary of such consultations and their resolution (in a de-identified or anonymized form); and

(ii) the number of reported incidents of retaliation during such period and, if applicable, a description of the disposition of such incidents during such period.

(8) WHISTLEBLOWER OMBUDSMAN.—

(A) IN GENERAL.—Within the Office, there shall be established the position of Whistleblower Ombudsman.

(B) OMBUDSMAN QUALIFICATIONS.—The individual selected as Ombudsman shall have knowledge of Federal labor law and demonstrated government experience in human resource management,² and conflict resolution.

(C) DUTIES.—The Ombudsman shall carry out the following duties:

(i) Educate Administration employees about prohibitions against materially adverse acts of retaliation and any specific rights or remedies with respect to those retaliatory actions.

(ii) Serve as an independent confidential resource for Administration employees to discuss any specific retaliation allegation and available rights or remedies based on the circumstances, as appropriate.

(iii) Coordinate with Human Resource Management, the Office of Accountability and Whistleblower Protection, the Office

¹ So in original. Probably should not be capitalized.

² So in original. The comma probably should not appear.

of Professional Responsibility, and the Office of the Chief Counsel, as necessary.

(iv) Coordinate with the Office of the Inspector General of the Department of Transportation's Whistleblower Protection Coordinator and the Office of the Special Counsel, as necessary.

(v) Conduct outreach and assist in the development of training within the Agency to mitigate the potential for retaliation and promote timely and appropriate processing of any protected disclosure or allegation of materially adverse acts of retaliation.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2416; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 100-591, §5(a), Nov. 3, 1988, 102 Stat. 3013; Pub. L. 101-508, title IX, §9106, Nov. 5, 1990, 104 Stat. 1388-355; Pub. L. 101-604, title I, §101(c), Nov. 16, 1990, 104 Stat. 3068; Pub. L. 102-581, title I, §104, Oct. 31, 1992, 106 Stat. 4877; Pub. L. 103-272, §4(j)(3), 5(m)(4), July 5, 1994, 108 Stat. 1365, 1375; Pub. L. 103-305, title I, §103, title II, §201, Aug. 23, 1994, 108 Stat. 1571, 1581; Pub. L. 104-264, title I, §103(a), title II, §§223(a), 224-230, 276(c), title XII, §1210, Oct. 9, 1996, 110 Stat. 3216, 3229-3234, 3282; Pub. L. 104-287, §5(1), Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105-102, §3(c)(3), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106-6, §4, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106-181, title I, §103(a), title III, §§302(a)-(c), 303, 305, 306, 307(c)(1), title VII, §701, Apr. 5, 2000, 114 Stat. 66, 115-118, 121, 123, 124, 126, 154; Pub. L. 106-528, §8(a), Nov. 22, 2000, 114 Stat. 2522; Pub. L. 107-71, title I, §101(c)(3), (d), Nov. 19, 2001, 115 Stat. 602, 603; Pub. L. 108-176, title I, §103(a),(b), title II, §§201-204, 224(c), Dec. 12, 2003, 117 Stat. 2495, 2496, 2522-2526, 2528; Pub. L. 110-330, §6, Sept. 30, 2008, 122 Stat. 3719; Pub. L. 111-12, §6, Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §6, Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, §6, Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-153, §6, Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, §6, Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, §6, July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §105, Aug. 1, 2010, 124 Stat. 2350; Pub. L. 112-30, title II, §206, Sept. 16, 2011, 125 Stat. 359; Pub. L. 112-91, §6, Jan. 31, 2012, 126 Stat. 4; Pub. L. 112-95, title I, §103, title II, §§203, 204, title III, §§306(b), 341, Feb. 14, 2012, 126 Stat. 16, 37, 61, 78; Pub. L. 112-166, §2(k)(2), Aug. 10, 2012, 126 Stat. 1286; Pub. L. 113-188, title XV, §1501(a), Nov. 26, 2014, 128 Stat. 2023; Pub. L. 114-55, title I, §103, Sept. 30, 2015, 129 Stat. 523; Pub. L. 114-141, title I, §103, Mar. 30, 2016, 130 Stat. 323; Pub. L. 114-190, title I, §1103, July 15, 2016, 130 Stat. 618; Pub. L. 115-63, title I, §103, Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115-141, div. M, title I, §103, Mar. 23, 2018, 132 Stat. 1047; Pub. L. 115-254, div. B, title I, §113, title V, §§545(a), 564, div. K, title I, §1991(a), Oct. 5, 2018, 132 Stat. 3200, 3374, 3385, 3626; Pub. L. 116-260, div. V, title I, §§114, 133(a), (b), Dec. 27, 2020, 134 Stat. 2333, 2353, 2355; Pub. L. 117-286, §4(a)(302), (c)(46), Dec. 27, 2022, 136 Stat. 4339, 4359; Pub. L. 117-328, div. Q, §104, Dec. 29, 2022, 136 Stat. 5253.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106(a)	49:1341(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §§301(a), (b), 302(a), (b), 72 Stat. 744; Aug. 14, 1964, Pub. L. 88-426, §305(16) (B), (C), 78 Stat. 424.
	49:1652(e)(1) (related to FAA).	Oct. 15, 1966, Pub. L. 89-670, §3(e) (related to FAA), 80 Stat. 932.
106(b)	49:1341(a) (2d sentence), (b) (1st sentence less 1st-10th words).	
	49:1342(a) (1st sentence), (b) (1st sentence less 1st-11th words).	
	49:1652(e) (related to FAA) (1) (less 1st sentence), (3) (last sentence).	
106(c)	49:1341(b) (1st sentence 1st-10th words, 2d sentence).	
	49:1652(e)(2) (related to Administrator).	
106(d)	49:1342(b) (1st sentence 1st-11th words, 2d sentence, 4th-6th sentences).	
	49:1652(e)(2) (1st sentence less Administrator).	
	49:1343(a)(2) (related to Deputy Administrator).	Aug. 23, 1958, Pub. L. 85-726, §302(c)(2) (related to Deputy Administrator), 72 Stat. 745.
106(e)	49:1341(b) (less 1st, 2d sentences).	
	49:1342(b) (3d sentence).	
106(f)	49:1341(a) (less 1st, 2d sentences).	
106(g)	49:1652(e)(3) (related to FAA) (less last sentence).	
	49:1655(c)(1) (1st sentence proviso).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1) (1st sentence proviso, 2d, last sentences), 80 Stat. 938; Jan. 3, 1975, Pub. L. 93-633, §113(d), 88 Stat. 2163.
106(h)	49:1652(e)(4) (related to FAA).	
	49:1655(c)(1) (2d, last sentences).	
106(i)	49:1342(a) (2d, last sentences).	

In subsections (a) and (b), the source provisions are combined for clarity.

In subsection (a), the words "referred to in this chapter as the 'Administration'" are omitted because of the style of the revised title.

In subsection (b), the word "due" in 49:1342(b) (1st sentence less 1st-11th words) is omitted as surplus. The words "the duties and powers" are substituted for "the powers and duties vested in and imposed upon him by this chapter" to eliminate surplus words and for consistency. The word "consider" is substituted for "with . . . regard to" for clarity.

In subsections (c) and (d), the words "At the time of his nomination" are omitted as unnecessary and for consistency.

In subsection (c), the text of 49:1652(e)(2) (last sentence) is omitted as executed.

In subsection (d)(1), the words "Nothing in this chapter or other law shall preclude" in 49:1342(b) (4th sentence) are omitted as unnecessary because of the positive statement of authority. The words "armed force" are substituted for "armed services" to conform to title 10. The words "to the position of" are omitted as surplus.

In subsection (d)(2), the word "continue" is omitted as surplus. The words "pay provided by law for the Deputy Administrator" are substituted for "compensation provided for the Deputy Administrator" in 49:1342(b)

because the pay provisions were repealed and replaced by 5:5315. The words “(including personal money allowance)” are omitted as being within the meaning of “allowance” in title 37. The words “as the case may be” are omitted as surplus. The words “of the military grade held” are substituted for “military . . . payable to a commissioned officer of his grade and length of service” to eliminate unnecessary words. The words “Administration” and “military” are added for clarity. The words “to defray” are omitted as surplus.

