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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. 8408

To direct the Administrator of the Federal Aviation Administration to require certain safety standards relating to aircraft, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO (for himself, Mr. GRAVES of Missouri, Mr. LARSEN of Washington, and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on

A BILL

To direct the Administrator of the Federal Aviation Administration to require certain safety standards relating to aircraft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Aircraft Certification Reform and Accountability Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Safety management systems.
- Sec. 3. Expert review of organization designation authorizations for transport airplanes.
- Sec. 4. Certification oversight staff.
- Sec. 5. Disclosure of safety-critical information.
- Sec. 6. Periodic reviews of organization designation authorizations.
- Sec. 7. Limitations on delegation.
- Sec. 8. Oversight of organization designation authorization unit members.
- Sec. 9. Integrated project teams.
- Sec. 10. Oversight integrity briefing.
- Sec. 11. Appeals of certification decisions.
- Sec. 12. Employment restrictions.
- Sec. 13. Professional development and skills enhancement.
- Sec. 14. Voluntary safety reporting program.
- Sec. 15. Compensation limitation.
- Sec. 16. System safety assessments and other requirements.
- Sec. 17. Flight crew alerting.
- Sec. 18. Amended type certificates.
- Sec. 19. Whistleblower protections.
- Sec. 20. Pilot training.
- Sec. 21. Nonconformity with approved type design.
- Sec. 22. Implementation of recommendations.
- Sec. 23. Oversight of FAA compliance program.
- Sec. 24. Settlement agreement.
- Sec. 25. Human factors.
- Sec. 26. Technical corrections.
- Sec. 27. Definitions.

1 SEC. 2. SAFETY MANAGEMENT SYSTEMS.

2 (a) IN GENERAL.—Not later than 30 days after the
3 date of enactment of this Act, the Administrator shall ini-
4 tiate a rulemaking proceeding to require each person who
5 holds both a type certificate and a production certificate
6 issued under section 44704 of title 49, United States
7 Code, to adopt, not later than the earlier of the date that
8 is 180 days after the issuance of the regulation required
9 under this subsection or the date that is 4 years after the
10 date of enactment of this Act, a safety management sys-
11 tem consistent with the standards and recommended prac-
12 tices contained in annex 19 to the Convention on Inter-

1 national Civil Aviation (61 Stat. 1180) in effect on the
2 earlier of the date of the issuance of such regulations or
3 the date that is 4 years after the date of enactment of
4 this Act.

5 (b) CONTENTS OF REGULATIONS.—The regulations
6 issued under subsection (a) shall, at a minimum, include
7 provisions for the Administrator’s approval of, and regular
8 oversight of adherence to, a certificate holder’s safety
9 management system adopted pursuant to such regula-
10 tions.

11 (c) DEADLINE.—Not later than 12 months after the
12 end of the comment period for the proposed rule issued
13 pursuant to subsection (a), the Administrator shall issue
14 a final rule with respect to such proposed rule.

15 (d) SAFETY REPORTING PROGRAM.—The regulations
16 issued under subsection (a) shall require a safety manage-
17 ment system to include a confidential employee reporting
18 system through which employees can report hazards,
19 issues, concerns, occurrences, and incidents. A reporting
20 system under this subsection shall include provisions for
21 non-punitive reporting of such items by employees in a
22 manner consistent with other confidential employee re-
23 porting systems administered by the Administrator. Such
24 regulations shall also require a certificate holder described
25 in subsection (a) to submit a summary of reports received

1 under this subsection to the Administrator at least twice
2 per year.

3 (e) CODE OF ETHICS.—The regulations issued under
4 subsection (a) shall require a safety management system
5 to include establishment of a code of ethics applicable to
6 all employees of a certificate holder, including officers,
7 which clarifies that safety is the organization’s highest pri-
8 ority.

9 (f) PROTECTION OF SAFETY INFORMATION.—Section
10 44735(a) of title 49, United States Code, is amended—

11 (1) by striking “title 5 if the report” and in-
12 serting the following: “title 5—

13 “(1) if the report”.

14 (2) by striking the period at the end and insert-
15 ing “; or”; and

16 (3) by adding at the end the following:

17 “(2) if the report, data, or other information is
18 submitted to the Federal Aviation Administration
19 pursuant to section 2(d) of the Aircraft Certification
20 Reform and Accountability Act.”.

21 **SEC. 3. EXPERT REVIEW OF ORGANIZATION DESIGNATION**
22 **AUTHORIZATIONS FOR TRANSPORT AIR-**
23 **PLANES.**

24 (a) EXPERT REVIEW.—

1 (1) ESTABLISHMENT.—Not later than 30 days
2 after the date of enactment of this Act, the Adminis-
3 trator shall convene an expert panel (in this section
4 referred to as the “review panel”) to review and
5 make findings and recommendations on the matters
6 listed in paragraph (2).

7 (2) CONTENTS OF REVIEW.—With respect to
8 each holder of an organization designation author-
9 ization for the design and production of transport
10 airplanes, the review panel shall review the following:

11 (A) The extent to which the holder has im-
12 plemented a safety culture consistent with the
13 principles of the International Civil Aviation
14 Organization Safety Management Manual,
15 Fourth Edition (International Civil Aviation
16 Organization Doc. No. 9589) or any similar
17 successor document.

18 (B) The effectiveness of measures insti-
19 tuted by the holder to instill, among employees
20 and contractors of such holder that support or-
21 ganization designation authorization functions,
22 a commitment to safety above all other prior-
23 ities.

24 (C) The holder’s capability, based on the
25 holder’s organizational structures, requirements

1 applicable to officers and employees of such
2 holder, and safety culture, of making reasonable
3 and appropriate decisions regarding functions
4 delegated to the holder pursuant to the organi-
5 zation designation authorization.

6 (D) Any other matter determined by the
7 Administrator for which inclusion in the review
8 would be consistent with the public interest in
9 aviation safety.

10 (3) COMPOSITION OF REVIEW PANEL.—The re-
11 view panel shall consist of—

12 (A) 2 representatives of the National Aero-
13 nautics and Space Administration;

14 (B) 2 employees of the Administration's
15 Aircraft Certification Service with experience
16 conducting oversight of persons not involved in
17 the design or production of transport airplanes;

18 (C) 1 employee of the Administration's
19 Aircraft Certification Service with experience
20 conducting oversight of persons involved in the
21 design or production of transport airplanes;

22 (D) 2 employees of the Administration's
23 Flight Standards Service with experience in
24 oversight of safety management systems;

1 (E) 1 appropriately qualified representa-
2 tive, designated by the applicable represented
3 organization, of each of—

4 (i) a labor union representing airline
5 pilots involved in both passenger and all-
6 cargo operations;

7 (ii) a labor union, not selected under
8 clause (i), representing airline pilots with
9 expertise in the matters described in para-
10 graph (2);

11 (iii) a labor union representing em-
12 ployees engaged in the assembly of trans-
13 port airplanes;

14 (iv) the certified bargaining represent-
15 ative under section 7111 of title 5, United
16 States Code, for field engineers engaged in
17 the audit or oversight of an organization
18 designation authorization within the Air-
19 craft Certification Service of the Adminis-
20 tration; and

21 (v) the certified bargaining represent-
22 ative for safety inspectors of the Adminis-
23 tration;

1 (F) 2 independent experts who have not
2 served as a political appointee in the Adminis-
3 tration and—

4 (i) who hold either a baccalaureate or
5 postgraduate degree in the field of aero-
6 space engineering or a related discipline;
7 and

8 (ii) who have a minimum of 20 years
9 of relevant applied experience;

10 (G) 4 air carrier employees whose job re-
11 sponsibilities include administration of a safety
12 management system; and

13 (H) 4 individuals representing 4 different
14 holders of organization designation authoriza-
15 tions, with preference given to individuals rep-
16 resenting holders of organization designation
17 authorizations for the design or production of
18 aircraft other than transport airplanes or for
19 the design or production of aircraft engines,
20 propellers, or appliances.

21 (4) RECOMMENDATIONS.—The review panel
22 shall make recommendations to the Administrator
23 regarding suggested actions to address any defi-
24 ciencies found after review of the matters listed in
25 paragraph (2).

1 (5) REPORT.—

2 (A) SUBMISSION.—Not later than 270
3 days after the date on which the review panel
4 is established, the review panel shall transmit to
5 the Administrator and the congressional com-
6 mittees of jurisdiction a report containing the
7 findings and recommendations of the review
8 panel regarding the matters listed in paragraph
9 (2), except that such report shall include—

10 (i) only such findings endorsed by 10
11 or more individual members of the review
12 panel; and

13 (ii) only such recommendations de-
14 scribed in paragraph (4) endorsed by 18 or
15 more of the individual members of the re-
16 view panel.

17 (B) DISSENTING VIEWS.—In submitting
18 the report required under this paragraph, the
19 review panel shall append to such report the
20 dissenting views of any individual member or
21 group of members of the review panel regarding
22 the findings or recommendations of the review
23 panel.

24 (C) PUBLICATION.—Not later than 5 days
25 after receiving the report under subparagraph

1 (A), the Administrator shall publish such re-
2 port, including any dissenting views appended
3 to the report, on the website of the Administra-
4 tion.

5 (D) TERMINATION.—The review panel
6 shall terminate upon submission of the report
7 under subparagraph (A).

8 (6) ADMINISTRATIVE PROVISIONS.—

9 (A) ACCESS TO INFORMATION.—The re-
10 view panel shall have authority to perform the
11 following actions if a majority of the total num-
12 ber of review panel members consider each ac-
13 tion necessary and appropriate:

14 (i) Entering onto the premises of an
15 organization designation authorization
16 holder described in subsection (a) for ac-
17 cess to and inspection of records or other
18 purposes.

19 (ii) Notwithstanding any other provi-
20 sion of law, accessing and inspecting
21 unredacted records in the possession of an
22 employee or appointed political official of
23 the Administration.

24 (iii) Interviewing employees of such
25 organization designation authorization

1 holder or the Administration as necessary
2 for the panel to complete its work.

3 (B) DISCLOSURE OF FINANCIAL INTER-
4 ESTS.—Each individual serving on the review
5 panel shall disclose to the Administrator any fi-
6 nancial interest held by such individual, or a
7 spouse or dependent of such individual, in a
8 business enterprise engaged in the design or
9 production of transport airplanes, aircraft en-
10 gines designed for transport airplanes, or major
11 systems, components, or parts thereof. The Ad-
12 ministrator shall publicly post such disclosure
13 on the website of the Administration in a de-
14 identified form.

15 (C) PROTECTION OF PROPRIETARY INFOR-
16 MATION; TRADE SECRETS.—

17 (i) MARKING.—The custodian of a
18 record accessed under subparagraph (A)
19 may mark such record as proprietary or
20 containing a trade secret. A marking under
21 this subparagraph shall not be dispositive
22 with respect to whether such record con-
23 tains any information subject to legal pro-
24 tections from public disclosure.

