

(1) permit engineers, inspectors, and other subject matter experts to continue developing knowledge of, and expertise in, new and emerging technologies in systems design, flight controls, principles of aviation safety, system oversight, and certification project management;

(2) minimize the likelihood of an individual developing an inappropriate bias toward a designer or manufacturer of aircraft, aircraft engines, propellers, or appliances;

(3) are consistent with any applicable collective bargaining agreements; and

(4) account for gaps in knowledge and skills (as identified by the Administrator in consultation with the exclusive bargaining representatives certified under section 7111 of title 5, United States Code) between Administration employees and private-sector employees for each group of Administration employees covered under this section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator, \$10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(Added Pub. L. 116–260, div. V, title I, §112(a), Dec. 27, 2020, 134 Stat. 2331.)

REFERENCES IN TEXT

Section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256), referred to in subsec. (a)(1), is section 231 of Pub. L. 115–254, div. B, title II, Oct. 5, 2018, 132 Stat. 3256, which is not classified to the Code.

CHAPTER 447—SAFETY REGULATION

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AMENDMENTS

2020—Pub. L. 116–260, div. V, title I, §107(d)(2), 119(b), Dec. 27, 2020, 134 Stat. 2326, 2339, added items 44740 to 44743 and struck out second item 44737 “Special rule for certain aircraft operations”.

2018—Pub. L. 115–254, div. B, title II, §212(b), title III, §317(b), title IV, §§408(b), 417(b), title V, §581(b)(2), Oct. 5, 2018, 132 Stat. 3249, 3269, 3330, 3334, 3398, added item 44736, two items 44737, and items 44738 and 44739.

2016—Pub. L. 114–328, div. A, title III, §341(a)(4)(B), Dec. 23, 2016, 130 Stat. 2081, substituted “Structures interfering with air commerce or national security” for “Structures interfering with air commerce” in item 44718.

2012—Pub. L. 112–95, title III, §§303(c)(2), 306(c), 307(c), 308(b), 309(b), 310(b), Feb. 14, 2012, 126 Stat. 58, 61, 62, 64, 65, substituted “Type certificates, production certificates, airworthiness certificates, and design and production organization certificates” for “Type certificates, production certificates, airworthiness certificates, and design organization certificates” in item 44704 and added items 44730 to 44735.

2007—Pub. L. 110–135, §2(b), Dec. 13, 2007, 121 Stat. 1452, added item 44729.

2003—Pub. L. 108–176, title II, §227(e)(2), title V, §502(b), title VIII, §814(b), Dec. 12, 2003, 117 Stat. 2532, 2557, 2592, substituted “Type certificates, production certificates, airworthiness certificates, and design organization certificates” for “Type certificates, production certificates, and airworthiness certificates” in item 44704 and added items 44727 and 44728.

2000—Pub. L. 106–181, title V, §§504(c), 505(a)(2), title VI, §603(b), Apr. 5, 2000, 114 Stat. 134, 136, 152, substituted “Aeronautical charts and related products and services” for “Aeronautical maps and charts” in item 44721 and added items 44725 and 44726.

1996—Pub. L. 104–264, title VI, §602(a)(2), Oct. 9, 1996, 110 Stat. 3264, added item 44724.

§ 44701. General requirements

(a) **PROMOTING SAFETY.**—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) **PRESCRIBING MINIMUM SAFETY STANDARDS.**—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) **REDUCING AND ELIMINATING ACCIDENTS.**—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) **CONSIDERATIONS AND CLASSIFICATION OF REGULATIONS AND STANDARDS.**—When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) **BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) **RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.**—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as

specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) **CONDITIONS.**—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) **REGISTERED AIRCRAFT DEFINED.**—In this subsection, the term “registered aircraft” means—

(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(5) **FOREIGN AIRWORTHINESS DIRECTIVES.**—

(A) **ACCEPTANCE.**—Subject to subparagraph (D), the Administrator may accept an airworthiness directive, as defined in section 39.3 of title 14, Code of Federal Regulations, issued by an aeronautical safety authority of a foreign country, and leverage that authority’s regulatory process, if—

(i) the country is the state of design for the product that is the subject of the airworthiness directive;

(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

(iv) the aeronautical safety authority of the country utilizes an open and transparent notice and comment process in the issuance of airworthiness directives; and

(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

(B) **ALTERNATIVE APPROVAL PROCESS.**—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead

of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.

(f) EXEMPTIONS.—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1185; Pub. L. 103–429, §6(55), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title VII, §714, Apr. 5, 2000, 114 Stat. 161; Pub. L. 115–254, div. B, title II, §242, Oct. 5, 2018, 132 Stat. 3258.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44701(a)	49 App.:1421(a). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §§601(a), (b) (1st sentence related to standards, rules, and regulations, last sentence), (c), 604(a) (related to standards), 72 Stat. 775, 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.
44701(b)	49 App.:1424(a) (related to standards). 49 App.:1432(a) (related to standards).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §612(a) (related to standards); added May 21, 1970, Pub. L. 91–258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97–248, §525(a), 96 Stat. 697.
44701(c)	49 App.:1655(c)(1). 49 App.:1421(b) (last sentence).	
44701(d)	49 App.:1655(c)(1). 49 App.:1421(b) (1st sentence related to standards, rules, and regulations).	
44701(e)	49 App.:1655(c)(1). 49 App.:1421(c). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in sections 601(a)–(c) and 604 of the Federal Aviation Act of 1958

(Public Law 85–726, 72 Stat. 775, 778) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words “is empowered and it . . . be his duty to” and “and revising from time to time” are omitted as surplus. In clause (1), the words “as may be” are omitted as surplus. In clauses (2)–(5), the words “Reasonable” and “reasonable” are omitted as surplus and the word “rules” is omitted as being synonymous with “regulations”. In clause (5), the words “to provide adequately” are omitted as surplus.

In subsection (b)(1), the words “the operation of” are omitted as surplus. The words “under section 44705 of this title” are added for clarity.

In subsection (b)(2), the words “scheduled or unscheduled” are omitted as surplus.

In subsection (c), the words “carry out” are substituted for “exercise and perform his powers and duties under”, and the words “in carrying out” are substituted for “in the administration and enforcement of”, for consistency and to eliminate unnecessary words.

In subsection (d), before clause (1), the word “rules” is omitted as being synonymous with “regulations”. In clause (1), before subclause (A), the word “full” is omitted as surplus. In clause (1)(A), the word “provide” is substituted for “perform” for consistency in the revised title.

In subsection (e), the words “from time to time” are omitted as surplus. The word “rule” is omitted as being synonymous with “regulation”.

PUB. L. 103–429

This amends 49:44701(d) and (e) to correct erroneous cross-references.

AMENDMENTS

2018—Subsec. (e)(5). Pub. L. 115–254 added par. (5).

2000—Subsecs. (e), (f). Pub. L. 106–181 added subsec. (e) and redesignated former subsec. (e) as (f).

1994—Subsecs. (d), (e). Pub. L. 103–429 substituted “any of sections 44702–44716” for “section 44702–44716”.

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

SAFETY MANAGEMENT SYSTEMS

Pub. L. 116–260, div. V, title I, §102(a)–(f), Dec. 27, 2020, 134 Stat. 2309, 2310, provided that:

“(a) RULEMAKING PROCEEDING.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title [Dec. 27, 2020], the Administrator shall initiate a rulemaking proceeding to require that manufacturers that hold both a type certificate and a production certificate issued pursuant to section 44704 of title 49, United States Code, where the United States is the State of Design and State of Manufacture, have in place a safety management system that is consistent with the standards and recommended practices established by ICAO and contained in annex 19 to the Convention on International Civil Aviation (61 Stat. 1180), for such systems.

“(2) CONTENTS OF REGULATIONS.—The regulations issued under paragraph (1) shall, at a minimum—

“(A) ensure safety management systems are consistent with, and complementary to, existing safety management systems;

“(B) include provisions that would permit operational feedback from operators and pilots qualified on the manufacturers’ equipment to ensure that the operational assumptions made during design and certification remain valid;

“(C) include provisions for the Administrator’s approval of, and regular oversight of adherence to, a certificate holder’s safety management system adopted pursuant to such regulations; and

“(D) require such certificate holder to adopt, not later than 4 years after the date of enactment of this title, a safety management system.