In subsection (d)(3), the words “acceptance of, and” are omitted as unnecessary. The word “held” is substituted for “may occupy or hold” to eliminate unnecessary words. The words “right or benefit” are substituted for “emolument, perquisite, right, privilege, or benefit” to eliminate unnecessary words. The words “incident to or” before “arising” are omitted as surplus.

In subsection (f), the word “Secretary” is substituted for “Administrator” because of the transfer of aviation functions to the Secretary under 49:1655(c)(1). The words “In the exercise of his duties and the discharge of his responsibilities under this chapter” are omitted as surplus.

In subsection (g), the words “are hereby transferred to” in 49:1655(c)(1) are omitted as executed. The words “carry out” are substituted for “it shall be his duty to exercise” in 49:1655(c)(1) for clarity, consistency, and to eliminate surplus words. The words “In addition to such functions, powers, and duties as are specified in this chapter” in 49:1652(e)(3) are omitted as unnecessary because of the restatement.

In subsection (h), the first sentence is substituted for 49:1655(c)(1) (2d sentence) for clarity and consistency. The word “law” is substituted for “statute” in 49:1652(e)(4) for consistency. The words “carrying out” in 49:1655(c)(1) (last sentence) are substituted for “the exercise of” for consistency. The words after “administratively final” are omitted as unnecessary because of the restatement of the revised title and those laws giving a right of appeal.

In subsection (i), the words “and exercise the powers of” are omitted as surplus. The words “when the office of the Administrator is vacant” are inserted to conform to section 102 of the revised title.

PUB. L. 103-272

Section 4(j)(3)(B) amends 49:106(g) to list the duties and powers of the Secretary of Transportation that the Administrator of the Federal Aviation Administration carries out. The duties and powers are derived from 2 sources. Some were transferred by former 49 App.:1655(c)(1), restated as 49:106 in section 1 of the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2417). The others are from laws enacted after October 15, 1966, in which the duties and powers are to be carried out by the Administrator rather than the Secretary.

Editorial Notes

REFERENCES IN TEXT

The Air Traffic Management System Performance Improvement Act of 1996, referred to in subsec. (f)(2)(A)(iv), 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 the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, referred to in subsec. (f)(3)(B)(i), is the date of enactment of Pub. L. 106-181, which was approved Apr. 5, 2000.

The date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, referred to in subssecs. (f)(3)(C), (o), and (p)(1), is the date of enactment of Pub. L. 104-264, which was approved Oct. 9, 1996.

The date of enactment of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec.

(p)(6)(C), (7)(A), is the date of enactment of Pub. L. 108-176, which was approved Dec. 12, 2003.

AMENDMENTS

2022—Subsec. (d)(1). Pub. L. 117-328 struck out “, a retired regular officer of an armed force, or a former regular officer of an armed force” after “active duty in an armed force”.

Subsec. (p)(5). Pub. L. 117-286, § 4(a)(302), substituted “Chapter 10 of title 5” for “Federal Advisory Committee Act” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

Subsec. (p)(6)(I)(i). Pub. L. 117-286, § 4(c)(46), substituted “section 13103(f) of title 5 for purposes of subchapter I of chapter 131 of such title; except that section 13103(d) of such title” for “section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act”.

2020—Subsec. (l)(7). Pub. L. 116-260, § 114, added par. (7).

Subsec. (t). Pub. L. 116-260, § 133(a)(1)(B), substituted “Office of Whistleblower Protection and Aviation Safety Investigations” for “Aviation Safety Whistleblower Investigation Office” in heading.

Subsec. (t)(1). Pub. L. 116-260, § 133(a)(1)(A), substituted “the Office of Whistleblower Protection and Aviation Safety Investigations” for “an Aviation Safety Whistleblower Investigation Office”.

Subsec. (t)(2)(E). Pub. L. 116-260, § 133(a)(2)(B), added subpar. (E).

Subsec. (t)(3)(A)(i). Pub. L. 116-260, § 133(a)(2)(A)(i), substituted “(if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process established under or pursuant to a safety management system)” for “(if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process)”.

Subsec. (t)(3)(A)(iv) to (vi). Pub. L. 116-260, § 133(a)(2)(A)(ii)–(iv), added cls. (iv) to (vi).

Subsec. (t)(7). Pub. L. 116-260, § 133(a)(2)(C)(i), substituted “November 15” for “October 1” in introductory provisions.

Subsec. (t)(7)(A). Pub. L. 116-260, § 133(a)(2)(C)(ii), substituted “paragraph (3)(A)(i) in the preceding fiscal year” for “paragraph (3)(A)(i) in the preceding 12-month period”.

Subsec. (t)(7)(C). Pub. L. 116-260, § 133(a)(3)(A), inserted “the resolution of those submissions, including any” before “further” and struck out “and” at end.

Subsec. (t)(7)(E). Pub. L. 116-260, § 133(a)(3)(B), (C), added subpar. (E).

Subsec. (t)(8). Pub. L. 116-260, § 133(b), added par. (8). 2018—Subsec. (g). Pub. L. 115-254, § 1991(a), amended subsec. (g) generally. Prior to amendment, text read as follows:

“(1) Except as provided in paragraph (2) of this subsection, the Administrator shall carry out—

“(A) duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in sections 308(b), 1132(c) and (d), 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections 46104, 46301(d) and (h)(2), 46303(c), 46304–46308, 46310, 46311, and 46313–46316, chapter 465, and sections 47504(b) (related to flight procedures), 47508(a), and 48107 of this title; and

“(B) additional duties and powers prescribed by the Secretary of Transportation.

“(2) In carrying out sections 40119, 44901, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, 44938(a) and (b), and

48107 of this title, paragraph (1)(A) of this subsection does not apply to duties and powers vested in the Director of Intelligence and Security by section 44931 of this title.”

Subsec. (k)(1)(A)–(E). Pub. L. 115–254, §113(a), added subpars. (A) to (E) and struck out former subpars. (A) to (E) which read as follows:

“(A) \$9,653,000,000 for fiscal year 2012;

“(B) \$9,539,000,000 for fiscal year 2013;

“(C) \$9,596,000,000 for fiscal year 2014;

“(D) \$9,653,000,000 for fiscal year 2015;

“(E) \$9,909,724,000 for each of fiscal years 2016 and 2017; and”.

Subsec. (k)(1)(F). Pub. L. 115–254, §113(a), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$10,025,852,000 for fiscal year 2018.”

Pub. L. 115–141, §103(1), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$4,999,191,956 for the period beginning on October 1, 2017, and ending on March 31, 2018.”

Subsec. (k)(2)(D). Pub. L. 115–254, §113(b), added subpar. (D).

Subsec. (k)(3). Pub. L. 115–254, §113(c), substituted “fiscal years 2018 through 2023,” for “fiscal years 2012 through 2018.”

Pub. L. 115–141, §103(2), substituted “2018” for “2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018”.

Subsec. (p)(5). Pub. L. 115–254, §564, substituted “Committee,” for “Committee, or” and “, or such aerospace rulemaking committees as the Secretary shall designate.” for period at end.

Subsec. (s). Pub. L. 115–254, §545(a), amended subsec. (s) generally. Prior to amendment, subsec. (s) related to Chief NextGen Officer.

2017—Subsec. (k)(1)(F). Pub. L. 115–63, §103(1), added subpar. (F).

Subsec. (k)(3). Pub. L. 115–63, §103(2), inserted “and for the period beginning on October 1, 2017, and ending on March 31, 2018” after “fiscal years 2012 through 2017”.

