

“(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

“(B) Group-2 approved aircraft type certificate numbers 2-1 through 2-544.

“(2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

“(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

“(b) AVAILABILITY OF DOCUMENTS.—

“(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

“(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

“(B) subject to a prohibition on use of the documents for commercial purposes.

“(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

“(c) HOLDER OF TYPE CERTIFICATE.—

“(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.

“(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

“(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).”

PLAN FOR DEVELOPMENT AND OVERSIGHT OF SYSTEM FOR CERTIFICATION OF DESIGN ORGANIZATIONS

Pub. L. 108-176, title II, §227(b)(1), Dec. 12, 2003, 117 Stat. 2531, provided that, not later than 4 years after Dec. 12, 2003, the Administrator of the Federal Aviation Administration was to transmit to Congress a plan for the development and oversight of a certification system of design organizations to ensure compliance with the requirements and minimum standards of section 44701(a) of this title.

§ 44705. Air carrier operating certificates

The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part. An air carrier operating certificate shall—

(1) contain terms necessary to ensure safety in air transportation; and

(2) specify the places to and from which, and the airways of the United States over which, a person may operate as an air carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44705	49 App.:1424(b). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §604(b), 72 Stat. 778. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, the word “Administrator” in section 604(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 778) is retained on authority of 49:106(g). Before clause (1), the words “may file with the Secretary of Transportation an application for an air carrier operating certificate” and “the requirements of” are omitted as surplus. The word “rules” is omitted as being synonymous with “regulations”. In clause (1), the words “conditions, and limitations . . . reasonably” are omitted as surplus. In clause (2), the word “places” is substituted for “points” for consistency in the revised title. The words “under an air carrier operating certificate” are omitted as surplus.

Statutory Notes and Related Subsidiaries

COMMERCIAL AIR TOUR AND SPORT PARACHUTING SAFETY

Pub. L. 118-63, title III, §363, May 16, 2024, 138 Stat. 1126, provided that:

“(a) SAFETY REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

“(1) SAFETY REFORMS.—

“(A) AUTHORITY TO CONDUCT NONSTOP COMMERCIAL AIR TOURS.—

“(i) IN GENERAL.—Subject to clause (ii), beginning on the date that is 2 years after the date a final rule is published pursuant to paragraph (3), no person may conduct commercial air tours unless such person either—

“(I) holds a certificate identifying the person as an air carrier or commercial operator under part 119 of title 14, Code of Federal Regulations[,] and conducts all commercial air tours under the applicable provisions of part 121 or part 135 of title 14, Code of Federal Regulations; or

“(II) conducts all commercial air tours pursuant to the requirements established by the Administrator [of the Federal Aviation Administration] under the final rule published pursuant to paragraph (3).

“(ii) SMALL BUSINESS EXCEPTION.—The provisions of clause (i) shall not apply to a person who conducts 100 or fewer commercial air tours in a calendar year.

“(B) ADDITIONAL SAFETY REQUIREMENTS.—

“(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [May 16, 2024], the Administrator shall issue new or revised regulations to require a commercial air tour operator seeking to conduct an operation with a removed or modified door and a person conducting aerial photography operations seeking to conduct an operation with a removed or modified door to receive approval from the Administrator prior to conducting such operation.

“(ii) CONDITIONS AND RESTRICTIONS.—In issuing new or revised regulations under clause (i), the Administrator may impose such conditions and restrictions as determined necessary for safety.

“(iii) CONSIDERATIONS.—In issuing new or revised regulations under clause (i), the Administrator shall require a commercial air tour operator to demonstrate to any representative of the FAA [Federal Aviation Administration], upon request, that a pilot authorized to operate such an

air tour has received avoidance training for controlled flight into terrain and in-flight loss of control. Such training shall address reducing the risk of accidents involving unintentional flight into instrument meteorological conditions to address day, night, and low-visibility environments with special attention paid to research available as of the date of enactment of this Act on human factors issues involved in such accidents, including, at a minimum—

“(I) specific terrain, weather, and infrastructure challenges relevant in the local operating environment that increase the risk of such accidents;

“(II) pilot decision-making relevant to the avoidance of instrument meteorological conditions while operating under visual flight rules;

“(III) use of terrain awareness displays;

“(IV) spatial disorientation risk factors and countermeasures; and

“(V) strategies for maintaining control, including the use of automated systems.

“(2) AVIATION RULEMAKING COMMITTEE.—

“(A) IN GENERAL.—The Administrator shall convene an aviation rulemaking committee to review and develop findings and recommendations to increase the safety of commercial air tours.

