

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44712(c)	49 App.:1421(d)(3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 601(d)(3); added Nov. 9, 1977, Pub. L. 95-163, § 15(a)(2), 91 Stat. 1283.

In subsection (a), the words “Except with respect to aircraft described in paragraph (2) of this subsection and except as provided in paragraph (3) of this subsection” are omitted as surplus. The words “minimum standards pursuant to this section shall include a requirement that”, the text of 49 App.:1421(d)(1)(A), and the words “after three years and six months following such date” are omitted as executed.

In subsection (b), the word “used” is substituted for “engaged” for consistency. In clause (3), the word “training” is substituted for “local flight” for consistency. In clause (4), the words “chemicals and other” are omitted as surplus. In clause (5), the word “purposes” is omitted as surplus.

In subsection (c), the words “prescribe regulations” are substituted for “shall issue regulations . . . as he prescribes in such regulations” to eliminate unnecessary words. The words “such limitations and” and “from such aircraft” are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-181, § 501(a)(1), substituted “Prior to January 1, 2002, subsection (a)” for “Subsection (a) of this section” in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106-181, § 501(a)(2), (3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

REGULATIONS

Pub. L. 106-181, title V, § 501(b), Apr. 5, 2000, 114 Stat. 132, provided that: “The Secretary [of Transportation] shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.”

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

Pub. L. 112-95, title III, § 347, Feb. 14, 2012, 126 Stat. 82, provided that:

“(a) **INSPECTION.**—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an ‘ELT’) installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer’s specifications.

“(b) **MOUNTING AND RETENTION.**—

“(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

“(2) **REVISION.**—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs

are properly retained in the event of an aircraft accident.

“(c) **REPORT.**—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

“(1) the Committee on Commerce, Science, and Transportation of the Senate; and

“(2) the Committee on Transportation and Infrastructure of the House of Representatives.”

§ 44713. Inspection and maintenance

(a) **GENERAL EQUIPMENT REQUIREMENTS.**—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) **DUTIES OF INSPECTORS.**—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) **UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.**—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.

(d) **MODIFICATIONS IN SYSTEM.**—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for processing forms for major repairs or alterations to fuel tanks and fuel systems of aircraft not used to provide air transportation that are necessary to make the system more effective in serving the needs of users of the system, including officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the lack of a special identification feature to allow the forms to be distinguished easily from other major repair and alteration forms.

(B) the excessive period of time required to receive the forms at the Airmen and Aircraft Registry of the Administration.

(C) the backlog of forms waiting for processing at the Registry.

(D) the lack of ready access by law enforcement officials to information contained on the forms.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of U.S. Customs and Border Protection, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

(2) DEADLINES FOR DEPLOYMENT.—

(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 104–264, title IV, §407(b), Oct. 9, 1996, 110 Stat. 3258; Pub. L. 114–125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44713(a)	49 App.:1425(a). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §605(a), (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.
44713(b)	49 App.:1425(b) (1st sentence). 49 App.:1655(c)(1).	
44713(c)	49 App.:1425(b) (last sentence). 49 App.:1655(c)(1).	
44713(d)(1) ..	49 App.:1303 (note). 49 App.:1425(c).	Nov. 18, 1988, Pub. L. 100–690, §7214, 102 Stat. 4434. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §605(c); added Nov. 18, 1988, Pub. L. 100–690, §7206(a), 102 Stat. 4426.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44713(d)(2) ..	49 App.:1401 (note).	Nov. 18, 1988, Pub. L. 100–690, §7207(a) (1st sentence), (b), 102 Stat. 4427.

In subsections (a)–(c), the word “Administrator” in section 605(a) and (b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 778) is retained on authority of 49:106(g).

In subsection (a), the word “overhaul” is omitted as being included in “repair”. The word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The words “A person operating, inspecting, overhauling, or maintaining the equipment shall comply with those requirements, regulations, and orders” are substituted for 49 App.:1425(a) (last sentence) to eliminate unnecessary words.

In subsection (b), before clause (1), the words “be charged with the duty . . . of” are omitted as surplus. In clause (1), the words “in use” are substituted for “used by an air carrier in air transportation” to eliminate unnecessary words. The words “as may be necessary” and “for operation in air transportation” are omitted as surplus.

In subsection (c), the words “in the performance of his duty”, “used or intended to be used by any air carrier in air transportation”, and “a period of” are omitted as surplus.

In subsection (d)(1), before clause (A), the words “not used to provide air transportation” are substituted for section 7214 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4434) because of the restatement.

In subsection (d)(2), the words “Not later than September 18, 1989” and “final” are omitted as obsolete. The words “Administrator of Drug Enforcement” are substituted for “Drug Enforcement Administration of the Department of Justice” because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words “Commissioner of Customs” are substituted for “United States Customs Service” because of 19:2071.

Editorial Notes

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–264 added subsec. (e).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (d)(2) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

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.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and

Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

MAINTENANCE PROVIDERS

Pub. L. 112-95, title III, §319, Feb. 14, 2012, 126 Stat. 69, provided that:

“(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

“(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

“(1) a part 121 air carrier;

“(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or

“(3) subject to subsection (c), a person that—

“(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and

“(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

“(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

“(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.

“(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

“(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED WORK.—The term ‘covered work’ means any of the following:

“(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

“(B) Regularly scheduled maintenance.

“(C) A required inspection item (as defined by the Administrator).

“(2) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(3) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

“(4) PERSON.—The term ‘person’ means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.”

§ 44714. Aviation fuel standards

The Administrator of the Federal Aviation Administration shall prescribe—

(1) standards for the composition or chemical or physical properties of an aircraft fuel or fuel additive to control or eliminate aircraft emissions the Administrator of the Environmental Protection Agency decides under section 231 of the Clean Air Act (42 U.S.C. 7571) endanger the public health or welfare; and

(2) regulations providing for carrying out and enforcing those standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1195.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44714	49 App.:1421(e).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §601(e); added Dec. 31, 1970, Pub. L. 91-604, §11(b)(1), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95-163, §15(b)(1), 91 Stat. 1283.

In this section, before clause (1), the words “and from time to time revise” are omitted as surplus. In clause (1), the words “establishing” and “the purpose of” are omitted as surplus.

Statutory Notes and Related Subsidiaries

AVIATION FUEL

Pub. L. 115-254, div. B, title V, §565, Oct. 5, 2018, 132 Stat. 3385, provided that:

“(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator [of the Federal Aviation Administration] shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

“(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

“(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

“(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

“(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

“(1) the date on which the [Federal Aviation] Administration completes the Piston Aviation Fuels Initiative; or

“(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

“(c) TYPE CERTIFICATION.—Existing regulatory mechanisms by which an unleaded aviation gasoline can be approved for use in an engine or aircraft by Type or Supplemental Type Certificate for individual aircraft and engine types or by Approved Model List Supplemental Type Certificate providing coverage for a broad range of applicable types of aircraft or engines identified in the application shall continue to be fully available as a means of approving and bringing an unleaded aviation gasoline into general use in the United States. Such approvals shall be issued when the Administrator finds that the aircraft or engine performs properly and meets the applicable regulations and minimum standards under the normal certification process.”

§ 44715. Controlling aircraft noise and sonic boom

(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

(i) standards to measure aircraft noise and sonic boom; and

(ii) regulations to control and abate aircraft noise and sonic boom.

(B) The Administrator, as the Administrator deems appropriate, shall provide for the partici-