2016—Subsec. (k)(1)(E). Pub. L. 114–190, §1103(1), added subpar. (E) and struck out former subpar. (E) which read as follows: “\$7,711,387,500 for the period beginning on October 1, 2015, and ending on July 15, 2016.”

Pub. L. 114–141, §103(1), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “\$4,870,350,000 for the period beginning on October 1, 2015, and ending on March 31, 2016.”

Subsec. (k)(3). Pub. L. 114–190, §1103(2), substituted “fiscal years 2012 through 2017,” for “fiscal years 2012 through 2015 and for the period beginning on October 1, 2015, and ending on July 15, 2016.”

Pub. L. 114–141, §103(2), substituted “July 15, 2016” for “March 31, 2016”.

2015—Subsec. (k)(1)(E). Pub. L. 114–55, §103(1), added subpar. (E).

Subsec. (k)(3). Pub. L. 114–55, §103(2), inserted “and for the period beginning on October 1, 2015, and ending on March 31, 2016” after “fiscal years 2012 through 2015”.

2014—Subsec. (p)(7)(H), (I). Pub. L. 113–188 redesignated subpar. (I) as (H) and struck out former subsec. (H) which related to reports and other actions by the Air Traffic Services Committee, Administrator, and Comptroller General.

2012—Subsec. (b). Pub. L. 112–166, §2(k)(2)(A), substituted “, who shall be appointed” for “. The Administration has a Deputy Administrator. They are appointed”.

Subsec. (d)(1). Pub. L. 112–166, §2(k)(2)(B), substituted “The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall” for “The Deputy Administrator must”.

Subsec. (k)(1). Pub. L. 112–95, §103(a), added subpars. (A) to (D) and struck out former subpars. (A) to (H) which authorized appropriations for fiscal years 2004

through 2011 and for the period beginning Oct. 1, 2011, and ending Feb. 17, 2012.

Subsec. (k)(1)(H). Pub. L. 112–91 amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “\$3,197,315,080 for the period beginning on October 1, 2011, and ending on January 31, 2012.”

Subsec. (k)(2). Pub. L. 112–95, §103(b), redesignated subpars. (E) to (G) as (A) to (C), respectively, substituted “2012 through 2015” for “2004 through 2007” in subpars. (A) to (C), and struck out former subpars. (A) to (D) which read as follows:

“(A) Such sums as may be necessary for fiscal years 2004 through 2007 to support infrastructure systems development for both general aviation and the vertical flight industry.

“(B) Such sums as may be necessary for fiscal years 2004 through 2007 to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.

“(C) Such sums as may be necessary for fiscal years 2004 through 2007 to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft.

“(D) Such sums as may be necessary for fiscal years 2004 through 2007 for the Center for Management Development of the Federal Aviation Administration to operate training courses and to support associated student travel for both residential and field courses.”

Subsec. (k)(2)(C). Pub. L. 112–95, §306(b), inserted “and the development and maintenance of helicopter approach procedures” before period at end.

Subsec. (k)(3). Pub. L. 112–95, §103(c), added par. (3).

Subsec. (m). Pub. L. 112–95, §203, in last sentence, inserted “with or” after “from the Administration.”

Subsec. (s). Pub. L. 112–95, §204, added subsec. (s).

Subsec. (t). Pub. L. 112–95, §341, added subsec. (t).

2011—Subsec. (k)(1)(G), (H). Pub. L. 112–30 added subpars. (G) and (H).

2010—Subsec. (k)(1)(F). Pub. L. 111–216 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$7,813,037,096 for the period beginning on October 1, 2009, and ending on August 1, 2010.”

Pub. L. 111–197 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010.”

Pub. L. 111–161 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$5,454,183,000 for the 7-month period beginning on October 1, 2009.”

Pub. L. 111–153 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$4,676,574,750 for the 6-month period beginning on October 1, 2009.”

2009—Subsec. (k)(1)(E). Pub. L. 111–12 substituted “\$9,042,467,000 for fiscal year 2009” for “\$4,516,364,500 for the 6-month period beginning on October 1, 2008”.

Subsec. (k)(1)(F). Pub. L. 111–116 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$2,338,287,375 for the 3-month period beginning on October 1, 2009.”

Subsec. (k)(1)(F). Pub. L. 111–69 added subpar. (F).

2008—Subsec. (k)(1)(E). Pub. L. 110–330 added subpar. (E).

2003—Subsec. (d)(2) to (4). Pub. L. 108–176, §204, added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (f)(2)(A)(ii). Pub. L. 108–176, §224(c), inserted “, services,” after “property”.

Subsec. (k)(1). Pub. L. 108–176, §103(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration—

“(A) such sums as may be necessary for fiscal year 2000;

- “(B) \$6,592,235,000 for fiscal year 2001;
- “(C) \$6,886,000,000 for fiscal year 2002; and
- “(D) \$7,357,000,000 for fiscal year 2003.

Such sums shall remain available until expended.”

Subsec. (k)(2). Pub. L. 108-176, §103(b), redesignated subpars. (C) to (E) as subpars. (A) to (C), respectively, in subpars. (A) to (C), substituted “fiscal years 2004 through 2007” for “fiscal years 2000 through 2003”, added subpars. (D) to (G), struck out former subpars. (A) and (B), which related to expenditures for wildlife measures and a university consortium for an air safety and security management certificate program, and struck out former subpars. (F) to (I), which related to expenditures for the 1998 airport surface operations safety action plan, United States membership obligations in the International Civil Aviation Organization, additional inspectors to enhance air cargo security programs, and improved training programs for airport security screening personnel.

Subsec. (p). Pub. L. 108-176, §201(1), inserted “and Air Traffic Services Board” after “Council” in heading.

Subsec. (p)(2). Pub. L. 108-176, §201(2)(A), substituted “consist of 13 members, who” for “consist of 18 members, who” in introductory provisions.

Subsec. (p)(2)(C)(i). Pub. L. 108-176, §201(2)(B), inserted “, except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation” after “Senate”.

Subsec. (p)(2)(C)(ii). Pub. L. 108-176, §201(2)(C)(ii), substituted “; and” for semicolon at end.

Subsec. (p)(2)(D). Pub. L. 108-176, §201(2)(D), substituted “employees, by the Secretary of Transportation.” for “employees, by—

“(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and”

Subsec. (p)(2)(E). Pub. L. 108-176, §201(2)(D), struck out subpar. (E) which read as follows: “5 members appointed by the Secretary after consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

Subsec. (p)(3). Pub. L. 108-176, §202(1), added par. (3) and struck out former par. (3) which related to qualifications for serving on the Council.

Subsec. (p)(4)(C). Pub. L. 108-176, §202(2), inserted “or Air Traffic Services Committee” after “Council” in two places.

Subsec. (p)(5). Pub. L. 108-176, §202(3), inserted “, the Air Traffic Services Committee,” after “Council”.

Subsec. (p)(6)(C). Pub. L. 108-176, §202(4), in heading substituted “committee” for “subcommittee” and in text substituted “members appointed” for “member appointed”, “to the Air Traffic Services Committee shall” for “under paragraph (2)(E) shall”, and “the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).” for “of the members first appointed under paragraph (2)(E)—

“(i) 2 members shall be appointed for a term of 3 years;

“(ii) 2 members shall be appointed for a term of 4 years; and

“(iii) 1 member shall be appointed for a term of 5 years.”

Subsec. (p)(6)(D). Pub. L. 108-176, §202(5), substituted “to the Committee” for “under paragraph (2)(E)”.

Subsec. (p)(6)(E). Pub. L. 108-176, §202(6), inserted “or Committee” after “Council”.

Subsec. (p)(6)(F). Pub. L. 108-176, §202(7), inserted “of the Council or Committee” after “member”.

Subsec. (p)(6)(G). Pub. L. 108-176, §202(8), in second sentence substituted “Committee” for “Council” and struck out “appointed under paragraph (2)(E)” before “may be removed”.

