

about emergency safety threats more quickly so that action can actually be taken to protect consumers.

This legislation also deals with the issues that are being faced right now by the travel industry. This legislation directs the Department of Commerce to study and report to Congress on the impact of the pandemic on travel and tourism.

As Americans stay in their homes to protect themselves, travel and tourism have plummeted. The industry is an important part of our national economy, and over 15.7 million Americans work in the travel and tourism industries. These jobs are vital to many local communities.

The decline of travel and tourism has devastated many other parts of the economy. Live events, the arts, hotels, and restaurants have all felt the effect. We must understand the full impact of the pandemic on the travel and tourism industry so that we can help the industry recover and come back strong.

Mr. WALDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), who has put so much work into this piece of legislation and so many others.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank Chairman PALLONE and Ranking Member WALDEN for their leadership on this very important piece of legislation.

Mr. Speaker, I thank the Energy and Commerce Committee staff for working with us in a very bipartisan way to make sure that this bill came to the floor today with such bipartisan consensus.

I also thank my colleague and my fellow original cosponsor of this bill, Congressman CÁRDENAS from California, the vice chair of the House Energy and Commerce Subcommittee on Consumer Protection and Commerce. His leadership in introducing this bill was crucial, and I really appreciate him allowing me to be the bipartisan lead cosponsor.

As my colleagues before me have stated so eloquently, the COVID-19 pandemic has truly changed the world as we know it, and that includes many of our daily routines. We don't have to look much farther than the House floor to see that that has happened.

Stay-at-home orders and COVID-19 mitigation efforts mean families and individuals are obviously spending more time at home. And when not—like us—on Zoom calls, we need to be sure that, for the products that are in our homes, we understand the dangers that may exist for young children running around while parents are working to ensure that their jobs continue.

This is a commonsense, bipartisan piece of legislation. As was said, it is going to require the Consumer Product Safety Commission to study the effects of COVID-19 on families and the safety of our families and children.

I ask that my colleagues remind themselves that this is another instance of true bipartisanship in a very

polarized world that we all live in and to support this bill.

Mr. PALLONE. Mr. Speaker, I urge support for the bill, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I thank my friends on both sides of the aisle and our terrific staffs for their great work on these 16 pieces of legislation that we brought forward to the House floor from the Energy and Commerce Committee.

I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 8121, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to require the Consumer Product Safety Commission to study the effect of the COVID-19 pandemic on injuries and deaths associated with consumer products and to direct the Secretary of Commerce to study and report on the effects of the COVID-19 pandemic on the travel and tourism industry in the United States."

A motion to reconsider was laid on the table.

#### AIRCRAFT CERTIFICATION REFORM AND ACCOUNTABILITY ACT

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8408) to direct the Administrator of the Federal Aviation Administration to require certain safety standards relating to aircraft, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aircraft Certification Reform and Accountability Act".

(b) TABLE OF CONTENTS.—The table of contents for 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.

#### SEC. 2. SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require each person who holds both a type certificate and a production certificate issued under section 44704 of title 49, United States Code, to adopt, not later than the earlier of the date that is 180 days after the issuance of the regulation required under this subsection or the date that is 4 years after the date of enactment of this Act, a safety management system consistent with the standards and recommended practices contained in annex 19 to the Convention on International Civil Aviation (61 Stat. 1180) in effect on the earlier of the date of the issuance of such regulations or the date that is 4 years after the date of enactment of this Act.

(b) CONTENTS OF REGULATIONS.—The regulations issued under subsection (a) shall, at a minimum, include provisions for the Administrator's approval of, and regular oversight of adherence to, a certificate holder's safety management system adopted pursuant to such regulations.

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

(d) SAFETY REPORTING PROGRAM.—The regulations issued under subsection (a) shall require a safety management system to include a confidential employee reporting system through which employees can report hazards, issues, concerns, occurrences, and incidents. A reporting system under this subsection shall include provisions for non-punitive reporting of such items by employees in a manner consistent with other confidential employee reporting systems administered by the Administrator. Such regulations shall also require a certificate holder described in subsection (a) to submit a summary of reports received under this subsection to the Administrator at least twice per year.

(e) CODE OF ETHICS.—The regulations issued under subsection (a) shall require a safety management system to include establishment of a code of ethics applicable to all employees of a certificate holder, including officers, which clarifies that safety is the organization's highest priority.

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

(1) by striking "title 5 if the report" and inserting the following: "title 5—

"(1) if the report";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

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

#### SEC. 3. EXPERT REVIEW OF ORGANIZATION DESIGNATION AUTHORIZATIONS FOR TRANSPORT AIRPLANES.

(a) EXPERT REVIEW.—

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

(2) CONTENTS OF REVIEW.—With respect to each holder of an organization designation authorization for the design and production of transport airplanes, the review panel shall review the following:

(A) The extent to which the holder has implemented a safety culture consistent with the principles of the International Civil Aviation Organization Safety Management Manual, Fourth Edition (International Civil Aviation Organization Doc. No. 9589) or any similar successor document.

(B) The effectiveness of measures instituted by the holder to instill, among employees and contractors of such holder that support organization designation authorization functions, a commitment to safety above all other priorities.

(C) The holder’s capability, based on the holder’s organizational structures, requirements applicable to officers and employees of such holder, and safety culture, of making reasonable and appropriate decisions regarding functions delegated to the holder pursuant to the organization designation authorization.

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

(3) COMPOSITION OF REVIEW PANEL.—The review panel shall consist of—

(A) 2 representatives of the National Aeronautics and Space Administration;

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

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

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

(E) 1 appropriately qualified representative, designated by the applicable represented organization, of each of—

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

(ii) a labor union, not selected under clause (i), representing airline pilots with expertise in the matters described in paragraph (2);

(iii) a labor union representing employees engaged in the assembly of transport airplanes;

(iv) the certified bargaining representative under section 7111 of title 5, United States Code, for field engineers engaged in the audit or oversight of an organization designation authorization within the Aircraft Certification Service of the Administration; and

(v) the certified bargaining representative for safety inspectors of the Administration;

(F) 2 independent experts who have not served as a political appointee in the Administration and—

(i) who hold either a baccalaureate or postgraduate degree in the field of aerospace engineering or a related discipline; and

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

(G) 4 air carrier employees whose job responsibilities include administration of a safety management system; and

(H) 4 individuals representing 4 different holders of organization designation authorizations, with preference given to individuals

representing holders of organization designation authorizations for the design or production of aircraft other than transport airplanes or for the design or production of aircraft engines, propellers, or appliances.

(4) RECOMMENDATIONS.—The review panel shall make recommendations to the Administrator regarding suggested actions to address any deficiencies found after review of the matters listed in paragraph (2).

(5) REPORT.—

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

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

(ii) only such recommendations described in paragraph (4) endorsed by 18 or more of the individual members of the review panel.

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

(C) PUBLICATION.—Not later than 5 days after receiving the report under subparagraph (A), the Administrator shall publish such report, including any dissenting views appended to the report, on the website of the Administration.

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

(6) ADMINISTRATIVE PROVISIONS.—

(A) ACCESS TO INFORMATION.—The review panel shall have authority to perform the following actions if a majority of the total number of review panel members consider each action necessary and appropriate:

(i) Entering onto the premises of an organization designation authorization holder described in subsection (a) for access to and inspection of records or other purposes.

(ii) Notwithstanding any other provision of law, accessing and inspecting unredacted records in the possession of an employee or appointed political official of the Administration.

(iii) Interviewing employees of such organization designation authorization holder or the Administration as necessary for the panel to complete its work.