1 (ii) NONDISCLOSURE FOR NON-FED-
2 ERAL GOVERNMENT PARTICIPANTS.—

3 (I) NON-FEDERAL GOVERNMENT
4 PARTICIPANTS.—Prior to partici-
5 pating on the review panel, each indi-
6 vidual serving on the review panel rep-
7 resenting a non-Federal entity, includ-
8 ing a labor union, shall execute an
9 agreement with the Administrator in
10 which the individual shall be prohib-
11 ited from disclosing at any time, ex-
12 cept as required by law, to any per-
13 son, foreign or domestic, any non-pub-
14 lic information made accessible to the
15 panel under subparagraph (A).

16 (II) FEDERAL EMPLOYEE PAR-
17 TICIPANTS.—Federal employees serv-
18 ing on the review panel as representa-
19 tives of the Federal Government and
20 who are required to protect propri-
21 etary information and trade secrets
22 under section 1905 of title 18, United
23 States Code, shall not be required to
24 execute agreements under this sub-
25 paragraph.

1 (iii) PROTECTION OF VOLUNTARILY
2 SUBMITTED SAFETY INFORMATION.—Infor-
3 mation subject to protection from diselo-
4 sure by the Administration in accordance
5 with sections 40123 and 44735 of title 49,
6 United States Code, is deemed voluntarily
7 submitted to the Administration under
8 such sections when shared with the review
9 panel and retains its protection from dis-
10 closure (including protection under section
11 552(b)(3) of title 5, United States Code).
12 The custodian of a record subject to such
13 protection may mark such record as sub-
14 ject to statutory protections. A marking
15 under this subparagraph shall not be dis-
16 positive with respect to whether such
17 record contains any information subject to
18 legal protections from public disclosure.
19 Members of the review panel will protect
20 voluntarily submitted safety information
21 and other otherwise exempt information to
22 the extent permitted under applicable law.

23 (iv) PROTECTION OF PROPRIETARY
24 INFORMATION AND TRADE SECRETS.—
25 Members of the review panel will protect

1 proprietary information, trade secrets, and
2 other otherwise exempt information to the
3 extent permitted under applicable law.

4 (v) RESOLVING CLASSIFICATION OF
5 INFORMATION.—If the review panel and an
6 organization designation authorization
7 holder subject to review under this section
8 disagree as to the proper classification of
9 information described in this subpara-
10 graph, then the deputy chief counsel of the
11 Administration shall determine the proper
12 classification of such information and
13 whether such information will be redacted.

14 (D) APPLICABLE LAW.—Public Law 92–
15 463 shall not apply to the panel established
16 under this subsection.

17 (E) FINANCIAL INTEREST DEFINED.—In
18 this paragraph, the term “financial interest”—

19 (i) excludes securities held in an index
20 fund; and

21 (ii) includes—

22 (I) any current or contingent
23 ownership, equity, or security interest;

24 (II) an indebtedness or com-
25 pensated employment relationship; or

1 (III) any right to purchase or ac-
2 quire any such interest, including a
3 stock option or commodity future.

4 (b) FAA AUTHORITY.—

5 (1) IN GENERAL.—After reviewing the findings
6 of the review panel submitted under subsection
7 (a)(5), the Administrator may limit, suspend, or ter-
8minate an organization designation authorization
9 subject to review under this section.

10 (2) REINSTATEMENT.—The Administrator may
11 condition reinstatement of a limited, suspended, or
12 terminated organization designation authorization on
13 the holder's implementation of any corrective actions
14 determined necessary by the Administrator.

15 (3) RULE OF CONSTRUCTION.—Nothing in this
16 subsection shall be construed to limit the Adminis-
17trator's authority to take any action with respect to
18 an organization designation authorization, including
19 limitation, suspension, or termination of such au-
20thorization.

21 (c) ORGANIZATION DESIGNATION AUTHORIZATION
22 PROCESS IMPROVEMENTS.—Not later than 1 year after
23 receipt of the recommendations submitted under sub-
24 section (a)(5), the Administrator shall—

1 (1) report to the congressional committees of
2 jurisdiction on—

3 (A) whether the Administrator has con-
4 cluded that such holder is able to safely and re-
5 liably perform all delegated functions in accord-
6 ance with all applicable provisions of chapter
7 447 of title 49, United States Code, title 14,
8 Code of Federal Regulations, and other orders
9 or requirements of the Administrator, and, if
10 not, the Administrator shall outline—

11 (i) the risk mitigations or other cor-
12 rective actions, including the implementa-
13 tion timelines of such mitigations or ac-
14 tions, the Administrator has established
15 for or required of such holder as pre-
16 requisites for a conclusion by the Adminis-
17 trator under subparagraph (A); or

18 (ii) the status of any ongoing inves-
19 tigatory actions; and

20 (B) the status of implementation of each
21 of the recommendations of the review panel, if
22 any, with which the Administrator concurs; and

23 (2) report to the congressional committees of
24 jurisdiction on—

1 (A) the status of procedures under which
2 the Administrator will conduct focused over-
3 sight of such holder's processes for performing
4 delegated functions with respect to the design
5 of new and derivative transport airplanes and
6 the production of such airplanes; and

7 (B) the Administrator's efforts, to the
8 maximum extent practicable and subject to ap-
9 propriations, to increase the number of engi-
10 neers, inspectors, and other qualified technical
11 experts, as necessary to fulfill the requirements
12 of this section, in—

13 (i) each office of the Administration
14 responsible for dedicated oversight of such
15 holder; and

16 (ii) the System Oversight Division, or
17 any successor division, of the Aircraft Cer-
18 tification Service.

19 (d) NON-CONCURRENCE WITH RECOMMENDA-
20 TIONS.—Not later than 6 months after receipt of the rec-
21 ommendations submitted under subsection (a)(5), with re-
22 spect to each recommendation of the review panel with
23 which the Administrator does not concur, if any, the Ad-
24 ministrator shall publish on the website of the Administra-
25 tion and submit to the congressional committees of juris-

1 diction a detailed explanation as to why, including if the
2 Administrator believes implementation of such rec-
3 ommendation would not improve aviation safety.

4 **SEC. 4. CERTIFICATION OVERSIGHT STAFF.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Administrator
7 \$27,000,000 for each of fiscal years 2021 through 2023
8 to recruit and retain engineers, safety inspectors, human
9 factors specialists, and software and cybersecurity experts
10 and other qualified technical experts who perform duties
11 related to the certification of aircraft, aircraft engines,
12 propellers, and appliances.

13 (b) RECRUITMENT AND RETENTION.—

14 (1) BARGAINING UNITS.—Not later than 30
15 days after the date of enactment of this Act, the Ad-
16 ministrator shall begin collaboration with the exclu-
17 sive bargaining representatives of engineers, safety
18 inspectors, systems safety specialists, and other
19 qualified technical experts certified under section
20 7111 of title 5, United States Code, to improve re-
21 cruitment of employees for, and to implement reten-
22 tion incentives for employees holding, positions with
23 respect to the certification of aircraft, aircraft en-
24 gines, propellers, and appliances. If the Adminis-
25 trator and such representatives are unable to reach

1 an agreement collaboratively, the Administrator and
2 such representatives shall negotiate in accordance
3 with section 40122(a) of title 49, United States
4 Code, to improve recruitment and implement reten-
5 tion incentives for employees described in subsection
6 (a) who are covered under a collective bargaining
7 agreement.

8 (2) OTHER EMPLOYEES.—Notwithstanding any
9 other provision of law, not later than 30 days after
10 the date of enactment of this Act, the Administra-
11 tion shall improve recruitment of, and implement re-
12 tention incentives for, any individual described in
13 subsection (a) who is not covered under a collective
14 bargaining agreement.

15 (3) RULE OF CONSTRUCTION.—Nothing in this
16 section shall be construed to vest in any exclusive
17 bargaining representative any management right of
18 the Administrator, as such right existed on the day
19 before the date of enactment of this Act.

20 (4) AVAILABILITY OF APPROPRIATIONS.—Any
21 action taken by the Administrator under this section
22 shall be subject to the availability of appropriations
23 authorized under subsection (a).

1 **SEC. 5. DISCLOSURE OF SAFETY-CRITICAL INFORMATION.**

2 (a) PROHIBITION.—Section 44704 of title 49, United
3 States Code, is amended by striking subsection (e) and
4 inserting the following:

5 “(e) DISCLOSURE OF SAFETY-CRITICAL INFORMA-
6 TION.—

7 “(1) IN GENERAL.—Notwithstanding a delega-
8 tion described in section 44702(d), the Adminis-
9 trator shall require an applicant for, or holder of, a
10 type certificate for a transport-category aircraft cov-
11 ered under part 25 of title 14, Code of Federal Reg-
12 ulations, to submit safety-critical information with
13 respect to such aircraft to the Administrator in such
14 form, manner, or time as the Administrator may re-
15 quire. Such safety-critical information shall in-
16 clude—

17 “(A) any design and operational details,
18 intended functions, and failure modes of any
19 system that, without being commanded by the
20 flight crew, commands the operation of any
21 safety-critical function or feature required for
22 control of an aircraft during flight or that oth-
23 erwise changes the flight path or airspeed of an
24 aircraft;

25 “(B) the design and operational details, in-
26 tended functions, failure modes, and mode

1 annunciations of autopilot and autothrottle sys-
2 tems, if applicable;

3 “(C) any failure or operating condition
4 that the applicant or holder anticipates or has
5 concluded would result in an outcome with a se-
6 verity level of hazardous or catastrophic, as de-
7 fined in the appropriate Administration air-
8 worthiness requirements and guidance applica-
9 ble to transport-category aircraft defining risk
10 severity;

11 “(D) any adverse handling quality that
12 fails to meet the requirements of applicable reg-
13 ulations without the addition of a software sys-
14 tem to augment the flight controls of the air-
15 craft to produce compliant handling qualities;
16 and

17 “(E) a system safety assessment with re-
18 spect to a system described in subparagraph
19 (A) or (B) or with respect to any component or
20 other system for which failure or erroneous op-
21 eration of such component or system could re-
22 sult in an outcome with a severity level of haz-
23 ardous or catastrophic, as defined in the appro-
24 priate Administration airworthiness require-

1 ments and guidance applicable to transport-cat-
2 egory aircraft defining risk severity.

3 “(2) ONGOING COMMUNICATIONS.—

4 “(A) NEWLY DISCOVERED INFORMA-
5 TION.—The Administrator shall require that an
6 applicant for, or holder of, a type certificate
7 disclose to the Administrator, in such form,
8 manner, or time as the Administrator may re-
9 quire, any newly discovered information or de-
10 sign or analysis change that would materially
11 alter any submission to the Administrator
12 under paragraph (1).