Subsec. (p)(6)(H). Pub. L. 108-176, §202(9)(A), substituted “committee” for “subcommittee” in heading.

Subsec. (p)(6)(H)(i). Pub. L. 108-176, §202(9)(B), (C), substituted “to the Committee” for “under paragraph (2)(E)” and “of the Committee” for “of the Air Traffic Services Subcommittee”.

Subsec. (p)(6)(I)(i). Pub. L. 108-176, §202(10), substituted “is serving as” for “appointed under paragraph (2)(E) is” and “Committee” for “Subcommittee”.

Subsec. (p)(6)(I)(ii). Pub. L. 108-176, §202(11), substituted “who is a member of the Committee” for “appointed under paragraph (2)(E)” and “Committee,” for “Subcommittee”.

Subsec. (p)(6)(K). Pub. L. 108-176, §202(12), inserted “or Committee” after “Council”.

Subsec. (p)(6)(L). Pub. L. 108-176, §202(13), inserted “or Committee” after “Council” in two places.

Subsec. (p)(7). Pub. L. 108-176, §202(14)(A), substituted “committee” for “subcommittee” in heading.

Subsec. (p)(7)(A). Pub. L. 108-176, §202(14)(B), added subpar. (A) and struck out heading and text of former subpar. (A). Text read as follows: “The Management Advisory Council shall have an air traffic services subcommittee (in this paragraph referred to as the ‘Subcommittee’) composed of the five members appointed under paragraph (2)(E).”

Subsec. (p)(7)(B), (C). Pub. L. 108-176, §202(14)(D), added subpars. (B) and (C). Former subpars. (B) and (C) redesignated (D) and (E), respectively.

Subsec. (p)(7)(D). Pub. L. 108-176, §202(14)(E), substituted “Committee” for “Subcommittee” in two places.

Pub. L. 108-176, §202(14)(C), redesignated subpar. (B) as (D). Former subpar. (D) redesignated (F).

Subsec. (p)(7)(E). Pub. L. 108-176, §202(14)(I), struck out concluding provisions which read as follows: “The Secretary shall submit the budget request referred to in clause (v)(II) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget request for the Federal Aviation Administration for such fiscal year.”

Pub. L. 108-176, §202(14)(E), substituted “Committee” for “Subcommittee” in introductory provisions.

Pub. L. 108-176, §202(14)(C), redesignated subpar. (C) as (E). Former subpar. (E) redesignated (G).

Subsec. (p)(7)(E)(v)(I). Pub. L. 108-176, §202(14)(F), substituted “make recommendations on” for “approve”.

Subsec. (p)(7)(E)(v)(II). Pub. L. 108-176, §202(14)(G), substituted “recommendations” for “request”.

Subsec. (p)(7)(E)(v)(III). Pub. L. 108-176, §202(14)(H), substituted “base such budget recommendations on” for “ensure that the budget request supports”.

Subsec. (p)(7)(F). Pub. L. 108-176, §202(14)(J), added subpar. (F) and struck out heading and text of former subpar. (F). Text read as follows:

“(i) COMPENSATION OF MEMBERS.—Each member of the Subcommittee shall be compensated at a rate of \$25,000 per year.

“(ii) COMPENSATION OF CHAIRPERSON.—Notwithstanding clause (i), the chairperson of the Subcommittee shall be compensated at a rate of \$40,000 per year.

“(iii) STAFF.—The chairperson of the Subcommittee may appoint and terminate any personnel that may be necessary to enable the Subcommittee to perform its duties.

“(iv) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Subcommittee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.”

Pub. L. 108-176, §202(14)(C), redesignated subpar (D) as (F). Former subpar. (F) redesignated (H).

Subsec. (p)(7)(G). Pub. L. 108-176, §202(14)(K), substituted “Committee” for “Subcommittee” wherever appearing, redesignated cls. (ii) to (iv) as (i) to (iii), respectively, and struck out former cl. (i) which read as

follows: “TERM OF CHAIR.—The members of the Subcommittee shall elect for a 2-year term a chairperson from among the members of the Subcommittee.”

Pub. L. 108–176, §202(14)(C), redesignated subpar. (E) as (G).

Subsec. (p)(7)(H). Pub. L. 108–176, §202(14)(C), redesignated subpar. (F) as (H).

Subsec. (p)(7)(H)(i). Pub. L. 108–176, §202(14)(L)(i), (ii), substituted “Committee shall” for “Subcommittee shall” and “Secretary” for “Administrator, the Council”.

Subsec. (p)(7)(H)(ii). Pub. L. 108–176, §202(14)(L), substituted “Committee under” for “Subcommittee under”, “subparagraph (D)(i)” for “subparagraph (B)(i)”, “Committee shall” for “Subcommittee shall”, and “Secretary” for “Administrator, the Council”.

Subsec. (p)(7)(H)(iii), (iv). Pub. L. 108–176, §202(14)(L)(i), in cl. (iii) substituted “Committee under” for “Subcommittee under” and “Committee, the” for “Subcommittee, the” and in cl. (iv) substituted “Committee in” for “Subcommittee in”.

Subsec. (p)(7)(I). Pub. L. 108–176, §202(14)(M), added subpar. (I).

Subsec. (r)(1)(A), (2)(A). Pub. L. 108–176, §203(1), substituted “Air Traffic Services Committee” for “Air Traffic Services Subcommittee of the Aviation Management Advisory Council”.

Subsec. (r)(2)(B). Pub. L. 108–176, §203(2), inserted “in” before “paragraph (3)”.

Subsec. (r)(3). Pub. L. 108–176, §203(3), substituted “Air Traffic Services Committee” for “Air Traffic Control Subcommittee of the Aviation Management Advisory Committee”.

Subsec. (r)(4). Pub. L. 108–176, §203(4), substituted “Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate” for “Transportation and Congress”.

Subsec. (r)(5)(A). Pub. L. 108–176, §203(5), in introductory provisions substituted “implement the” for “develop a” and “in order to further” for “”, including the establishment of”.

Subsec. (r)(5)(B). Pub. L. 108–176, §203(6)(A), substituted “oversee the day-to-day operational functions of the Administration for air traffic control,” for “review the operational functions of the Administration,” in introductory provisions.

Subsec. (r)(5)(B)(iv). Pub. L. 108–176, §203(6)(B)–(D), added cl. (iv).

Subsec. (r)(5)(C)(i). Pub. L. 108–176, §203(7), struck out “prepared by the Administrator” after “air traffic control system”.

Subsec. (r)(5)(C)(ii). Pub. L. 108–176, §203(8), substituted “and the Committee” for “and the Secretary of Transportation”.

Subsec. (r)(5)(C)(iii). Pub. L. 108–176, §203(9), inserted “agency’s” before “annual” and substituted “for air traffic control services” for “developed under subparagraph (A) of this subsection”.

2001—Subsec. (m). Pub. L. 107–71, §101(d), substituted “supplies, personnel, services, and” for “supplies and” in last sentence.

Subsec. (r)(2)(A). Pub. L. 107–71, §101(c)(3), amended heading and text of subpar. (A) generally. Prior to amendment, text read as follows: “The Chief Operating Officer shall be paid at an annual rate of basic pay equal to the annual rate of basic pay of the Administrator. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.”

2000—Subsec. (f)(3)(A). Pub. L. 106–181, §306, inserted at end “On February 1 and August 1 of each year 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 letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date,

including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”

Subsec. (f)(3)(B)(i). Pub. L. 106–181, §305(1), (2), in introductory provisions, substituted “\$250,000,000” for “\$100,000,000” and “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century” for “Air Traffic Management System Performance Improvement Act of 1996”.

Subsec. (f)(3)(B)(i)(I). Pub. L. 106–181, §305(1), (3), substituted “\$250,000,000” for “\$100,000,000” and inserted “substantial and” before “material” and “or” after semicolon at end.