“(b) FINAL RULE DEADLINE.—Not later than 24 months after initiating the rulemaking under subsection (a), the Administrator shall issue a final rule.

“(c) SURVEILLANCE AND AUDIT REQUIREMENT.—The final rule issued pursuant to subsection (b) shall include a requirement for the Administrator to implement a systems approach to risk-based surveillance by defining and planning inspections, audits, and monitoring activities on a continuous basis, to ensure that design and production approval holders of aviation products meet and continue to meet safety management system requirements under the rule.

“(d) ENGAGEMENT WITH ICAO.—The Administrator shall engage with ICAO and foreign civil aviation authorities to help encourage the adoption of safety management systems for manufacturers on a global basis, consistent with ICAO standards.

“(e) SAFETY REPORTING PROGRAM.—The regulations issued under subsection (a) shall require a safety management system to include a confidential employee reporting system through which employees can report hazards, issues, concerns, occurrences, and incidents. A reporting system under this subsection shall include provisions for reporting, without concern for reprisal for reporting, of such items by employees in a manner consistent with confidential employee reporting systems administered by the Administrator. Such regulations shall also require a certificate holder described in subsection (a) to submit a summary of reports received under this subsection to the Administrator at least twice per year.

“(f) CODE OF ETHICS.—The regulations issued under subsection (a) shall require a safety management system to include establishment of a code of ethics applicable to all appropriate employees of a certificate holder, including officers (as determined by the FAA), which clarifies that safety is the organization’s highest priority.

[For definitions of terms used in section 102(a)–(f) of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

CERTIFICATION OVERSIGHT STAFF

Pub. L. 116–260, div. V, title I, §104, Dec. 27, 2020, 134 Stat. 2316, provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$27,000,000 for each of fiscal years 2021 through 2023 to recruit and retain engineers, safety inspectors, human factors specialists, chief scientific and technical advisors, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, aircraft engines, propellers, appliances, and new and emerging technologies, and perform other regulatory activities.

“(b) IN GENERAL.—Not later than 60 days after the date of enactment of this title [Dec. 27, 2020], and without duplicating any recently completed or ongoing reviews, the Administrator shall initiate a review of—

“(1) the inspectors, human factors specialists, flight test pilots, engineers, managers, and executives in the FAA who are responsible for the certification of the design, manufacture, and operation of aircraft intended for air transportation for purposes of determining whether the FAA has the expertise and capability to adequately understand the safety implications of, and oversee the adoption of, new or innovative technologies, materials, and procedures used by designers and manufacturers of such aircraft; and

“(2) the Senior Technical Experts Program to determine whether the program should be enhanced or expanded to bolster and support the programs of the

FAA’s Office of Aviation Safety, with particular focus placed on the Aircraft Certification Service and the Flight Standards Service (or any successor organizations), particularly with respect to understanding the safety implications of new or innovative technologies, materials, aircraft operations, and procedures used by designers and manufacturers of such aircraft.

“(c) DEADLINE FOR COMPLETION.—Not later than 270 days after the date of enactment of this title, the Administrator shall complete the review required by subsection (b).

“(d) BRIEFING.—Not later than 30 days after the completion of the review required by subsection (b), the Administrator shall brief the congressional committees of jurisdiction on the results of the review. The briefing shall include the following:

“(1) An analysis of the Administration’s ability to hire safety inspectors, human factors specialists, flight test pilots, engineers, managers, executives, scientists, and technical advisors, who have the requisite expertise to oversee new developments in aerospace design and manufacturing.

“(2) A plan for the Administration to improve the overall expertise of the FAA’s personnel who are responsible for the oversight of the design and manufacture of aircraft.

“(e) CONSULTATION REQUIREMENT.—In completing the review under subsection (b), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, human factors specialists, flight test pilots, and FAA aviation safety inspectors), and aerospace manufacturers.

“(f) RECRUITMENT AND RETENTION.—

“(1) BARGAINING UNITS.—Not later than 30 days after the date of enactment of this title, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other qualified technical experts certified under section 7111 of title 5, United States Code, to improve recruitment of employees for, and to implement retention incentives for employees holding, positions with respect to the certification of aircraft, aircraft engines, propellers, and appliances. If the Administrator and such representatives are unable to reach an agreement collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to improve recruitment and implement retention incentives for employees described in subsection (a) who are covered under a collective bargaining agreement.

“(2) OTHER EMPLOYEES.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this title, the Administrator shall initiate actions to improve recruitment of, and implement retention incentives for, any individual described in subsection (a) who is not covered under a collective bargaining agreement.

“(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to vest in any exclusive bargaining representative any management right of the Administrator, as such right existed on the day before the date of enactment of this title.

“(4) AVAILABILITY OF APPROPRIATIONS.—Any action taken by the Administrator under this section shall be subject to the availability of appropriations authorized under subsection (a).”

[For definitions of terms used in section 104 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

VOLUNTARY SAFETY REPORTING PROGRAM

Pub. L. 116–260, div. V, title I, §113, Dec. 27, 2020, 134 Stat. 2332, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title [Dec. 27, 2020], the Ad-

ministrator shall establish a voluntary safety reporting program for engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code, to confidentially report instances where they have identified safety concerns during certification or oversight processes.

“(b) SAFETY REPORTING PROGRAM REQUIREMENTS.—In establishing the safety reporting program under subsection (a), the Administrator shall ensure the following:

“(1) The FAA maintains a reporting culture that encourages human factors specialists, engineers, flight test pilots, inspectors, and other appropriate FAA employees to voluntarily report safety concerns.

“(2) The safety reporting program is non-punitive, confidential, and protects employees from adverse employment actions related to their participation in the program.

“(3) The safety reporting program identifies exclusionary criteria for the program.

“(4) Collaborative development of the program with bargaining representatives of employees under section 7111 of title 5, United States Code, who are employed in the Aircraft Certification Service or Flight Standards Service of the Administration (or, if unable to reach an agreement collaboratively, the Administrator shall negotiate with the representatives in accordance with section 40122(a) of title 49, United States Code, regarding the development of the program).

“(5) Full and collaborative participation in the program by the bargaining representatives of employees described in paragraph (4).

“(6) The Administrator thoroughly reviews safety reports to determine whether there is a safety issue, including a hazard, defect, noncompliance, non-conformance, or process error.

“(7) The Administrator thoroughly reviews safety reports to determine whether any aircraft certification process contributed to the safety concern being raised.

“(8) The creation of a corrective action process in order to address safety issues that are identified through the program.

“(c) OUTCOMES.—Results of safety report reviews under this section may be used to—

“(1) improve—

“(A) safety systems, hazard control, and risk reduction;

“(B) certification systems;

“(C) FAA oversight;

“(D) compliance and conformance; and

“(E) any other matter determined necessary by the Administrator; and

“(2) implement lessons learned.

“(d) REPORT FILING.—The Administrator shall establish requirements for when in the certification process reports may be filed to—

“(1) ensure that identified issues can be addressed in a timely manner; and

“(2) foster open dialogue between applicants and FAA employees throughout the certification process.

“(e) INTEGRATION WITH OTHER SAFETY REPORTING PROGRAMS.—The Administrator shall implement the safety reporting program established under subsection (a) and the reporting requirements established pursuant to subsection (d) in a manner that is consistent with other voluntary safety reporting programs administered by the Administrator.

“(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this title, and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the effectiveness of the safety reporting program established under subsection (a).”

[For definitions of terms used in section 113 of div. V of Pub. L. 116–260, set out above, see section 137 of div. V of Pub. L. 116–260, set out as a note under section 40101 of this title.]

FAA SAFETY OVERSIGHT AND CERTIFICATION AND PERFORMANCE METRICS

Pub. L. 115–254, div. B, title II, §§ 201, 202, 211, 221, 223, 224, 243, Oct. 5, 2018, 132 Stat. 3242, 3246, 3252, 3254, 3255, 3259, as amended by Pub. L. 116–260, div. V, title I, § 129, Dec. 27, 2020, 134 Stat. 2349, provided that:

“SEC. 201. DEFINITIONS.