(B) DISCLOSURE OF FINANCIAL INTERESTS.—Each individual serving on the review panel shall disclose to the Administrator any financial interest held by such individual, or a spouse or dependent of such individual, in a business enterprise engaged in the design or production of transport airplanes, aircraft engines designed for transport airplanes, or major systems, components, or parts thereof. The Administrator shall publicly post such disclosure on the website of the Administration in a de-identified form.

(C) PROTECTION OF PROPRIETARY INFORMATION; TRADE SECRETS.—

(i) MARKING.—The custodian of a record accessed under subparagraph (A) may mark such record as proprietary or containing a trade secret. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure.

(ii) NONDISCLOSURE FOR NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(I) NON-FEDERAL GOVERNMENT PARTICIPANTS.—Prior to participating on the review panel, each individual serving on the review

panel representing a non-Federal entity, including a labor union, shall execute an agreement with the Administrator in which the individual shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the panel under subparagraph (A).

(II) FEDERAL EMPLOYEE PARTICIPANTS.—Federal employees serving on the review panel as representatives of the Federal Government and who are required to protect proprietary information and trade secrets under section 1905 of title 18, United States Code, shall not be required to execute agreements under this subparagraph.

(iii) PROTECTION OF VOLUNTARILY SUBMITTED SAFETY INFORMATION.—Information subject to protection from disclosure by the Administration in accordance with sections 40123 and 44735 of title 49, United States Code, is deemed voluntarily submitted to the Administration under such sections when shared with the review panel and retains its protection from disclosure (including protection under section 552(b)(3) of title 5, United States Code). The custodian of a record subject to such protection may mark such record as subject to statutory protections. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Members of the review panel will protect voluntarily submitted safety information and other otherwise exempt information to the extent permitted under applicable law.

(iv) PROTECTION OF PROPRIETARY INFORMATION AND TRADE SECRETS.—Members of the review panel will protect proprietary information, trade secrets, and other otherwise exempt information to the extent permitted under applicable law.

(v) RESOLVING CLASSIFICATION OF INFORMATION.—If the review panel and an organization designation authorization holder subject to review under this section disagree as to the proper classification of information described in this subparagraph, then the deputy chief counsel of the Administration shall determine the proper classification of such information and whether such information will be redacted.

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

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

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

(ii) includes—

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

(II) an indebtedness or compensated employment relationship; or

(III) any right to purchase or acquire any such interest, including a stock option or commodity future.

(b) FAA AUTHORITY.—

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

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

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Administrator’s authority to take any action with respect to an organization designation authorization, including limitation, suspension, or termination of such authorization.

(c) ORGANIZATION DESIGNATION AUTHORIZATION PROCESS IMPROVEMENTS.—Not later than 1 year after receipt of the recommendations submitted under subsection (a)(5), the Administrator shall—

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

(A) whether the Administrator has concluded that such holder is able to safely and reliably perform all delegated functions in accordance with all applicable provisions of chapter 447 of title 49, United States Code, title 14, Code of Federal Regulations, and other orders or requirements of the Administrator, and, if not, the Administrator shall outline—

(i) the risk mitigations or other corrective actions, including the implementation timelines of such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under subparagraph (A); or

(ii) the status of any ongoing investigatory actions; and

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

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

(A) the status of procedures under which the Administrator will conduct focused oversight of such holder's processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

(B) the Administrator's efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

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

(ii) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.

#### SEC. 4. CERTIFICATION OVERSIGHT STAFF.

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

(b) RECRUITMENT AND RETENTION.—

(1) BARGAINING UNITS.—Not later than 30 days after the date of enactment of this Act, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other qualified technical experts certified under section 7111 of title 5, United States Code, to improve recruitment of employees for, and to implement retention incentives for employees holding, positions with respect to the certification of aircraft, aircraft engines, propellers,

and appliances. If the Administrator and such representatives are unable to reach an agreement collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to improve recruitment and implement retention incentives for employees described in subsection (a) who are covered under a collective bargaining agreement.

(2) OTHER EMPLOYEES.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Administration shall improve recruitment of, and implement retention incentives for, any individual described in subsection (a) who is not covered under a collective bargaining agreement.

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

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

#### SEC. 5. DISCLOSURE OF SAFETY-CRITICAL INFORMATION.

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

“(e) DISCLOSURE OF SAFETY-CRITICAL INFORMATION.—

“(1) IN GENERAL.—Notwithstanding a delegation described in section 44702(d), the Administrator shall require an applicant for, or holder of, a type certificate for a transport-category aircraft covered under part 25 of title 14, Code of Federal Regulations, to submit safety-critical information with respect to such aircraft to the Administrator in such form, manner, or time as the Administrator may require. Such safety-critical information shall include—

“(A) any design and operational details, intended functions, and failure modes of any system that, without being commanded by the flight crew, commands the operation of any safety-critical function or feature required for control of an aircraft during flight or that otherwise changes the flight path or airspeed of an aircraft;

“(B) the design and operational details, intended functions, failure modes, and mode annunciators of autopilot and autothrottle systems, if applicable;

“(C) any failure or operating condition that the applicant or holder anticipates or has concluded would result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport-category aircraft defining risk severity;

“(D) any adverse handling quality that fails to meet the requirements of applicable regulations without the addition of a software system to augment the flight controls of the aircraft to produce compliant handling qualities; and

“(E) a system safety assessment with respect to a system described in subparagraph (A) or (B) or with respect to any component or other system for which failure or erroneous operation of such component or system could result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport-category aircraft defining risk severity.

“(2) ONGOING COMMUNICATIONS.—

“(A) NEWLY DISCOVERED INFORMATION.—The Administrator shall require that an applicant for, or holder of, a type certificate dis-

close to the Administrator, in such form, manner, or time as the Administrator may require, any newly discovered information or design or analysis change that would materially alter any submission to the Administrator under paragraph (1).

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

“(3) FLIGHT MANUALS.—The Administrator shall ensure that an aircraft flight manual and a flight crew operating manual (as appropriate or applicable) for an aircraft contains a description of the operation of a system described in paragraph (1)(A) and flight crew procedures for responding to a failure or aberrant operation of such system.

“(4) CIVIL PENALTY.—

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

“(B) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (A), the Administrator shall consider—

“(i) the nature, circumstances, extent, and gravity of the violation, including the length of time that such safety-critical information was known but not disclosed; and

“(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

“(5) REVOCATION AND CIVIL PENALTY FOR INDIVIDUALS.—

“(A) IN GENERAL.—The Administrator shall revoke any airline transport pilot certificate issued under section 44703 held by any individual who, while acting on behalf of an applicant for, or holder of, a type certificate, knowingly makes a false statement with respect to any of the matters described in subparagraphs (A) through (D) of paragraph (1).

“(B) AUTHORITY TO IMPOSE CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation described in subparagraph (A).

“(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise inhibit the authority of the Administrator to deny an application by an applicant for a type certificate or to revoke a type certificate of a holder of such certificate.

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

“(A) means a type certificate issued under subsection (a) or an amendment to such certificate; and

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

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

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

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

“(2) the opportunity for a hearing under subpart G of part 13 of title 14, Code of Federal Regulations.”.

**SEC. 6. PERIODIC REVIEWS OF ORGANIZATION DESIGNATION AUTHORIZATIONS.**

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

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) PERIODIC REVIEWS.—

“(1) IN GENERAL.—Not less than once every 7 years, the Administrator shall conduct a comprehensive review of the capability of each ODA holder for the design of an aircraft, aircraft engine, propeller, or appliance pursuant to a delegation by the Administrator under section 44702(d) to meet the requirements of subpart D of part 183 of title 14, Code of Federal Regulations, based on the holder’s organizational structures, requirements applicable to officers and employees, and safety culture.