Subsec. (f)(3)(B)(i)(II) to (IV). Pub. L. 106–181, §305(4), added subcl. (II) and struck out former subcls. (II) to (IV) which read as follows:

“(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

“(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

“(IV) raise novel legal or policy issues arising out of legal mandates.”

Subsec. (g)(1)(A). Pub. L. 106–181, §701, substituted “40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections” for “40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b), and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304”.

Subsec. (k). Pub. L. 106–181, §103(a), amended heading and text of subsec. (k) generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration \$5,632,000,000 for fiscal year 1999.”

Subsec. (l)(1). Pub. L. 106–181, §307(c)(1), substituted “subsections (a) and (g) of section 40122” for “section 40122(a) of this title and section 347 of Public Law 104–50”.

Subsec. (p)(2). Pub. L. 106–528, which directed the substitution of “18” for “15” in section 106(p)(2), without specifying the Code title to be amended, was executed by making the substitution in the introductory provisions of subsec. (p)(2) of this section, to reflect the probable intent of Congress.

Subsec. (p)(2)(C) to (E). Pub. L. 106–181, §302(a)(1), added subpars. (C) to (E) and struck out former subpar. (C) which read as follows: “13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.”

Subsec. (p)(3). Pub. L. 106–181, §302(a)(2), designated existing provisions as subpar. (A), inserted subpar. heading, realigned margins, inserted “or (2)(E)” after “paragraph (2)(C)”, and added subpars. (B) and (C).

Subsec. (p)(6). Pub. L. 106–181, §302(b), added subpars. (A) to (I), redesignated former subpars. (B) to (D) as (J) to (L), respectively, and struck out former subpar. (A) which related to terms of members appointed to the Advisory Council.

Subsec. (p)(7), (8). Pub. L. 106–181, §302(c), added pars. (7) and (8).

Subsec. (r). Pub. L. 106–181, §303, added subsec. (r). 1999—Subsec. (k). Pub. L. 106–6 substituted “\$5,632,000,000 for fiscal year 1999.” for “\$5,158,000,000 for fiscal year 1997 and \$5,344,000,000 for fiscal year 1998.”

1997—Subsec. (g)(1)(A). Pub. L. 105–102 added Pub. L. 104–264, §276(c). See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104–287 substituted “August 23, 1994,” for “the date of the enactment of this sentence”.

Pub. L. 104–264, §223(a)(1), substituted “Except as provided in subsection (f) or in other provisions of law, the Administrator” for “The Administrator”.

Subsec. (f). Pub. L. 104-264, § 223(a)(2), inserted subsec. heading, designated existing provisions as par. (1), inserted par. (1) heading, substituted “Except as provided in paragraph (2), the Secretary” for “The Secretary”, realigned margins, substituted “Neither the Secretary nor the Administrator may” for “The Secretary may not” and “or be bound” for “nor be bound”, and added pars. (2) and (3).

Subsec. (f)(3). Pub. L. 104-264, § 224(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (f)(4). Pub. L. 104-264, § 224(1), redesignated par. (3) as (4).

Subsec. (g)(1)(A). Pub. L. 104-264, § 276(c), as added by Pub. L. 105-102, substituted “45302-45304” for “45302, 45303”.

Subsec. (k). Pub. L. 104-264, § 103(a), substituted “\$5,158,000,000 for fiscal year 1997 and \$5,344,000,000 for fiscal year 1998.” for “\$4,088,000,000 for fiscal year 1991, \$4,412,600,000 for fiscal year 1992, \$4,716,500,000 for fiscal year 1993, \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996.”

Subsec. (l). Pub. L. 104-264, § 225, added subsec. (l).

Subsec. (l)(6). Pub. L. 104-264, § 226, added par. (6).

Subsec. (m). Pub. L. 104-264, § 227, added subsec. (m).

Subsec. (n). Pub. L. 104-264, § 228, added subsec. (n).

Subsec. (o). Pub. L. 104-264, § 229, added subsec. (o).

Subsec. (p). Pub. L. 104-264, § 230, added subsec. (p).

Subsec. (q). Pub. L. 104-264, § 1210, added subsec. (q).

1994—Subsec. (b). Pub. L. 103-305, § 201, inserted at end “The term of office for any individual appointed as Administrator after the date of the enactment of this sentence shall be 5 years.”

Subsec. (f). Pub. L. 103-272, § 4(j)(3)(A), substituted “Secretary of Transportation shall” for “Secretary shall”.

Subsec. (g). Pub. L. 103-272, § 4(j)(3)(B), inserted heading and amended text generally. Prior to amendment, text read as follows: “The Administrator shall carry out—

“(1) duties and powers of the Secretary related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of this title and sections 306-309, 312-314, 315-316 (except for the duties and powers vested in the Director of Intelligence and Security by or under section 101 of the Aviation Security Improvement Act of 1990), 1101, 1105, and 1111 and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958 (49 App. U.S.C. 1347-1350, 1353-1355, 1421 et seq., 1441 et seq., 1471 et seq., 1501, 1505, 1511, and 1521 et seq.); and

“(2) additional duties and powers prescribed by the Secretary.”

Subsec. (h). Pub. L. 103-272, § 5(m)(4)(A), substituted “Section 40101(d) of this title” for “Section 103 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1303)”.

Subsec. (j). Pub. L. 103-272, § 5(m)(4)(B), substituted “section 44507 of this title” for “section 312(e) of the Federal Aviation Act of 1958”.

Subsec. (k). Pub. L. 103-305, § 103, substituted “, \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996” for “, \$5,100,000,000 for fiscal year 1994, and \$5,520,000,000 for fiscal year 1995”.

Pub. L. 103-272, § 4(j)(3)(C), inserted “to the Secretary of Transportation” after “appropriated”.

1992—Subsec. (k). Pub. L. 102-581 substituted “1991.” for “1991 and” and inserted before period at end “, \$4,716,500,000 for fiscal year 1993, \$5,100,000,000 for fiscal year 1994, and \$5,520,000,000 for fiscal year 1995”.

1990—Subsec. (g)(1). Pub. L. 101-604 inserted “315-316 (except for the duties and powers vested in the Director of Intelligence and Security by or under section 101 of the Aviation Security Improvement Act of 1990),” after “312-314.”

Subsec. (k). Pub. L. 101-508 added subsec. (k).

1988—Subsec. (j). Pub. L. 100-591 added subsec. (j).

1984—Subsecs. (g)(1), (h). Pub. L. 98-216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-176, § 3, Dec. 12, 2003, 117 Stat. 2493, provided that: “Except as otherwise specifically provided, this Act [see Tables for classification] and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.”

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106-528, § 9, Nov. 22, 2000, 114 Stat. 2523, provided that: “Except as otherwise expressly provided, this Act [amending this section and sections 41104, 44903, 44935, and 44936 of this title, enacting provisions set out as notes under sections 40101, 44903, and 44936 of this title, and amending provisions set out as notes under sections 40128 and 47501 of this title] and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act [Nov. 22, 2000].”

Pub. L. 106-181, § 3, Apr. 5, 2000, 114 Stat. 64, provided that: “Except as otherwise specifically provided, this Act [see Tables for classification] and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.”

Pub. L. 106-181, title III, § 302(d), Apr. 5, 2000, 114 Stat. 121, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Apr. 5, 2000].

“(2) INITIAL NOMINATIONS TO AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Secretary [of Transportation] shall make the initial appointments of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council not later than 3 months after the date of the enactment of this Act.

“(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF SUBCOMMITTEE.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Services Subcommittee.”

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, § 3(c), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(c)(3) is effective Oct. 9, 1996.

Pub. L. 105-102, § 3(f), Nov. 20, 1997, 111 Stat. 2216, provided that: “The amendments made by subsections (a) through (d) of this section [amending this section and sections 5302, 30501 to 30504, 45301, 46301, 46316, 47117, and 47128 of this title, renumbering section 40121 of this title as 40124 of this title, and amending provisions set out as notes under sections 5303 and 47117 of this title] shall take effect as if included in the provisions of the Acts to which the amendments relate.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-264, § 3, Oct. 9, 1996, 110 Stat. 3215, provided that:

“(a) IN GENERAL.—Except as otherwise specifically provided, this Act [see Tables for classification] and the amendments made by this Act apply only to fiscal years beginning after September 30, 1996.