“In this title [enacting this note and section 44736 of this title and amending this section and sections 40104, 44704, and 45305 of this title], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Safety Oversight and Certification Advisory Committee established under section 202.

“(3) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(5) SYSTEMS SAFETY APPROACH.—The term ‘systems safety approach’ means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

“SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish a Safety Oversight and Certification Advisory Committee.

“(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities, including, at a minimum, the following:

“(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

“(2) Implementation and oversight of safety management systems.

“(3) Risk-based oversight efforts.

“(4) Utilization of delegation and designation authorities, including organization designation authorization.

“(5) Regulatory interpretation standardization efforts.

“(6) Training programs.

“(7) Expediting the rulemaking process and giving priority to rules related to safety.

“(8) Enhancing global competitiveness of United States manufactured and United States certificated aerospace and aviation products and services throughout the world.

“(c) FUNCTIONS.—In carrying out its duties under subsection (b), the Advisory Committee shall:

“(1) Foster industry collaboration in an open and transparent manner.

“(2) Consult with, and ensure participation by—

“(A) the private sector, including representatives of—

“(i) general aviation;

“(ii) commercial aviation;

“(iii) aviation labor;

“(iv) aviation maintenance, repair, and overhaul;

“(v) aviation, aerospace, and avionics manufacturing;

“(vi) unmanned aircraft systems operators and manufacturers; and

“(vii) the commercial space transportation industry;

“(B) members of the public; and

“(C) other interested parties.

“(3) Recommend consensus national goals, strategic objectives, and priorities for the most efficient,

streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.

“(4) Provide policy guidance recommendations for the FAA’s certification and safety oversight efforts.

“(5) On a regular basis, review and provide recommendations on the FAA’s certification and safety oversight efforts.

“(6) Periodically review and evaluate registration, certification, and related fees.

“(7) Provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.

“(8), (9). Repealed. Pub. L. 116–260, div. V, title I, § 129(b), Dec. 27, 2020, 134 Stat. 2349.]

“(10) Provide a venue for tracking progress toward national goals and sustaining joint commitments.

“(11) Recommend recruiting, hiring, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors.

“(12) Provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects.

“(13) Improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues.

“(14) Facilitate the validation and acceptance of United States manufactured and United States certificated products and services throughout the world.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Committee shall be composed of the following members:

“(A) The Administrator (or the Administrator’s designee).

“(B) At least 11 individuals, appointed by the Secretary, each of whom represents at least 1 of the following interests:

“(i) Transport aircraft and engine manufacturers.

“(ii) General aviation aircraft and engine manufacturers.

“(iii) Avionics and equipment manufacturers.

“(iv) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

“(v) General aviation operators.

“(vi) Air carriers.

“(vii) Business aviation operators.

“(viii) Unmanned aircraft systems manufacturers and operators.

“(ix) Aviation safety management experts.

“(x) Aviation maintenance, repair, and overhaul.

“(xi) Airport owners and operators.

“(2) NONVOTING MEMBERS.—

“(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

“(B) DUTIES.—The nonvoting members may—

“(i) take part in deliberations of the Advisory Committee; and

“(ii) provide input with respect to any final reports or recommendations of the Advisory Committee.

“(C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than that of an FAA safety oversight program office.

“(3) TERMS.—Each voting member and nonvoting member of the Advisory Committee appointed by the Secretary shall be appointed for a term of 2 years.

“(4) COMMITTEE CHARACTERISTICS.—The Advisory Committee shall have the following characteristics:

“(A) Each voting member under paragraph (1)(B) shall be an executive officer of the organization

who has decisionmaking authority within the member’s organization and can represent and enter into commitments on behalf of such organization.

“(B) The ability to obtain necessary information from experts in the aviation and aerospace communities.

“(C) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in a timely manner.

“(D) Appropriate expertise, including expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

“(5) LIMITATION ON STATUTORY CONSTRUCTION.—Public Law 104–65 [the Lobbying Disclosure Act of 1995] (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

“(e) CHAIRPERSON.—

“(1) IN GENERAL.—The Chairperson of the Advisory Committee shall be appointed by the Secretary from among those members of the Advisory Committee that are voting members under subsection (d)(1)(B).

“(2) TERM.—Each member appointed under paragraph (1) shall serve a term of 2 years as Chairperson.

“(f) MEETINGS.—

“(1) FREQUENCY.—The Advisory Committee shall meet at least twice each year at the call of the Chairperson.

“(2) PUBLIC ATTENDANCE.—The meetings of the Advisory Committee shall be open and accessible to the public.

“(g) SPECIAL COMMITTEES.—

“(1) ESTABLISHMENT.—The Advisory Committee may establish special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under this section.

“(2) RULEMAKING ADVICE.—A special committee established by the Advisory Committee may—

“(A) provide rulemaking advice and recommendations to the Advisory Committee with respect to aviation-related issues;

“(B) provide the FAA additional opportunities to obtain firsthand information and insight from those parties that are most affected by existing and proposed regulations; and

“(C) assist in expediting the development, revision, or elimination of rules without circumventing public rulemaking processes and procedures.

“(3) APPLICABLE LAW.—Public Law 92–463 [the Federal Advisory Committee Act, 5 U.S.C. App.] shall not apply to a special committee established by the Advisory Committee.

“(h) SUNSET.—The Advisory Committee shall terminate on the last day of the 6-year period beginning on the date of the initial appointment of the members of the Advisory Committee.

“(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE.—The Air Traffic Procedures Advisory Committee established by the FAA shall terminate on the date of the initial appointment of the members of the Advisory Committee.

“[SECS. 211, 221. Repealed. Pub. L. 116–260, div. V, title I, § 129(a), Dec. 27, 2020, 134 Stat. 2349.]

“SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a centralized safety guidance database that will—

“(1) encompass all of the regulatory guidance documents of the FAA Office of Aviation Safety;

“(2) contain, for each such guidance document, a link to the Code of Federal Regulations provision to which the document relates; and

“(3) be publicly available in a manner that—

“(A) protects from disclosure identifying information regarding an individual or entity; and

“(B) prevents inappropriate disclosure proprietary information.

“(b) DATA ENTRY TIMING.—

“(1) EXISTING DOCUMENTS.—Not later than 14 months after the date of enactment of this Act, the Administrator shall begin entering into the database established under subsection (a) all of the regulatory guidance documents of the Office of Aviation Safety that are in effect and were issued before the date on which the Administrator begins such entry process.

“(2) NEW DOCUMENTS AND CHANGES.—On and after the date on which the Administrator begins the document entry process under paragraph (1), the Administrator shall ensure that all new regulatory guidance documents of the Office of Aviation Safety and any changes to existing documents are included in the database established under subsection (a) as such documents or changes to existing documents are issued.

“(c) CONSULTATION REQUIREMENT.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers and FAA aviation safety inspectors) and aviation industry stakeholders.

“(d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—In this section, the term ‘regulatory guidance documents’ means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, or rulemaking document.

“SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall establish a Regulatory Consistency Communications Board (in this section referred to as the ‘Board’).

“(b) CONSULTATION REQUIREMENT.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors) and industry stakeholders.

“(c) MEMBERSHIP.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

- “(1) the Flight Standards Service;
- “(2) the Aircraft Certification Service; and
- “(3) the Office of the Chief Counsel.

“(d) FUNCTIONS.—The Board shall carry out the following functions:

“(1) Establish, at a minimum, processes by which—

“(A) FAA personnel and persons regulated by the FAA may submit anonymous regulatory interpretation questions without fear of retaliation;

“(B) FAA personnel may submit written questions, and receive written responses, as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

“(C) any other person may submit written anonymous regulatory interpretation questions.

“(2) Meet on a regular basis to discuss and resolve questions submitted pursuant to paragraph (1) and the appropriate application of regulations and policy with respect to each question.

“(3) Provide to a person that submitted a question pursuant to subparagraph (A) or (B) of paragraph (1) a timely written response to the question.

