

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

necessary to ensure safety in air transportation. Unless the Administrator decides that it is not in the public interest, the terms shall include conditions related to—

(1) operating and maintaining adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any part of the airport used for landing, takeoff, or surface maneuvering of an aircraft; and

(2) friction treatment for primary and secondary runways that the Secretary of Transportation decides is necessary.

(c) EXEMPTIONS.—The Administrator may exempt from the requirements of this section, related to firefighting and rescue equipment, an operator of an airport described in subsection (a) of this section having less than .25 percent of the total number of passenger boardings each year at all airports described in subsection (a) when the Administrator decides that the requirements are or would be unreasonably costly, burdensome, or impractical.

(d) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).

(e) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1189; Pub. L. 104–264, title IV, § 404, Oct. 9, 1996, 110 Stat. 3256.)

surplus. In clause (2), the words “grooving or other” are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–264, §404(a), added par. (2), redesignated former par. (2) as (3), substituted “if” for “(3) when” in former par. (3) and adjusted the margins of that par. to make it a flush provision following par. (3).

Subsec. (d). Pub. L. 104–264, §404(b), added subsec. (d).

Subsec. (e). Pub. L. 104–264, §404(c), added subsec. (e).

Subsec. (f). Pub. L. 104–264, §404(d), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

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

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.

PFAS-RELATED RESOURCES FOR AIRPORTS

Pub. L. 118–63, title VII, §767, May 16, 2024, 138 Stat. 1291, provided that:

“(a) PFAS REPLACEMENT PROGRAM FOR AIRPORTS.—Not later than 90 days after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation], in consultation with the Administrator of the Environmental Protection Agency, shall establish a program to reimburse sponsors of eligible airports for the reasonable and appropriate costs incurred after September 12, 2023, and associated with any of the following:

“(1) The one-time initial acquisition by the sponsor of an eligible airport of an approved fluorine-free firefighting agent under Military Specification MIL–PRE–32725, dated January 12, 2023, in a quantity of—

“(A) the capacity of all required aircraft rescue and firefighting equipment listed in the most recent FAA [Federal Aviation Administration]-approved Airport Certification Manual, regardless of how the equipment was initially acquired; and

“(B) twice the quantity carried onboard each required truck available in the fire station for the eligible airport.

“(2) The disposal of perfluoroalkyl or polyfluoroalkyl products, including fluorinated aqueous film-forming agents, to the extent such disposal is necessary to facilitate the transition to such approved fluorine-free firefighting agent, including aqueous film-forming agents currently in firefighting equipment and vehicles and any wastewater generated during the cleaning of firefighting equipment and vehicles.

“(3) The cleaning or disposal of existing equipment or components thereof, to the extent such cleaning or disposal is necessary to facilitate the transition to such approved fluorine-free firefighting agent.

“(4) The acquisition of any equipment, or components thereof, necessary to facilitate the transition to such approved fluorine-free firefighting agent.

“(5) The replacement of any aircraft rescue and firefighting equipment determined necessary to be replaced by the Secretary.

“(b) DISTRIBUTION OF FUNDS.—

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44706(a)	49 App.:1432(b) (1st, 2d sentences).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(b); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; Nov. 27, 1971, Pub. L. 92–174, §5(b), 85 Stat. 492; Sept. 3, 1982, Pub. L. 97–248, §§524(f), 525(b), 96 Stat. 697.
44706(b)	49 App.:1432(b) (3d, last sentences).	
44706(c)	49 App.:1432(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(c); added July 12, 1976, Pub. L. 94–353, §19(a), 90 Stat. 883; Sept. 3, 1982, Pub. L. 97–248, §525(c), 96 Stat. 697.

In subsection (a), before clause (1), the words “may file with the Administrator an application for an airport operating certificate” are omitted as surplus. In clause (3), the words “the requirements of” are omitted as surplus. The word “rules” is omitted as being synonymous with “regulations”.

In subsection (b), before clause (1), the words “conditions, and limitations . . . reasonably” are omitted as

“(1) GRANTS TO REPLACE AIRCRAFT RESCUE AND FIRE-FIGHTING VEHICLES.—

“(A) IN GENERAL.—Of the amounts made available to carry out the PFAS replacement program, the Secretary [of Transportation] shall reserve up to \$30,000,000 to make grants to each eligible airport that is designated under part 139 as an Index A airport and does not have existing capabilities to produce fluorine-free firefighting foam for the replacement of aircraft rescue and firefighting vehicles.

“(B) AMOUNT.—The maximum amount of a grant made under subparagraph (A) may not exceed \$2,000,000.

