

116TH CONGRESS  
1ST SESSION

# H. R. 5401

To require aircraft manufacturers to offer or provide non-required safety enhancing equipment of an aircraft without additional charge to an air carrier, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2019

Mr. COHEN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require aircraft manufacturers to offer or provide non-required safety enhancing equipment of an aircraft without additional charge to an air carrier, 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.**

4       This Act may be cited as the “Safety is Not for Sale  
5 Act of 2019”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Aviation Administration.

4           (2) AIR CARRIER.—The term “air carrier” has  
5           the meaning given that term in section 40102 of  
6           title 49, United States Code.

7           (3) ANGLE OF ATTACK INDICATOR.—The term  
8           “angle of attack indicator” means an instrument  
9           that provides a visual indication of the amount of  
10          lift an aircraft is generating at a given airspeed or  
11          angle of bank.

12          (4) BACKUP FIRE SUPPRESSION SYSTEMS.—  
13          The term “backup fire suppression systems” means  
14          safety features that provide additional firefighting  
15          capability to required systems that are certified by  
16          the Federal Aviation Administration.

17          (5) COVERED AIR CARRIER.—The term “cov-  
18          ered air carrier” means an air carrier operating  
19          under part 121 of title 14, Code of Federal Regula-  
20          tions.

21          (6) COVERED MANUFACTURER.—The term  
22          “covered manufacturer” means an entity that manu-  
23          factures or otherwise produces aircraft operating  
24          under part 121 of title 14, Code of Federal Regula-

1 tions, and holds a production certificate under sec-  
2 tion 44704(c) of title 49, United States Code.

3 (7) DISAGREE ALERTS.—The term “disagree  
4 alerts” means an indication to one or more crew-  
5 members that may be visual, aural, or indicated by  
6 some other means, when two or more redundant air-  
7 craft safety-critical sensors are providing different  
8 readings.

9 (8) NON-REQUIRED SAFETY ENHANCING EQUIP-  
10 MENT.—The term “non-required safety enhancing  
11 equipment” means an apparatus, item, software,  
12 alert, or system that is not required by any Federal  
13 regulations and measurably increases aircraft safety,  
14 including any—

15 (A) traffic advisory system;

16 (B) terrain advisory;

17 (C) attitude indicator;

18 (D) weather advisory;

19 (E) crashworthiness improvement;

20 (F) configuration advisory;

21 (G) supplemental indicator;

22 (H) monitoring or detection system;

23 (I) extinguishing system; and

24 (J) stability and control apparatus, item,

25 alert, or system.

1 **SEC. 3. REQUIREMENT TO OFFER OR PROVIDE NON-RE-**  
2 **QUIRED SAFETY ENHANCING EQUIPMENT OF**  
3 **AN AIRCRAFT.**

4 (a) **REQUIREMENT.**—Not later than 2 years after the  
5 date of enactment of this Act, the Administrator shall re-  
6 quire a covered manufacturer to offer or provide non-re-  
7 quired safety enhancing equipment without an additional  
8 charge to a covered air carrier.

9 (b) **NON-REQUIRED SAFETY ENHANCING EQUIP-**  
10 **MENT PROGRAM.**—To carry out the requirement in sub-  
11 section (a), the Administrator shall create and implement  
12 a program to identify, classify, and approve non-required  
13 safety enhancing equipment that—

14 (1) has a variety of safety benefits, including  
15 (but not limited to)—

16 (A) increasing overall situational aware-  
17 ness;

18 (B) providing additional information other  
19 than the aircraft primary system;

20 (C) providing independent warning, cau-  
21 tionary, or advisory indications; and

22 (D) providing additional occupant safety  
23 protection;

24 (2) is determined to be a minor change to type  
25 design; and

1           (3) mitigates a non-essential function failure  
2 condition.