13 “(B) AIRCRAFT SYSTEM DEVELOPMENT
14 CHANGES.—The Administrator shall establish
15 multiple milestones throughout the certification
16 process at which a proposed aircraft system will
17 be assessed to determine whether any change to
18 such system during the certification process is
19 such that such system should be considered
20 novel or unusual by the Administrator.

21 “(3) FLIGHT MANUALS.—The Administrator
22 shall ensure that an aircraft flight manual and a
23 flight crew operating manual (as appropriate or ap-
24 plicable) for an aircraft contains a description of the
25 operation of a system described in paragraph (1)(A)

1 and flight crew procedures for responding to a fail-
2 ure or aberrant operation of such system.

3 “(4) CIVIL PENALTY.—

4 “(A) AMOUNT.—Notwithstanding section
5 46301, an applicant for, or holder of, a type
6 certificate that knowingly violates paragraph
7 (1), (2), or (3) of this subsection shall be liable
8 to the Administrator for a civil penalty of not
9 more than \$1,000,000 for each violation.

10 “(B) PENALTY CONSIDERATIONS.—In de-
11 termining the amount of a civil penalty under
12 subparagraph (A), the Administrator shall con-
13 sider—

14 “(i) the nature, circumstances, extent,
15 and gravity of the violation, including the
16 length of time that such safety-critical in-
17 formation was known but not disclosed;
18 and

19 “(ii) with respect to the violator, the
20 degree of culpability, any history of prior
21 violations, and the size of the business con-
22 cern.

23 “(5) REVOCATION AND CIVIL PENALTY FOR IN-
24 DIVIDUALS.—

1 “(A) IN GENERAL.—The Administrator
2 shall revoke any airline transport pilot certifi-
3 cate issued under section 44703 held by any in-
4 dividual who, while acting on behalf of an appli-
5 cant for, or holder of, a type certificate, know-
6 ingly makes a false statement with respect to
7 any of the matters described in subparagraphs
8 (A) through (D) of paragraph (1).

9 “(B) AUTHORITY TO IMPOSE CIVIL PEN-
10 ALTY.—The Administrator may impose a civil
11 penalty under section 46301 for each violation
12 described in subparagraph (A).

13 “(6) RULE OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to affect or other-
15 wise inhibit the authority of the Administrator to
16 deny an application by an applicant for a type cer-
17 tificate or to revoke a type certificate of a holder of
18 such certificate.

19 “(7) DEFINITION OF TYPE CERTIFICATE.—In
20 this subsection, the term ‘type certificate’—

21 “(A) means a type certificate issued under
22 subsection (a) or an amendment to such certifi-
23 cate; and

24 “(B) does not include a supplemental type
25 certificate issued under subsection (b).”.

1 (b) CIVIL PENALTY AUTHORITY.—Section 44704 of
2 title 49, United States Code, is further amended by adding
3 at the end the following:

4 “(f) HEARING REQUIREMENT.—The Administrator
5 may find that a person has violated subsection (a)(6) or
6 paragraph (1), (2), or (3) of subsection (e) and impose
7 a civil penalty under the applicable subsection only after
8 notice and an opportunity for a hearing. The Adminis-
9 trator shall provide a person—

10 “(1) written notice of the violation and the
11 amount of penalty; and

12 “(2) the opportunity for a hearing under sub-
13 part G of part 13 of title 14, Code of Federal Regu-
14 lations.”.

15 **SEC. 6. PERIODIC REVIEWS OF ORGANIZATION DESIGNA-**
16 **TION AUTHORIZATIONS.**

17 Section 44736 of title 49, United States Code, is
18 amended—

19 (1) by redesignating subsection (c) as sub-
20 section (d); and

21 (2) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) PERIODIC REVIEWS.—

24 “(1) IN GENERAL.—Not less than once every 7
25 years, the Administrator shall conduct a comprehen-

1 sive review of the capability of each ODA holder for
2 the design of an aircraft, aircraft engine, propeller,
3 or appliance pursuant to a delegation by the Admin-
4 istrator under section 44702(d) to meet the require-
5 ments of subpart D of part 183 of title 14, Code of
6 Federal Regulations, based on the holder’s organiza-
7 tional structures, requirements applicable to officers
8 and employees, and safety culture.

9 “(2) CONTENTS OF REVIEW.—A comprehensive
10 review under this subsection shall include an assess-
11 ment of the effectiveness of, and organization-wide
12 adherence to, an ODA holder’s procedures manual
13 and voluntary safety reporting system.”.

14 **SEC. 7. LIMITATIONS ON DELEGATION.**

15 Section 44702(d) of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(4) Notwithstanding any other provision of
18 law, the Administrator may not delegate a matter
19 under this subsection—

20 “(A) with respect to the certification of the
21 design of a novel or unusual design feature that
22 results in a major change to a type design, ex-
23 cept when the Administrator determines—

24 “(i) a matter is a routine task, or

1 “(ii) during the course of the certifi-
2 cation process, that a matter no longer re-
3 lates to a novel or unusual design feature;
4 or

5 “(B) on the sole basis that the Federal
6 Aviation Administration lacks a sufficient num-
7 ber of personnel qualified or with the requisite
8 expertise to perform the function.”.

9 **SEC. 8. OVERSIGHT OF ORGANIZATION DESIGNATION AU-**
10 **THORIZATION UNIT MEMBERS.**

11 (a) IN GENERAL.—Chapter 447 of title 49, United
12 States Code, as amended by this Act, is amended by add-
13 ing at the end the following:

14 **“§ 44741. Approval of organization designation au-**
15 **thorization unit members**

16 “(a) IN GENERAL.—Beginning on the date that is 1
17 year after the date of enactment of the Aircraft Certifi-
18 cation Reform and Accountability Act, each individual who
19 is selected on or after such date to become a member of
20 an ODA unit by an ODA holder engaged in the design
21 of an aircraft, aircraft engine, propeller, or appliance and
22 performs an authorized function pursuant to a delegation
23 by the Administrator of the Federal Aviation Administra-
24 tion under section 44702(d)—

1 “(1) shall be an employee, a contractor, or the
2 employee of a supplier of the ODA holder; and

3 “(2) may not become a member of such unit
4 unless approved by the Administrator pursuant to
5 this section.

6 “(b) PROCESS AND TIMELINE.—

7 “(1) IN GENERAL.—The Administrator shall
8 maintain an efficient process for the review and ap-
9 proval of an individual to become a member of an
10 ODA unit under this section.

11 “(2) PROCESS.—An ODA holder described in
12 subsection (a) may submit to the Administrator an
13 application for an individual to be approved to be-
14 come a member of an ODA unit under this section.
15 The application shall be submitted in such form and
16 manner as the Administrator determines appro-
17 priate. The Administrator shall require an ODA
18 holder to submit with such an application informa-
19 tion sufficient to demonstrate an individual’s quali-
20 fications under subsection (c).

21 “(3) TIMELINE.—The Administrator shall ap-
22 prove or reject an individual that is selected by an
23 ODA holder to become an ODA unit member under
24 this section not later than 30 days after the receipt
25 of an application by an ODA holder.

1 “(4) DOCUMENTATION OF APPROVAL.—Upon
2 approval of an individual to become a member of an
3 ODA unit under this section, the Administrator shall
4 provide such individual a letter confirming that such
5 individual has been approved by the Administrator
6 under this section to be an ODA unit member.

7 “(5) REAPPLICATION.—An ODA holder may
8 submit an application under this subsection for an
9 individual to become a member of an ODA unit
10 under this section regardless of whether an applica-
11 tion for such individual was previously rejected by
12 the Administrator.

13 “(c) QUALIFICATIONS.—

14 “(1) IN GENERAL.—The Administrator shall
15 issue minimum qualifications for an individual to be-
16 come a member of an ODA unit under this section.
17 In issuing such qualifications, the Administrator
18 shall consider existing qualifications for Administra-
19 tion employees with similar duties and whether such
20 individual—

21 “(A) is technically proficient and qualified
22 to perform the authorized functions sought;

23 “(B) has no recent record of serious en-
24 forcement action, as determined by the Admin-
25 istrator, taken by the Administrator with re-

1 spect to any certificate, approval, or authoriza-
2 tion held by such individual;

3 “(C) is of good moral character (as such
4 qualification is applied to an applicant for an
5 airline transport pilot certificate issued under
6 section 44703);

7 “(D) possesses the knowledge of applicable
8 design or production requirements in this chap-
9 ter and in title 14, Code of Federal Regula-
10 tions, necessary for performance of the author-
11 ized functions sought;

12 “(E) possesses a high degree of knowledge
13 of applicable design or production principles,
14 system safety principles, or safety risk manage-
15 ment processes appropriate for the authorized
16 functions sought; and

17 “(F) meets such testing, examination,
18 training, or other qualification standards as the
19 Administrator determines are necessary to en-
20 sure the individual is competent and capable of
21 performing the authorized functions sought.

22 “(2) PREVIOUSLY REJECTED APPLICATION.—In
23 reviewing an application for an individual to become
24 a member of an ODA unit under this section, if an
25 application for such individual was previously re-

1 jected, the Administrator shall ensure that the rea-
2 sons for the prior rejection have been resolved or
3 mitigated to the Administrator’s satisfaction before
4 making a determination on the individual’s re-
5 application.

6 “(d) RESCISSION OF APPROVAL.—The Administrator
7 may rescind an approval of an individual as a member of
8 an ODA unit granted pursuant to this section at any time
9 and for any reason the Administrator considers appro-
10 pate. The Administrator shall develop procedures to pro-
11 vide for notice and opportunity to appeal rescission deci-
12 sions made by the Administrator. Such decisions by the
13 Administrator are not subject to judicial review.

14 “(e) RECORDS AND BRIEFINGS.—

15 “(1) IN GENERAL.—Beginning on the date de-
16 scribed in subsection (a), an ODA holder shall main-
17 tain, for a period to be determined by the Adminis-
18 trator and with proper protections to ensure the se-
19 curity of sensitive and personal information—

20 “(A) any data, applications, records, or
21 manuals required by the ODA holder’s ap-
22 proved procedures manual, as determined by
23 the Administrator;

24 “(B) the names, responsibilities, qualifica-
25 tions, and example signature of each member of

1 the ODA unit who performs an authorized
2 function pursuant to a delegation by the Ad-
3 ministrator under section 44702(d);

4 “(C) training records for ODA unit mem-
5 bers and ODA administrators; and

6 “(D) any other data, applications, records,
7 or manuals determined appropriate by the Ad-
8 ministrator.

9 “(2) CONGRESSIONAL BRIEFING.—Not later
10 than 90 days after the date of enactment of the Air-
11 craft Certification Reform and Accountability Act,
12 and every 90 days thereafter through September 30,
13 2023, the Administrator shall provide to the Com-
14 mittee on Transportation and Infrastructure of the
15 House of Representatives and Committee on Com-
16 merce, Science, and Transportation of the Senate a
17 briefing on the implementation and effects of this
18 section, including—

19 “(A) the Administration’s performance in
20 completing reviews of individuals and approving
21 or denying such individuals within the timeline
22 required under subsection (b)(3);

23 “(B) for any individual rejected by the Ad-
24 ministrator under subsection (b) during the

1 preceding 90-day period, the reasoning or basis
2 for such rejection; and

3 “(C) any resource, staffing, or other chal-
4 lenges within the Administration associated
5 with implementation of this section.