“(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.”

Pub. L. 104-264, title II, § 203, Oct. 9, 1996, 110 Stat. 3227, provided that: “The provisions of this title [enacting sections 40121, 40122, 45301, 45303, 48111, and 48201 of this title, amending this section and section 41742 of

this title, renumbering section 45303 of this title as section 45304, repealing section 45301 of this title, and enacting provisions set out as notes under this section and sections 40101, 40110, and 41742 of this title] and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act [Oct. 9, 1996].”

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.

EMERGENCY FAA EMPLOYEE LEAVE FUND

Pub. L. 117-2, title VII, § 7103, Mar. 11, 2021, 135 Stat. 98, provided that:

“(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Federal Aviation Administration the Emergency FAA Employee Leave Fund (in this section referred to as the ‘Fund’), to be administered by the Administrator of the Federal Aviation Administration, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$9,000,000, which shall be deposited into the Fund and remain available through September 30, 2022.

“(b) PURPOSE.—Amounts in the Fund shall be available to the Administrator for the use of paid leave under this section by any employee of the Administration who is unable to work because the employee—

“(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

“(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

“(3) is caring for an individual who is subject to such an order or has been so advised;

“(4) is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

“(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

“(6) is experiencing any other substantially similar condition;

“(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; or

“(8) is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

“(c) LIMITATIONS.—

“(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by an employee of the Administration during the period beginning on the date of enactment of this section [Mar. 11, 2021] and ending on September 30, 2021.

“(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

“(A) shall be provided to an employee of the Administration in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

“(B) shall be paid at the same hourly rate as other leave payments; and

“(C) may not be provided to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

“(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

“(A) is in addition to any other leave provided to an employee of the Administration; and

“(B) may not be used by an employee of the Administration concurrently with any other paid leave.

“(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to an employee of the Administration under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.”

REGIONAL OMBUDSMEN

Pub. L. 115-254, div. B, title I, § 180, Oct. 5, 2018, 132 Stat. 3230, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], with respect to each region of the Federal Aviation Administration, the Regional Administrator for that region shall designate an individual to be the Regional Ombudsman for the region.

“(b) REQUIREMENTS.—Each Regional Ombudsman shall—

“(1) serve as a regional liaison with the public, including community groups, on issues regarding aircraft noise, pollution, and safety;

“(2) make recommendations to the Administrator for the region to address concerns raised by the public and improve the consideration of public comments in decision-making processes; and

“(3) be consulted on proposed changes in aircraft operations affecting the region, including arrival and departure routes, in order to minimize environmental impacts, including noise.”

FEDERAL AVIATION ADMINISTRATION PERFORMANCE
MEASURES AND TARGETS

Pub. L. 115-254, div. B, title V, § 558, Oct. 5, 2018, 132 Stat. 3383, provided that:

“(a) PERFORMANCE MEASURES.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish performance measures relating to the management of the [Federal Aviation] Administration, which shall, at a minimum, include measures to assess—

“(1) the timely and cost-effective completion of projects; and

“(2) the effectiveness of the Administration in achieving the goals described in section 47171 of title 49, United States Code.

“(b) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary establishes performance measures in accordance with subsection (a), the Secretary shall establish performance targets relating to each of the measures described in that subsection.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the inspector general of the Department of Transportation 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 describing the progress of the Secretary in meeting the performance targets established under subsection (b).”

ASSISTANT ADMINISTRATOR FOR RESEARCH AND
DEVELOPMENT

Pub. L. 115-254, div. B, title VII, § 711, Oct. 5, 2018, 132 Stat. 3410, provided that:

“(a) APPOINTMENT.—Not later than 3 months after the date of enactment of this Act [Oct. 5, 2018], the Admin-

istrator [of the Federal Aviation Administration] shall appoint an Assistant Administrator for Research and Development.

“(b) RESPONSIBILITIES.—The Assistant Administrator for Research and Development shall, at a minimum, be responsible for—

“(1) management and oversight of all the FAA’s [Federal Aviation Administration’s] research and development programs and activities; and

“(2) production of all congressional reports from the FAA relevant to research and development, including the national aviation research plan required under section 44501(c) of title 49, United States Code.

“(c) DUAL APPOINTMENT.—The Assistant Administrator for Research and Development may be a dual-appointment, holding the responsibilities of another Assistant Administrator.”

EDUCATIONAL REQUIREMENTS

Pub. L. 112-95, title II, §223, Feb. 14, 2012, 126 Stat. 55, provided that: “The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.”

FAA REVIEW AND REFORM

Pub. L. 115-254, div. B, title V, §511, Oct. 5, 2018, 132 Stat. 3356, provided that:

“(a) AGENCY REPORT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a detailed analysis of any actions taken to address the findings and recommendations included in the report required under section 812(d) of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] (49 U.S.C. 106 note), including—

“(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

“(2) eliminating or streamlining wasteful practices;

“(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

“(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

“(5) reforming or eliminating ineffectual or outdated policies.

“(b) ADDITIONAL REVIEW.—Not later than 18 months after the date of enactment of this Act, the Administrator shall undertake and complete a thorough review of each program, office, and organization within the Administration to identify—

“(1) duplicative positions, programs, roles, or offices;

“(2) wasteful practices;

“(3) redundant, obsolete, or unnecessary functions;

“(4) inefficient processes; and

“(5) ineffectual or outdated policies.

“(c) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 60 days after the date of completion of the review under subsection (b), the Administrator shall undertake such actions as may be necessary to address the findings of the Administrator under such subsection.

“(d) REPORT TO CONGRESS.—Not later than 120 days after the date of completion of the review under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the actions taken by the Administrator pursuant to subsection (c), including any recommendations for legislative or administrative actions.”

[For definitions of terms used in section 511 of Pub. L. 115-254, set out above, see sections 101 and 501 of Pub. L. 115-254, set out as notes under section 40101 of this title.]

Pub. L. 112-95, title VIII, §812, Feb. 14, 2012, 126 Stat. 124, provided that:

“(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

“(1) duplicative positions, programs, roles, or offices;

“(2) wasteful practices;

“(3) redundant, obsolete, or unnecessary functions;

“(4) inefficient processes; and

“(5) ineffectual or outdated policies.

“(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator’s findings under subsection (a), including—

“(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

“(2) eliminating or streamlining wasteful practices;

“(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

“(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

“(5) reforming or eliminating ineffectual or outdated policies.

“(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

“(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.”

ORPHAN AVIATION EARMARKS

Pub. L. 112-95, title VIII, §825, Feb. 14, 2012, 126 Stat. 131, provided that:

“(a) EARMARK DEFINED.—In this section, the term ‘earmark’ means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate, or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, or other expenditure with or to an entity or a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(b) RESCISSION.—If any earmark relating to the Federal Aviation Administration has more than 90 percent of applicable appropriated amounts remaining available for obligation at the end of the 9th fiscal year beginning after the fiscal year in which those amounts were appropriated, the unobligated portion of those amounts is rescinded effective at the end of that 9th fiscal year, except that the Administrator of the Federal Aviation Administration may delay any such rescission if the Administrator determines that an obligation with respect to those amounts is likely to occur during the 12-month period beginning on the last day of that 9th fiscal year.