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

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

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

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

“(A) with respect to the certification of the design of a novel or unusual design feature that results in a major change to a type design, except when the Administrator determines—

“(i) a matter is a routine task; or

“(ii) during the course of the certification process, that a matter no longer relates to a novel or unusual design feature; or

“(B) on the sole basis that the Federal Aviation Administration lacks a sufficient number of personnel qualified or with the requisite expertise to perform the function.”

**SEC. 8. OVERSIGHT OF ORGANIZATION DESIGNATION AUTHORIZATION UNIT MEMBERS.**

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

**“§ 44741. Approval of organization designation authorization unit members**

“(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the Aircraft Certification Reform and Accountability Act, each individual who is selected on or after such date to become a member of an ODA unit by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance and performs an authorized function pursuant to a delegation by the Administrator of the Federal Aviation Administration under section 44702(d)—

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

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

“(b) PROCESS AND TIMELINE.—

“(1) IN GENERAL.—The Administrator shall maintain an efficient process for the review and approval of an individual to become a member of an ODA unit under this section.

“(2) PROCESS.—An ODA holder described in subsection (a) may submit to the Administrator an application for an individual to be approved to become a member of an ODA unit under this section. The application shall be submitted in such form and manner as the Administrator determines appropriate. The Administrator shall require an ODA holder

to submit with such an application information sufficient to demonstrate an individual’s qualifications under subsection (c).

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

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

“(5) REAPPLICATION.—An ODA holder may submit an application under this subsection for an individual to become a member of an ODA unit under this section regardless of whether an application for such individual was previously rejected by the Administrator.

“(c) QUALIFICATIONS.—

“(1) IN GENERAL.—The Administrator shall issue minimum qualifications for an individual to become a member of an ODA unit under this section. In issuing such qualifications, the Administrator shall consider existing qualifications for Administration employees with similar duties and whether such individual—

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

“(B) has no recent record of serious enforcement action, as determined by the Administrator, taken by the Administrator with respect to any certificate, approval, or authorization held by such individual;

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

“(D) possesses the knowledge of applicable design or production requirements in this chapter and in title 14, Code of Federal Regulations, necessary for performance of the authorized functions sought;

“(E) possesses a high degree of knowledge of applicable design or production principles, system safety principles, or safety risk management processes appropriate for the authorized functions sought; and

“(F) meets such testing, examination, training, or other qualification standards as the Administrator determines are necessary to ensure the individual is competent and capable of performing the authorized functions sought.

“(2) PREVIOUSLY REJECTED APPLICATION.—In reviewing an application for an individual to become a member of an ODA unit under this section, if an application for such individual was previously rejected, the Administrator shall ensure that the reasons for the prior rejection have been resolved or mitigated to the Administrator’s satisfaction before making a determination on the individual’s reapplication.

“(d) RESCISSION OF APPROVAL.—The Administrator may rescind an approval of an individual as a member of an ODA unit granted pursuant to this section at any time and for any reason the Administrator considers appropriate. The Administrator shall develop procedures to provide for notice and opportunity to appeal rescission decisions made by the Administrator. Such decisions by the Administrator are not subject to judicial review.

“(e) RECORDS AND BRIEFINGS.—

“(1) IN GENERAL.—Beginning on the date described in subsection (a), an ODA holder shall maintain, for a period to be determined by the Administrator and with proper protections to ensure the security of sensitive and personal information—

“(A) any data, applications, records, or manuals required by the ODA holder’s approved procedures manual, as determined by the Administrator;

“(B) the names, responsibilities, qualifications, and example signature of each member of the ODA unit who performs an authorized function pursuant to a delegation by the Administrator under section 44702(d);

“(C) training records for ODA unit members and ODA administrators; and

“(D) any other data, applications, records, or manuals determined appropriate by the Administrator.

“(2) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of enactment of the Aircraft Certification Reform and Accountability Act, and every 90 days thereafter through September 30, 2023, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a briefing on the implementation and effects of this section, including—

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

“(B) for any individual rejected by the Administrator under subsection (b) during the preceding 90-day period, the reasoning or basis for such rejection; and

“(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

“(f) SPECIAL REVIEW OF QUALIFICATIONS.—

“(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is a member of an ODA unit of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c).

“(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator—

“(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

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

“(3) DEADLINE.—

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

“(B) If the Administrator fails to complete the review in compliance with subparagraph (A), the Secretary of Transportation shall assume the responsibility for completing the review.

“(C) The Secretary’s completion of the review under subparagraph (B)—

“(i) may not be delegated to the Administration; and

“(ii) shall be completed within 120 days of the date the Secretary’s assumption of responsibility following the Administrator’s failure to complete the review in compliance with subparagraph (A).

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

“(g) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

“(h) DEFINITIONS.—

“(1) GENERAL APPLICABILITY.—The definitions contained in section 44736 shall apply to this section.

“(2) TRANSPORT AIRPLANE.—The term ‘transport airplane’ means a transport-category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

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

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

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continuously seek to eliminate or minimize interference by an ODA holder that affects the performance of authorized functions by members of an ODA unit.

“(b) PROHIBITION.—

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

“(2) CIVIL PENALTY.—

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

“(B) SAVINGS CLAUSE.—Nothing in this paragraph shall be construed as limiting or constricting any other authority of the Administrator to pursue an enforcement action against an individual or organization for violation of applicable Federal laws or regulations of the Administration.

“(c) REPORTING.—

“(1) REPORTS TO ODA HOLDER.—A member of an ODA unit shall promptly report any instances of interference experienced or witnessed by such member to the office of the ODA holder that is designated to receive such reports.

“(2) REPORTS TO THE FAA.—

“(A) IN GENERAL.—The ODA holder office described in paragraph (1) shall submit to the office of the Administration designated by the Administrator to accept and review such reports any credible instances of interference reported under paragraph (1).

“(B) CONTENTS.—A report to the Administration under this paragraph shall be submitted in a manner, at a time, and in a form prescribed by the Administrator. Such report shall include the results of any investigation conducted by the ODA holder in response to a report of interference, a description of any action taken by the ODA holder as a result of the report of interference, and any other information or potentially mitigating factors the ODA holder or the Administrator deems appropriate.

“(C) USE OF REPORT.—The Administrator may use the information submitted in a report under this paragraph, including the actions taken by an ODA holder in response to a report under paragraph (1), in determining whether to issue a civil penalty pursuant to subsection (b) or whether such civil penalty should be subject to a setoff or compromised.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude a member of an ODA unit from reporting an instance of interference reported under paragraph (1) directly to the Administration. Each ODA holder shall provide no-

tice to each member of such holder’s ODA unit stating that such individual may report an instance of interference reported under paragraph (1) directly to the Administration.

“(d) DEFINITIONS.—

“(1) GENERAL APPLICABILITY.—The definitions contained in section 44736 shall apply to this section.

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

“(A) blatant or egregious statements or behavior, such as harassment, beratement, or threats, that a reasonable person would conclude was intended to improperly influence or prejudice an ODA unit member’s performance of his or her duties; or

“(B) the presence of non-ODA unit duties or activities that conflict with the performance of authorized functions by ODA unit members.”

(b) LATERAL COMMUNICATIONS.—

(1) CONTACT WITH ADMINISTRATION.—The Administrator shall ensure that employees of the Administration with responsibility for aircraft certification functions may directly contact non-managerial employees of an aircraft manufacturer for consultation regarding the certification of aircraft design, production, and other matters.

(2) PROHIBITION.—It shall be a violation of section 44736(a)(2)(C) of title 49, United States Code, for a manufacturer to prohibit employees from contacting any employee of the Administration or otherwise impose any condition, restriction, or penalty (including by requiring prior notice to or the approval of any supervisor or manager) with respect to such contact, except that such manufacturer may institute reasonable, company-wide policies requiring documentation of communications regarding aircraft design or production between the manufacturer’s employees and Administration employees.