6 “(f) SPECIAL REVIEW OF QUALIFICATIONS.—

7 “(1) IN GENERAL.—Not later than 30 days
8 after the issuance of minimum qualifications under
9 subsection (c), the Administrator shall initiate a re-
10 view of the qualifications of each individual who on
11 the date on which such minimum qualifications are
12 issued is a member of an ODA unit of a holder of
13 a type certificate for a transport airplane to ensure
14 such individual meets the minimum qualifications
15 issued by the Administrator under subsection (c).

16 “(2) UNQUALIFIED INDIVIDUAL.—For any indi-
17 vidual who is determined by the Administrator not
18 to meet such minimum qualifications pursuant to
19 the review conducted under paragraph (1), the Ad-
20 ministrator—

21 “(A) shall determine whether the lack of
22 qualification may be remedied and, if so, pro-
23 vide such individual with an action plan or
24 schedule for such individual to meet such quali-
25 fications; or

1 “(B) may, if the Administrator determines
2 the lack of qualification may not be remedied,
3 take appropriate action, including prohibiting
4 such individual from performing an authorized
5 function.

6 “(3) DEADLINE.—

7 “(A) The Administrator shall complete the
8 review required under paragraph (1) not later
9 than 18 months after the date on which such
10 review was initiated.

11 “(B) If the Administrator fails to complete
12 the review in compliance with subparagraph
13 (A), the Secretary of Transportation shall as-
14 sume the responsibility for completing the re-
15 view.

16 “(C) The Secretary’s completion of the re-
17 view under subparagraph (B)—

18 “(i) may not be delegated to the Ad-
19 ministration; and

20 “(ii) shall be completed within 120
21 days of the date the Secretary’s assump-
22 tion of responsibility following the Admin-
23 istrator’s failure to complete the review in
24 compliance with subparagraph (A).

1 “(4) SAVINGS CLAUSE.—An individual approved
2 to become a member of an ODA unit of a holder of
3 a type certificate for a transport airplane under sub-
4 section (a) shall not be subject to the review under
5 this subsection.

6 “(g) PROHIBITION.—The Administrator may not au-
7 thorize an organization or ODA holder to approve an indi-
8 vidual selected by an ODA holder to become an ODA unit
9 member under this section.

10 “(h) DEFINITIONS.—

11 “(1) GENERAL APPLICABILITY.—The defini-
12 tions contained in section 44736 shall apply to this
13 section.

14 “(2) TRANSPORT AIRPLANE.—The term ‘trans-
15 port airplane’ means a transport-category airplane
16 designed for operation by an air carrier or foreign
17 air carrier type-certificated with a passenger seating
18 capacity of 30 or more or an all-cargo or combi de-
19 rivative of such an airplane.

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$3,000,000 for each of fiscal years 2021 through 2023.

1 **“§ 44742. Interference with the duties of organization**
2 **designation authorization unit members**

3 “(a) IN GENERAL.—The Administrator of the Fed-
4 eral Aviation Administration shall continuously seek to
5 eliminate or minimize interference by an ODA holder that
6 affects the performance of authorized functions by mem-
7 bers of an ODA unit.

8 “(b) PROHIBITION.—

9 “(1) IN GENERAL.—It shall be unlawful for any
10 individual who is employed by an ODA holder to
11 commit an act of interference with an ODA unit
12 member’s performance of authorized functions.

13 “(2) CIVIL PENALTY.—

14 “(A) INDIVIDUALS.—An individual shall be
15 subject to a civil penalty under section
16 46301(a)(1) for each violation under paragraph
17 (1).

18 “(B) SAVINGS CLAUSE.—Nothing in this
19 paragraph shall be construed as limiting or con-
20 stricting any other authority of the Adminis-
21 trator to pursue an enforcement action against
22 an individual or organization for violation of ap-
23 plicable Federal laws or regulations of the Ad-
24 ministration.

25 “(c) REPORTING.—

1 “(1) REPORTS TO ODA HOLDER.—A member of
2 an ODA unit shall promptly report any instances of
3 interference experienced or witnessed by such mem-
4 ber to the office of the ODA holder that is des-
5 ignated to receive such reports.

6 “(2) REPORTS TO THE FAA.—

7 “(A) IN GENERAL.—The ODA holder of-
8 fice described in paragraph (1) shall submit to
9 the office of the Administration designated by
10 the Administrator to accept and review such re-
11 ports any credible instances of interference re-
12 ported under paragraph (1).

13 “(B) CONTENTS.—A report to the Admin-
14 istration under this paragraph shall be sub-
15 mitted in a manner, at a time, and in a form
16 prescribed by the Administrator. Such report
17 shall include the results of any investigation
18 conducted by the ODA holder in response to a
19 report of interference, a description of any ac-
20 tion taken by the ODA holder as a result of the
21 report of interference, and any other informa-
22 tion or potentially mitigating factors the ODA
23 holder or the Administrator deems appropriate.

24 “(C) USE OF REPORT.—The Administrator
25 may use the information submitted in a report

1 under this paragraph, including the actions
2 taken by an ODA holder in response to a report
3 under paragraph (1), in determining whether to
4 issue a civil penalty pursuant to subsection (b)
5 or whether such civil penalty should be subject
6 to a setoff or compromised.

7 “(3) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall be construed to preclude a
9 member of an ODA unit from reporting an instance
10 of interference reported under paragraph (1) directly
11 to the Administration. Each ODA holder shall pro-
12 vide notice to each member of such holder’s ODA
13 unit stating that such individual may report an in-
14 stance of interference reported under paragraph (1)
15 directly to the Administration.

16 “(d) DEFINITIONS.—

17 “(1) GENERAL APPLICABILITY.—The defini-
18 tions contained in section 44736 shall apply to this
19 section.

20 “(2) INTERFERENCE.—In this section, the term
21 ‘interference’ means—

22 “(A) blatant or egregious statements or be-
23 havior, such as harassment, beratement, or
24 threats, that a reasonable person would con-
25 clude was intended to improperly influence or

1 prejudice an ODA unit member's performance
2 of his or her duties; or

3 “(B) the presence of non-ODA unit duties
4 or activities that conflict with the performance
5 of authorized functions by ODA unit mem-
6 bers.”.

7 (b) LATERAL COMMUNICATIONS.—

8 (1) CONTACT WITH ADMINISTRATION.—The
9 Administrator shall ensure that employees of the Ad-
10 ministration with responsibility for aircraft certifi-
11 cation functions may directly contact non-managerial
12 employees of an aircraft manufacturer for consulta-
13 tion regarding the certification of aircraft design,
14 production, and other matters.

15 (2) PROHIBITION.—It shall be a violation of
16 section 44736(a)(2)(C) of title 49, United States
17 Code, for a manufacturer to prohibit employees from
18 contacting any employee of the Administration or
19 otherwise impose any condition, restriction, or pen-
20 alty (including by requiring prior notice to or the ap-
21 proval of any supervisor or manager) with respect to
22 such contact, except that such manufacturer may in-
23 stitute reasonable, company-wide policies requiring
24 documentation of communications regarding aircraft

1 design or production between the manufacturer's
2 employees and Administration employees.

3 (c) ODA PROGRAM ENHANCEMENTS.—Section
4 44736 of title 49, United States Code, is further amend-
5 ed—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A) by striking
9 the semicolon and inserting “; and”;

10 (ii) by striking subparagraph (B);

11 (iii) in subparagraph (C) by striking
12 “; and” and inserting a period;

13 (iv) by striking subparagraph (D);

14 and

15 (v) by redesignating subparagraph (C)
16 as subparagraph (B); and

17 (B) in paragraph (3) by striking “shall—
18 ” and all that follows through the end and in-

19 serting “shall conduct regular oversight activi-
20 ties by inspecting the ODA holder's delegated

21 functions and taking action based on validated
22 inspection findings.”; and

23 (2) in subsection (b)(3)—

24 (A) in subparagraph (A)—

1 (i) by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses
2 (i), (ii), and (iii), respectively;

3 (ii) in clause (i) as redesignated by inserting “, as appropriate,” after “require”;

4 (iii) in clause (ii) as redesignated by inserting “, as appropriate,” after “require”; and

5 (iv) in clause (iii) as redesignated by inserting “when appropriate,” before
6 “make a reassessment”;

7 (B) by striking subparagraph (B);

8 (C) in subparagraph (D) by striking the semicolon and inserting “; and”;

9 (D) in subparagraph (E) by striking “; and” and inserting a period;

10 (E) in subparagraph (F) by inserting “, when appropriate,” before “approve”; and

11 (F) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

12 (d) TECHNICAL CORRECTIONS.—

13 (1) SECTION 44737.—Chapter 447 of title 49, United States Code, is further amended by redesignating the second section 44737 (as added by sec-

1 tion 581 of the FAA Reauthorization Act of 2018)
2 as section 44740.

3 (2) ANALYSIS.—The analysis for chapter 447 of
4 title 49, United States Code, is amended—

5 (A) by striking the item relating to the
6 second section 44737 (as added by section 581
7 of the FAA Reauthorization Act of 2018); and

8 (B) by inserting after the item relating to
9 section 44739 the following new items:

“44740. Special rule for certain aircraft operations.

“44741. Approval of organization designation authorization unit members.

“44742. Interference with the duties of organization designation authorization
unit members.”.

10 (3) SPECIAL RULE FOR CERTAIN AIRCRAFT OP-
11 ERATIONS.—Section 44740 of title 49, United States
12 Code, (as redesignated by subsection (a)) is amend-
13 ed—

14 (A) in the heading by striking the period
15 at the end;

16 (B) in subsection (a)(1) by striking “chap-
17 ter” and inserting “section”;

18 (C) in subsection (b)(1) by striking “(1)”
19 the second time it appears; and

20 (D) in subsection (c)(2) by adding a period
21 at the end.

1 **SEC. 9. INTEGRATED PROJECT TEAMS.**

2 (a) IN GENERAL.—Upon receipt of an application for
3 a type certificate for a new transport airplane, the Admin-
4 istrator shall convene an interdisciplinary integrated
5 project team responsible for coordinating review of such
6 application.

7 (b) MEMBERSHIP.—In convening an interdisciplinary
8 integrated project team under subsection (a), the Adminis-
9 trator shall appoint employees of the Administration with
10 specialized expertise and experience in the fields of engi-
11 neering, systems design, human factors, and pilot train-
12 ing, including, at a minimum—

13 (1) not less than 1 designee of the Associate
14 Administrator for Aviation Safety whose duty sta-
15 tion is in the Administration’s headquarters;

16 (2) representatives of the Aircraft Certification
17 Service of the Administration;

18 (3) representatives of the Flight Standards
19 Service of the Administration;

20 (4) experts in the fields of human factors, aero-
21 dynamics, flight controls, software, and systems de-
22 sign; and

23 (5) any other subject matter expert whom the
24 Administrator determines appropriate.

