

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3935
OFFERED BY MR. DESAULNIER OF CALIFORNIA**

At the end of title VIII, add the following:

1 **SEC. ____ . TASK FORCE ON HUMAN FACTORS IN AVIATION**
2 **SAFETY.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall convene a task force
6 on human factors in aviation safety (in this section re-
7 ferred to as the “Task Force”).

8 (b) COMPOSITION.—The Task Force shall consist of
9 members appointed by the Administrator and having ex-
10 pertise in an operational or academic discipline that is rel-
11 evant to the analysis of human errors in aviation. The
12 number of members shall be determined by the Adminis-
13 trator to ensure sufficient representation of relevant oper-
14 ational and academic disciplines.

15 (c) DURATION.—

16 (1) IN GENERAL.—Members of the Task Force
17 shall be appointed for the length of the existence of
18 the Task Force.

19 (2) LENGTH OF EXISTENCE.—

1 (A) IN GENERAL.—The Task Force shall
2 have an initial length of existence of 2 years.

3 (B) OPTION.—The Administrator may ex-
4 ercise an option to lengthen the duration of the
5 existence of the Task Force for a period of 2
6 years.

7 (d) DISCIPLINES.—For purposes of subsection (b),
8 disciplines may include air carrier operations, line pilot ex-
9 pertise, air traffic control, technical operations, aero-
10 nautical information, aircraft maintenance and mechanics
11 psychology, linguistics, human-machine integration, gen-
12 eral aviation operations, and organizational behavior and
13 culture.

14 (e) EXPERTISE.—

15 (1) IN GENERAL.—No less than half of the
16 members shall have expertise in aviation.

17 (2) ADDITIONAL EXPERTISE.—The Task Force
18 shall include members with expertise on human fac-
19 tors but whose experience and training are not in
20 aviation specifically and who have not previously
21 been engaged in work related to the Federal Avia-
22 tion Administration or the aviation industry. The
23 Task Force shall also include pilot labor organiza-
24 tion, certificated mechanic labor organizations, and

1 at least one member from an air traffic controller
2 labor organization.

3 (f) FEDERAL AVIATION ADMINISTRATION MEM-
4 BERS.—

5 (1) IN GENERAL.—Not more than 4 members
6 may be employees of the Federal Aviation Adminis-
7 tration and National Transportation Safety Board,
8 excluding representatives of the labor representatives
9 of employees of the air traffic control system. Not
10 more than 2 members may be employees of the Na-
11 tional Transportation Safety Board. The Federal
12 Aviation Administration and the National Transpor-
13 tation Safety Board members shall be non-voting.

14 (2) FEDERAL AVIATION ADMINISTRATION EM-
15 PLOYEES.—Any member who is an Federal Aviation
16 Administration employee shall have expertise in safe-
17 ty.

18 (g) DUTIES.—In coordination with the Research, En-
19 gineering, and Development Advisory Committee estab-
20 lished under section 44508 of title 49, United States Code,
21 the Task Force shall—

22 (1) not later than the date on which the Task
23 Force is no longer in existence, produce a written re-
24 port that—

1 (A) to the greatest extent possible, identi-
2 fies the most significant human factors and the
3 relative contribution of such factors to aviation
4 safety risk;

5 (B) identifies new research priorities for
6 research in human factors in aviation safety;

7 (C) reviews existing products by other
8 working groups related to human factors in
9 aviation safety including the Commercial Avia-
10 tion Safety Team (CAST)'s work pertaining to
11 flight crew responses to abnormal events;

12 (D) provides recommendations on potential
13 revisions to any Federal Aviation Administra-
14 tion regulations and guidance pertaining to the
15 certification of aircraft under part 25 of title
16 14, Code of Federal Regulations, including sec-
17 tions related to presumed pilot response times
18 and assumptions about the reliability of pilot
19 performance during unexpected, stressful
20 events;

21 (E) reviews rules, regulations, or standards
22 regarding flight crew rest and fatigue, as well
23 as maintenance personnel rest and fatigue, that
24 are used by a sample of international air car-
25 riers, including those deemed to be more strin-

1 gent and less stringent than the current stand-
2 ards pertaining to United States air carriers,
3 and identify risks to the National Airspace Sys-
4 tem from any such variation in standards
5 across countries;

6 (F) reviews pilot training requirements and
7 recommend any revisions necessary to ensure
8 adequate understanding of automated systems
9 on aircraft;

10 (G) reviews approach and landing mis-
11 alignment and make any recommendations for
12 improving these events;

13 (H) identifies ways to enhance instrument
14 landing system maintenance schedules; deter-
15 mines how a real-time smart system should be
16 developed that informs the Air Traffic Control
17 System, Airlines, and Airports about any
18 changes in the state of runway and taxiway
19 lights; and identifies how this system could be
20 connected to the Federal Aviation Administra-
21 tion's maintenance system;

22 (I) analyzes, with respect to human errors
23 related to aviation safety of part 121 air car-
24 riers—

1 (i) fatigue and distraction during crit-
2 ical phases of work among pilots or other
3 aviation personnel;

4 (ii) tasks and workload;

5 (iii) organizational culture;

6 (iv) communication among personnel;

7 (v) adherence to safety procedures;

8 (vi) mental state of personnel; and

9 (vii) any other relevant factors that
10 are the cause or potential cause of human
11 error related to aviation safety;

12 (J) includes a tabulation of the number of
13 accidents, incidents, or aviation safety database
14 entries received in which an item identified
15 under subparagraph (I) was a cause or poten-
16 tial cause of human error related to aviation
17 safety; and

18 (K) includes a list of causes or potential
19 causes of human error related to aviation safety
20 about which the Administrator believes addi-
21 tional information is needed; and

22 (2) if the Secretary exercises the option de-
23 scribed in subsection (c)(2)(B), not later than the
24 date that is 2 years after the date of establishment

1 of the Task Force, produce an interim report con-
2 taining the information described in paragraph (1).

3 (h) **METHODOLOGY.**—To complete the report under
4 subparagraphs (I) through (K) of subsection (g)(1), the
5 Task Force shall consult with the National Transportation
6 Safety Board and use all available data compiled and anal-
7 ysis conducted on safety incidents and irregularities col-
8 lected during the relevant fiscal year from the following:

9 (1) Flight Operations Quality Assurance.

10 (2) Aviation Safety Action Program.

11 (3) Aviation Safety Information Analysis and
12 Sharing.

13 (4) The Aviation Safety Reporting System.

14 (5) Aviation safety recommendations and inves-
15 tigation findings of the National Transportation
16 Safety Board.

17 (6) Other relevant programs or sources.

18 (i) **APPLICABLE LAW.**—Section 1013 of title 5,
19 United States Code, shall not apply to the Task Force.