“(4) Establish a process to make resolutions of common regulatory interpretation questions publicly available to FAA personnel, persons regulated by the FAA, and the public without revealing any identifying data of the person that submitted the question

and in a manner that protects any proprietary information.

“(5) Ensure the incorporation of resolutions of questions submitted pursuant to paragraph (1) into regulatory guidance documents, as such term is defined in section 223(d).

“(e) PERFORMANCE METRICS, TIMELINES, AND GOALS.—Not later than 180 days after the date on which the Advisory Committee recommends performance objectives and performance metrics for the FAA and the regulated aviation industry under section 202, the Administrator, in collaboration with the Advisory Committee, shall—

“(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted pursuant to subsection (d)(1); and

“(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals established under paragraph (1).

“SEC. 243. FAA LEADERSHIP ABROAD.

“(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator shall—

“(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

“(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate United States certificated aeronautical products;

“(3) provide assistance to United States companies that have experienced significantly long foreign validation wait times;

“(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

“(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States certificated aeronautical products abroad; and

“(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

“(b) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report that—

“(1) describes the FAA’s strategic plan for international engagement;

“(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

“(3) describes current and forecasted staffing and travel needs for the FAA’s international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

“(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA’s international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

“(5) identifies cost-effective policy initiatives, regulatory initiatives, or legislative initiatives needed to improve and enhance the timely acceptance of United States aerospace products abroad.

“(c) INTERNATIONAL TRAVEL.—The Administrator, or the Administrator’s designee, may authorize inter-

national travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

- “(1) to promote United States aerospace safety standards; or
- “(2) to support expedited acceptance of FAA design and production approvals.”

FAA TECHNICAL TRAINING

Pub. L. 115-254, div. B, title III, §302, Oct. 5, 2018, 132 Stat. 3260, provided that:

“(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

“(b) CURRICULUM.—The pilot program shall—

“(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

“(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

“(3) include training courses on applicable regulations of the Federal Aviation Administration; and

“(4) consider the efficacy of instructor-led online training.

“(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

“(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

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

“(1) COVERED FAA PERSONNEL.—The term ‘covered FAA personnel’ means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

“(2) E-LEARNING TRAINING.—The term ‘e-learning training’ means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.”

SAFETY CRITICAL STAFFING

Pub. L. 115-254, div. B, title III, §303, Oct. 5, 2018, 132 Stat. 3261, provided that:

“(a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING MODEL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall update the safety critical staffing model of the Administration to determine the number of aviation safety inspectors that will be needed to fulfill the safety oversight mission of the Administration.

“(b) AUDIT BY DOT INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator has updated the safety critical staffing model under subsection (a), the Inspector General of the Department of Transportation shall conduct an audit of the staffing model.

“(2) CONTENTS.—The audit shall include, at a minimum—

“(A) a review of the assumptions and methodologies used in devising and implementing the staffing model to assess the adequacy of the staffing model in predicting the number of aviation safety inspectors needed—

“(i) to properly fulfill the mission of the Administration; and

“(ii) to meet the future growth of the aviation industry; and

“(B) a determination on whether the staffing model takes into account the Administration’s authority to fully utilize designees.

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the Inspector General shall submit to the Secretary a report on the results of the audit.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report, the Secretary 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 copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.”

EMERGENCY MEDICAL EQUIPMENT ON PASSENGER AIRCRAFT

Pub. L. 115-254, div. B, title III, §307, Oct. 5, 2018, 132 Stat. 3263, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall evaluate and revise, as appropriate, regulations in part 121 of title 14, Code of Federal Regulations, regarding emergency medical equipment, including the contents of first-aid kits, applicable to all certificate holders operating passenger aircraft under that part.

“(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider whether the minimum contents of approved emergency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women.”

FAA AND NTSB REVIEW OF GENERAL AVIATION SAFETY

Pub. L. 115-254, div. B, title III, §308, Oct. 5, 2018, 132 Stat. 3263, provided that:

“(a) STUDY REQUIRED.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration], in coordination with the Chairman of the National Transportation Safety Board, shall initiate a study of general aviation safety.

“(b) STUDY CONTENTS.—The study required under subsection (a) shall include—

“(1) a review of all general aviation accidents since 2000, including a review of—

“(A) the number of such accidents;

“(B) the number of injuries and fatalities, including with respect to both occupants of aircraft and individuals on the ground, as a result of such accidents;

“(C) the number of such accidents investigated by the National Transportation Safety Board;

“(D) the number of such accidents investigated by the FAA [Federal Aviation Administration]; and

“(E) a summary of the factual findings and probable cause determinations with respect to such accidents;

“(2) an assessment of the most common probable cause determinations issued for general aviation accidents since 2000;

“(3) an assessment of the most common facts analyzed by the FAA and the National Transportation Safety Board in the course of investigations of general aviation accidents since 2000, including operational details;

“(4) a review of the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

“(5) an assessment of the responses of the FAA and the general aviation community to the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

“(6) an assessment of the most common general aviation safety issues;

“(7) a review of the total costs to the Federal Government to conduct investigations of general aviation accidents over the last 10 years; and

“(8) other matters the Administrator or the Chairman considers appropriate.

“(C) RECOMMENDATIONS AND ACTIONS TO ADDRESS GENERAL AVIATION SAFETY.—Based on the results of the study required under subsection (a), the Administrator, in consultation with the Chairman, shall make such recommendations, including with respect to regulations and enforcement activities, as the Administrator considers necessary to—

“(1) address general aviation safety issues identified under the study;

“(2) protect persons and property on the ground; and

“(3) improve the safety of general aviation operators in the United States.

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

“(e) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], 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 on the results of the study required under subsection (a), including the recommendations described in subsection (c).

“(f) GENERAL AVIATION DEFINED.—In this section, the term ‘general aviation’ means aircraft operation for personal, recreational, or other noncommercial purposes.”

AVIATION RULEMAKING COMMITTEE FOR PART 135 PILOT REST AND DUTY RULES

Pub. L. 115–254, div. B, title III, §315, Oct. 5, 2018, 132 Stat. 3267, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.

“(b) DUTIES.—The Administrator shall—

“(1) not later than 2 years after the date of enactment of this Act, 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; and

“(2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any consensus recommendations reached by the aviation rulemaking committee.

“(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

“(1) representatives of industry;

“(2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and

“(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.

“(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—

“(1) recommendations of prior part 135 rulemaking committees;

“(2) accommodations necessary for small businesses;

“(3) scientific data derived from aviation-related fatigue and sleep research;

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

“(5) the need to accommodate the diversity of operations conducted under part 135, including the unique duty and rest time requirements of air ambulance pilots; and

“(6) other items, as appropriate.”

VOLUNTARY REPORTS OF OPERATIONAL OR MAINTENANCE ISSUES RELATED TO AVIATION SAFETY

Pub. L. 115–254, div. B, title III, §320, Oct. 5, 2018, 132 Stat. 3269, provided that:

“(a) IN GENERAL.—There shall be a presumption that an individual’s voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.

“(b) DISCLAIMER REQUIRED.—Any dissemination, within the participating organization, of a report that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone review by an event review committee, shall be accompanied by a disclaimer stating that the report—

“(1) has not been reviewed by an event review committee tasked with reviewing such reports; and

“(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

“(c) REJECTION OF REPORT.—

“(1) IN GENERAL.—A report described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the report, an event review committee tasked with reviewing such report, or the Federal Aviation Administration member of the event review committee in the case that the review committee does not reach consensus, determines that the report fails to meet the criteria for acceptance under such program.

“(2) PROTECTIONS.—In any case in which a report of an individual described under subsection (a) is rejected under paragraph (1)—

“(A) the enforcement-related incentive offered to the individual for making such a report shall not apply; and

“(B) the protection from disclosure of the report itself under section 40123 of title 49, United States Code, shall not apply.

“(3) AVIATION SAFETY ACTION PROGRAM DEFINED.—In this section, the term ‘aviation safety action program’ means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.”

FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS

Pub. L. 115–254, div. B, title III, §335, Oct. 5, 2018, 132 Stat. 3280, provided that:

“(a) MODIFICATION OF FINAL RULE.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall modify the final rule of the Federal Aviation Administration published in the Federal Register on August 19, 1994 (59 Fed. Reg. 42974; relating to flight attendant duty period limitations and rest requirements) in accordance with the requirements of this subsection.

