

such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under this paragraph; or

“(B) the status of any ongoing investigatory actions;

“(2) the status of implementation of each of the recommendations of the review panel, if any, with which the Administrator concurs;

“(3) the status of procedures under which the Administrator will conduct focused oversight of such holder’s processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

“(4) the Administrator’s efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

“(A) each office of the Administration responsible for dedicated oversight of such holder; and

“(B) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

“(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.”

[For definitions of terms used in section 103 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.]

ODA REVIEW

Pub. L. 115–254, div. B, title II, § 213, Oct. 5, 2018, 132 Stat. 3249, as amended by Pub. L. 116–260, div. V, title I, § 125(a), Dec. 27, 2020, 134 Stat. 2346, provided that:

“(a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

“(1) EXPERT PANEL.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall convene a multidisciplinary expert review panel (in this section referred to as the ‘Panel’).

“(2) COMPOSITION OF PANEL.—

“(A) APPOINTMENT OF MEMBERS.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

“(B) QUALIFICATIONS.—The members appointed to the Panel shall—

“(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

“(ii) represent, at a minimum, ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

“(b) SURVEY.—The Panel shall conduct a survey of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including use of the ODA program and the timeliness and efficiency of the certification process. In carrying out this subsection, the Panel shall consult with appropriate survey experts to best design and conduct the survey.

“(c) BEST PRACTICES REVIEW.—In addition to conducting the survey required under subsection (b), the Panel shall conduct a review of a sampling of ODA holders to identify and develop best practices. At a minimum, the best practices shall address preventing and deterring instances of undue pressure on or by an ODA unit member, within an ODA, or by an ODA holder, or failures to maintain independence between the

FAA and an ODA holder or an ODA unit member. In carrying out such review, the Panel shall—

“(1) examine other government regulated industries to gather lessons learned, procedures, or processes that address undue pressure of employees, perceived regulatory coziness, or other failures to maintain independence;

“(2) identify ways to improve communications between an ODA Administrator, ODA unit members, and FAA engineers and inspectors, consistent with section 44736(g) of title 49, United States Code, in order to enable direct communication of technical concerns that arise during a certification project without fear of reprisal to the ODA Administrator or ODA unit member; and

“(3) examine FAA designee programs, including the assignment of FAA advisors to designees, to determine which components of the program may improve the FAA’s oversight of ODA units, ODA unit members, and the ODA program.

“(d) ASSESSMENT AND RECOMMENDATIONS.—The Panel shall assess and make recommendations concerning—

“(1) the FAA’s processes and procedures under the ODA program and whether the processes and procedures function as intended;

“(2) the best practices of and lessons learned by ODA holders and FAA personnel who provide oversight of ODA holders;

“(3) training activities related to the ODA program for FAA personnel and ODA holders;

“(4) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA’s ability to process applications for certifications outside of the ODA program;

“(5) the results of the survey conducted under subsection (b); and

“(6) the results of the review conducted under subsection (c).

“(e) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee, and the appropriate committees of Congress a report on the findings and recommendations of the Panel.

“(f) DEFINITIONS.—The definitions contained in section 44736 of title 49, United States Code, as added by this Act, apply to this section.

“(g) APPLICABLE LAW.—Public Law 92–463 [Federal Advisory Committee Act, 5 U.S.C. App.] shall not apply to the Panel.

“(h) BEST PRACTICES ADOPTION.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives the report required under subsection (e), the Administrator shall establish best practices that are generally applicable to all ODA holders and require such practices to be incorporated, as appropriate, into each ODA holder’s approved procedures manual.

“(2) NOTICE AND COMMENT PERIOD.—The Administrator shall publish the established best practices for public notice and comment for not fewer than 60 days prior to requiring the practices, as appropriate, be incorporated into each ODA holder’s approved procedures manual.

“(i) SUNSET.—The Panel shall terminate on the earlier of—

“(1) the date of submission of the report under subsection (e); or

“(2) the date that is 2 years after the date on which the Panel is first convened under subsection (a).”

§ 44737. Helicopter fuel system safety

(a) PROHIBITION.—

(1) IN GENERAL.—A person may not operate a covered rotorcraft in United States airspace unless the design of the rotorcraft is certified by the Administrator of the Federal Aviation Administration to—

(A) comply with the requirements applicable to the category of the rotorcraft under paragraphs (1), (2), (3), (5), and (6) of section 27.952(a), section 27.952(c), section 27.952(f), section 27.952(g), section 27.963(g) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and section 27.975(b) or paragraphs (1), (2), (3), (5), and (6) of section 29.952(a), section 29.952(c), section 29.952(f), section 29.952(g), section 29.963(b) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this section; or

(B) employ other means acceptable to the Administrator to provide an equivalent level of fuel system crash resistance.

(2) COVERED ROTORCRAFT DEFINED.—In this subsection, the term “covered rotorcraft” means a rotorcraft not otherwise required to comply with section 27.952, section 27.963, and section 27.975, or section 29.952, section 29.963, and section 29.975 of title 14, Code of Federal Regulations as in effect on the date of enactment of this section for which manufacture was completed, as determined by the Administrator, on or after the date that is 18 months after the date of enactment of this section.

(b) ADMINISTRATIVE PROVISIONS.—The Administrator shall—

(1) expedite the certification and validation of United States and foreign type designs and retrofit kits that improve fuel system crashworthiness; and

(2) not later than 180 days after the date of enactment of this section, and periodically thereafter, issue a bulletin to—

(A) inform rotorcraft owners and operators of available modifications to improve fuel system crashworthiness; and

(B) urge that such modifications be installed as soon as practicable.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the operation of a rotorcraft by the Department of Defense.

(Added Pub. L. 115–254, div. B, title III, §317(a), Oct. 5, 2018, 132 Stat. 3268.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

CODIFICATION

Another section 44737 was renumbered section 44740 of this title.

§ 44738. Training on human trafficking for certain staff

In addition to other training requirements, each air carrier shall provide training to ticket counter agents, gate agents, and other air carrier workers whose jobs require regular interaction with passengers on recognizing and responding to potential human trafficking victims.

(Added Pub. L. 115–254, div. B, title IV, §408(a), Oct. 5, 2018, 132 Stat. 3330.)

§ 44739. Pets on airplanes

(a) PROHIBITION.—It shall be unlawful for any person to place a live animal in an overhead storage compartment of an aircraft operated under part 121 of title 14, Code of Federal Regulations.

(b) CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation of this section.

(Added Pub. L. 115–254, div. B, title IV, §417(a), Oct. 5, 2018, 132 Stat. 3334.)

§ 44740. Special rule for certain aircraft operations

(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in section 50902 of title 51); and

(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

(1) The aircraft conducting the space support vehicle flight—

(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehicle licensed for operations pursuant to chapter 509 of title 51; and

(D) is used only to simulate space flight conditions in support of—

(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

(ii) the testing of hardware to be used in space flight; or

(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

(c) RULES OF CONSTRUCTION.—

(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the