1 **SEC. 10. OVERSIGHT INTEGRITY BRIEFING.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator shall brief the congressional
4 committees of jurisdiction on specific measures the Ad-
5 ministrator has taken to reinforce that each employee of
6 the Administration responsible for overseeing an organiza-
7 tion designation authorization with respect to the certifi-
8 cation of aircraft perform such responsibility in accord-
9 ance with safety management principles and in the public
10 interest of aviation safety.

11 **SEC. 11. APPEALS OF CERTIFICATION DECISIONS.**

12 (a) IN GENERAL.—Section 44704, of title 49, United
13 States Code, is further amended by adding at the end the
14 following:

15 “(g) CERTIFICATION DISPUTE RESOLUTION.—

16 “(1) DISPUTE RESOLUTION PROCESS AND AP-
17 PEALS.—

18 “(A) IN GENERAL.—Not later than 60
19 days after the date of enactment of this sub-
20 section, the Administrator shall issue an order
21 establishing—

22 “(i) an effective, timely, and mile-
23 stone-based issue resolution process for
24 type certification activities under sub-
25 section (a); and

1 “(ii) a process by which a decision,
2 finding of compliance or noncompliance, or
3 other act of the Administration, with re-
4 spect to compliance with design require-
5 ments, may be appealed by a covered per-
6 son directly involved with the certification
7 activities in dispute on the basis that such
8 decision, finding, or act is erroneous or in-
9 consistent with this chapter, regulations, or
10 guidance materials promulgated by the Ad-
11 ministrator, or other requirements.

12 “(B) ESCALATION.—The order issued
13 under subparagraph (A) shall provide for—

14 “(i) resolution of technical issues at
15 pre-established stages of the certification
16 process, as agreed to by the Administrator
17 and the type certificate applicant;

18 “(ii) automatic elevation to appro-
19 priate management personnel of the Ad-
20 ministration and the type certificate appli-
21 cant of any major certification process
22 milestone that is not completed or resolved
23 within a specific period of time agreed to
24 by the Administrator and the type certifi-
25 cate applicant;

1 “(iii) resolution of a major certifi-
2 cation process milestone elevated pursuant
3 to clause (ii) with a specific period of time
4 agreed to by the Administrator and the
5 type certificate applicant;

6 “(iv) initial review by appropriate Ad-
7 ministration employees of any appeal de-
8 scribed in subparagraph (A)(ii); and

9 “(v) subsequent review of any further
10 appeal by appropriate management per-
11 sonnel of the Administration and the Asso-
12 ciate Administrator for Aviation Safety.

13 “(C) DISPOSITION.—

14 “(i) WRITTEN DECISION.—The Asso-
15 ciate Administrator for Aviation Safety
16 shall issue a written decision on each ap-
17 peal submitted under subparagraph (A)(ii),
18 stating the grounds for the decision of the
19 Associate Administrator.

20 “(ii) REPORT TO CONGRESS.—Not
21 later than December 31 of each calendar
22 year through calendar year 2025, the Ad-
23 ministrator shall submit to the Committee
24 on Transportation and Infrastructure of
25 the House of Representatives and the

1 Committee on Commerce, Science, and
2 Transportation of the Senate a report
3 summarizing each appeal resolved under
4 this subsection.

5 “(D) FINAL REVIEW.—

6 “(i) IN GENERAL.—A written decision
7 of the Associate Administrator under sub-
8 paragraph (C) may be appealed to the Ad-
9 ministrator for a final review and deter-
10 mination.

11 “(ii) DECLINE TO REVIEW.—The Ad-
12 ministrator may decline to review an ap-
13 peal initiated pursuant to clause (i).

14 “(iii) JUDICIAL REVIEW.—Notwith-
15 standing any other provision of law, nei-
16 ther a final determination of the Adminis-
17 trator under clause (i) nor a decision to
18 decline to review an appeal under clause
19 (ii) shall be subject to judicial review.

20 “(2) PROHIBITED CONTACTS.—

21 “(A) PROHIBITION GENERALLY.—During
22 the course of an appeal under this subsection,
23 no covered official may engage in an ex parte
24 communication with an individual representing
25 or acting on behalf of an applicant for, or hold-

1 er of, a certificate under this section in relation
2 to such appeal unless such communication is
3 disclosed pursuant to subparagraph (B).

4 “(B) DISCLOSURE.—If, during the course
5 of an appeal under this subsection, a covered
6 official engages in, receives, or is otherwise
7 made aware of an ex parte communication, the
8 covered official shall disclose such communica-
9 tion in the public record at the time of the
10 issuance of the written decision in accordance
11 with subsection (g)(1)(C), including the time
12 and date of the communication, subject of com-
13 munication, and all persons engaged in such
14 communication.

15 “(3) DEFINITIONS.—In this subsection:

16 “(A) COVERED PERSON.—The term ‘cov-
17 ered person’ means either—

18 “(i) an employee of the Administra-
19 tion whose responsibilities relate to the cer-
20 tification of aircraft, engines, propellers, or
21 appliances; or

22 “(ii) an applicant for, or holder of, a
23 type certificate or amended type certificate
24 issued under this section.

1 “(B) COVERED OFFICIAL.—The term ‘cov-
2 ered official’ means the following officials:

3 “(i) The Executive Director or any
4 Deputy Director of the Aircraft Certifi-
5 cation Service.

6 “(ii) The Deputy Executive Director
7 for Regulatory Operations of the Aircraft
8 Certification Service.

9 “(iii) The Director or Deputy Director
10 of the Compliance and Airworthiness Divi-
11 sion of the Aircraft Certification Service.

12 “(iv) The Director or Deputy Director
13 of the System Oversight Division of the
14 Aircraft Certification Service.

15 “(v) The Director or Deputy Director
16 of the Policy and Innovation Division of
17 the Aircraft Certification Service.

18 “(vi) The Executive Director or any
19 Deputy Executive Director of the Flight
20 Standards Service.

21 “(vii) The Associate Administrator or
22 Deputy Associate Administrator for Avia-
23 tion Safety.

24 “(viii) The Deputy Administrator of
25 the Federal Aviation Administration.

1 “(ix) The Administrator of the Fed-
2 eral Aviation Administration.

3 “(x) Any similarly situated or suc-
4 cessor FAA management position, as de-
5 termined by the Administrator.

6 “(C) MAJOR CERTIFICATION PROCESS
7 MILESTONE.—The term ‘major certification
8 process milestone’ means a milestone related to
9 the type certification basis, type certification
10 plan, type inspection authorization, issue paper,
11 or other major type certification activity agreed
12 to by the Administrator and the type certificate
13 applicant.

14 “(4) RULE OF CONSTRUCTION.—Nothing in
15 this subsection shall apply to the communication of
16 a good-faith complaint by any individual alleging—

17 “(A) gross misconduct;

18 “(B) a violation of title 18; or

19 “(C) a violation of any of the provisions of
20 part 2635 or 6001 of title 5, Code of Federal
21 Regulations.”.

22 (b) CONFORMING AMENDMENT.—Section 44704(a)
23 is amended by striking paragraph (6).

1 **SEC. 12. EMPLOYMENT RESTRICTIONS.**

2 (a) DISQUALIFICATION BASED ON PRIOR EMPLOY-
3 MENT.—An employee of the Administration with super-
4 visory responsibility may not direct, conduct, or otherwise
5 participate in oversight of a holder of a certificate issued
6 under section 44704 that previously employed such em-
7 ployee in the preceding 1-year period.

8 (b) POST-EMPLOYMENT RESTRICTIONS.—Section
9 44711(d) of title 49, United States Code, is amended to
10 read as follows:

11 “(d) POST-EMPLOYMENT RESTRICTIONS FOR IN-
12 SPECTORS AND ENGINEERS.—

13 “(1) PROHIBITION.—A person holding a certifi-
14 cate issued under part 21 or 119 of title 14, Code
15 of Federal Regulations, may not knowingly employ,
16 or make a contractual arrangement that permits, an
17 individual to act as an agent or representative of
18 such person in any matter before the Administration
19 if the individual, in the preceding 2-year period—

20 “(A) served as, or was responsible for over-
21 sight of—

22 “(i) a flight standards inspector of the
23 Administration; or

24 “(ii) an employee of the Administra-
25 tion with responsibility for certification

1 functions with respect to a holder of a cer-
2 tificate issued under section 44704(a); and

3 “(B) had responsibility to inspect, or over-
4 see inspection of, the operations of such person.

5 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

6 For purposes of paragraph (1), an individual shall
7 be considered to be acting as an agent or representa-
8 tive of a certificate holder in a matter before the Ad-
9 ministration if the individual makes any written or
10 oral communication on behalf of the certificate hold-
11 er to the Administration (or any of its officers or
12 employees) in connection with a particular matter,
13 whether or not involving a specific party and without
14 regard to whether the individual has participated in,
15 or had responsibility for, the particular matter while
16 serving as an individual covered under paragraph
17 (1).”.

18 **SEC. 13. PROFESSIONAL DEVELOPMENT AND SKILLS EN-**

19 **HANCEMENT.**

20 (a) IN GENERAL.—The Administrator shall—

21 (1) develop a program for regular recurrent
22 training of engineers, inspectors, and other subject-
23 matter experts employed in the Aircraft Certification
24 Service of the Administration in accordance with the
25 training strategy developed pursuant to section 231

1 of the FAA Reauthorization Act of 2018 (Public
2 Law 115–254; 132 Stat. 3256); and

3 (2) to the maximum extent practicable, imple-
4 ment measures, including assignments in multiple
5 divisions of the Aircraft Certification Service, to en-
6 sure that such engineers and other subject-matter
7 experts in the Aircraft Certification Service have ac-
8 cess to diverse professional opportunities that ex-
9 pand their knowledge and skills.

10 (b) IMPLEMENTATION.—The Administrator shall, to
11 the maximum extent practicable, ensure that actions taken
12 pursuant to subsection (a)—

13 (1) permit engineers, inspectors, and other sub-
14 ject matter experts to continue developing knowledge
15 of, and expertise in, new and emerging technologies
16 in systems design, flight controls, principles of avia-
17 tion safety, system oversight, and certification
18 project management;

19 (2) minimize the likelihood of an individual de-
20 veloping an inappropriate bias toward a designer or
21 manufacturer of aircraft, aircraft engines, propellers,
22 or appliances;

23 (3) are consistent with any applicable collective
24 bargaining agreements; and

1 (4) account for gaps in knowledge and skills be-
2 tween Administration employees and private-sector
3 employees, as identified by the exclusive bargaining
4 representatives certified under section 7111 of title
5 5, United States Code, for each group of Adminis-
6 tration employees covered under this section.