“(2) CONTENTS.—The final rule, as modified under paragraph (1), shall ensure that—

“(A) a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and

“(B) the rest period is not reduced under any circumstances.

“(b) FATIGUE RISK MANAGEMENT PLAN.—

“(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of

this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a ‘part 121 air carrier’), shall submit to the Administrator of the Federal Aviation Administration for review and acceptance a fatigue risk management plan for the carrier’s flight attendants.

“(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

“(A) Current flight time and duty period limitations.

“(B) A rest scheme consistent with such limitations that enables the management of flight attendant fatigue, including annual training to increase awareness of—

“(i) fatigue;

“(ii) the effects of fatigue on flight attendants; and

“(iii) fatigue countermeasures.

“(C) Development and use of a methodology that continually assesses the effectiveness of implementation of the plan, including the ability of the plan—

“(i) to improve alertness; and

“(ii) to mitigate performance errors.

“(3) REVIEW.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall review and accept or reject each fatigue risk management plan submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

“(4) PLAN UPDATES.—

“(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

“(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

“(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

“(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.”

CLARIFICATION OF REQUIREMENTS FOR LIVING HISTORY FLIGHTS

Pub. L. 115–254, div. B, title V, §532, Oct. 5, 2018, 132 Stat. 3366, provided that:

“(a) IN GENERAL.—Notwithstanding any other law or regulation, in administering sections 61.113(c), 91.9, 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a) of title 14, Code of Federal Regulations (or any successor regulations), the Administrator [of the Federal Aviation Administration] shall allow an aircraft owner or operator to accept monetary or in-kind donations for a flight operated by a living history flight experience provider, if the aircraft owner or operator has—

“(1) volunteered to provide such transportation; and

“(2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

“(b) CONDITIONS TO ENSURE PUBLIC SAFETY.—The Administrator, consistent with current standards of the [Federal Aviation] Administration for such operations, shall impose minimum standards with respect to training and flight hours for operations conducted by an owner or operator of an aircraft providing living history flight experience operations, including mandating

that the pilot in command of such aircraft hold a commercial pilot certificate with instrument rating and be current and qualified with respect to all ratings or authorizations applicable to the specific aircraft being flown to ensure the safety of flight operations described in subsection (a).

“(c) LIVING HISTORY FLIGHT EXPERIENCE PROVIDER DEFINED.—In this section, the term ‘living history flight experience provider’ means an aircraft owner, aircraft operator, or organization that provides, arranges, or otherwise fosters living history flight experiences for the purpose of fulfilling its mission.”

FAA CIVIL AVIATION REGISTRY UPGRADE

Pub. L. 115–254, div. B, title V, §546, Oct. 5, 2018, 132 Stat. 3376, provided that:

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete covered upgrades of the Administration’s Civil Aviation Registry (in this section referred to as the ‘Registry’).

“(b) COVERED UPGRADE DEFINED.—In this section, the term ‘covered upgrades’ means—

“(1) the digitization of nondigital Registry information, including paper documents, microfilm images, and photographs, from an analog or nondigital format to a digital format;

“(2) the digitalization of Registry manual and paper-based processes, business operations, and functions by leveraging digital technologies and a broader use of digitized data;

“(3) the implementation of systems allowing a member of the public to submit any information or form to the Registry and conduct any transaction with the Registry by electronic or other remote means; and

“(4) allowing more efficient, broader, and remote access to the Registry.

“(c) APPLICABILITY.—The requirements of subsection (a) shall apply to the entire Civil Aviation Registry, including the Aircraft Registration Branch and the Airman Certification Branch.

“(d) MANUAL SURCHARGE.—[Enacted section 45306 of this title.]

“(e) REPORT.—Not later than 1 year after date of enactment of this Act, and annually thereafter until the covered upgrades required under subsection (a) are complete, the Administrator shall submit a report 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] describing—

“(1) the schedule for the covered upgrades to the Registry;

“(2) the office responsible for the implementation of the such covered upgrades;

“(3) the metrics being used to measure progress in implementing the covered upgrades; and

“(4) the status of the covered upgrades as of the date of the report.”

UNDECLARED HAZARDOUS MATERIALS PUBLIC AWARENESS CAMPAIGN

Pub. L. 115–254, div. B, title V, §583, Oct. 5, 2018, 132 Stat. 3399, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a public awareness campaign to reduce the amount of undeclared hazardous materials traveling through air commerce.

“(b) CAMPAIGN REQUIREMENTS.—The public awareness campaign required under subsection (a) shall do the following:

“(1) Focus on targeting segments of the hazardous materials industry with high rates of undeclared shipments through air commerce and educate air carriers, shippers, manufacturers, and other relevant stakeholders of such segments on properly packaging and classifying such shipments.

“(2) Educate the public on proper ways to declare and ship hazardous materials, examples of everyday items that are considered hazardous materials, and penalties associated with intentional shipments of undeclared hazardous materials.

“(c) INTERAGENCY WORKING GROUP.—

“(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish an interagency working group to promote collaboration and engagement between the Department of Transportation and other relevant agencies, and develop recommendations and guidance on how best to conduct the public awareness campaign required under subsection (a).

“(2) DUTIES.—The interagency working group shall consult with relevant stakeholders, including cargo air carriers, passenger air carriers, and labor organizations representing pilots for cargo and passenger air carriers operating under part 121 of title 14, Code of Federal Regulations.

“(d) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall provide 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] an update on the status of the public awareness campaign required under subsection (a).”

COCKPIT AUTOMATION MANAGEMENT

Pub. L. 114-190, title II, §2102, July 15, 2016, 130 Stat. 619, provided that: “Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall—

“(1) develop a process to verify that air carrier training programs incorporate measures to train pilots on—

“(A) monitoring automation systems; and

“(B) controlling the flightpath of aircraft without autopilot or autoflight systems engaged;

“(2) develop metrics or measurable tasks that air carriers can use to evaluate pilot monitoring proficiency;

“(3) issue guidance to aviation safety inspectors responsible for oversight of the operations of air carriers on tracking and assessing pilots’ proficiency in manual flight; and

“(4) issue guidance to air carriers and inspectors regarding standards for compliance with the requirements for enhanced pilot training contained in the final rule published in the Federal Register on November 12, 2013 (78 Fed. Reg. 67800).”

ADDITIONAL CERTIFICATION RESOURCES

Pub. L. 114-190, title II, §2109, July 15, 2016, 130 Stat. 623, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator of the FAA may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval or the acceptance or validation by the FAA of a foreign authority certificate or design approval.

“(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

“(1) the travel covered under the agreement is deemed necessary, by both the Administrator and the applicant or certificate-holder, to expedite the acceptance or validation of the relevant certificate or approval;

“(2) the travel is conducted at the request of the applicant or certificate-holder;

“(3) travel plans and expenses are approved by the applicant or certificate-holder prior to travel; and

“(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(l)(6) of title 49, United States Code.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act [July 15, 2016], 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 on—

“(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

“(2) the number of occasions on which the Administrator declined a request by an applicant or certificate-holder to enter into a reimbursable agreement under this section;

“(3) the amount of reimbursements collected in accordance with agreements under this section; and

“(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for validations of certificates and design approvals.

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

“(1) APPLICANT.—The term ‘applicant’ means a person that has—

“(A) applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval; or

“(B) applied to the FAA for the acceptance or validation of a foreign authority certificate or design approval.

“(2) CERTIFICATE-HOLDER.—The term ‘certificate-holder’ means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

“(3) FAA.—The term ‘FAA’ means the Federal Aviation Administration.”

NOTICES TO AIRMEN

Pub. L. 115-254, div. B, title III, §394(a), Oct. 5, 2018, 132 Stat. 3325, provided that: “Beginning on the date that is 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot’s Bill of Rights [Pub. L. 112-153] (49 U.S.C. 44701 note)) until the Administrator certifies 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] that the Administrator has complied with the requirements of section 3 of the Pilot’s Bill of Rights, as amended by this section.”

