

“(2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.

“(3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

“(d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.

“(e) TRAVEL EXPENSES.—Members of the Advisory Committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(f) REPORTS.—

“(1) IN GENERAL.—Not later than 14 months after the date of establishment of the Advisory Committee, and annually thereafter, the Advisory Committee shall submit to the Secretary of Transportation a report on the needs of passengers with disabilities in air travel, including—

“(A) an assessment of existing disability-related access barriers, and any emerging disability-related access barriers that will likely be an issue in the next 5 calendar years;

“(B) an evaluation of the extent to which the Department of Transportation’s programs and activities are eliminating disability-related access barriers;

“(C) a description of the Advisory Committee’s actions;

“(D) a description of improvements related to the air travel experience of passengers with disabilities; and

“(E) any recommendations for legislation, administrative action, or other action that the Advisory Committee considers appropriate.

“(2) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the report under paragraph (1), the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a copy of the report, including any additional findings or recommendations that the Secretary considers appropriate.

“(g) TERMINATION.—The Advisory Committee established under this section shall terminate on September 30, 2023.

“(h) TERMINATION OF THE NEXT GENERATION AIR TRANSPORTATION SYSTEM SENIOR POLICY COMMITTEE.—The Next Generation Air Transportation System Senior Policy Committee established by the Secretary of Transportation shall terminate on the date of the initial appointment of the members of the Advisory Committee.”

#### TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES

Pub. L. 115-254, div. B, title IV, §433, Oct. 5, 2018, 132 Stat. 3342, provided that: “Following the receipt of the report required under section 2107 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 622) [set out below], the Secretary of Transportation shall develop, if appropriate, specific recommendations regarding improvements to wheelchair assistance provided by air carriers and recommendations on how training programs by air carriers can address consumer complaints regarding wheelchair assistance.”

Pub. L. 114-190, title II, §2107, July 15, 2016, 130 Stat. 622, provided that:

“(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [July 15, 2016], the Comptroller General of the United States shall submit to Congress a report assessing required air carrier personnel and contractor training programs regarding the assistance of persons with disabilities, including—

“(1) variations in training programs between air carriers;

“(2) instances since 2005 where the Department of Transportation has requested that an air carrier take corrective action following a review of the air carrier’s training programs; and

“(3) actions taken by air carriers following requests described in paragraph (2).

“(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop, make publicly available, and appropriately disseminate to air carriers such best practices as the Secretary considers necessary to improve the reviewed training programs.”

#### ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS

Pub. L. 106-181, title VII, §707(c), Apr. 5, 2000, 114 Stat. 158, provided that: “The Secretary [of Transportation] shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.”

#### RESTRICTIONS ON AIR TRANSPORTATION OF PEANUTS; SCIENTIFIC STUDY ON EFFECT OF AIRBORNE PARTICLES ON PASSENGERS

Pub. L. 106-69, title III, §346, Oct. 9, 1999, 113 Stat. 1023, provided that: “Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

“(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

“(2) restrict the distribution of peanuts, until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.”

Similar provisions were contained in Pub. L. 105-277, div. A, §101(g) [title III, §372], Oct. 21, 1998, 112 Stat. 2681-439, 2681-479.

#### § 41706. Prohibitions against smoking on passenger flights

(a) SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—An individual may not smoke—

(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

(1) in an aircraft in scheduled passenger foreign air transportation; and

(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attend-

ant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).

(c) LIMITATION ON APPLICABILITY.—

(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

(d) ELECTRONIC CIGARETTES.—

(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term “electronic cigarette” means a device that delivers nicotine to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1141; Pub. L. 106–181, title VII, §708(a), Apr. 5, 2000, 114 Stat. 159; Pub. L. 112–95, title IV, §401(a), Feb. 14, 2012, 126 Stat. 83; Pub. L. 115–254, div. B, title IV, §409, Oct. 5, 2018, 132 Stat. 3331.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)   | Source (Statutes at Large)  |
|-----------------|----------------------|---|
| 41706 .....     | 49 App.:1374(d)(1).  | Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §404(d)(1); added Dec. 22, 1987, Pub. L. 100–202, §328(a), 101 Stat. 1329–382; Nov. 21, 1989, Pub. L. 101–164, §335 (less effective date), 103 Stat. 1098, 1099. |
|                 | 49 App.:1374 (note). | Nov. 21, 1989, Pub. L. 101–164, §335 (related to effective date), 103 Stat. 1099.   |

In subsection (a), before clause (1), the words “On and after the date of expiration of the 4-month period following December 22, 1987” are omitted as executed. The words “of an aircraft” are added for clarity. The text of 49 App.:1374 (note) is omitted as executed.

Editorial Notes

AMENDMENTS

2018—Subsecs. (d), (e). Pub. L. 115–254 added subsec. (d) and redesignated former subsec. (d) as (e).

2012—Pub. L. 112–95, §401(a)(1), substituted “passenger” for “scheduled” in section catchline.

Subsecs. (a), (b). Pub. L. 112–95, §401(a)(2), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.”

2000—Pub. L. 106–181 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) GENERAL.—An individual may not smoke in the passenger cabin or lavatory of an aircraft on a scheduled airline flight segment in air transportation or intrastate air transportation that is—

“(1) between places in a State of the United States, the District of Columbia, Puerto Rico, or the Virgin Islands;

“(2) between a place in any jurisdiction referred to in clause (1) of this subsection (except Alaska and Hawaii) and a place in any other of those jurisdictions; or

“(3)(A) scheduled for not more than 6 hours’ duration; and

“(B)(i) between a place referred to in clause (1) of this subsection (except Alaska and Hawaii) and Alaska or Hawaii; or

“(ii) between Alaska and Hawaii.

“(b) REGULATIONS.—The Secretary of Transportation shall prescribe regulations necessary to carry out this section.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–181, title VII, §708(b), Apr. 5, 2000, 114 Stat. 159, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [Apr. 5, 2000].”

§ 41707. Incorporating contract terms into written instrument

To the extent the Secretary of Transportation prescribes by regulation, an air carrier may incorporate by reference in a ticket or written instrument any term of the contract for providing interstate air transportation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1141.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)  |
|-----------------|--------------------|---|
| 41707 .....     | 49 App.:1381(b).   | Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §411(b); added Oct. 4, 1984, Pub. L. 98–443, §7(a), 98 Stat. 1706. |

§ 41708. Reports

(a) APPLICATION.—To the extent the Secretary of Transportation finds necessary to carry out this subpart, this section and section 41709 of this title apply to a person controlling an air carrier or affiliated (within the meaning of section 11343(c) of this title) with a carrier.

(b) REQUIREMENTS.—The Secretary may require an air carrier or foreign air carrier—

(1)(A) to file annual, monthly, periodical, and special reports with the Secretary in the form and way prescribed by the Secretary; and

(B) to file the reports under oath;

(2) to provide specific answers to questions on which the Secretary considers information to be necessary; and

(3) to file with the Secretary a copy of each agreement, arrangement, contract, or under-