

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.719

National Policy

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SUBJ: U.S. Agents for Service on Individuals With Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations

1. Purpose of This Notice. This notice announces the publication of Title 14 of the Code of Federal Regulations (14 CFR) Part 3 Subpart C, U.S. Agents for Service on Individuals With Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations.

2. Audience. The primary audiences for this notice are Flight Standards (FS) Safety Assurance inspectors, and designees who may process applications for a certificate, rating, or authorization issued under 14 CFR part 47, 61, 63, 65, 67, or 107.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background.

a. As of July 2022, there were approximately 115,000 individuals holding certificates, ratings, or authorizations issued under part 47, 61, 63, 65, 67, or 107 who had a foreign address and did not have a U.S. physical address of record on file with the FAA. Serving certain documents on these individuals outside of the United States presented a challenge for the FAA. Accomplishing valid service of process abroad requires compliance with international service requirements under multilateral treaties (i.e., the Hague Service Convention, 20 U.S.T. 361 (signed November 15, 1965), and the Inter-American Convention on Letters Rogatory, adopted January 30, 1975, together with the Additional Protocol to the Convention (IACAP), adopted May 8, 1979, S. Treaty Doc. No. 98-27 (1986)) or by other means that comport with the receiving country and United States' applicable laws regulating extraterritorial service. International service requirements can significantly delay service of these documents for months (and in some cases over a year) and also impose additional costs on the agency. These international service requirements cannot be waived by document recipients, or circumvented by sending documents electronically.

b. The FAA undertook rulemaking to address these international service issues. On June 12, 2023, the FAA published a Notice of Proposed Rulemaking (NPRM), U.S. Agents for

Service on Individuals With Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations. The FAA finalized this proposal on October 8, 2024 by publishing a final rule to require any individual who has a foreign address and no U.S. physical address of record on file with the FAA to designate a U.S. agent for service if they apply for a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 or hold a certificate, rating, or authorization issued under any of these parts. The new requirement is in part 3 subpart C. U.S. agents will receive service of some FAA documents on the certificate holder or applicant's behalf.

5. Discussion. This final rule facilitates the FAA's ability to accomplish prompt and cost-effective service of process and service of other safety-critical or time-sensitive documents to individuals abroad through service on their U.S. agents. This will conserve agency resources, ensure that lengthy delays in service of process do not compromise aviation safety, and provide individuals abroad with timely notice of FAA actions and the opportunity for more expedient due process. Individuals with a foreign address and no U.S. physical address of record on file with the FAA who hold or apply for a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 will designate a U.S. agent for service in a form and manner prescribed by the Administrator, as set out in Advisory Circular (AC) 3-1, U.S. Agents for Service on Individuals with Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations, for information on designating a U.S. agent for service. They will use the U.S. Agent for Service (USAS) website at <https://usas.faa.gov>. The USAS website may also be used to verify that an applicant has met the requirements of part 3 subpart C.

a. Existing Regulations. The new U.S. agent for service requirements are in part 3 subpart C.

(1) Designation of a U.S. Agent for Service. Individuals must designate a U.S. agent for service within the United States in writing to the FAA in a form and manner prescribed by the Administrator, as set out in AC 3-1. Individuals designating a U.S. agent must ensure that the U.S. agent understands the requirements for receiving FAA service on behalf of the individual and is competent to perform that responsibility.

(2) Applicant Responsibility. Applicants with a foreign address for official record purposes must comply with the U.S. agent for service requirements in part 3 subpart C, which require any individual who has a foreign address and no U.S. physical address of record on file with the FAA to designate a U.S. agent for service if they apply for a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 or hold a certificate, rating, or authorization issued under any of these parts. Refer to AC 3-1 for information on designating a U.S. agent for service.

(3) Issuer Responsibility. If the applicant has no U.S. physical address of record on file with the FAA, the issuer will ensure that the applicant is in compliance with the U.S. agent for service requirements in part 3 subpart C, which require any individual who has a foreign address and no U.S. physical address of record on file with the FAA to designate a U.S. agent for service if they apply for a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 or hold a certificate, rating, or authorization issued under any of these parts. Currently, the only exception to this verification requirement is for Aviation Medical Examiners (AME). The

medical certificate application automatically verifies that the applicant has designated an agent for service, if required, prior to AME review.

b. Implementation. This final rule adds a responsibility for applicants to designate a U.S. agent for service if they do not have a U.S. address on file with the FAA. An issuer has the responsibility to verify that an applicant has designated a U.S. agent for service if required by part 3 subpart C. An issuer will use the USAS website at <https://usas.faa.gov> to verify that an applicant has designated a U.S. agent. If an issuer does not have access to the USAS website because they do not have an FAA email address, the issuer will ask the applicant to demonstrate they have designated a U.S. agent for service. An applicant may demonstrate their U.S. agent designation by accessing the USAS website or providing an issuer the verification email they received from the USAS website. Currently, the only exception to this verification requirement is for AMEs. The medical certificate application automatically verifies that the applicant has designated an agent for service, if required, prior to AME review.

6. Action. Any individual who has a foreign address and no U.S. physical address of record on file with the FAA applying for a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 must designate a U.S. agent for service no later than January 6, 2025. Individuals who currently hold a certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 who have a foreign address and no U.S. physical address of record on file with the FAA must designate a U.S. agent for service no later than July 7, 2025. Issuers of a certificate should verify that an applicant for a certificate under any of these parts has designated a U.S. agent for service, if required. Currently, the only exception to this requirement is AMEs. The medical certificate application automatically verifies that the applicant has designated an agent for service, if required, prior to AME review.

7. Disposition. We will incorporate the information in this notice into FAA Order 8900.1, Flight Standards Information Management System. Direct questions or comments concerning the information in this notice to the Training and Certification Group (AFS-810) at 202-267-1100, or via email at 9-AFS-800-Correspondence@faa.gov.



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