“(2) REMAINING AMOUNTS.—

“(A) DETERMINATION OF NEED.—With respect to the amount of firefighting foam concentrate required for foam production commensurate with applicable aircraft rescue and firefighting equipment required in accordance with the most recent FAA-approved Airport Certification Manual, the Secretary shall determine—

“(i) for each eligible airport, the total amount of such concentrate required for all of the federally required aircraft rescue and firefighting vehicles that meet index requirements under part 139, in gallons; and

“(ii) for all eligible airports, the total amount of firefighting foam concentrate, in gallons.

“(B) DETERMINATION OF GRANT AMOUNTS.—The Secretary shall make a grant to the sponsor of each eligible airport in an amount equal to the product of—

“(i) the amount of funds made available to carry out this section that remain available after the Secretary reserves the amount described in paragraph (1); and

“(ii) the ratio of the amount determined under subparagraph (A)(i) for such eligible airport to the amount determined under subparagraph (A)(ii).

“(c) PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall determine the eligibility of costs payable under the PFAS replacement program by taking into account all engineering, technical, and environmental protocols and generally accepted industry standards that are developed or established for approved fluorine-free firefighting foams.

“(2) COMPLIANCE WITH APPLICABLE LAW.—To be eligible for reimbursement under the program established under subsection (a), the sponsor of an eligible airport shall carry out all actions related to the acquisition, disposal, and transition to approved fluorine-free firefighting foams, including the cleaning and disposal of equipment, in full compliance with all applicable Federal laws in effect at the time of obligation of a grant under this section.

“(3) FEDERAL SHARE.—The Federal share of allowable costs under the PFAS replacement program shall be 100 percent.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated not more than \$350,000,000 to carry out the PFAS replacement program.

“(2) REQUIREMENTS.—Amounts made available to carry out the PFAS replacement program shall—

“(A) REMAIN AVAILABLE FOR EXPENDITURE FOR A PERIOD OF 5 FISCAL YEARS; AND

“(B) be available in addition to any other funding available for similar purposes under any other Federal, State, local, or Tribal program.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE AIRPORT.—The term ‘eligible airport’ means an airport holding an Airport Operating Certificate issued under part 139.

“(2) PART 139.—The term ‘part 139’ means part 139 of title 14, Code of Federal Regulations.

“(3) PFAS REPLACEMENT PROGRAM.—The term ‘PFAS replacement program’ means the program established under subsection (a).”

MAINTAINING SAFE FIRE AND RESCUE STAFFING LEVELS

Pub. L. 118–63, title VII, §769, May 16, 2024, 138 Stat. 1295, provided that:

“(a) UPDATE TO REGULATION.—The Administrator [of the Federal Aviation Administration] shall update the regulations contained in section 139.319 of title 14, Code of Federal Regulations, to ensure that paragraph (4) of such section provides that at least 1 individual maintains certification at the emergency medical technician basic level, or higher, at a small, medium, or large hub airport.

“(b) STAFFING REVIEW.—Not later than 2 years after the date of enactment of this Act [May 16, 2024], the Administrator shall conduct a review of airport environments and related regulations to evaluate sufficient staffing levels necessary for firefighting, rescue, and emergency medical services and response at airports certified under part 139 of title 14, Code of Federal Regulations.

“(c) REPORT.—Not later than 1 year after completing the review under subsection (b), 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 containing the results of the review.”

FIREFIGHTING FOAM AND FLUORINATED CHEMICALS

Pub. L. 115–254, div. B, title III, §332(a), Oct. 5, 2018, 132 Stat. 3273, provided that: “Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], using the latest version of National Fire Protection Association 403, ‘Standard for Aircraft Rescue and Fire-Fighting Services at Airports’, and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210-6D and acceptable under [section] 139.319(1) of title 14, Code of Federal Regulations.”

IMPROVEMENT OF RUNWAY SAFETY AREAS

Pub. L. 109–115, div. A, title I, Nov. 30, 2005, 119 Stat. 2401, provided in part: “That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.”

SMALL AIRPORT CERTIFICATION

Pub. L. 106–181, title V, §518, Apr. 5, 2000, 114 Stat. 145, provided that, not later than 60 days after Apr. 5, 2000, the Administrator of the Federal Aviation Administration would issue a notice of proposed rulemaking on implementing subsec. (a)(2) of this section relating to issuance of airport operating certificates for small scheduled passenger air carrier operations, and not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator would issue a final rule on implementing this program.

§ 44707. Examining and rating air agencies

The Administrator of the Federal Aviation Administration may examine and rate the following air agencies:

(1) civilian schools giving instruction in flying or repairing, altering, and maintaining aircraft, aircraft engines, propellers, and appliances, on the adequacy of instruction, the suitability and airworthiness of equipment, and the competency of instructors.