(c) ODA PROGRAM ENHANCEMENTS.—Section 44736 of title 49, United States Code, is further amended—

(1) in subsection (a)—

(A) in paragraph (1)—

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

(ii) by striking subparagraph (B);

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

(iv) by striking subparagraph (D); and

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

(B) in paragraph (3) by striking “shall—” and all that follows through the end and inserting “shall conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.”; and

(2) in subsection (b)(3)—

(A) in subparagraph (A)—

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

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

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

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

(B) by striking subparagraph (B);

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

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

(d) TECHNICAL CORRECTIONS.—

(1) SECTION 44737.—Chapter 447 of title 49, United States Code, is further amended by redesignating the second section 44737 (as added by section 581 of the FAA Reauthorization Act of 2018) as section 44740.

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

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

(B) by inserting after the item relating to 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.”

(3) SPECIAL RULE FOR CERTAIN AIRCRAFT OPERATIONS.—Section 44740 of title 49, United States Code (as redesignated by paragraph (1)), is amended—

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

(B) in subsection (a)(1) by striking “chapter” and inserting “section”;

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

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

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

(a) IN GENERAL.—Upon receipt of an application for a type certificate for a new transport airplane, the Administrator shall convene an interdisciplinary integrated project team responsible for coordinating review of such application.

(b) MEMBERSHIP.—In convening an interdisciplinary integrated project team under subsection (a), the Administrator shall appoint employees of the Administration with specialized expertise and experience in the fields of engineering, systems design, human factors, and pilot training, including, at a minimum—

(1) not less than 1 designee of the Associate Administrator for Aviation Safety whose duty station is in the Administration’s headquarters;

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

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

(4) experts in the fields of human factors, aerodynamics, flight controls, software, and systems design; and

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

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

Not later than 1 year after the date of enactment of this Act, the Administrator shall brief the congressional committees of jurisdiction on specific measures the Administrator has taken to reinforce that each employee of the Administration responsible for overseeing an organization designation authorization with respect to the certification of aircraft perform such responsibility in accordance with safety management principles and in the public interest of aviation safety.

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

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

“(g) CERTIFICATION DISPUTE RESOLUTION.—

“(1) DISPUTE RESOLUTION PROCESS AND APPEALS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Administrator shall issue an order establishing—

“(i) an effective, timely, and milestone-based issue resolution process for type certification activities under subsection (a); and

“(ii) a process by which a decision, finding of compliance or noncompliance, or other act of the Administration, with respect to compliance with design requirements, may be appealed by a covered person directly involved with the certification activities in dispute on the basis that such decision, finding, or act is erroneous or inconsistent with

this chapter, regulations, or guidance materials promulgated by the Administrator, or other requirements.

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

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

“(ii) automatic elevation to appropriate management personnel of the Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant;

“(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) with a specific period of time agreed to by the Administrator and the type certificate applicant;

“(iv) initial review by appropriate Administration employees of any appeal described in subparagraph (A)(ii); and

“(v) subsequent review of any further appeal by appropriate management personnel of the Administration and the Associate Administrator for Aviation Safety.

“(C) DISPOSITION.—

“(i) WRITTEN DECISION.—The Associate Administrator for Aviation Safety shall issue a written decision on each appeal submitted under subparagraph (A)(ii), stating the grounds for the decision of the Associate Administrator.

“(ii) REPORT TO CONGRESS.—Not later than December 31 of each calendar year through calendar year 2025, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing each appeal resolved under this subsection.

“(D) FINAL REVIEW.—

“(i) IN GENERAL.—A written decision of the Associate Administrator under subparagraph (C) may be appealed to the Administrator for a final review and determination.

“(ii) DECLINE TO REVIEW.—The Administrator may decline to review an appeal initiated pursuant to clause (i).

“(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, neither a final determination of the Administrator under clause (i) nor a decision to decline to review an appeal under clause (ii) shall be subject to judicial review.

“(2) PROHIBITED CONTACTS.—

“(A) PROHIBITION GENERALLY.—During the course of an appeal under this subsection, no covered official may engage in an ex parte communication with an individual representing or acting on behalf of an applicant for, or holder of, a certificate under this section in relation to such appeal unless such communication is disclosed pursuant to subparagraph (B).

“(B) DISCLOSURE.—If, during the course of an appeal under this subsection, a covered official engages in, receives, or is otherwise made aware of an ex parte communication, the covered official shall disclose such communication in the public record at the time of the issuance of the written decision in accordance with subsection (g)(1)(C), including the time and date of the communication, subject of communication, and all persons engaged in such communication.

“(3) DEFINITIONS.—In this subsection:

“(A) COVERED PERSON.—The term ‘covered person’ means either—

“(i) an employee of the Administration whose responsibilities relate to the certification of aircraft, engines, propellers, or appliances; or

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

“(B) COVERED OFFICIAL.—The term ‘covered official’ means the following officials:

“(i) The Executive Director or any Deputy Director of the Aircraft Certification Service.

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

“(iii) The Director or Deputy Director of the Compliance and Airworthiness Division of the Aircraft Certification Service.

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

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

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

“(vii) The Associate Administrator or Deputy Associate Administrator for Aviation Safety.

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

“(ix) The Administrator of the Federal Aviation Administration.

“(x) Any similarly situated or successor FAA management position, as determined by the Administrator.

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

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

“(A) gross misconduct;

“(B) a violation of title 18; or

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

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

#### SEC. 12. EMPLOYMENT RESTRICTIONS.

(a) DISQUALIFICATION BASED ON PRIOR EMPLOYMENT.—An employee of the Administration with supervisory responsibility may not direct, conduct, or otherwise participate in oversight of a holder of a certificate issued under section 44704 that previously employed such employee in the preceding 1-year period.

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

“(d) POST-EMPLOYMENT RESTRICTIONS FOR INSPECTORS AND ENGINEERS.—

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

“(A) served as, or was responsible for oversight of—

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

“(ii) an employee of the Administration with responsibility for certification functions with respect to a holder of a certificate issued under section 44704(a); and

“(B) had responsibility to inspect, or oversee inspection of, the operations of such person.

“(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual

shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as an individual covered under paragraph (1).”.

#### SEC. 13. PROFESSIONAL DEVELOPMENT AND SKILLS ENHANCEMENT.

(a) IN GENERAL.—The Administrator shall—

(1) develop a program for regular recurrent training of engineers, inspectors, and other subject-matter experts employed in the Aircraft Certification Service of the Administration in accordance with the training strategy developed pursuant to section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256); and

(2) to the maximum extent practicable, implement measures, including assignments in multiple divisions of the Aircraft Certification Service, to ensure that such engineers and other subject-matter experts in the Aircraft Certification Service have access to diverse professional opportunities that expand their knowledge and skills.

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

(1) permit engineers, inspectors, and other subject matter experts to continue developing knowledge of, and expertise in, new and emerging technologies in systems design, flight controls, principles of aviation safety, system oversight, and certification project management;

(2) minimize the likelihood of an individual developing an inappropriate bias toward a designer or manufacturer of aircraft, aircraft engines, propellers, or appliances;

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

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

#### SEC. 14. VOLUNTARY SAFETY REPORTING PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code, to implement a confidential voluntary safety reporting program, in a manner that is consistent with other voluntary reporting programs administered by the Administrator. The program shall include provisions addressing, at a minimum—

(1) participation in all facets of the program by the exclusive bargaining representatives for employees identified in the matter preceding this paragraph;

(2) protections for frontline employees from adverse employment actions related to their participation in the program;

(3) identification of exclusionary criteria; and

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

(b) NEGOTIATIONS.—If the Administrator and the representatives described in subsection (a) are unable to reach an agreement

collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to reach agreement on the terms and conditions of such a program.