Pub. L. 112-153, §3, Aug. 3, 2012, 126 Stat. 1162, as amended by Pub. L. 115-254, div. B, title III, §394(b), Oct. 5, 2018, 132 Stat. 3325, provided that:

“(a) IN GENERAL.—

“(1) DEFINITION.—In this section, the term ‘NOTAM’ means Notices to Airmen.

“(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of the Fairness for Pilots Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall complete the implementation of a Notice to Airmen Improvement Program (in this section referred to as the ‘NOTAM Improvement Program’)—

“(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

“(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;

“(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information; and

“(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.

“(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

“(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

“(2) make the NOTAMs more specific and relevant to the airman’s route and in a format that is more useable to the airman;

“(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

“(4) to provide a document that is easily searchable; and

“(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

“(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

“(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMs.—

“(1) IN GENERAL.—The Administrator—

“(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

“(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

“(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMs NOT IN REPOSITORY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

“(i) that NOTAM is not available through the repository before the commencement of the flight; and

“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

“(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”

CONSISTENCY OF REGULATORY INTERPRETATION

Pub. L. 112-95, title III, §313, Feb. 14, 2012, 126 Stat. 67, provided that:

“(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

“(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO-11-14); and

“(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

“(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

“(1) determine the root causes of inconsistent interpretation of regulations by the Administration’s Flight Standards Service and Aircraft Certification Service;

“(2) develop recommendations to improve the consistency of interpreting regulations by the Adminis-

tration’s Flight Standards Service and Aircraft Certification Service; and

“(3) develop recommendations to improve communications between the Administration’s Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], 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 on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.”

FLIGHT STANDARDS EVALUATION PROGRAM

Pub. L. 112-95, title III, §315, Feb. 14, 2012, 126 Stat. 68, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

“(1) to include periodic and random reviews as part of the Administration’s oversight of air carriers; and

“(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

“(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator’s findings and recommendations with respect to the program.

“(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term ‘Flight Standards Evaluation Program’ means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.”

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

Pub. L. 112-95, title III, §343, Feb. 14, 2012, 126 Stat. 80, provided that:

“(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

“(1) any trends in regulatory compliance are identified; and

“(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

“(b) MONTHLY TEAM REPORTS.—

“(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

“(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

“(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

“(B) any corrective actions taken or proposed to be taken in response to the trends.

“(C) BIENNIAL REPORTS TO CONGRESS.—The Administrator, on a biennial basis, 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 report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).”

DUTY PERIODS AND FLIGHT TIME LIMITATIONS
APPLICABLE TO FLIGHT CREWMEMBERS

Pub. L. 112-95, title III, §345, Feb. 14, 2012, 126 Stat. 81, provided that:

“(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

“(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

“(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).”

SAFETY CRITICAL STAFFING

Pub. L. 112-95, title VI, §606, Feb. 14, 2012, 126 Stat. 113, provided that:

“(a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled ‘Staffing Standards for Aviation Safety Inspectors’. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

“(b) REPORT.—Not later than January 1 of each year beginning after September 30, 2012, 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, the staffing model described in subsection (a).”

AIR TRANSPORTATION OF LITHIUM CELLS AND
BATTERIES

Pub. L. 115-254, div. B, title III, §333, Oct. 5, 2018, 132 Stat. 3274, provided that:

“(a) HARMONIZATION WITH ICAO TECHNICAL INSTRUCTIONS.—

“(1) ADOPTION OF ICAO INSTRUCTIONS.—

“(A) IN GENERAL.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015-2016 edition of the International Civil Aviation Organization’s (referred to in this subsection as ‘ICAO’) Technical Instructions (to include all addenda), including the revised standards adopted by ICAO which became effective on April 1, 2016 and any further revisions adopted by ICAO prior to the effective date of the FAA Reauthorization Act of 2018 [probably means Oct. 5, 2018].

“(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(2) REVIEW OF OTHER REGULATIONS.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

“(b) MEDICAL DEVICE BATTERIES.—

“(1) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, not later than 45 days after receipt of an application, an application submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit to the Federal Aviation Administration based on the application. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 20 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

“(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

“(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; and

“(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices that cannot comply with a charge limitation in place at the time, each battery is—

“(i) individually packed in an inner packaging that completely encloses the battery;

“(ii) placed in a rigid outer packaging; and

“(iii) protected to prevent a short circuit.

“(3) MEDICAL [sic] DEVICE DEFINED.—In [sic] this subsection, the term ‘medical device’ means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for

use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

“(4) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(C) LITHIUM BATTERY SAFETY WORKING GROUP.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall establish a lithium battery safety working group (referred to as the ‘working group’ in this section) to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

“(2) DUTIES.—The working group shall coordinate and facilitate the transfer of knowledge and expertise among the following Federal agencies:

“(A) The Department of Transportation.

“(B) The Consumer Product Safety Commission.

“(C) The National Institute on Standards and Technology.

“(D) The Food and Drug Administration.

“(3) MEMBERS.—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

“(4) SUBCOMMITTEES.—The Secretary, or members of the working group, may—

“(A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

“(B) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the Secretary or members consider necessary.

“(5) REPORT.—Not later than 1 year after the date it is established, the working group shall—

“(A) identify and assess—

“(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

“(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

“(iii) new or existing technologies that may reduce the fire and explosion risk of lithium batteries and cells; and

“(B) transmit to the appropriate committees of Congress a report on the assessments conducted under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

“(6) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (5).

“(d) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall establish, in accordance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the ‘Committee’).

“(2) DUTIES.—The Committee shall—

“(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

“(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous

Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

“(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums;

“(D) provide a forum for the Secretary to provide information and receive advice on—

“(i) activities carried out throughout the world to communicate and enforce relevant United States regulations and the ICAO Technical Instructions; and

“(ii) the effectiveness of the activities;

“(E) provide advice and recommendations to the Secretary with respect to lithium ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers; and

“(F) review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

“(3) MEMBERSHIP.—The Committee shall be composed of the following members:

“(A) Individuals appointed by the Secretary to represent—

“(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

“(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

“(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

“(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

“(v) marketers of products powered by lithium ion and lithium metal batteries;

“(vi) cargo air service providers based in the United States;

“(vii) passenger air service providers based in the United States;

“(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

“(ix) shippers of lithium ion and lithium metal batteries for air transportation;

“(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and

“(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

“(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

“(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary and the appropriate committees of Congress a report that—

“(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and

“(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

“(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

“(5) MEETINGS.—

“(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

“(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.

“(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

“(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

“(e) COOPERATIVE EFFORTS TO ENSURE COMPLIANCE WITH SAFETY REGULATIONS.—

“(1) IN GENERAL.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(2) COOPERATIVE EFFORTS.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

“(A) Encouraging training programs at locations outside the United States from which substantial cargo shipments of lithium ion or lithium metal batteries originate for manufacturers, freight forwarders, and other shippers and potential shippers of lithium ion and lithium metal batteries.

“(B) Working with Federal, regional, and international transportation agencies to ensure enforcement of U.S. Hazardous Materials Regulations and ICAO Technical Instructions with respect to shippers who offer noncompliant shipments of lithium ion and lithium metal batteries.

“(C) Sharing information, as appropriate, with Federal, regional, and international transportation agencies regarding noncompliant shipments.

“(D) Pursuing a joint effort with the international aviation community to develop a process to obtain assurances that appropriate enforcement actions are taken to reduce the likelihood of noncompliant shipments, especially with respect to jurisdictions in which enforcement activities historically have been limited.

“(E) Providing information in brochures and on the internet in appropriate foreign languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

“(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

“(f) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

“(g) DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—

“(1) IN GENERAL.—It shall be the policy of the Department of Transportation to support the participation of industry and labor stakeholders in all panels and working groups of the dangerous goods panel of the ICAO and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

“(2) PARTICIPATION.—The Secretary of Transportation shall request that as part of the ICAO deliberations in the dangerous goods panel on these issues, that appropriate experts on issues under consideration be allowed to participate.

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

“(1) ICAO TECHNICAL INSTRUCTIONS.—The term ‘ICAO Technical Instructions’ has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

“(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term ‘U.S. Hazardous Materials Regulations’ means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act [Oct. 5, 2018]).”