“(B) CONSIDERATIONS.—The aviation rulemaking committee convened under subparagraph (A) shall consider, at a minimum—

“(i) potential changes to operations regulations or requirements for commercial air tours, including requiring—

“(I) the adoption of pilot training standards that are comparable, as applicable, to the standards under subpart H of part 135 of title 14, Code of Federal Regulations; and

“(II) the adoption of maintenance standards that are comparable, as applicable, to the standards under subpart J of part 135 of title 14, Code of Federal Regulations;

“(ii) establishing a performance-based standard for flight data monitoring for all commercial air tour operators that reviews all available data sources to identify deviations from established areas of operation and potential safety issues;

“(iii) requiring all commercial air tour operators to install flight data recording devices capable of supporting collection and dissemination of the data incorporated in the Flight Operational Quality Assurance Program under section 13.401 of title 14, Code of Federal Regulations (or, if an aircraft cannot be retrofitted with such equipment, requiring the commercial air tour operator for such aircraft to collect and maintain flight data through alternative methods);

“(iv) requiring all commercial air tour operators to implement a flight data monitoring program, such as a Flight Operational Quality Assurance Program;

“(v) establishing methods to provide effective terrain awareness and warning; and

“(vi) establishing methods to provide effective traffic avoidance in identified high-traffic tour areas, such as requiring commercial air tour operators that operate within such areas be equipped with an automatic dependent surveillance-broadcast out- and in-supported traffic advisory system that—

“(I) includes both visual and aural alerts;

“(II) is driven by an algorithm designed to eliminate nuisance alerts; and

“(III) is operational during all flight operations.

“(vii) codifying and uniformly applying Living History Flight Experience exemption conditions and limitations.

“(C) MEMBERSHIP.—The aviation rulemaking committee convened under subparagraph (A) shall consist of members appointed by the Administrator, including—

“(i) representatives of industry, including manufacturers of aircraft and aircraft technologies;

“(ii) air tour operators or organizations that represent such operators; and

“(iii) aviation safety experts with specific knowledge of safety management systems and flight data monitoring programs under part 135 of title 14, Code of Federal Regulations.

“(D) DUTIES.—

“(i) IN GENERAL.—The Administrator shall direct the aviation rulemaking committee to make findings and submit recommendations regarding each of the matters specified in clauses (i) through (vi) of subparagraph (B).

“(ii) CONSIDERATIONS.—In carrying out the duties of the aviation rulemaking committee under clause (i), the Administrator shall direct the aviation rulemaking committee to consider—

“(I) recommendations of the National Transportation Safety Board;

“(II) recommendations of previous aviation rulemaking committees that reviewed flight data monitoring program requirements for commercial operators under part 135 of title 14, Code of Federal Regulations;

“(III) recommendations from industry safety organizations, including the Vertical Aviation Safety Team, the General Aviation Joint Safety Committee, and the United States Helicopter Safety Team;

“(IV) scientific data derived from a broad range of flight data recording technologies capable of continuously transmitting and that support a measurable and viable means of assessing data to identify and correct hazardous trends;

“(V) appropriate use of data for modifying behavior to prevent accidents;

“(VI) the need to accommodate technological advancements in flight data recording technology;

“(VII) data gathered from aviation safety reporting programs;

“(VIII) appropriate methods to provide effective terrain awareness and warning system protections while mitigating nuisance alerts for aircraft;

“(IX) the need to accommodate the diversity of airworthiness standards under part 27 and part 29 of title 14, Code of Federal Regulations;

“(X) the need to accommodate diversity of operations and mission sets;

“(XI) benefits of third-party data analysis for large and small operations;

“(XII) accommodations necessary for small businesses; and

“(XIII) other issues, as necessary.

“(E) REPORTS AND REGULATIONS.—Not later than 20 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report based on the findings of the aviation rulemaking committee.

“(3) RULEMAKING REQUIRED.—

“(A) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date the Administrator submits a report under paragraph (2)(E), the Administrator shall issue a notice of proposed rulemaking establishing increasing safety regulations for commercial air tour operators based on the recommendations of the rulemaking committee established under paragraph (2).

“(B) CONTENTS.—The notice of proposed rulemaking under subparagraph (A) shall require, at a minimum—

“(i) the adoption of pilot training standards that are comparable, as applicable, to the standards under subpart H of part 135 of title 14, Code

of Federal Regulations[,] for commercial tour operators;

“(ii) the adoption of maintenance standards that are comparable, as applicable, to the standards under subpart J of part 135 of title 14, Code of Federal Regulations[,] for commercial tour operators; and

“(iii) that beginning on a date determined appropriate by the Administrator, a helicopter operated by a commercial air tour operator be equipped with an approved flight data monitoring system capable of recording flight performance data.