7 **SEC. 14. VOLUNTARY SAFETY REPORTING PROGRAM.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of enactment of this Act, the Administrator shall
10 begin collaboration with the exclusive bargaining rep-
11 resentatives of engineers, safety inspectors, systems safety
12 specialists, and other subject matter experts certified
13 under section 7111 of title 5, United States Code, to im-
14 plement a confidential voluntary safety reporting program,
15 in a manner that is consistent with other voluntary report-
16 ing programs administered by the Administrator. The pro-
17 gram shall include provisions addressing, at a minimum—

18 (1) participation in all facets of the program by
19 the exclusive bargaining representatives for employ-
20 ees identified in the matter preceding this para-
21 graph;

22 (2) protections for frontline employees from ad-
23 verse employment actions related to their participa-
24 tion in the program;

25 (3) identification of exclusionary criteria; and

1 (4) creation of a corrective action process in
2 order to address safety issues that are identified
3 through the program.

4 (b) NEGOTIATIONS.—If the Administrator and the
5 representatives described in subsection (a) are unable to
6 reach an agreement collaboratively, the Administrator and
7 such representatives shall negotiate in accordance with
8 section 40122(a) of title 49, United States Code, to reach
9 agreement on the terms and conditions of such a program.

10 **SEC. 15. COMPENSATION LIMITATION.**

11 Notwithstanding any other provision of law, an em-
12 ployee of the Administration may not receive an adjust-
13 ment to the employee's compensation solely on the basis
14 of the employee's performance in meeting or exceeding a
15 deadline related to the completion of certification func-
16 tions.

17 **SEC. 16. SYSTEM SAFETY ASSESSMENTS AND OTHER RE-**
18 **QUIREMENTS.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of this Act, the Administrator shall
21 issue such regulations as are necessary to amend title 14,
22 Code of Federal Regulations, and any associated advisory
23 circular, guidance, or policy of the Administration, in ac-
24 cordance with this section.

1 (b) SYSTEM SAFETY ASSESSMENTS AND OTHER RE-
2 QUIREMENTS.—In developing regulations under sub-
3 section (a), the Administrator shall—

4 (1) require an applicant for an amended type
5 certificate for a transport airplane to—

6 (A) perform a system safety assessment
7 with respect to each proposed design change
8 that the Administrator determines is signifi-
9 cant, with such assessment considering the air-
10 plane-level effects of individual errors, malfunc-
11 tions, or failures and realistic pilot response
12 times to such errors, malfunctions, or failures
13 related to such change;

14 (B) update such assessment to account for
15 each subsequent proposed design change that
16 the Administrator determines is significant; and

17 (C) provide appropriate employees of the
18 Administration with the data and assumptions
19 underlying each assessment and amended as-
20 sessment; and

21 (2) work with other civil aviation authorities
22 representing states of design to ensure such regula-
23 tions remain harmonized internationally.

24 (c) FAA REVIEW.—Appropriate employees of the
25 Aircraft Certification Service and the Flight Standards

1 Service of the Administration shall review each system
2 safety assessment required under subsection (b)(1)(A),
3 updated assessment required under subsection (b)(1)(B),
4 and supporting data and assumptions required under sub-
5 section (b)(1)(C), to ensure that each such assessment
6 sufficiently considers the matters listed under subsection
7 (b)(1).

8 **SEC. 17. FLIGHT CREW ALERTING.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator shall fully
11 implement National Transportation Safety Board rec-
12 ommendations A-19-11 and A-19-12 (as contained in the
13 safety recommendation report adopted on September 9,
14 2019).

15 (b) PROHIBITION.—Beginning on the date that is 2
16 years after the date of enactment of this Act, the Adminis-
17 trator may not issue a type certificate for a transport-cat-
18 egory aircraft unless—

19 (1) in the case of a transport airplane, such air-
20 plane incorporates a flight crew alerting system that,
21 at a minimum, displays and differentiates among
22 warnings, cautions, and advisories, and includes
23 functions to assist the flight crew in prioritizing cor-
24 rective actions and responding to systems failures; or

1 (2) in the case of a transport-category aircraft
2 other than a transport airplane, the type certificate
3 applicant provides a means acceptable to the Admin-
4 istrator to assist the flight crew in prioritizing cor-
5 rective actions and responding to systems failures
6 (including by cockpit or flight manual procedures).

7 **SEC. 18. AMENDED TYPE CERTIFICATES.**

8 (a) REVIEW AND REEVALUATION OF AMENDED TYPE
9 CERTIFICATES.—

10 (1) INTERNATIONAL LEADERSHIP.—The Ad-
11 ministrator shall exercise leadership in the creation
12 of international policies and standards relating to
13 the issuance of amended type certificates within the
14 group of international civil aviation authorities
15 known as the Certificate Management Team.

16 (2) REEVALUATION OF AMENDED TYPE CER-
17 TIFICATES.—In carrying out this subsection, the Ad-
18 ministrator shall—

19 (A) encourage Certificate Management
20 Team members to examine and address any rel-
21 evant covered recommendations (as defined in
22 section 22) relating to the issuance of amended
23 type certificates;

24 (B) reevaluate existing assumptions and
25 practices inherent in the amended type certifi-

1 cate process and assess whether such assump-
2 tions and practices are valid; and

3 (C) ensure, to the greatest extent prac-
4 ticable, that Federal regulations relating to the
5 issuance of amended type certificates are har-
6 monized with the regulations of other inter-
7 national states of design.

8 (b) AMENDED TYPE CERTIFICATE REPORT AND
9 RULEMAKING.—

10 (1) REPORT ON CERTIFICATE MANAGEMENT
11 TEAM EFFORTS.—Not later than 18 months after
12 the date of enactment of this Act, the Administrator
13 shall submit a report to the congressional commit-
14 tees of jurisdiction on the efforts by the Certificate
15 Management Team to modify and harmonize policies
16 and regulations relating to the issuance of amended
17 type certificates.

18 (2) INITIATION OF ACTION.—Not later than 2
19 years after the date of enactment of this Act, the
20 Administrator shall revise and improve the process
21 of issuing amended type certificates in accordance
22 with this section. Such action may include the revi-
23 sion of guidance, the initiating of a rulemaking, or
24 such other action as the Administrator determines
25 necessary to implement this section.

1 (3) CONTENTS.—In taking an action required
2 under paragraph (2), the Administrator shall—

3 (A) consider—

4 (i) the findings and work of the Cer-
5 tificate Management Team and other simi-
6 lar international harmonization efforts;

7 (ii) any relevant covered recommenda-
8 tions (as defined in section 22); and

9 (iii) whether a fixed time beyond
10 which a type certificate may not be amend-
11 ed would improve aviation safety; and

12 (B) establish the extent to which the fol-
13 lowing design characteristics should preclude
14 the issuance of an amended type certificate:

15 (i) A new or revised flight control sys-
16 tem.

17 (ii) Any substantial changes to aero-
18 dynamic stability resulting from a physical
19 change that may require a new or modified
20 software system or control law in order to
21 produce positive and acceptable stability
22 and handling qualities.

23 (iii) A flight control system or aug-
24 mented software to maintain aerodynamic
25 stability in any portion of the flight enve-

1 lope that was not required for a previously
2 certified derivative.

3 (iv) A change in structural compo-
4 nents (other than a stretch or shrink of
5 the fuselage) that results in a change in
6 structural load paths or the magnitude of
7 structural loads attributed to flight maneu-
8 vers or cabin pressurization.

9 (v) A novel or unusual system, compo-
10 nent, or other feature whose failure would
11 present a hazardous or catastrophic risk.

12 (4) DEADLINE.—The Administrator shall final-
13 ize the actions initiated under paragraph (2) not
14 later than 3 years after the date of enactment of
15 this Act.

16 (c) INTERNATIONAL LEADERSHIP.—The Adminis-
17 trator shall exercise leadership within the International
18 Civil Aviation Organization and among other civil aviation
19 regulators representing states of aircraft design to advo-
20 cate for the adoption of requirements equivalent to those
21 described in this section.

22 **SEC. 19. WHISTLEBLOWER PROTECTIONS.**

23 Section 42121 of title 49, United States Code, is
24 amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) PROHIBITED DISCRIMINATION.—A holder of a
4 certificate under section 44704 or 44705 of this title, or
5 contractor or subcontractor of such holder, may not dis-
6 charge an employee or otherwise discriminate against an
7 employee with respect to compensation, terms, conditions,
8 or privileges of employment because the employee (or any
9 person acting pursuant to a request of the employee)—

10 “(1) provided, caused to be provided, or is
11 about to provide (with any knowledge of the em-
12 ployer) or cause to be provided to the employer or
13 Federal Government information relating to any vio-
14 lation or alleged violation of any order, regulation,
15 or standard of the Federal Aviation Administration
16 or any other provision of Federal law relating to
17 aviation safety under this subtitle or any other law
18 of the United States;

19 “(2) has filed, caused to be filed, or is about to
20 file (with any knowledge of the employer) or cause
21 to be filed a proceeding relating to any violation or
22 alleged violation of any order, regulation, or stand-
23 ard of the Federal Aviation Administration or any
24 other provision of Federal law relating to aviation

1 safety under this subtitle or any other law of the
2 United States;

3 “(3) testified or is about to testify in such a
4 proceeding; or

5 “(4) assisted or participated or is about to as-
6 sist or participate in such a proceeding.”;

7 (2) by striking subsection (d) and inserting the
8 following:

9 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
10 TIONS.—Subsection (a) shall not apply with respect to an
11 employee of a holder of a certificate issued under section
12 44704 or 44705, or a contractor or subcontractor thereof,
13 who, acting without direction from such certificate-holder,
14 contractor, or subcontractor (or such person’s agent), de-
15 liberately causes a violation of any requirement relating
16 to aviation safety under this subtitle or any other law of
17 the United States.”; and

18 (3) by striking subsection (e) and inserting the
19 following:

20 “(e) CONTRACTOR DEFINED.—In this section, the
21 term ‘contractor’ means—

22 “(1) a person that performs safety-sensitive
23 functions by contract for an air carrier or commer-
24 cial operator; or

1 “(2) a person that performs safety-sensitive
2 functions related to the design or production of an
3 aircraft, aircraft engine, propeller, appliance, or
4 component thereof by contract for a holder of a cer-
5 tificate issued under section 44704.”.

6 **SEC. 20. PILOT TRAINING.**

7 (a) IN GENERAL.—Chapter 447 of title 49, United
8 States Code, as amended by section 8, is further amended
9 by adding at the end the following:

10 **“§ 44743. Pilot training requirements**

11 “(a) IN GENERAL.—

12 “(1) ADMINISTRATOR’S DETERMINATION.—In
13 establishing any pilot training requirements with re-
14 spect to a new transport airplane, the Administrator
15 of the Federal Aviation Administration shall inde-
16 pendently review any proposal by the manufacturer
17 of such airplane with respect to the scope, format,
18 or minimum level of training required for operation
19 of such airplane.