Pub. L. 112-95, title VIII, §828, Feb. 14, 2012, 126 Stat. 133, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

“(b) EXCEPTIONS.—

“(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Feb. 14, 2012]).

“(2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

“(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation—

“(i) addresses solely deficiencies referenced in the report; and

“(ii) is effective for not more than 1 year; and

“(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

“(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

“(ii) the regulation addresses solely the deficiencies in existing regulations; and

“(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

“(c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In this section, the term ‘ICAO Technical Instructions’ means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act [Feb. 14, 2012]).”

AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Pub. L. 111-216, title II, Aug. 1, 2010, 124 Stat. 2350, as amended by Pub. L. 111-249, §6, Sept. 30, 2010, 124 Stat. 2628, provided that:

“SEC. 201. DEFINITIONS.

“(a) [sic] DEFINITIONS.—In this title, the following definitions apply:

“(1) ADVANCED QUALIFICATION PROGRAM.—The term ‘advanced qualification program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-54A, dated June 23, 2006, including any subsequent revisions thereto.

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

“(3) AVIATION SAFETY ACTION PROGRAM.—The term ‘aviation safety action program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-66B, dated November 15, 2002, including any subsequent revisions thereto.

“(4) FLIGHT CREWMEMBER.—The term ‘flight crewmember’ has the meaning given the term ‘flightcrew member’ in part 1 of title 14, Code of Federal Regulations.

“(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ‘flight operational quality assurance program’ means the program established by the Federal Aviation Administration in Advisory Circular 120-82, dated April 12, 2004, including any subsequent revisions thereto.

“(6) LINE OPERATIONS SAFETY AUDIT.—The term ‘line operations safety audit’ means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120-90, dated April 27, 2006, including any subsequent revisions thereto.

“(7) 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.

“(8) PART 135 AIR CARRIER.—The term ‘part 135 air carrier’ means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

“SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

“[Amended section 1135 of this title.]

“SEC. 203. FAA PILOT RECORDS DATABASE.

“[Amended section 44703 of this title.]

“SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

“(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the ‘Task Force’).

“(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

“(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

“(1) Air carrier management responsibilities for flight crewmember education and support.

“(2) Flight crewmember professional standards.

“(3) Flight crewmember training standards and performance.

“(4) Mentoring and information sharing between air carriers.

“(d) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], and before the last day of each one-year period thereafter until termination of the Task Force, the Task Force 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 report detailing—

“(1) the progress of the Task Force in identifying best practices in the air carrier industry;

“(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

“(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

“(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

“(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

“(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

“(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

“SEC. 205. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

“(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act [Aug. 1, 2010], the Inspector General of the Department of Transportation shall conduct a review of the aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

“(b) PURPOSES.—The purpose of the review shall be, at a minimum—

“(1) to review the level of the Administration’s oversight of each part 121 air carrier;

“(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

“(3) to assess the number and level of experience of aviation safety inspectors assigned to each part 121 air carrier;

“(4) to evaluate how the Administration is making assignments of aviation safety inspectors to each part 121 air carrier;

“(5) to review various safety inspector oversight programs, including the geographic inspector program;

“(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

“(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

“(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of each part 121 air carrier;

“(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allows access by aviation safety inspectors and operational research analysts to assist in the oversight of each part 121 air carrier; and

“(10) to conduct such other analyses as the Inspector General considers relevant to the review.

“SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

“(a) AVIATION RULEMAKING COMMITTEE.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall convene an aviation

rulemaking committee to develop procedures for each part 121 air carrier to take the following actions:

“(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

“(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

“(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

“(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

“(E) Ensure that recurrent training for pilots in command includes leadership and command training.

“(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flight crewmember professional development.

“(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

“(3) STREAMLINED PROGRAM REVIEW.—“(A) IN GENERAL.—As part of the rulemaking required by subsection (b), the Administrator shall establish a streamlined review process for part 121 air carriers that have in effect, as of the date of enactment of this Act [Aug. 1, 2010], the programs described in paragraph (1).

“(B) EXPEDITED APPROVALS.—Under the streamlined review process, the Administrator shall—

“(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

“(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

“(b) RULEMAKING.—The Administrator shall issue—

“(1) not later than one year after the date of enactment of this Act, a notice of proposed rulemaking based on the recommendations of the aviation rulemaking committee convened under subsection (a); and

“(2) not later than 36 months after such date of enactment, a final rule based on such recommendations.

“SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

“(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing, crew resource management techniques, and pilot commuting.

“(b) REPORT.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], 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 report on the results of the study.

“SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

“(a) RULEMAKING PROCEEDINGS.—

“(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

“(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

“(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

“(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

“(3) DEADLINES.—The Administrator shall—

“(A) not later than one year after the date of enactment of this Act [Aug. 1, 2010], issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

“(B) not later than 36 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

“(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

“(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

“(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

“(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

“(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

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

“(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms ‘flight training’ and ‘flight simulator’ have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

“(2) STALL.—The term ‘stall’ means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

“(3) STICK PUSHER.—The term ‘stick pusher’ means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

“(4) UPSET.—The term ‘upset’ means an unusual aircraft attitude.

“SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.

“(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

“(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

“(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

“(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

“(B) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides;

“(C) the optimal length of time between training events for such flight crewmembers, including recurrent training events;

“(D) the best methods reliably to evaluate mastery by such flight crewmembers of aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

“(E) classroom instruction requirements governing curriculum content and hours of instruction;

“(F) the best methods to allow specific academic training courses to be credited toward the total flight hours required to receive an airline transport pilot certificate; and

“(G) crew leadership training.

“(3) BEST PRACTICES.—In making recommendations under subsection (b)(2), the panel shall consider, if appropriate, best practices in the aviation industry with respect to training protocols, methods, and procedures.

“(4) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

“SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

“[Amended section 41712 of this title.]

“SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

“The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

“SEC. 212. PILOT FATIGUE.

“(a) FLIGHT AND DUTY TIME REGULATIONS.—

“(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

“(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

“(A) Time of day of flights in a duty period.

“(B) Number of takeoff and landings in a duty period.

“(C) Number of time zones crossed in a duty period.

“(D) The impact of functioning in multiple time zones or on different daily schedules.

“(E) Research conducted on fatigue, sleep, and circadian rhythms.

“(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

“(G) International standards regarding flight schedules and duty periods.

“(H) Alternative procedures to facilitate alertness in the cockpit.

“(I) Scheduling and attendance policies and practices, including sick leave.

“(J) The effects of commuting, the means of commuting, and the length of the commute.

“(K) Medical screening and treatment.

“(L) Rest environments.

“(M) Any other matters the Administrator considers appropriate.

“(3) RULEMAKING.—The Administrator shall issue—

“(A) not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under paragraph (1); and

“(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

“(b) FATIGUE RISK MANAGEMENT PLAN.—

“(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier’s pilots.

“(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

“(A) Current flight time and duty period limitations.

“(B) A rest scheme consistent with such limitations that enables the management of pilot fatigue, including annual training to increase awareness of—

“(i) fatigue;

“(ii) the effects of fatigue on pilots; and

“(iii) fatigue countermeasures.

“(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

“(i) to improve alertness; and

“(ii) to mitigate performance errors.

“(3) REVIEW.—Not later than 12 months after the date of enactment of this Act, the Administrator shall review and accept or reject the fatigue risk management plans submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

“(4) PLAN UPDATES.—

“(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

“(B) REVIEW.—Not later than 12 months after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

“(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

“(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

“(c) EFFECT OF COMMUTING ON FATIGUE.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of

the effects of commuting on pilot fatigue and report its findings to the Administrator.

“(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

“(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

“(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

“(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

“(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

“(E) postconference materials from the Federal Aviation Administration’s June 2008 symposium titled ‘Aviation Fatigue Management Symposium: Partnerships for Solutions’;

“(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

“(G) any other matters as the Administrator considers appropriate.

“(3) PRELIMINARY FINDINGS.—Not later than 120 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

“(4) REPORT.—Not later than 9 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

“(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

“(A) consider the findings and recommendations in the report; and

“(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

“SEC. 213. VOLUNTARY SAFETY PROGRAMS.