#### SEC. 15. COMPENSATION LIMITATION.

Notwithstanding any other provision of law, an employee of the Administration may not receive an adjustment to the employee's compensation solely on the basis of the employee's performance in meeting or exceeding a deadline related to the completion of certification functions.

#### SEC. 16. SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS.

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

(b) SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS.—In developing regulations under subsection (a), the Administrator shall—

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

(A) perform a system safety assessment with respect to each proposed design change that the Administrator determines is significant, with such assessment considering the airplane-level effects of individual errors, malfunctions, or failures and realistic pilot response times to such errors, malfunctions, or failures related to such change;

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

(C) provide appropriate employees of the Administration with the data and assumptions underlying each assessment and amended assessment; and

(2) work with other civil aviation authorities representing states of design to ensure such regulations remain harmonized internationally.

(c) FAA REVIEW.—Appropriate employees of the Aircraft Certification Service and the Flight Standards Service of the Administration shall review each system safety assessment required under subsection (b)(1)(A), updated assessment required under subsection (b)(1)(B), and supporting data and assumptions required under subsection (b)(1)(C), to ensure that each such assessment sufficiently considers the matters listed under subsection (b)(1).

#### SEC. 17. FLIGHT CREW ALERTING.

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

(b) PROHIBITION.—Beginning on the date that is 2 years after the date of enactment of this Act, the Administrator may not issue a type certificate for a transport-category aircraft unless—

(1) in the case of a transport airplane, such airplane incorporates a flight crew alerting system that, at a minimum, displays and differentiates among warnings, cautions, and advisories, and includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures; or

(2) in the case of a transport-category aircraft other than a transport airplane, the type certificate applicant provides a means acceptable to the Administrator to assist the flight crew in prioritizing corrective actions and responding to systems failures (including by cockpit or flight manual procedures).

#### SEC. 18. AMENDED TYPE CERTIFICATES.

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

(1) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates within the group of international civil aviation authorities known as the Certificate Management Team.

(2) REEVALUATION OF AMENDED TYPE CERTIFICATES.—In carrying out this subsection, the Administrator shall—

(A) encourage Certificate Management Team members to examine and address any relevant covered recommendations (as defined in section 22) relating to the issuance of amended type certificates;

(B) reevaluate existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid; and

(C) ensure, to the greatest extent practicable, that Federal regulations relating to the issuance of amended type certificates are harmonized with the regulations of other international states of design.

(b) AMENDED TYPE CERTIFICATE REPORT AND RULEMAKING.—

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

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

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

(A) consider—

(i) the findings and work of the Certificate Management Team and other similar international harmonization efforts;

(ii) any relevant covered recommendations (as defined in section 22); and

(iii) whether a fixed time beyond which a type certificate may not be amended would improve aviation safety; and

(B) establish the extent to which the following design characteristics should preclude the issuance of an amended type certificate:

(i) A new or revised flight control system.

(ii) Any substantial changes to aerodynamic stability resulting from a physical change that may require a new or modified software system or control law in order to produce positive and acceptable stability and handling qualities.

(iii) A flight control system or augmented software to maintain aerodynamic stability in any portion of the flight envelope that was not required for a previously certified derivative.

(iv) A change in structural components (other than a stretch or shrink of the fuselage) that results in a change in structural load paths or the magnitude of structural loads attributed to flight maneuvers or cabin pressurization.

(v) A novel or unusual system, component, or other feature whose failure would present a hazardous or catastrophic risk.

(4) DEADLINE.—The Administrator shall finalize the actions initiated under paragraph

(2) not later than 3 years after the date of enactment of this Act.

(c) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership within the International Civil Aviation Organization and among other civil aviation regulators representing states of aircraft design to advocate for the adoption of requirements equivalent to those described in this section.

#### SEC. 19. WHISTLEBLOWER PROTECTIONS.

Section 41212 of title 49, United States Code, is amended—

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

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

“(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

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

“(4) assisted or participated or is about to assist or participate in such a proceeding.”;

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

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a holder of a certificate issued under section 44704 or 44705, or a contractor or subcontractor thereof, who, acting without direction from such certificate-holder, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to aviation safety under this subtitle or any other law of the United States.”; and

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

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

“(1) a person that performs safety-sensitive functions by contract for an air carrier or commercial operator; or

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

#### SEC. 20. PILOT TRAINING.

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

##### “§ 44743. Pilot training requirements

“(a) IN GENERAL.—

“(1) ADMINISTRATOR'S DETERMINATION.—In establishing any pilot training requirements with respect to a new transport airplane, the Administrator of the Federal Aviation Administration shall independently review any proposal by the manufacturer of such airplane with respect to the scope, format, or minimum level of training required for operation of such airplane.

“(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established applicable training requirements, an applicant for a new or amended type certificate for an airplane described in paragraph (1) may not, with respect to the scope, format, or magnitude of pilot training for such airplane—

“(A) make any assurance, whether verbal or in writing, to a potential purchaser of such airplane unless a clear and conspicuous disclaimer (as defined by the Administrator) is included regarding the status of training required for operation of such airplane; or

“(B) provide financial incentives (including rebates) to a potential purchaser of such airplane regarding the scope, format, or magnitude of pilot training for such airplane.

“(b) PILOT RESPONSE TIME.—Beginning on the day after the date on which regulations are issued under section 20(b)(5) of the Aircraft Certification Reform and Accountability Act, the Administrator may not issue a new or amended type certificate for an airplane described in subsection (a) unless the applicant for such certificate has demonstrated to the Administrator that the applicant has accounted for realistic assumptions regarding the time for pilot responses to non-normal conditions in designing the systems and instrumentation of such airplane. Such assumptions shall—

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

“(2) account for generally accepted scientific consensus among experts in human factors regarding realistic pilot response time.

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

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

“44743. Pilot training requirements.”

(c) EXPERT SAFETY REVIEW.—

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

(2) CONTENTS.—The expert safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to pilot response assumptions relied upon by the FAA and manufacturers of transport-category aircraft in the design and certification of such aircraft;

(B) a focused review of the assumptions relied on regarding the time for pilot responses to non-normal conditions in designing such aircraft’s systems and instrumentation;

(C) a review of revisions made to the airman certification standards for certificates over the last four years, including any possible effects on pilot competency in basic manual flying skills;

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

(E) a process for aviation stakeholders, including pilots, airlines, inspectors, engineers, test pilots, human factors experts, and other aviation safety experts, to provide and discuss any observations, feedback, and best practices.

(3) REPORT AND RECOMMENDATIONS.—Not later than 30 days after the conclusion of the

expert safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, any recommendations for actions or best practices to ensure the FAA and the manufacturers of transport-category aircraft have accounted for pilot response assumptions to be relied upon in the design and certification of transport-category aircraft.

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

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

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

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

(2) CONTENTS.—The call to action safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to the pilot certification standards, including the oversight of those processes;

(B) a review of revisions made to the pilot certification standards for certificates over the last four years, including any possible effects on pilot competency in manual flying skills and effectively managing automation to improve safety; and

(C) a process for aviation stakeholders, including aviation students, instructors, designated pilot examiners, pilots, airlines, labor, and aviation safety experts, to provide and discuss any observations, feedback, and best practices.

(3) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the call to action safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, any recommendations for actions or best practices to ensure pilot competency in basic manual flying skills and in effective management of automation, and actions the Administrator will take in response to the recommendations.