20 “(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established
21 applicable training requirements, an applicant for a
22 new or amended type certificate for an airplane de-
23 scribed in paragraph (1) may not, with respect to
24

1 the scope, format, or magnitude of pilot training for
2 such airplane—

3 “(A) make any assurance, whether verbal
4 or in writing, to a potential purchaser of such
5 airplane unless a clear and conspicuous dis-
6 claimer (as defined by the Administrator) is in-
7 cluded regarding the status of training required
8 for operation of such airplane; or

9 “(B) provide financial incentives (including
10 rebates) to a potential purchaser of such air-
11 plane regarding the scope, format, or mag-
12 nitude of pilot training for such airplane.

13 “(b) PILOT RESPONSE TIME.—Beginning on the day
14 after the date on which regulations are issued under sec-
15 tion 20(b)(5) of the Aircraft Certification Reform and Ac-
16 countability Act, the Administrator may not issue a new
17 or amended type certificate for an airplane described in
18 subsection (a) unless the applicant for such certificate has
19 demonstrated to the Administrator that the applicant has
20 accounted for realistic assumptions regarding the time for
21 pilot responses to non-normal conditions in designing the
22 systems and instrumentation of such airplane. Such as-
23 sumptions shall—

24 “(1) be based on test data, analysis, or other
25 technical validation methods; and

1 “(2) account for generally accepted scientific
2 consensus among experts in human factors regard-
3 ing realistic pilot response time.

4 “(c) DEFINITION.—In this section, the term ‘trans-
5 port airplane’ means a transport-category airplane de-
6 signed for operation by an air carrier or foreign air carrier
7 type-certificated with a passenger seating capacity of 30
8 or more or an all-cargo or combi derivative of such an
9 airplane.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 447 of title 49, United States Code, is further
12 amended by adding at the end the following:

 “44743. Pilot training requirements.”.

13 (c) EXPERT SAFETY REVIEW.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date of enactment of this Act, the Administrator
16 shall initiate an expert safety review of assumptions
17 relied upon by the Administration and manufactur-
18 ers of transport-category aircraft in the design and
19 certification of such aircraft.

20 (2) CONTENTS.—The expert safety review re-
21 quired under paragraph (1) shall include—

22 (A) a review of Administration regulations,
23 guidance, and directives related to pilot re-
24 sponse assumptions relied upon by the FAA
25 and manufacturers of transport-category air-

1 craft in the design and certification of such air-
2 craft;

3 (B) a focused review of the assumptions
4 relied on regarding the time for pilot responses
5 to non-normal conditions in designing such air-
6 craft's systems and instrumentation;

7 (C) a review of revisions made to the air-
8 man certification standards for certificates over
9 the last four years, including any possible ef-
10 fects on pilot competency in basic manual flying
11 skills;

12 (D) consideration of the global nature of
13 the aviation marketplace, varying levels of pilot
14 competency, and differences in pilot training
15 programs worldwide; and

16 (E) a process for aviation stakeholders, in-
17 cluding pilots, airlines, inspectors, engineers,
18 test pilots, human factors experts, and other
19 aviation safety experts, to provide and discuss
20 any observations, feedback, and best practices.

21 (3) REPORT AND RECOMMENDATIONS.—Not
22 later than 30 days after the conclusion of the expert
23 safety review pursuant to paragraph (1), the Admin-
24 istrator shall submit to the congressional committees
25 of jurisdiction a report on the results of the review,

1 any recommendations for actions or best practices to
2 ensure the FAA and the manufacturers of transport-
3 category aircraft have accounted for pilot response
4 assumptions to be relied upon in the design and cer-
5 tification of transport-category aircraft.

6 (4) TERMINATION.—The expert safety review
7 shall end upon submission of the report required
8 pursuant to paragraph (3).

9 (5) REGULATIONS.—The Administrator shall
10 issue such regulations as are necessary to implement
11 the recommendations of the expert safety review
12 that the Administrator determines are necessary to
13 improve aviation safety.

14 (d) CALL TO ACTION ON AIRMAN CERTIFICATION
15 STANDARDS.—

16 (1) IN GENERAL.—Not later than 60 days after
17 the date of enactment of this Act, the Administrator
18 shall initiate a call to action safety review of pilot
19 certification standards in order to bring stakeholders
20 together to share lessons learned, best practices, and
21 implement actions to address any safety issues iden-
22 tified.

23 (2) CONTENTS.—The call to action safety re-
24 view required under paragraph (1) shall include—

1 (A) a review of Administration regulations,
2 guidance, and directives related to the pilot cer-
3 tification standards, including the oversight of
4 those processes;

5 (B) a review of revisions made to the pilot
6 certification standards for certificates over the
7 last four years, including any possible effects on
8 pilot competency in manual flying skills and ef-
9 fectively managing automation to improve safe-
10 ty; and

11 (C) a process for aviation stakeholders, in-
12 cluding aviation students, instructors, des-
13 ignated pilot examiners, pilots, airlines, labor,
14 and aviation safety experts, to provide and dis-
15 cuss any observations, feedback, and best prac-
16 tices.

17 (3) REPORT AND RECOMMENDATIONS.—Not
18 later than 90 days after the conclusion of the call to
19 action safety review pursuant to paragraph (1), the
20 Administrator shall submit to the congressional com-
21 mittees of jurisdiction a report on the results of the
22 review, any recommendations for actions or best
23 practices to ensure pilot competency in basic manual
24 flying skills and in effective management of automa-

1 tion, and actions the Administrator will take in re-
2 sponse to the recommendations.

3 (e) INTERNATIONAL PILOT TRAINING.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation, the Administrator, and other appropriate of-
6 ficials of the Government shall exercise leadership in
7 setting global standards to improve air carrier pilot
8 training and qualifications for—

9 (A) monitoring and managing the behavior
10 and performance of automated systems;

11 (B) controlling the flightpath of aircraft
12 without autoflight systems engaged;

13 (C) effectively utilizing and managing
14 autoflight systems, when appropriate;

15 (D) effectively identifying situations in
16 which the use of autoflight systems is appro-
17 priate and when such use is not appropriate;
18 and

19 (E) recognizing and responding appro-
20 priately to non-normal conditions.

21 (2) INTERNATIONAL LEADERSHIP.—The Sec-
22 retary, the Administrator, and other appropriate of-
23 ficials of the Government shall exercise leadership
24 under subsection (a) by working with—

1 (A) foreign counterparts of the Adminis-
2 trator in the International Civil Aviation Orga-
3 nization and its subsidiary organizations;

4 (B) other international organizations and
5 fora; and

6 (C) the private sector.

7 (3) CONSIDERATIONS.—In exercising leadership
8 under paragraph (1), the Secretary, the Adminis-
9 trator, and other appropriate officials of the Govern-
10 ment shall consider—

11 (A) the latest information relating to
12 human factors;

13 (B) aircraft manufacturing trends, includ-
14 ing those relating to increased automation in
15 the cockpit;

16 (C) the extent to which cockpit automation
17 improves aviation safety and introduces novel
18 risks;

19 (D) the availability of opportunities for pi-
20 lots to practice manual flying skills;

21 (E) the need for consistency in maintain-
22 ing and enhancing manual flying skills world-
23 wide;

1 (F) recommended practices of other coun-
2 tries that enhance manual flying skills and au-
3 tomation management; and

4 (G) whether a need exists for initial and
5 recurrent training standards for improve pilots'
6 proficiency in manual flight and in effective
7 management of autoflight systems.

8 (4) CONGRESSIONAL BRIEFING.—The Sec-
9 retary, the Administrator, and other appropriate of-
10 ficials of the Government shall provide to the con-
11 gressional committees of jurisdiction regular brief-
12 ings on the status of efforts undertaken pursuant to
13 this section.

14 **SEC. 21. NONCONFORMITY WITH APPROVED TYPE DESIGN.**

15 Section 44704(a) of title 49, United States Code, is
16 further amended by adding at the end the following:

17 “(6) NONCONFORMITY WITH APPROVED TYPE
18 DESIGN.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (D), a holder of a production cer-
21 tificate for an aircraft may not present a non-
22 conforming aircraft to the Administrator for
23 issuance of an airworthiness certificate.

24 “(B) CIVIL PENALTY.—Notwithstanding
25 section 46301, a production certificate holder

1 who knowingly violates subparagraph (A) shall
2 be liable to the Administrator for a civil penalty
3 of not more than \$1,000,000 for each noncon-
4 forming aircraft.

5 “(C) PENALTY CONSIDERATIONS.—In de-
6 termining the amount of a civil penalty under
7 subparagraph (B), the Administrator shall con-
8 sider—

9 “(i) the nature, circumstances, extent,
10 and gravity of the violation, including the
11 length of time the nonconformity was
12 known but not disclosed; and

13 “(ii) with respect to the violator, the
14 degree of culpability, any history of prior
15 violations, and the size of the business con-
16 cern.

17 “(D) REMEDIAL ACTION.—The Adminis-
18 trator may permit a production certificate hold-
19 er to present a nonconforming aircraft to the
20 Administrator for an airworthiness certificate
21 if—

22 “(i) the Administrator determines the
23 nonconformity, when compared to the con-
24 figuration approved as part of the type de-
25 sign, does not diminish by any degree the

1 aircraft's safe operation without any
2 change in flight crew operating procedures;

3 “(ii) the Administrator determines the
4 nonconformity was not the product of an
5 intentional decision by the production cer-
6 tificate holder to alter the aircraft's con-
7 figuration from the approved type design;

8 “(iii) the production certificate holder
9 has fully complied with subparagraph (E);

10 “(iv) the production certificate holder
11 agrees to correct the nonconformity on all
12 nonconforming aircraft within a timeframe
13 that is—

14 “(I) prescribed by the Adminis-
15 trator; and

16 “(II) commensurate with the se-
17 verity of the nonconformity;

18 “(v) the production certificate holder
19 informs a person who is to take delivery of
20 the nonconforming aircraft of the non-
21 conformance prior to its delivery; and

22 “(vi) the production certificate holder
23 agrees not to impose any penalty, financial
24 or otherwise, on a person that chooses to
25 delay the delivery of a nonconforming air-

1 craft until the production certificate hold-
2 er, to the Administrator’s satisfaction, con-
3 forms the aircraft to the approved type de-
4 sign of such aircraft.

5 “(E) NOTIFICATION AND PROPOSED REME-
6 DIAL ACTION.—A production certificate holder
7 shall, within 5 days of determining that such
8 production certificate holder delivered a noncon-
9 forming aircraft, notify the Administrator, the
10 purchaser of the airplane, and (if the purchaser
11 is a lessor) the intended operator of the air-
12 plane, if known. A notification under this clause
13 shall describe—

14 “(i) the nonconformity in detail; and
15 “(ii) the production certificate hold-
16 er’s initial proposal for actions necessary
17 to eliminate the nonconformity.

