

(2) CONGRESSIONAL BRIEFING.—The Administrator shall provide biannual briefings each fiscal year through September 30, 2028 to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation and effects of this section, including—

(A) the Administration's performance in completing reviews of individuals and approving or denying such individuals within the timeline required under subsection (b)(3);

(B) for any individual rejected by the Administrator under subsection (b) during the preceding 6-month period, the reasoning or basis for such rejection; and

(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

(g) SPECIAL REVIEW OF QUALIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is an ODA unit member of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c).

(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator—

(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

(B) may, if the Administrator determines the lack of qualification may not be remedied, take appropriate action, including prohibiting such individual from performing an authorized function.

(3) DEADLINE.—The Administrator shall complete the review required under paragraph (1) not later than 18 months after the date on which such review was initiated.

(4) SAVINGS CLAUSE.—An individual approved to become an ODA unit member of a holder of a type certificate for a transport airplane under subsection (a) shall not be subject to the review under this subsection.

(h) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

(i) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) TRANSPORT AIRPLANE.—The term “transport airplane” means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2021 through 2028.

(Added Pub. L. 116-260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2320; amended Pub. L. 118-63, title III, §306(a), May 16, 2024, 138 Stat. 1071.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 102 of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (e)(2)(B), is section 102 of title I of Pub. L. 116-260, div. V, Dec. 27, 2020, 134 Stat. 2309. Section 102(a)–(f) of Pub. L. 116-260 is set out as a note under section 44701 of this title, and section 102(g) of Pub. L. 116-260 amended section 44735 of this title.

##### AMENDMENTS

2024—Subsec. (f)(2). Pub. L. 118-63, §306(a)(1)(A), substituted “The Administrator shall provide biannual briefings each fiscal year through September 30, 2028” for “Not later than 90 days after the date of enactment of this section, and every 90 days thereafter through September 30, 2023, the Administrator shall provide a briefing” in introductory provisions.

Subsec. (f)(2)(B). Pub. L. 118-63, §306(a)(1)(B), substituted “6-month period” for “90-day period”.

Subsec. (j). Pub. L. 118-63, §306(a)(2), substituted “2028” for “2023”.

#### § 44742. Interference with the duties of organization designation authorization unit members

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continuously seek to eliminate or minimize interference by an ODA holder that affects the performance of authorized functions by ODA unit members.

(b) PROHIBITION.—

(1) IN GENERAL.—It shall be unlawful for any individual who is a supervisory employee of an ODA holder that manufactures a transport category airplane to commit an act of interference with an ODA unit member's performance of authorized functions.

(2) CIVIL PENALTY.—

(A) INDIVIDUALS.—An individual shall be subject to a civil penalty under section 46301(a)(1) for each violation under paragraph (1).

(B) SAVINGS CLAUSE.—Nothing in this paragraph shall be construed as limiting or constricting any other authority of the Administrator to pursue an enforcement action against an individual or organization for violation of applicable Federal laws or regulations of the Administration.

(c) REPORTING.—

(1) REPORTS TO ODA HOLDER.—An ODA unit member of an ODA holder that manufactures a transport category airplane shall promptly report any instances of interference to the office of the ODA holder that is designated to receive such reports.

(2) REPORTS TO THE FAA.—

(A) IN GENERAL.—The ODA holder office described in paragraph (1) shall investigate reports and submit to the office of the Administration designated by the Adminis-

trator to accept and review such reports any instances of interference reported under paragraph (1).

(B) CONTENTS.—The Administrator shall prescribe parameters for the submission of reports to the Administration under this paragraph, including the manner, time, and form of submission. Such report shall include the results of any investigation conducted by the ODA holder in response to a report of interference, a description of any action taken by the ODA holder as a result of the report of interference, and any other information or potentially mitigating factors the ODA holder or the Administrator deems appropriate.

(d) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) INTERFERENCE.—In this section, the term “interference” means—

(A) blatant or egregious statements or behavior, such as harassment, beratement, or threats, that a reasonable person would conclude was intended to improperly influence or prejudice an ODA unit member’s performance of his or her duties; or

(B) the presence of non-ODA unit duties or activities that conflict with the performance of authorized functions by ODA unit members.

(Added Pub. L. 116–260, div. V, title I, §107(a), Dec. 27, 2020, 134 Stat. 2323.)

#### § 44743. Pilot training requirements

(a) IN GENERAL.—

(1) ADMINISTRATOR’S DETERMINATION.—In establishing any pilot training requirements with respect to a new transport airplane, the Administrator of the Federal Aviation Administration shall independently review any proposal by the manufacturer of such airplane with respect to the scope, format, or minimum level of training required for operation of such airplane.

(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established applicable training requirements, an applicant for a new or amended type certificate for an airplane described in paragraph (1) may not, with respect to the scope, format, or magnitude of pilot training for such airplane—

(A) make any assurance or other contractual commitment, whether verbal or in writing, to a potential purchaser of such airplane unless a clear and conspicuous disclaimer (as defined by the Administrator) is included regarding the status of training required for operation of such airplane; or

(B) provide financial incentives (including rebates) to a potential purchaser of such airplane regarding the scope, format, or magnitude of pilot training for such airplane.

(b) PILOT RESPONSE TIME.—Beginning on the day after the date on which regulations are issued under section 119(c)(6) of the Aircraft Certification, Safety, and Accountability Act, the Administrator may not issue a new or amended

type certificate for an airplane described in subsection (a) unless the applicant for such certificate has demonstrated to the Administrator that the applicant has accounted for realistic assumptions regarding the time for pilot responses to non-normal conditions in designing the systems and instrumentation of such airplane. Such assumptions shall—

(1) be based on test data, analysis, or other technical validation methods; and

(2) account for generally accepted scientific consensus among experts in human factors regarding realistic pilot response time.

(c) DEFINITION.—In this section, the term “transport airplane” means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(Added Pub. L. 116–260, div. V, title I, §119(a), Dec. 27, 2020, 134 Stat. 2338.)

#### REFERENCES IN TEXT

Section 119(c) of the Aircraft Certification, Safety, and Accountability Act, referred to in subsec. (b), is section 119(c) of title I of Pub. L. 116–260, div. V, Dec. 27, 2020, 134 Stat. 2339, which is set out as a note under section 44704 of this title.

#### § 44744. Flight crew alerting

(a) IN GENERAL.—Beginning on December 27, 2022, the Administrator may not issue a type certificate for a transport category airplane unless such airplane incorporates a flight crew alerting system that, at a minimum—

(1) displays and differentiates among warnings, cautions, and advisories; and

(2) includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures.

(b) LIMITATION.—The prohibition in subsection (a) shall not apply to any application for an original or amended type certificate that was submitted to the Administrator prior to December 27, 2020.

(c) SAFETY ENHANCEMENTS.—

(1) RESTRICTION ON AIRWORTHINESS CERTIFICATE ISSUANCE.—Beginning on the date that is 1 year after the date on which the Administrator issues a type certificate for the Boeing 737-10, the Administrator may not issue an original airworthiness certificate for any Boeing 737 MAX aircraft unless the Administrator finds that the type design for the aircraft includes safety enhancements that have been approved by the Administrator.

(2) RESTRICTION ON OPERATION.—Beginning on the date that is 3 years after the date on which the Administrator issues a type certificate for the Boeing 737-10, no person may operate a Boeing 737 MAX aircraft unless—

(A) the type design for the aircraft includes safety enhancements approved by the Administrator; and

(B) the aircraft was—

(i) produced in conformance with such type design; or

(ii) altered in accordance with such type design.