(e) INTERNATIONAL PILOT TRAINING.—

(1) IN GENERAL.—The Secretary of Transportation, the Administrator, and other appropriate officials of the Government shall exercise leadership in setting global standards to improve air carrier pilot training and qualifications for—

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

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

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

(D) effectively identifying situations in which the use of autoflight systems is appropriate and when such use is not appropriate; and

(E) recognizing and responding appropriately to non-normal conditions.

(2) INTERNATIONAL LEADERSHIP.—The Secretary, the Administrator, and other appropriate officials of the Government shall exercise leadership under subsection (a) by working with—

(A) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

(B) other international organizations and fora; and

(C) the private sector.

(3) CONSIDERATIONS.—In exercising leadership under paragraph (1), the Secretary, the Administrator, and other appropriate officials of the Government shall consider—

(A) the latest information relating to human factors;

(B) aircraft manufacturing trends, including those relating to increased automation in the cockpit;

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

(D) the availability of opportunities for pilots to practice manual flying skills;

(E) the need for consistency in maintaining and enhancing manual flying skills worldwide;

(F) recommended practices of other countries that enhance manual flying skills and automation management; and

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

(4) CONGRESSIONAL BRIEFING.—The Secretary, the Administrator, and other appropriate officials of the Government shall provide to the congressional committees of jurisdiction regular briefings on the status of efforts undertaken pursuant to this section.

#### SEC. 21. NONCONFORMITY WITH APPROVED TYPE DESIGN.

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

“(6) NONCONFORMITY WITH APPROVED TYPE DESIGN.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), a holder of a production certificate for an aircraft may not present a nonconforming aircraft to the Administrator for issuance of an airworthiness certificate.

“(B) CIVIL PENALTY.—Notwithstanding section 46301, a production certificate holder who knowingly violates subparagraph (A) shall be liable to the Administrator for a civil penalty of not more than \$1,000,000 for each nonconforming aircraft.

“(C) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (B), the Administrator shall consider—

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

“(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

“(D) REMEDIAL ACTION.—The Administrator may permit a production certificate holder to present a nonconforming aircraft to the Administrator for an airworthiness certificate if—

“(i) the Administrator determines the nonconformity, when compared to the configuration approved as part of the type design, does not diminish by any degree the aircraft’s safe operation without any change in flight crew operating procedures;

“(ii) the Administrator determines the nonconformity was not the product of an intentional decision by the production certificate holder to alter the aircraft’s configuration from the approved type design;

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

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

“(I) prescribed by the Administrator; and

“(II) commensurate with the severity of the nonconformity;



“(v) the production certificate holder informs a person who is to take delivery of the nonconforming aircraft of the nonconformance prior to its delivery; and

“(vi) the production certificate holder agrees not to impose any penalty, financial or otherwise, on a person that chooses to delay the delivery of a nonconforming aircraft until the production certificate holder, to the Administrator’s satisfaction, conforms the aircraft to the approved type design of such aircraft.

“(E) NOTIFICATION AND PROPOSED REMEDIAL ACTION.—A production certificate holder shall, within 5 days of determining that such production certificate holder delivered a nonconforming aircraft, notify the Administrator, the purchaser of the airplane, and (if the purchaser is a lessor) the intended operator of the airplane, if known. A notification under this clause shall describe—

“(i) the nonconformity in detail; and

“(ii) the production certificate holder’s initial proposal for actions necessary to eliminate the nonconformity.

“(F) NONCONFORMING AIRCRAFT DEFINED.—In this paragraph, the term ‘nonconforming aircraft’ means an aircraft that does not conform to the approved type design for such aircraft type.”

## SEC. 22. IMPLEMENTATION OF RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the congressional committees of jurisdiction on the status of the Administration’s implementation of covered recommendations.

(b) CONTENTS.—The report required under subsection (a) shall contain, at a minimum—

(1) a list and description of all covered recommendations;

(2) a determination of whether the Administrator concurs, concurs in part, or does not concur with each covered recommendation;

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

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

(c) COVERED RECOMMENDATIONS DEFINED.—In this section, the term ‘covered recommendations’ means recommendations made by the following entities in any review initiated in response to the accident of Lion Air flight 610 on October 29, 2018, or Ethiopian Airlines flight 302 on March 10, 2019, that recommend Administration action:

(1) The National Transportation Safety Board.

(2) The Joint Authorities Technical Review.

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

(4) The Safety Oversight and Certification Advisory Committee, or any special committee thereof.

(5) Any other entity the Administrator may designate.

## SEC. 23. OVERSIGHT OF FAA COMPLIANCE PROGRAM.

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

(b) COMPLIANCE PROGRAM OVERSIGHT.—The Executive Council established under this section shall—

(1) monitor, collect, and analyze data on the use of the Compliance Program across program offices of the Administration, in-

cluding data on enforcement actions and compliance actions pursued against regulated entities by such program offices;

(2) conduct an evaluation of the Compliance Program, not less frequently than annually each calendar year through 2023, to assess the functioning and effectiveness of such program in meeting the stated goals and purpose of the program;

(3) provide reports to the Administrator containing the results of any evaluation conducted under paragraph (2), including identifying in such report any nonconformities or deficiencies in the implementation of the program and compliance of regulated entities with safety standards of the Administration;

(4) make recommendations to the Administrator on regulations, guidance, performance standards or metrics, or other controls that should be issued by the Administrator to improve the effectiveness of the Compliance Program in meeting the stated goals and purpose of the program and to ensure the highest levels of aviation safety; and

(5) carry out any other oversight duties with respect to implementation of the Compliance Program and assigned by the Administrator.

### (c) EXECUTIVE COUNCIL.—

(1) EXECUTIVE COUNCIL MEMBERSHIP.—The Compliance Program Executive Council shall be comprised of representatives from each program office with regulatory responsibility as provided in Order 8000.373A.

(2) CHAIRPERSON.—The Executive Council shall be chaired by a person, who shall be appointed by the Administrator and shall report directly to the Administrator.

(3) INDEPENDENCE.—The Secretary of Transportation, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the chair of the Executive Council from performing the activities described in this section or from reporting to Congress on such activities.

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

(d) ANNUAL BRIEFING.—Each calendar year through 2023, the chair of the Executive Council shall provide a briefing to the congressional committees of jurisdiction on the effectiveness of the Administration’s Compliance Program in meeting the stated goals and purpose of the program and the activities of the office described in subsection (b), including any reports and recommendations made by the office during the preceding calendar year.

## SEC. 24. SETTLEMENT AGREEMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should fully exercise all rights and pursue all remedies available to the Administrator under any settlement agreement between the Administration and the holder of a type certificate and production certificate for transport airplanes executed on December 18, 2015, including a demand for full payment of any applicable civil penalties deferred under such agreement, if the Administrator concludes that such holder has not fully performed all obligations incurred under such agreement.

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

## SEC. 25. HUMAN FACTORS.

(a) AIRCRAFT CERTIFICATION PROCESS.—

(1) EVALUATION.—Not later than 18 months after the date of enactment of this Act, the Administrator (acting through the Associate

Administrator for Aviation Safety of the Administration) shall—

(A) conduct an evaluation of the development of tools and methods to support the integration of human factors assessment and system safety assessments of human interaction with flight deck and flight control systems for transport airplanes into the aircraft certification process under section 44704 of title 49, United States Code; and

(B) develop a framework to better integrate human factors throughout such aircraft certification process with the objective of improving safety by designing systems and training pilots in a manner that accounts for contemporary knowledge to reduce the possibility of an accident resulting in whole or in part from the pilot’s interaction with the aircraft.

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

(3) IMPLEMENTATION.—Upon submission of the report required under paragraph (2), the Administrator shall implement the findings of such evaluation.

