

carry out inspections in addition to the annual inspection required under this subsection based on identified risks.”

Subsecs. (g) to (i). Pub. L. 118–63, §302(a)(1)(E), added subsec. (g) to (i). Former subsec. (g) redesignated (j).

Subsec. (j). Pub. L. 118–63, §302(a)(1)(D), redesignated subsec. (g) as (j).

Subsec. (j)(1). Pub. L. 118–63, §302(a)(2)(A)(iii), added par. (1). Former par. (1) redesignated (2).

Pub. L. 118–63, §302(a)(2)(A)(i), substituted “aircraft (including on-wing aircraft engines)” for “aircraft”.

Subsec. (j)(2) to (4). Pub. L. 118–63, §302(a)(2)(A)(ii), redesignated pars. (1) to (3) as (2) to (4), respectively.

2016—Subsec. (f). Pub. L. 114–190, §2112(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 114–190, §2112(a)(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Pub. L. 114–190, §2112(a)(1), redesignated subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

RULEMAKING ON SECURITY THREAT ASSESSMENT

Pub. L. 118–63, title III, §302(b)(2), (3), May 16, 2024, 138 Stat. 1069, provided that:

“(2) RULEMAKING ON ASSESSMENT REQUIREMENT.—With respect to any employee not covered under the requirements of section 1554.101 of title 49, Code of Federal Regulations, the Administrator [of the Federal Aviation Administration] shall initiate a rulemaking (or request that the head of another Federal agency initiate a rulemaking) that requires a covered repair station to confirm that any such employee has successfully completed an assessment commensurate with a security threat assessment described in subpart C of part 1540 of such title.

“(3) DEFINITION OF COVERED REPAIR STATION.—For purposes of this subsection, the term ‘covered repair station’ means a facility that—

“(A) is located outside the United States;

“(B) is certificated under part 145 of title 14, Code of Federal Regulations; and

“(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines), operated under part 121 of title 14, Code of Federal Regulations.”

ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Pub. L. 118–63, title III, §302(b)(1), May 16, 2024, 138 Stat. 1069, provided that: “Not later than 18 months after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall issue a final rule carrying out the requirements of section 2112(b) of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 44733 note).”

Pub. L. 114–190, title II, §2112(b), July 15, 2016, 130 Stat. 628, provided that: “The Administrator of the Federal Aviation Administration shall ensure that—

“(1) not later than 90 days after the date of enactment of this Act [July 15, 2016], a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and

“(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.”

BACKGROUND INVESTIGATIONS

Pub. L. 114–190, title II, §2112(c), July 15, 2016, 130 Stat. 628, provided that: “Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

“(1) determined acceptable by the Administrator;

“(2) consistent with the applicable laws of the country in which the repair station is located; and

“(3) consistent with the United States obligations under international agreements.”

§ 44734. Training of flight attendants

(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—

- (1) serving alcohol to passengers;
- (2) recognizing intoxicated passengers;
- (3) dealing with disruptive passengers; and
- (4) recognizing and responding to potential human trafficking victims.

(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a beligerent manner.

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

(1) AIR CARRIER.—The term “air carrier” means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.

(2) FLIGHT ATTENDANT.—The term “flight attendant” has the meaning given that term in section 44728(g).

(Added Pub. L. 112–95, title III, §309(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 114–190, title II, §2113, July 15, 2016, 130 Stat. 628.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a)(4). Pub. L. 114–190 added par. (4).

§ 44735. Limitation on disclosure of safety information

(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5—

(1) if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law;

(2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act; or

(3) if the report, data, or other information is submitted for any purpose relating to the development and implementation of a safety management system, including a system required by regulation.

(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

(1) Reports, data, or other information developed under the Aviation Safety Action Program.

(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.

(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

(2) DE-IDENTIFIED DEFINED.—In this subsection, the term “de-identified” means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.

(d) OTHER AGENCIES.—

(1) IN GENERAL.—The limitation established under subsection (a) shall apply to the head of any other Federal agency who receives reports, data, or other information described in such subsection from the Administrator.

(2) RULE OF CONSTRUCTION.—This section shall not be construed to limit the accident or incident investigation authority of the National Transportation Safety Board under chapter 11, including the requirement to not disclose voluntarily provided safety-related information under section 1114.

(Added Pub. L. 112–95, title III, §310(a), Feb. 14, 2012, 126 Stat. 64; amended Pub. L. 116–260, div. V, title I, §102(g), Dec. 27, 2020, 134 Stat. 2311; Pub. L. 118–63, title III, §305, May 16, 2024, 138 Stat. 1071.)

Editorial Notes

REFERENCES IN TEXT

Section 102(e) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (a)(2), is section 102(e) of title I of Pub. L. 116–260, div. V, Dec. 27, 2020, 134 Stat. 2310, which is set out in a note under section 44701 of this title.

AMENDMENTS

2024—Subsec. (a)(3). Pub. L. 118–63, §305(1), added par. (3).

Subsec. (d). Pub. L. 118–63, §305(2), added subsec. (d).

2020—Subsec. (a). Pub. L. 116–260 inserted “—” after “title 5”, designated remaining existing provisions as par. (1), and added par. (2).

§ 44736. Organization designation authorizations

(a) DELEGATIONS OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator’s

designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder; and

(B) conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

(B) make the procedures manual available to each member of the appropriate ODA unit; and

(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

(b) ODA OFFICE.—

(1) ESTABLISHMENT.—The Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.

(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure the consistency of the FAA’s audit functions under the ODA program across the FAA.

(3) FUNCTIONS.—The ODA Office shall—

(A)(i) require, as appropriate, an ODA holder to establish a corrective action plan to regain authority for any retained limitations;

(ii) require, as appropriate, an ODA holder to notify the ODA Office when all corrective actions have been accomplished; and

(iii) when appropriate, make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;

(B) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

(C) review, in a timely fashion, a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;

(D) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program;

(E) at the request of an ODA holder, review and, when appropriate, approve new limitations to ODA functions;

(F) ensure the ODA holders procedures manual contains procedures and policies