“(c) IDENTIFICATION AND REPORT.—

“(1) AGENCY IDENTIFICATION.—At the end of each fiscal year, the Administrator shall identify and report to the Director of the Office of Management and Budget every earmark related to the Administration and with respect to which there is an unobligated balance of appropriated amounts.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Director shall submit to Congress and make available to the public on the Internet Web site of the Office a report that includes—

“(A) a listing of each earmark related to the Administration and with respect to which there is an

unobligated balance of appropriated amounts, which shall include the amount of the original earmark, the amount of the unobligated balance related to that earmark, and the date on which the funding expires, if applicable;

“(B) the number of rescissions under subsection (b) and the savings resulting from those rescissions for the previous fiscal year; and

“(C) a listing of earmarks related to the Administration with amounts scheduled for rescission at the end of the current fiscal year.”

FEDERAL AVIATION ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM

Pub. L. 108-176, title VII, §702, Dec. 12, 2003, 117 Stat. 2576, provided that:

“(a)(1) The Administrator of the Federal Aviation Administration shall establish a Federal Aviation Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Aviation Administration.

“(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act [42 U.S.C. 1885a, 1885b].

“(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Aviation Administration, for the period described in subsection (f)(1), in positions needed by the Federal Aviation Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

“(b) In order to be eligible to participate in the Program, an individual must—

“(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

“(2) be a United States citizen or permanent resident; and

“(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

“(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

“(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

“(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

“(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

“(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

“(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

“(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship

under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

“(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Federal Aviation Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

“(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

“(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

“(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

“(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

“(A) the total amount of scholarships received by such individual under this section; plus

“(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

“(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

“(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

“(i) For purposes of this section—

“(1) the term ‘cost of attendance’ has the meaning given that term in section 472 of the Higher Education Act of 1965 [20 U.S.C. 108711];

“(2) the term ‘institution of higher education’ has the meaning given that term in section 101(a) of the Higher Education Act of 1965 [20 U.S.C. 1001(a)]; and

“(3) the term ‘Program’ means the Federal Aviation Administration Science and Technology Scholarship Program established under this section.

“(j)(1) There is authorized to be appropriated to the Federal Aviation Administration for the Program \$10,000,000 for each fiscal year.

“(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

“(k) The Administrator may provide temporary internships to full-time students enrolled in an under-

graduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.”

INTERNET AVAILABILITY OF INFORMATION

Pub. L. 106-181, title IX, §903, Apr. 5, 2000, 114 Stat. 196, provided that: “The Administrator [of the Federal Aviation Administration] shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act [see Tables for classification]. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.”

FINDINGS

Pub. L. 104-264, title II, §221, Oct. 9, 1996, 110 Stat. 3227, provided that: “Congress finds the following:

“(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

“(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution over the years is one measure of the benefit received by the general public, military, and other users of Administration’s services.

“(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

“(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration’s future budget needs.

“(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

“(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

“(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

“(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

“(9) The Administration must have a new way of doing business.

“(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

“(11) To the extent that Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, Congress should appropriate the difference between such costs and any receipts received from such segment.

“(12) Prior to the imposition of any new charges or user fees on segments of the industry, an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

“(13) An independent, thorough, and complete study and assessment must be performed of the costs to the

Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation’s airports.

“(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

“(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

“(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

“(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.”

PURPOSES

Pub. L. 104-264, title II, §222, Oct. 9, 1996, 110 Stat. 3229, provided that: “The purposes of this title [see Effective Date of 1996 Amendment note set out above] are—

“(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

“(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

“(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

“(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.”

PRESERVATION OF EXISTING AUTHORITY

Pub. L. 104-264, title II, §223(b), Oct. 9, 1996, 110 Stat. 3230, provided that: “Nothing in this title [see Effective Date of 1996 Amendment note set out above] or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of the enactment of this Act [Oct. 9, 1996].”

PERSONNEL MANAGEMENT SYSTEM FOR FEDERAL AVIATION ADMINISTRATION

Pub. L. 104-50, title III, §347, Nov. 15, 1995, 109 Stat. 460, as amended by Pub. L. 104-122, Mar. 29, 1996, 110 Stat. 876; Pub. L. 105-339, §5, Oct. 31, 1998, 112 Stat. 3187, which required the Administrator of the Federal Aviation Administration to develop and implement, not later than Jan. 1, 1996, a personnel management system, exempt from most provisions of Title 5, Government Organization and Employees, to provide for greater flexibility in the hiring, training, compensation, and location of personnel, was repealed by Pub. L. 106-181, title III, §307(d), Apr. 5, 2000, 114 Stat. 126.

DEPENDENTS OF FEDERAL AVIATION ADMINISTRATION PERSONNEL

Pub. L. 106-346, §101(a) [title III, §303], Oct. 23, 2000, 114 Stat. 1356, 1356A-23, as amended by Pub. L. 114-95, title IX, §9215(x), Dec. 10, 2015, 129 Stat. 2172, provided that: “Hereafter, funds appropriated under this or any

other Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VII of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.], for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-69, title III, § 303, Oct. 9, 1999, 113 Stat. 1015.

Pub. L. 105-277, div. A, § 101(g) [title III, § 303], Oct. 21, 1998, 112 Stat. 2681-439, 2681-464.

Pub. L. 105-66, title III, § 303, Oct. 27, 1997, 111 Stat. 1441.

Pub. L. 104-205, title III, § 303, Sept. 30, 1996, 110 Stat. 2968.

Pub. L. 104-50, title III, § 303, Nov. 15, 1995, 109 Stat. 453.

Pub. L. 103-331, title III, § 303, Sept. 30, 1994, 108 Stat. 2488.

Pub. L. 103-122, title III, § 303, Oct. 27, 1993, 107 Stat. 1219.

Pub. L. 102-388, title III, § 303, Oct. 6, 1992, 106 Stat. 1543.

Pub. L. 102-143, title III, § 303, Oct. 28, 1991, 105 Stat. 939.

Pub. L. 101-516, title III, § 303, Nov. 5, 1990, 104 Stat. 2178.

Pub. L. 101-164, title III, § 303, Nov. 21, 1989, 103 Stat. 1091.

Pub. L. 100-457, title III, § 303, Sept. 30, 1988, 102 Stat. 2146.

Pub. L. 100-202, § 101(l) [title III, § 303], Dec. 22, 1987, 101 Stat. 1329-358, 1329-377.

Pub. L. 99-500, § 101(l) [H.R. 5205, title III, § 303], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, § 101(l), Oct. 30, 1986, 100 Stat. 3341-308.

Pub. L. 99-190, § 101(e) [title III, § 303], Dec. 19, 1985, 99 Stat. 1267, 1284.

Pub. L. 98-473, title I, § 101(i) [title III, § 303], Oct. 12, 1984, 98 Stat. 1944, 1961.

Pub. L. 98-78, title III, § 303, Aug. 15, 1983, 97 Stat. 470.

Pub. L. 97-369, title III, § 306, Dec. 18, 1982, 96 Stat. 1781.

Pub. L. 97-102, title III, § 306, Dec. 23, 1981, 95 Stat. 1458.

Pub. L. 96-400, title III, § 306, Oct. 9, 1980, 94 Stat. 1695.

Pub. L. 96-131, title III, § 307, Nov. 30, 1979, 93 Stat. 1037.

Pub. L. 95-335, title III, § 310, Aug. 4, 1978, 92 Stat. 448.

Pub. L. 95-85, title III, § 310, Aug. 2, 1977, 91 Stat. 416.

Pub. L. 94-387, title III, § 312, Aug. 14, 1976, 90 Stat. 1185.

Pub. L. 94-134, title III, § 310, Nov. 24, 1975, 89 Stat. 711.

Pub. L. 93-391, title III, § 311, Aug. 28, 1974, 88 Stat. 780.

Pub. L. 93-98, title III, § 313, Aug. 16, 1973, 87 Stat. 340.

Pub. L. 92-398, title III, § 313, Aug. 22, 1972, 86 Stat. 591.

Pub. L. 92-74, title I, Aug. 10, 1971, 85 Stat. 203.

Pub. L. 91-168, title I, Dec. 26, 1969, 83 Stat. 455.

Pub. L. 90-464, title I, Aug. 8, 1968, 82 Stat. 655.