(b) HUMAN FACTORS EDUCATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall develop a human factors education program that addresses the effects of modern flight deck systems, including automated systems, on human performance for transport airplanes and the approaches for better integration of human factors in aircraft design and certification.

(2) TARGET AUDIENCE.—The human factors education program shall be integrated into the training protocol in existence as of the date of the enactment of this Act such that such program is routinely administered to the following:

(A) Appropriate employees within the Flight Standards Service.

(B) Appropriate employees within the Aircraft Certification Service.

(C) Other employees or authorized representatives determined to be necessary by the Administrator.

(c) TRANSPORT AIRPLANE MANUFACTURER INFORMATION SHARING.—The Administrator shall—

(1) require each transport airplane manufacturer to provide the Administrator with the information or findings necessary for flight crew to be trained on flight deck systems;

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

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

## SEC. 26. TECHNICAL CORRECTIONS.

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

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

(2) in subsection (a)(5)(A) by striking “(except sections 44717–44723)” and inserting “(except sections 44704(a)(6), 44704(e)(4), and 44717–44723)”;

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

(4) in subsection (f)(1)(A)(i) by striking “(except sections 44717 and 44719–44723)” and inserting “(except sections 44704(a)(6), 44704(e)(4), 44717, and 44719–44723)”.

## SEC. 27. DEFINITIONS.

In this Act:

(1) ADMINISTRATION; FAA.—The terms “Administration” and “FAA” mean the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the FAA.

(3) ORGANIZATION DESIGNATION AUTHORIZATION.—The term “organization designation authorization” has the same meaning given such term in section 44736 of title 49, United States Code.

(4) CONGRESSIONAL COMMITTEES OF JURISDICTION.—The term “congressional committees of jurisdiction” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) HUMAN FACTORS.—The term “human factors” means a multidisciplinary set of principles developed to holistically explain and predict pilot behavior in relation to the management of the operation of an aircraft, including the pilot’s management of aircraft systems and response to systems failures and non-normal conditions.

(6) TRANSPORT AIRPLANE.—The term “transport airplane” means a transport-category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(7) TYPE CERTIFICATE.—The term “type certificate”—

(A) means a type certificate issued pursuant to section 44704(a) of title 49, United States Code, or an amendment to such certificate; and

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

#### GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 8408, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8408, the bipartisan Aircraft Certification Reform Accountability Act, today because a U.S. commercial airplane manufacturer and, candidly, the Federal Aviation Administration broke the public trust. 346 innocent people died on two Boeing 737 MAX airplanes in October 2018 and March 2019.

Despite the crashes, both Boeing and the FAA found that the certification of the 737 MAX was compliant with FAA regulations. It was compliant with regulations, yet 346 people died. I believe that that shows that there are problems with the regulatory system that need to be addressed.

Ranking Member GRAVES, Aviation Subcommittee Chair LARSEN, Aviation Subcommittee Ranking Member

GRAVES, and I actively worked on this bill over a number of months. I think I can speak for all of us when I say our intent is to ensure a U.S.-manufactured airplane never again crashes due to design issues or regulatory failures.

The Boeing 737 MAX has been grounded since the second crash, that of Ethiopian Airlines flight 302 on March 10, 2019. This has been the longest grounding of a transport plane in the history of commercial aviation and will likely end this week when the FAA judges that Boeing’s modifications to the deadly system that caused the crashes are sufficient.

The FAA and Boeing have spent the last 20 months doing what they should have done before the 737 MAX ever entered service, so consideration of this bill is timely.

There is a long litany of negligence, recklessness, corporate greed—particularly at the executive level—and errors in the design and certification of the 737 MAX that culminated in the crashes of Lion Air flight 610 and Ethiopian Airlines flight 302 and, ultimately, this legislation.

I am not going to go over all of the stunning acts and omissions within Boeing and the regulatory capture that prevented the FAA from detecting and correcting those acts and omissions because they have been laid bare in numerous reports since the accidents, including those of the Committee on Transportation and Infrastructure, which recently concluded the longest and most comprehensive investigation in the committee’s history with a nearly 250-page report on the technical and regulatory failures in this story; the Joint Authorities Technical Review, a team of U.S. and international safety regulators who assessed the design and certification of the 737 MAX; the National Transportation Safety Board; a special committee convened by the Department of Transportation to evaluate the FAA’s certification process with respect to the 737 MAX; the Indonesian National Transportation Safety Committee, which investigated the crash of Lion Air flight 610; and the Ethiopian Civil Aviation Authority, which investigated the crash of Ethiopian Airlines flight 302.

Lion Air 610 and Ethiopian flight 302 crashed, ultimately, because of a system called the Maneuvering Characteristics Augmentation System, or MCAS, which forced the airplane into dives with forces so great the pilots were physically unable to counteract them. Through numerous investigations, we know Boeing intentionally concealed the existence of MCAS in cases from the airlines and pilots, partly to save money on pilot training and partly to avoid increased regulatory scrutiny by the FAA.

Level B non-simulator pilot training was a design objective for the 737 MAX from the outset, according to Boeing’s former chief project engineer; and as early as 2014, 2 years before the FAA made a pilot training determination, a

Boeing press release and marketing materials declared this level of training for prospective 737 MAX customer airlines. In one case, they promised to pay a penalty of \$1 million per plane to a purchaser if a higher level of training was necessary.

We also know that Boeing’s safety assessment with respect to MCAS was horribly incomplete. MCAS activated on both flights because of a tiny, fragile vane, called an alpha vane, protruding from the left side of the nose. The alpha vane measures the angle of attack between the airplane and oncoming air.

When it failed, as these tiny, fragile vanes are wont to do, it triggered a complex computerized response, which included a jarring stick shaker, which vibrates the column so violently that if you are holding onto it, your teeth are going to rattle to warn of a stall; unrelated other cautions and warnings, and this plane has a primitive alert system unlike all Boeings made in the last 25 years, as the dozens of prioritized things; and warnings that airspeed, altitude is unreliable.

More importantly, the MCAS system, an invisible system, left out of the first manual, or deleted from the first manuals distributed with the plane, forced the nose down repeatedly and inexorably toward the Earth.

Now, Boeing assumed pilots would respond to all that and apply the proper corrective procedure within 4 seconds. I would challenge most experienced pilots to sort through that blizzard of alerts in 4 seconds, not knowing of the existence of the system, to determine what is going on and apply proper procedure.

A Boeing test pilot in a simulator in 2012 couldn’t do that, as the committee staff investigation revealed. It took that pilot more than 10 seconds to respond correctly and found the condition to be “catastrophic,” meaning the situation would have been unsalvageable. The plane would have crashed. The simulator crashed. And it did not share that information with the FAA or its MAX customers.

But Boeing and the FAA never assessed the airplane-level effects of an alpha vane failure, how it would trigger erroneous MCAS activation, and how pilots would respond; not that there wasn’t plenty of opportunity within Boeing to stop and think about MCAS and the hazardous situations it would create.

At one juncture, a Boeing employee was authorized by the FAA as part of the ODA, Organization Designation Authorization, to determine the plane’s compliance with the FAA requirements, asked in an email if the airplane was vulnerable to a single alpha vane failure. The employee was given a summary assurance that MCAS was not vulnerable, but that assurance was incorrect. The eyes and ears of the FAA on the ground at Boeing left the FAA largely in the dark regarding issues that affected the airplane certification.

We uncovered numerable instances of similar missed opportunities in our investigation. The culture of profits at any cost with the company may well have been a factor in the failure to root out safety problems.

According to a 2016 internal survey of similar Boeing employees, who, at the time, were called authorized representatives of the FAA, 39 percent said they felt undue pressure from Boeing management to make decisions in the company's interest.