18 “(F) NONCONFORMING AIRCRAFT DE-
19 FINED.—In this paragraph, the term ‘noncon-
20 forming aircraft’ means an aircraft that does
21 not conform to the approved type design for
22 such aircraft type.”.

23 **SEC. 22. IMPLEMENTATION OF RECOMMENDATIONS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Administrator shall sub-

1 mit a report to the congressional committees of jurisdie-
2 tion on the status of the Administration’s implementation
3 of covered recommendations.

4 (b) CONTENTS.—The report required under sub-
5 section (a) shall contain, at a minimum—

6 (1) a list and description of all covered rec-
7 ommendations;

8 (2) a determination of whether the Adminis-
9 trator concurs, concurs in part, or does not concur
10 with each covered recommendation;

11 (3) an implementation plan and schedule for all
12 covered recommendations the Administrator concurs
13 or concurs in part with; and

14 (4) for each covered recommendation with
15 which the Administrator does not concur (in whole
16 or in part), a detailed explanation as to why.

17 (c) COVERED RECOMMENDATIONS DEFINED.—In
18 this section, the term “covered recommendations” means
19 recommendations made by the following entities in any re-
20 view initiated in response to the accident of Lion Air flight
21 610 on October 29, 2018, or Ethiopian Airlines flight 302
22 on March 10, 2019, that recommend Administration ac-
23 tion:

24 (1) The National Transportation Safety Board.

25 (2) The Joint Authorities Technical Review.

1 (3) The inspector general of the Department of
2 Transportation.

3 (4) The Safety Oversight and Certification Ad-
4 visory Committee, or any special committee thereof.

5 (5) Any other entity the Administrator may
6 designate.

7 **SEC. 23. OVERSIGHT OF FAA COMPLIANCE PROGRAM.**

8 (a) **IN GENERAL.**—Not later than 180 days after the
9 date of enactment of this Act, the Administrator shall es-
10 tablish an Executive Council within the Administration to
11 oversee the use and effectiveness across program offices
12 of the Administration’s Compliance Program, described in
13 Order 8000.373A dated October 31, 2018.

14 (b) **COMPLIANCE PROGRAM OVERSIGHT.**—The Exec-
15 utive Council established under this section shall—

16 (1) monitor, collect, and analyze data on the
17 use of the Compliance Program across program of-
18 fices of the Administration, including data on en-
19 forcement actions and compliance actions pursued
20 against regulated entities by such program offices;

21 (2) conduct an evaluation of the Compliance
22 Program, not less frequently than annually each cal-
23 endar year through 2023, to assess the functioning
24 and effectiveness of such program in meeting the
25 stated goals and purpose of the program;

1 (3) provide reports to the Administrator con-
2 taining the results of any evaluation conducted
3 under paragraph (2), including identifying in such
4 report any nonconformities or deficiencies in the im-
5 plementation of the program and compliance of reg-
6 ulated entities with safety standards of the Adminis-
7 tration;

8 (4) make recommendations to the Adminis-
9 trator on regulations, guidance, performance stand-
10 ards or metrics, or other controls that should be
11 issued by the Administrator to improve the effective-
12 ness of the Compliance Program in meeting the stat-
13 ed goals and purpose of the program and to ensure
14 the highest levels of aviation safety; and

15 (5) carry out any other oversight duties with re-
16 spect to implementation of the Compliance Program
17 and assigned by the Administrator.

18 (c) EXECUTIVE COUNCIL.—

19 (1) EXECUTIVE COUNCIL MEMBERSHIP.—The
20 Compliance Program Executive Council shall be
21 comprised of representatives from each program of-
22 fice with regulatory responsibility as provided in
23 Order 8000.373A.

24 (2) CHAIRPERSON.—The Executive Council
25 shall be chaired by a person, who shall be appointed

1 by the Administrator and shall report directly to the
2 Administrator.

3 (3) INDEPENDENCE.—The Secretary of Trans-
4 portation, the Administrator, or any officer or em-
5 ployee of the Administration may not prevent or pro-
6 hibit the chair of the Executive Council from per-
7 forming the activities described in this section or
8 from reporting to Congress on such activities.

9 (4) DURATION.—The Executive Council shall
10 terminate on October 1, 2023.

11 (d) ANNUAL BRIEFING.—Each calendar year
12 through 2023, the chair of the Executive Council shall
13 provide a briefing to the congressional committees of juris-
14 diction on the effectiveness of the Administration’s Com-
15 pliance Program in meeting the stated goals and purpose
16 of the program and the activities of the office described
17 in subsection (b), including any reports and recommenda-
18 tions made by the office during the preceding calendar
19 year.

20 **SEC. 24. SETTLEMENT AGREEMENT.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the Administrator should fully exercise all
23 rights and pursue all remedies available to the Adminis-
24 trator under any settlement agreement between the Ad-
25 ministration and the holder of a type certificate and pro-

1 duction certificate for transport airplanes executed on De-
2 cember 18, 2015, including a demand for full payment of
3 any applicable civil penalties deferred under such agree-
4 ment, if the Administrator concludes that such holder has
5 not fully performed all obligations incurred under such
6 agreement.

7 (b) CONGRESSIONAL BRIEFING.—Not later than
8 February 1, 2021, and every 6 months thereafter until
9 a certificate holder described in subsection (a) has fully
10 performed all obligations incurred by such certificate hold-
11 er under such settlement agreement, the Administrator
12 shall brief the congressional committees of jurisdiction on
13 action taken consistent with subsection (a).

14 **SEC. 25. HUMAN FACTORS.**

15 (a) AIRCRAFT CERTIFICATION PROCESS.—

16 (1) EVALUATION.—Not later than 18 months
17 after the date of enactment of this Act, the Adminis-
18 trator (acting through the Associate Administrator
19 for Aviation Safety of the Administration) shall—

20 (A) conduct an evaluation of the develop-
21 ment of tools and methods to support the inte-
22 gration of human factors assessment and sys-
23 tem safety assessments of human interaction
24 with flight deck and flight control systems for
25 transport airplanes into the aircraft certifi-

1 cation process under section 44704 of title 49,
2 United States Code; and

3 (B) develop a framework to better inte-
4 grate human factors throughout such aircraft
5 certification process with the objective of im-
6 proving safety by designing systems and train-
7 ing pilots in a manner that accounts for con-
8 temporary knowledge to reduce the possibility
9 of an accident resulting in whole or in part
10 from the pilot's interaction with the aircraft.

11 (2) REPORT TO CONGRESS.—Not later than 60
12 days after the completion of the evaluation required
13 under paragraph (1), the Administrator shall submit
14 to Congress a report detailing the findings of such
15 report and a plan for implementation based on such
16 findings of such report.

17 (3) IMPLEMENTATION.—Upon submission of
18 the report required under paragraph (2), the Admin-
19 istrator shall implement the findings of such evalua-
20 tion.

21 (b) HUMAN FACTORS EDUCATION PROGRAM.—

22 (1) IN GENERAL.—The Administrator shall de-
23 velop a human factors education program that ad-
24 dresses the effects of modern flight deck systems, in-
25 cluding automated systems, on human performance

1 for transport airplanes and the approaches for better
2 integration of human factors in aircraft design and
3 certification.

4 (2) TARGET AUDIENCE.—The human factors
5 education program shall be integrated into the train-
6 ing protocol in existence as of the date of the enact-
7 ment of this Act such that such program is routinely
8 administered to the following:

9 (A) Appropriate employees within the
10 Flight Standards Service.

11 (B) Appropriate employees within the Air-
12 craft Certification Service.

13 (C) Other employees or authorized rep-
14 resentatives determined to be necessary by the
15 Administrator.

16 (c) TRANSPORT AIRPLANE MANUFACTURER INFOR-
17 MATION SHARING.—The Administrator shall—

18 (1) require each transport airplane manufac-
19 turer to provide the Administrator with the informa-
20 tion or findings necessary for flight crew to be
21 trained on flight deck systems;

22 (2) ensure the information or findings under
23 paragraph (1) adequately includes consideration of
24 human factors; and

1 (3) ensure that each transport airplane manu-
2 facturer identifies any technical basis, justification
3 or rationale for the information and findings under
4 paragraph (1).

5 **SEC. 26. TECHNICAL CORRECTIONS.**

6 Section 46301 of title 49, United States Code, is
7 amended—

8 (1) in subsection (a)(1)(A) by striking “(except
9 sections 44717 and 44719–44723)” and inserting
10 “(except sections 44704(a)(6), 44704(e)(4), 44717,
11 and 44719–44723)”;

12 (2) in subsection (a)(5)(A) by striking “(except
13 sections 44717–44723)” and inserting “(except sec-
14 tions 44704(a)(6), 44704(e)(4), and 44717–
15 44723)”;

16 (3) in subsection (d)(2) by striking “(except
17 sections 44717 and 44719–44723)” and inserting
18 “(except sections 44704(a)(6), 44704(e)(4), 44717,
19 and 44719–44723)”;

20 (4) in subsection (f)(1)(A)(i) by striking “(ex-
21 cept sections 44717 and 44719–44723)” and insert-
22 ing “(except sections 44704(a)(6), 44704(e)(4),
23 44717, and 44719–44723)”.

24 **SEC. 27. DEFINITIONS.**

25 In this Act:

1 (1) ADMINISTRATION; FAA.—The terms “Ad-
2 ministration” and “FAA” mean the Federal Avia-
3 tion Administration.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the FAA.

6 (3) ORGANIZATION DESIGNATION AUTHORIZA-
7 TION.—The term “organization designation author-
8 ization” has the same meaning given such term in
9 section 44736 of title 49, United States Code.

10 (4) CONGRESSIONAL COMMITTEES OF JURISDIC-
11 TION.—The term “congressional committees of juris-
12 diction” means the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate.

16 (5) HUMAN FACTORS.—The term “human fac-
17 tors” means a multidisciplinary set of principles de-
18 veloped to holistically explain and predict pilot be-
19 havior in relation to the management of the oper-
20 ation of an aircraft, including the pilot’s manage-
21 ment of aircraft systems and response to systems
22 failures and non-normal conditions.

23 (6) TRANSPORT AIRPLANE.—The term “trans-
24 port airplane” means a transport-category airplane
25 designed for operation by an air carrier or foreign

1 air carrier type-certificated with a passenger seating
2 capacity of 30 or more or an all-cargo or combi de-
3 rivative of such an airplane.

4 (7) TYPE CERTIFICATE.—The term “type cer-
5 tificate”—

6 (A) means a type certificate issued pursu-
7 ant to section 44704(a) of title 49, United
8 States Code, or an amendment to such certifi-
9 cate; and

10 (B) does not include a supplemental type
11 certificate issued under section 44704(b) of
12 such section.