

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.