



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Effective Date: 10/21/2024

**SUBJECT: Secondary Flightdeck Barrier on Commercial Passenger Aircraft Aviation
Rulemaking Committee**

- 1. PURPOSE.** This charter establishes the Secondary Flightdeck Barrier on Commercial Passenger Aircraft Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.
- 2. BACKGROUND.** Section 350, *Secondary Cockpit Barriers*, of the FAA Reauthorization Act of 2024 requires the FAA to establish an ARC by November 15, 2024, to review and develop findings and recommendations to require installation of a secondary flightdeck barrier on commercial passenger aircraft. Specifically, section 350 reads as follows:
 - (a) *IN GENERAL.*—Not later than 6 months after the date of enactment of this Act, the Administrator shall convene an aviation rulemaking committee to review and develop findings and recommendations to require installation of a secondary cockpit barrier on commercial passenger aircraft operated under the provisions of part 121 of title 14, Code of Federal Regulations, that are not captured under another regulation or proposed regulation.
 - (b) *MEMBERSHIP.*—The Administrator shall chair and appoint the members of the rulemaking committee convened under subsection (a), which shall be comprised of at least 1 representative from the constituencies of—
 - (1) mainline air carriers;
 - (2) regional air carriers;
 - (3) aircraft manufacturers;
 - (4) passenger aircraft pilots represented by a labor group;
 - (5) flight attendants represented by a labor group;
 - (6) airline passengers; and
 - (7) other stakeholders the Administrator determines appropriate.
 - (c) *CONSIDERATIONS.*—The aviation rulemaking committee convened under subsection (a) shall consider—
 - (1) minimum dimension requirements for secondary barriers on all aircraft types operated under part 121 of title 14, Code of Federal Regulations;
 - (2) secondary barrier performance standards manufacturers and air carriers must meet for such aircraft types;
 - (3) the availability of certified secondary barriers suitable for use on such aircraft types;

- (4) the development, certification, testing, manufacturing, installation, and training for secondary barriers for such aircraft types;*
- (5) flight duration and stage length;*
- (6) the location of lavatories on such aircraft as related to operational complexities;*
- (7) operational complexities;*
- (8) any risks to safely evacuate passengers of such aircraft; and*
- (9) other considerations the Administrator determines appropriate.*

(d) REPORT TO CONGRESS.—Not later than 12 months after the convening of the aviation rulemaking committee described in subsection (a), the Administrator shall submit to the appropriate committees of Congress a report based on the findings and recommendations of the aviation rulemaking committee convened under subsection (a), including—

- (1) if applicable, any dissenting positions on the findings and the rationale for each position; and*
- (2) any disagreements with the recommendations, including the rationale for each disagreement and the reasons for the disagreement.*

(e) INSTALLATION OF SECONDARY COCKPIT BARRIERS OF EXISTING AIRCRAFT.—Not later than 36 months after the date of the submission of the report under subsection (d), the Administrator shall, taking into consideration the final reported findings and recommendations of the aviation rulemaking committee, issue a final rule requiring installation of a secondary cockpit barrier on each commercial passenger aircraft operated under the provisions of part 121 of title 14, Code of Federal Regulations.

3. OBJECTIVES OF THE ARC. The Secondary Flightdeck Barrier on Commercial Passenger Aircraft ARC will provide a forum for the United States aviation community to discuss and provide recommendations to the FAA for requiring installation of a secondary flightdeck barrier on commercial passenger aircraft. For any recommendation to change regulatory requirements, the ARC will provide a summary of cost and benefit estimates.

4. TASKS OF THE ARC. The tasks of the ARC are:

- a. Review and develop findings and recommendations to require installation of a secondary flightdeck barrier on commercial passenger aircraft operated under the provisions of part 121 of title 14, Code of Federal Regulations (14 CFR), that are not captured under another regulation or proposed regulation.
- b. Determine if the FAA’s rule should apply to airplanes operated under parts in addition to 14 CFR part 121 (e.g., 14 CFR part 129). If so, review and develop findings and recommendations for airplanes operating in these other 14 CFR parts as well.
- c. Consider the list of items in the FAA Reauthorization Act of 2024, section 350, subsection (c) in developing the findings and recommendations.

- d. Review Advisory Circular (AC) 25.795-10, *Installation of Physical Secondary Barriers for Transport Category Airplanes*, and AC 120-110A, *Aircraft Secondary Barriers and Alternate Flightdeck Security Procedures*, to determine if revisions are required as a result of the ARC proposals. If so, provide proposed changes.
- e. Provide initial qualitative and quantitative:
 - i. Estimates of cost to implement the change, including both safety and monetary costs.
 - ii. Estimates of benefits to the public, including both safety and monetary benefits.
- f. Develop a report that provides the findings and recommendations. Explain in the report how the considerations in the FAA Reauthorization Act of 2024, section 350, subsection (c) led to the findings and recommendations. Also include in the report,
 - i. if applicable, any dissenting positions on the findings and the rationale for each position; and
 - ii. any disagreements with the recommendations, including the rationale for each disagreement and the reasons for the disagreement.
- g. Within 8 months from the first meeting after the effective date of the charter, submit a recommendation report.
 - i. The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Director of the FAA's Office of Rulemaking.
 - ii. The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

5. ARC PROCEDURES.

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided this charter is still in effect.

- 6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up an ARC comprising members from the constituencies outlined in the FAA Reauthorization Act of 2024, section 350, subsection (b). Members will be selected based on their familiarity and experience with airplane design, aviation security, and operations. Membership will be balanced in viewpoints, interests, and knowledge of the committee's objectives and scope.

The August 13, 2014, Office of Management and Budget (OMB) guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.” For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

FAA and other federal government agency subject matter experts may be requested to participate as observers and provide technical support to the ARC members.

a. The Sponsor will designate the FAA Co-Chair, who will:

- 1) Select and appoint industry members and the FAA participants,
- 2) Select the Industry Co-Chair from the membership of the ARC,
- 3) Ensure FAA participation and support from all affected lines of business,
- 4) Provide notification to the members of the time and place for each meeting and
- 5) Receive any status report and the recommendations report.

b. Once appointed, the Industry Co-Chair will:

- 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
- 2) Establish and distribute meeting agendas in a timely manner,
- 3) Keep meeting notes, if deemed necessary,
- 4) Perform other responsibilities as required to ensure the objectives are met,
- 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
- 6) Submit the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.

7. PUBLIC PARTICIPATION. Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.

8. AVAILABILITY OF RECORDS. Subject to applicable Freedom of Information Act (FOIA) Exemptions pursuant to Title 5, U.S.C., § 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Aircraft Certification Service Office, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at:
http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.

- 9. DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety; the Office of the Chief Counsel; the Office of the Assistant Administrator for Policy, International Affairs, and Environment; and the Office of Rulemaking.
- 10. EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on October 21, 2024.

A handwritten signature in black ink, appearing to read "M. Whitaker", with a stylized, cursive script.

Michael G. Whitaker
Administrator