“(C) FINAL RULE.—Not later than 2 years after the issuance of a notice of proposed rulemaking under subparagraph (A), the Administrator shall finalize the rule.

“(b) SAFETY REQUIREMENTS FOR SPORT PARACHUTE OPERATIONS.—

“(1) AVIATION RULEMAKING COMMITTEE.—The Administrator shall convene an aviation rulemaking committee to review and develop findings and recommendations to increase the safety of sport parachute operations.

“(2) CONTENTS.—This aviation rulemaking committee convened under paragraph (1) shall consider, at a minimum—

“(A) potential regulatory action governing parachute operations that are conducted in the United States and are subject to the requirements of part 105 of title 14, Code of Federal Regulations, to address—

“(i) whether FAA-approved aircraft maintenance and inspection programs that consider, at a minimum, minimum equipment standards informed by recommended maintenance instructions of engine manufacturers, such as service bulletins and service information letters for time between overhauls and component life limits, should be implemented; and

“(ii) initial and annual recurrent pilot training and proficiency checks for pilots conducting parachute operations that address, at a minimum, operation- and aircraft-specific weight and balance calculations, preflight inspections, emergency and recovery procedures, and parachutist egress procedures for each type of aircraft flown; and

“(B) the revision of guidance material contained in the advisory circular of the FAA [Federal Aviation Administration] titled ‘Sport Parachuting’ (AC 105-2E) to include guidance for parachute operations in implementing the FAA-approved aircraft maintenance and inspection program and the pilot training and pilot proficiency checking programs required under any new or revised regulations; and

“(C) the revision of guidance materials issued in the order of the FAA titled ‘Flight Standards Information Management System’ (FAA Order 8900.1), to include guidance for FAA inspectors who oversee an operation conducted under—

“(i) part 91 of title 14, Code of Federal Regulations; and

“(ii) an exception specified in section 119.1(e) of title 14, Code of Federal Regulations.

“(3) MEMBERSHIP.—The aviation rulemaking committee under paragraph (1) shall consist of members appointed by the Administrator, including—

“(A) representatives of industry, including manufacturers of aircraft and aircraft technologies;

“(B) parachute operators, or organizations that represent such operators; and

“(C) aviation safety experts with specific knowledge of safety management systems and flight data monitoring programs under part 135 and part 105 of title 14, Code of Federal Regulations.

“(4) DUTIES.—

“(A) IN GENERAL.—The Administrator shall direct the aviation rulemaking committee to make findings and submit recommendations regarding each

of the matters specified in subparagraphs (A) through (C) of paragraph (2).

“(B) CONSIDERATIONS.—In carrying out its duties under subparagraph (A), the Administrator shall direct the aviation rulemaking committee to consider—

“(i) findings and recommendations of the National Transportation Safety Board, as relevant, and specifically such findings and recommendations related to parachute operations, including the June 21, 2019, incident in Mokuleia, Hawaii;

“(ii) recommendations of previous aviation rulemaking committees that considered similar issues;

“(iii) recommendations from industry safety organizations, including, at a minimum, the United States Parachute Association;

“(iv) appropriate use of data for modifying behavior to prevent accidents;

“(v) data gathered from aviation safety reporting programs;

“(vi) the need to accommodate diversity of operations and mission sets;

“(vii) accommodations necessary for small businesses; and

“(viii) other issues as necessary.

“(5) REPORTS AND REGULATIONS.—

“(A) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report based on the findings of the aviation rulemaking committee.

“(B) CONTENTS.—The report under subparagraph (A) shall include—

“(i) any recommendations submitted by the aviation rulemaking committee; and

“(ii) any actions the Administrator intends to initiate, if necessary, as a result of such recommendations.

“(c) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.

“(2) COMMERCIAL AIR TOUR.—The term ‘commercial air tour’ has the meaning given such term in section 136.1 of title 14, Code of Federal Regulations.

“(3) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ has the meaning given such term in section 136.1 of title 14, Code of Federal Regulations.

“(4) PARACHUTE OPERATION.—The term ‘parachute operation’ has the meaning given such term in section 105.3 of title 14, Code of Federal Regulations (or any successor regulation).”

§ 44706. Airport operating certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport—

(1) that serves an air carrier operating aircraft designed for at least 31 passenger seats;

(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and

(3) that the Administrator requires to have a certificate;

if the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.

(b) TERMS.—An airport operating certificate issued under this section shall contain terms