Pub. L. 90-112, title II, Oct. 23, 1967, 81 Stat. 312.

Pub. L. 89-474, title I, June 29, 1966, 80 Stat. 223.

Pub. L. 89-57, title I, June 30, 1965, 79 Stat. 197.

Pub. L. 88-392, title I, Aug. 1, 1964, 78 Stat. 369.

Pub. L. 88-39, title I, June 13, 1963, 77 Stat. 59.

Pub. L. 87-575, title I, Aug. 6, 1962, 76 Stat. 311.

Pub. L. 87-159, title I, Aug. 21, 1961, 75 Stat. 395.

Pub. L. 86-561, title I, June 30, 1960, 74 Stat. 285.

Pub. L. 86-39, title I, June 11, 1959, 73 Stat. 67.

Pub. L. 85-354, title I, Mar. 28, 1958, 72 Stat. 63.

Pub. L. 85-37, title I, May 27, 1957, 71 Stat. 37.

Apr. 2, 1956, ch. 161, title I, 70 Stat. 94.

June 1, 1955, ch. 113, title I, 69 Stat. 74.

May 28, 1954, ch. 242, title I, 68 Stat. 146.

June 18, 1953, ch. 132, title I, 67 Stat. 69.

AVIATION SAFETY COMMISSION

Pub. L. 99-500, title V, §§ 501-507, Oct. 18, 1986, 100 Stat. 1783-370 to 1783-373, and Pub. L. 99-591, title V, §§ 501-507, Oct. 30, 1986, 100 Stat. 3341-373 to 3341-376, known as the Aviation Safety Commission Act of 1986, established Aviation Safety Commission, directed Commission to study organization and functions of Federal Aviation Administration and means by which it could most efficiently and effectively perform its responsibilities and increase aviation safety and to submit reports to the President and the two houses of Congress within 9 months after Oct. 18, 1986, and within 18 months after Oct. 18, 1986, and provided that Commission was to cease to exist 18 months after Oct. 18, 1986.

APPOINTMENT OF RETIRED MILITARY OFFICER AS ADMINISTRATOR

Pub. L. 102-308, June 26, 1992, 106 Stat. 273, provided: "That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General Thomas C. Richards, United States Air Force, Retired, to the Office of Administrator of the Federal Aviation Administration. General Richards' appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Air Force, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, General Richards shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Air Force, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

"SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, General Richards shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Air Force.

"SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Office of Administrator of the Federal Aviation Administration."

Prior provisions authorizing the appointment of a retired military officer as Administrator were contained in the following acts:

Pub. L. 102-223, Dec. 11, 1991, 105 Stat. 1678.

Pub. L. 101-47, June 30, 1989, 103 Stat. 134.

Pub. L. 98-256, Apr. 10, 1984, 98 Stat. 125.

Pub. L. 89-46, June 22, 1965, 79 Stat. 171.

Executive Documents

EX. ORD. NO. 13180. AIR TRAFFIC PERFORMANCE-BASED ORGANIZATION

Ex. Ord. No. 13180, Dec. 7, 2000, 65 F.R. 77493, as amended by Ex. Ord. No. 13264, June 4, 2002, 67 F.R. 39243, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further improve the provision of air traffic services in ways that increase efficiency, take better advantage of new technologies, accelerate modernization efforts, and respond more effectively to the needs of the traveling public, while enhancing the safety, security, and efficiency of the Nation's air transportation system, it is hereby ordered as follows:

SECTION 1. *Establishment of the Air Traffic Organization.* (a) The Secretary of Transportation (Secretary) shall, consistent with his legal authorities, move to establish within the Federal Aviation Administration (FAA) a performance-based organization to be known as the "Air Traffic Organization" (ATO).

(b) The ATO shall be composed of those elements of the FAA's Air Traffic Services and Research and Acquisition organizations that have direct connection and give support to the provision of day-to-day operational air traffic services, as determined by the Administrator of the Federal Aviation Administration (Administrator). The Administrator may delegate responsibility for any operational activity of the air traffic control system to the head of the ATO. The Administrator's responsibility for general safety, security, and policy-making functions for the National Airspace System is unaffected by this order.

(c) The Chief Operating Officer (COO) of the Air Traffic Control System, established by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Air-21) (Public Law 106-181) [see Short Title of 2000 Amendments note set out under section 40101 of this title], shall head the ATO and shall report directly to the Administrator and be subject to the authority of the Administrator. The COO, in consultation with the Air Traffic Control Subcommittee of the Aviation Management Advisory Committee, shall enter into an annual performance agreement with the Administrator that sets forth measurable organization and individual goals in key operational areas and describes specific targets and how such goals will be achieved. The COO may receive an annual bonus not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the COO's performance in relation to the targets and goals described above.

(d) The COO shall develop a 5-year strategic plan for the air traffic control system, including a clear statement of the mission and objectives for the system's safety, efficiency, and productivity. This strategic plan must ensure that ATO actions are consistent with long-term FAA strategies for the aviation system as a whole.

(e) The COO shall also enter into a framework agreement with the Administrator that will establish the relationship of the ATO with the other organizations of the FAA.

SEC. 2. *Purpose.* The FAA's primary mission is to ensure the safety, security, and efficiency of the National Airspace System. The purpose of this order is to enhance that mission and further improve the delivery of air traffic services to the American public by reorganizing the FAA's air traffic services and related offices into a performance-based, results-oriented, organization. The ATO will be better able to make use of the unique procurement and personnel authorities that the FAA currently has and to better use the additional management reforms enacted by the Congress this year under Air-21. Specifically, the ATO shall:

(a) optimize use of existing management flexibilities and authorities to improve the efficiency of air traffic services and increase the capacity of the system;

(b) develop methods to accelerate air traffic control modernization and to improve aviation safety related to air traffic control;

(c) develop agreements with the Administrator of the FAA and users of the products, services, and capabilities it will provide;

(d) operate in accordance with safety performance standards developed by the FAA and rapidly respond to FAA safety and security oversight findings;

(e) consult with its customers, the traveling public, including direct users such as airlines, cargo carriers, manufacturers, airports, general aviation, and commercial space transportation providers, and focus on producing results that satisfy the FAA's external customer needs;

(f) consult with appropriate Federal, State, and local public agencies, including the Department of Defense and the National Aeronautics and Space Administration, to determine the best practices for meeting the diverse needs throughout the National Airspace System;

(g) establish strong incentives to managers for achieving results; and

(h) formulate and recommend to the Administrator any management, fiscal, or legislative changes necessary for the organization to achieve its performance goals.

SEC. 3. *Aviation Management Advisory Committee.* The Air Traffic Control Subcommittee of the Aviation Management Advisory Committee shall provide, consistent with its responsibilities under Air-21, general oversight to ATO regarding the administration, management, conduct, direction, and supervision of the air traffic control system.

SEC. 4. *Evaluation and Report.* Not later than 5 years after the date of this order, the Aviation Management Advisory Committee shall provide to the Secretary and the Administrator a report on the operation and effectiveness of the ATO, together with any recommendations for management, fiscal, or legislative changes to enable the organization to achieve its goals.

SEC. 5. *Definitions.* The term "air traffic control system" has the same meaning as the term defined by section 40102(a)(42) [now 40102(a)(47)] of title 49, United States Code.

SEC. 6. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

DEFINITIONS FOR TITLE II OF PUB. L. 104-264

Pub. L. 104-264, title II, §202, Oct. 9, 1996, 110 Stat. 3227, provided that: "In this title [see Effective Date of 1996 Amendment note set out above], the following definitions apply:

"(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation."

§ 107. Federal Transit Administration

(a) The Federal Transit Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary of Transportation.

(c) The Administrator shall carry out duties and powers prescribed by the Secretary.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2417; Pub. L. 102-240, title III, §3004(c)(1), (2), Dec. 18, 1991, 105 Stat. 2088.)