

determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

(C) **FRIVOLOUS COMPLAINTS.**—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

(4) **REVIEW.**—

(A) **APPEAL TO COURT OF APPEALS.**—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) **LIMITATION ON COLLATERAL ATTACK.**—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) **ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.**—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(6) **ENFORCEMENT OF ORDER BY PARTIES.**—

(A) **COMMENCEMENT OF ACTION.**—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) **ATTORNEY FEES.**—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) **MANDAMUS.**—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) **NONAPPLICABILITY TO DELIBERATE VIOLATIONS.**—Subsection (a) shall not apply with respect to an employee of a holder of a certificate issued under section 44704 or 44705, or a con-

tractor or subcontractor thereof, who, acting without direction from such certificate-holder, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to aviation safety under this subtitle or any other law of the United States.

(e) **CONTRACTOR DEFINED.**—In this section, the term "contractor" means—

(1) a person that performs safety-sensitive functions by contract for an air carrier or commercial operator; or

(2) a person that performs safety-sensitive functions related to the design or production of an aircraft, aircraft engine, propeller, appliance, or component thereof by contract for a holder of a certificate issued under section 44704.

(Added Pub. L. 106-181, title V, §519(a), Apr. 5, 2000, 114 Stat. 145; amended Pub. L. 116-260, div. V, title I, §118, Dec. 27, 2020, 134 Stat. 2337.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-260, §118(1), added subsec. (a) and struck out former subsec. (a) which related to discrimination against airline employees.

Subsec. (d). Pub. L. 116-260, §118(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: "Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States."

Subsec. (e). Pub. L. 116-260, §118(3), added subsec. (e) and struck out former subsec. (e) which defined the term "contractor" as a company that performs safety-sensitive functions by contract for an air carrier.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subchapter applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

Sec. 42301.	Emergency contingency plans.
42302.	Consumer complaints.
42303.	Use of insecticides in passenger aircraft.
42304.	Widespread disruptions.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, div. B, title IV, §428(b), Oct. 5, 2018, 132 Stat. 3341, added item 42304.

Statutory Notes and Related Subsidiaries

ADVISORY COMMITTEE ON AIR AMBULANCE AND PATIENT BILLING

Pub. L. 115-254, div. B, title IV, §418, Oct. 5, 2018, 132 Stat. 3334, provided that:

"(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation, in consultation with the Secretary of Health and Human Services, shall establish an advisory committee for the purpose of reviewing op-