3           (c) EQUIPMENT APPROVAL.—The Administrator  
4 shall identify, classify, and approve non-required safety  
5 enhancing equipment that—

6           (1) has met or exceeded minimum design re-  
7 quirements to assure the effective operation of the  
8 non-required safety enhancing equipment;

9           (2) has met or exceeded safety objectives to en-  
10 sure non-required safety enhancing equipment en-  
11 hances safety and is complementary to required  
12 equipment; and

13           (3) has a completed safety evaluation that con-  
14 siders—

15           (A) whether the non-required safety en-  
16 hancing equipment requires pilot and crew-  
17 member training, taking into account the archi-  
18 tecture, functionality, operational capabilities  
19 and limitations of the non-required safety en-  
20 hancing equipment, and assurances that all  
21 foreseeable failure conditions have been identi-  
22 fied and assessed; and

23           (B) interactions and operational interfaces  
24 related to human factors.

1 **SEC. 4. NON-REQUIRED SAFETY ENHANCING EQUIPMENT**  
2 **REPORTING REQUIREMENT.**

3 (a) **REPORTING REQUIREMENT.**—The Administrator  
4 shall—

5 (1) require a covered manufacturer to submit to  
6 the Administrator, not later than 6 months after the  
7 date of enactment of this Act and every year there-  
8 after, a list of all non-required safety enhancing  
9 equipment the covered manufacturer offers to cov-  
10 ered air carriers, without regard to whether any  
11 such equipment has been approved under the process  
12 established under section 2, that includes the infor-  
13 mation specified in subsection (b); and

14 (2) publish on a public website, and make ac-  
15 cessible to the general public, each such list sub-  
16 mitted.

17 (b) **CONTENT REQUIREMENTS.**—With respect to  
18 each non-required safety enhancing equipment a covered  
19 manufacturer includes in any list submitted in accordance  
20 with subsection (a), the covered manufacturer shall de-  
21 scribe in detail how the equipment—

22 (1) increases overall situational awareness;

23 (2) provides additional information other than  
24 the aircraft primary system;

25 (3) provides independent warning, cautionary,  
26 or advisory indications; and

1 (4) provides additional occupant safety protec-  
2 tion.

3 **SEC. 5. REQUIRED PERFORMANCE STANDARDS FOR ANGLE**  
4 **OF ATTACK INDICATORS, DISAGREE ALERTS,**  
5 **AND BACKUP FIRE SUPPRESSION SYSTEMS.**

6 (a) DEVELOPMENT AND CERTIFICATION REQUIRE-  
7 MENTS.—

8 (1) DEADLINE FOR IMPLEMENTATION.—Not  
9 later than 1 year after the date of enactment of this  
10 Act, the Administrator shall—

11 (A) establish performance standards appli-  
12 cable to angle of attack indicators, disagree  
13 alerts, and backup fire suppression systems for  
14 aircraft operating under part 121 of title 14,  
15 Code of Federal Regulations; and

16 (B) implement procedures for covered  
17 manufacturers to obtain certification for angle  
18 of attack indicators, disagree alerts, and backup  
19 fire suppression systems for such aircraft that  
20 meet such performance standards as a condi-  
21 tion of holding a production certificate under  
22 section 44704(c) of title 49, United States  
23 Code.

24 (2) MONTHLY PROGRESS REPORTS.—During  
25 the 1-year period that begins on the date of enact-

1       ment of this Act, the Administrator shall submit  
2       monthly reports to Congress on the progress being  
3       made to carry out the requirements of paragraph  
4       (1).

5       (b) INSTALLATION AND OPERATION.—The Adminis-  
6       trator shall require by regulation that, not later than 30  
7       months after the date certification procedures are imple-  
8       mented in accordance with paragraph (1)(B), angle of at-  
9       tack indicators, disagree alerts, and backup fire suppres-  
10      sion systems that are certified as meeting the applicable  
11      performance standards established under paragraph  
12      (1)(A) are installed and operated on each aircraft oper-  
13      ating under part 121 of title 14, Code of Federal Regula-  
14      tions.

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