

116TH CONGRESS
1ST SESSION

S. 1178

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.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mr. MARKEY (for himself, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. WYDEN, Mr. MERKLEY, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 facturers or otherwise produces aircraft operating
24 under part 121 of title 14, Code of Federal Regula-

tions, and holds a production certificate under section 44704(c) of title 49, United States Code.

(7) DISAGREE ALERTS.—The term “disagree alerts” means an indication to one or more crewmembers that may be visual, aural, or indicated by some other means, when two or more redundant aircraft safety-critical sensors are providing different readings.

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

(A) traffic advisory system;

(B) terrain advisory;

(C) attitude indicator;

(D) weather advisory;

(E) crashworthiness improvement;

(F) configuration advisory;

(G) supplemental indicator;

(H) monitoring or detection system;

(I) extinguishing system; and

(J) stability and control apparatus, item, 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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