“(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration 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 report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

“(b) CONTENTS.—The report shall include—

“(1) a list of—

“(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

“(B) the voluntary safety programs each air carrier is using;

“(2) if an air carrier is not using one or more of the voluntary safety programs—

“(A) a list of such programs the carrier is not using; and

“(B) the reasons the carrier is not using each such program;

“(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

“(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

“(5) an explanation of—

“(A) where the data derived from the voluntary safety programs is stored;

“(B) how the data derived from such programs is protected and secured; and

“(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

“(6) a description of the extent to which aviation safety inspectors are able to review data derived from the voluntary safety programs to enhance their oversight responsibilities;

“(7) a description of how the Administration plans to incorporate operational trends identified under the voluntary safety programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

“(8) other plans to strengthen the voluntary safety programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

“(9) such other matters as the Administrator determines are appropriate.

“SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.

“(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

“(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

“(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive a benefit from establishing a flight operational quality assurance program;

“(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

“(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

“(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], 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 copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

“(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

“SEC. 215. SAFETY MANAGEMENT SYSTEMS.

“(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

“(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

“(1) An aviation safety action program.

“(2) A flight operational quality assurance program.

“(3) A line operations safety audit.

“(4) An advanced qualification program.

“(c) DEADLINES.—The Administrator shall issue—

“(1) not later than 90 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under subsection (a); and

“(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

“(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term ‘safety management system’ means

the program established by the Federal Aviation Administration in Advisory Circular 120-92, dated June 22, 2006, including any subsequent revisions thereto.

“SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

“(a) REQUIREMENTS.—

“(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

“(2) MINIMUM REQUIREMENTS.—

“(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive preemployment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier’s operational environment.

“(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act [Aug. 1, 2010], all flight crewmembers—

“(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

“(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

“(b) DEADLINES.—The Administrator shall issue—

“(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

“(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

“(c) DEFAULT.—The requirement that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations, shall begin to apply on the date that is 3 years after the date of enactment of this Act even if the Administrator fails to meet a deadline established under this section.

“SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

“(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

“(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

“(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

“(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

“(A) function effectively in a multi-pilot environment;

“(B) function effectively in adverse weather conditions, including icing conditions;

“(C) function effectively during high altitude operations;

“(D) adhere to the highest professional standards; and

“(E) function effectively in an air carrier operational environment.

“(c) FLIGHT HOURS.—

“(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

“(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may

be encountered by an air carrier to enable a pilot to operate safely in such conditions.

“(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

“(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 209(b) of this Act.

“(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall issue a final rule under subsection (a).”

FAA INSPECTOR TRAINING

Pub. L. 108-176, title V, §506, Dec. 12, 2003, 117 Stat. 2560, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ‘FAA inspectors’).

“(2) CONTENTS.—The study shall include—

“(A) an analysis of the type of training provided to FAA inspectors;

“(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

“(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid pro quo basis; and

“(D) the amount of travel that is required of FAA inspectors in receiving training.

“(3) REPORT.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Comptroller General 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 on the results of the study.

“(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

“(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

“(2) FAA inspector training should have a direct relation to an individual’s job requirements; and

“(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

“(c) WORKLOAD OF INSPECTORS.—

“(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

“(2) CONTENTS.—The study shall include the following:

“(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

“(B) The approximate cost and length of time for developing such models.

“(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a),

the National Academy of Sciences shall transmit to Congress a report on the results of the study.”

AIR TRANSPORTATION OVERSIGHT SYSTEM

Pub. L. 106-181, title V, §513, Apr. 5, 2000, 114 Stat. 144, provided that:

“(a) REPORT.—Not later than August 1, 2000, the Administrator [of the Federal Aviation Administration] 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 on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

“(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

“(1) any funding or staffing constraints that would adversely impact the Administration’s ability to continue to develop and implement the air transportation oversight system;

“(2) progress in integrating the aviation safety data derived from such system’s inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

“(3) the Administration’s efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

“(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).”

REGULATION OF ALASKA GUIDE PILOTS

Pub. L. 106-181, title VII, §732, Apr. 5, 2000, 114 Stat. 168, provided that:

“(a) IN GENERAL.—Beginning on the date of the enactment of this Act [Apr. 5, 2000], flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

“(b) RULEMAKING PROCEEDING.—

“(1) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

“(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

“(A) to operate aircraft inspected no less often than after 125 hours of flight time;

“(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

“(C) to have at least 500 hours of flight time as a pilot;

“(D) to have a commercial rating, as described in subpart F of part 61 of such title;

“(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

“(F) to hold a current letter of authorization issued by the Administrator; and

“(G) to take such other actions as the Administrator determines necessary for safety.

“(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

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

“(1) LETTER OF AUTHORIZATION.—The term ‘letter of authorization’ means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

“(2) ALASKA GUIDE PILOT.—The term ‘Alaska guide pilot’ means a pilot who—

“(A) conducts aircraft operations over or within the State of Alaska;

“(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

“(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.”

AVIATION MEDICAL ASSISTANCE

Pub. L. 105-170, Apr. 24, 1998, 112 Stat. 47, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Aviation Medical Assistance Act of 1998’.

“SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

“Not later than 1 year after the date of the enactment of this Act [Apr. 24, 1998], the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding: (1) the equipment required to be carried in medical kits of aircraft operated by air carriers; and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

“SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

“(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act [Apr. 24, 1998], a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

“(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed from such an aircraft as a result of a medical incident that occurred on such aircraft.

“(2) The age of each such person.

“(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

“(4) Whether or not the aircraft was diverted as a result of the death or incident.

“(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

“(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

“SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

“(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

“(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or

both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

“(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

“(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

“(A) the size of the aircraft on which such defibrillators should be required;

“(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

“(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

“(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

“(2) at airports, the proposed rulemaking or recommendation shall include—

“(A) the size of the airport at which such defibrillators should be required;

“(B) the training that should be required for airport personnel in the use of such defibrillators; and

“(C) the associated equipment and medication that should be required at the airport.

“(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

“(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

“SEC. 5. LIMITATIONS ON LIABILITY.

“(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

“(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

“SEC. 6. DEFINITIONS.

“In this Act—

“(1) the terms ‘air carrier’, ‘aircraft’, ‘airport’, ‘interstate air transportation’, ‘overseas air transportation’, and ‘foreign air transportation’ have the meanings such terms have under section 40102 of title 49, United States Code;

“(2) the term ‘major air carrier’ means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act [Apr. 24, 1998], as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

“(3) the term ‘medically qualified individual’ includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.”

DEFINITIONS

Pub. L. 115-254, div. B, title III, §301, Oct. 5, 2018, 132 Stat. 3260, provided that: “In this title [see Tables for classification], the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) FAA.—The term ‘FAA’ means the Federal Aviation Administration.”

§ 44702. Issuance of certificates

(a) GENERAL AUTHORITY AND APPLICATIONS.—The Administrator of the Federal Aviation Administration may issue airman certificates, design organization certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must—

(1) be under oath when the Administrator requires; and

(2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

(b) CONSIDERATIONS.—When issuing a certificate under this chapter, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a certificate according to the differences between air transportation and other air commerce.

(c) PRIOR CERTIFICATION.—The Administrator may authorize an aircraft, aircraft engine, propeller, or appliance for which a certificate has been issued authorizing the use of the aircraft, aircraft engine, propeller, or appliance in air transportation to be used in air commerce without another certificate being issued.

(d) DELEGATION.—(1) Subject to regulations, supervision, and review the Administrator may prescribe, the Administrator may delegate to a qualified private person, or to an employee under the supervision of that person, a matter related to—

(A) the examination, testing, and inspection necessary to issue a certificate under this chapter; and

(B) issuing the certificate.

(2) The Administrator may rescind a delegation under this subsection at any time for any reason the Administrator considers appropriate.

(3) A person affected by an action of a private person under this subsection may apply for reconsideration of the action by the Administrator. On the Administrator’s own initiative, the Administrator may reconsider the action of a private person at any time. If the Administrator decides on reconsideration that the ac-