And then there was the FAA, whose complacency rendered the agency virtually a nonpresence in this story until then-Acting Administrator Elwell grounded the airplane after the second one crashed and after virtually every other agency in the world had grounded these airplanes.

The FAA was either unable or unwilling to conduct rigorous oversight of Boeing during the certification process. A Boeing employee wrote an internal email in 2015 that, during a presentation of the 737 MAX, FAA officials were like "dogs watching TV." And they hid the mention of MAX in two lines in a very lengthy presentation of MCAS.

Throughout our investigation, we learned the FAA and Boeing separately performed an analysis after the first crash, that of Lion Air, which concluded that, if left uncorrected, the design flaw in the 737 MAX could result in as many as 15 future crashes. And despite the calculations and the agency's own Transport Airplane Risk Assessment Methodology, or TARAM, the FAA let it continue to fly.

In fact, the head of safety for the FAA came to my office in February after the first crash and said that was a one-off, there is no problem with this plane. But that report had been produced before he came to see me. Now, when we finally got him to a 7-hour recorded testimony, he said he never heard of anything that said 15 of the planes would crash.

Well, what does the head of safety do at the FAA? Seriously.

Now, here is the most outrageous indication of a broken safety culture within the very agency that is supposed to be the leading champion of strong safety cultures. In a recent survey of FAA aviation safety employees, 56 percent of those involved in certification activities believed there was too much external influence on the agency and that this influence was affecting FAA safety decisions.

This is 25 years after the horrible crash of Value Jet in Florida, when I finally got the law changed to say that the FAA is not to promote and regulate in the public interest and safety; it is only to regulate in the public interest and safety, not to promote the industry.

All of these factors alone, and more, all part of a broken system that broke the public's trust culminated in 2018 and 2019 MAX accidents. And the bill we are considering today will fix that broken system.

It requires the FAA to approve authorized representatives at all aviation manufacturers by examining their qualifications and character so that, when they are considering a proposed design, they will remember that public safety rests on their shoulders.

Any person who interferes with an authorized representative's performance of his or her critical duties on behalf of the FAA will be subject to civil penalties going forward.

It also imposes civil penalties for a manufacturer's failure to disclose the details of a system like MCAS that manipulate flight controls without direct pilot input and for a manufacturer's delivery of an airplane that does not conform to an FAA-approved design.

The bill requires two FAA rulemakings that, together, will require manufacturers to provide the agency with thorough assessments measuring the risk created by changes to existing aircraft designs so FAA can ascertain whether a manufacturer has sufficiently minimized any given risk.

The bill requires the FAA to hire more staff to rigorously review new designs and authorizes enough funding for 100 of them.

It also requires the FAA to implement a nonpunitive voluntary safety reporting system for FAA employees to report safety concerns, prohibits agency officials from talking with manufacturers about formal objections to FAA career employees' decisions unless publicly disclosing information about those communications, and it extends to manufacturers' employees the same whistleblower protections that apply to airline employees today, and much more.

I want to make it clear that this bill is not meant in any way to interfere with the victims or their families' access to the judicial system and all available remedies when tragedies occur. Compliance with the provisions of H.R. 8408 will not adversely affect any existing remedies available to families of the Boeing victims and any other future victims under State, Federal, statutory, or common law. Families who have already suffered tragic loss must be able to seek compensation when their loved ones are injured or killed in aircraft crashes due to negligence or other wrongdoing.

The 346 sons, daughters, brothers, sisters, fathers, mothers who died on Lion Air flight 610 and Ethiopian flight 302 placed their trust in a broken system. Today, we take the next big step toward fixing that system.

Mr. Speaker, I thank Ranking Member GRAVES, Aviation Subcommittee Chair LARSEN, and Subcommittee Ranking Member GRAVES for their partnership in advancing this legislation, and I look forward to continuing to work with them and our Senate colleagues, and hopefully we can get it enacted into law this year.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 8408, the Aircraft Certification Reform and Accountability Act.

I want to thank Chairman DEFAZIO and Chairman LARSEN for working with us to put together this bipartisan bill.

The Committee's response following the Lion Air and Ethiopian Airlines tragedies has been to take the time that is necessary to understand all the contributing factors in these accidents.

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Throughout this process, I have taken the position that if the safety experts recommend improvement to our certification system, then Congress should act.

We now have the benefit of a number of nonpartisan reviews by aviation safety experts confirming that multiple factors were involved. There is only so much the United States can do to influence factors outside of our borders, but the experts identified issues to address those things that are within our control and made recommendations to improve our system, and that is the focus of this bill.

We can all agree that the United States and the Federal Aviation Administration has to—must—continue to be the gold standard in aviation. The safety of the traveling public depends on that, but so does our economy, our competitiveness, and hundreds of thousands of American jobs.

Plain and simple, we can't remain the gold standard if our system isn't safe. And one reason for our achievements in aviation has been our ability to leave partisan politics at the door and work together on critical safety issues, and that is what we have done today in this bill.

This bill before us today is going to require additional improvements beyond those which the FAA and Boeing have already undertaken. These changes are going to make our safe system even safer.

To be clear, the experts have concluded that the current system does not need to be dismantled, but that we can and should take action to improve it.

H.R. 8408 thoughtfully addresses the multiple contributing factors involved in the Lion Air and Ethiopian Airlines accidents that are within our control, as well as the many expert recommendations to improve safety within our own system.

This is a well-reasoned, comprehensive, and bipartisan bill.

Mr. Speaker, I urge support for this legislation, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the subcommittee chairman.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of H.R. 8408, the Aircraft Certification Reform and Accountability Act.

This comprehensive, bipartisan legislation will help improve the U.S. aircraft certification process, strengthen Federal Aviation Administration oversight, and ensure the safety of air travel.

As chair of the Aviation Subcommittee, I am very pleased that this critical legislation is now before this Chamber for a vote.

After two tragic Boeing 737 MAX crashes, the Transportation and Infrastructure Committee launched a thorough investigation into the design, development, and certification of the 737 MAX.

Since March 2019, the committee has received more than 500,000 pages of documents, held five oversight hearings, interviewed key employees at Boeing and the FAA, and listened to testimony from victims' families and from several whistleblowers.

The resulting Aircraft Certification Reform and Accountability Act improves aviation safety culture, enhances transparency and accountability, addresses undue pressure on employees acting on behalf of the FAA within an aviation manufacturer, and reinforces the importance of human factors in aircraft design and certification.

The 346 victims of the two tragic crashes and their families have always remained at the forefront of this committee's work.

A vital part of the committee's process was the advocacy of the victims' families. For nearly 2 years, the families have championed necessary reforms to the FAA certification process to ensure that no other families experience such unthinkable loss.

This bill reinforces the integrity of the FAA and U.S. aviation manufacturing.

I thank Chairman DEFAZIO for his leadership. I thank Ranking Member GRAVES of Missouri of the full committee for his leadership. And I thank the ranking member of the Aviation Subcommittee, Mr. GRAVES of Louisiana, for his leadership on coming together in a bipartisan way to make this bill a reality.

Mr. Speaker, I encourage all of my colleagues to support this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. GRAVES), the ranking member of the Aviation Subcommittee.

Mr. GRAVES of Louisiana. Mr. Speaker, I really can't dispute many of the previous speakers' comments. The bottom line is that the aviation industry, the aviation mode of transportation is the safest mode of transportation. It is the safest way to travel. And the United States has the gold standard in regard to aviation safety.

However, we are all aware of two very tragic accidents that resulted in 346 lives that were lost, 346. Just because we have the best, we have the safest, does not mean that we should ever stop striving for better, we should ever stop striving for perfection.

Mr. Speaker, we had five hearings on this legislation. There were numerous expert panels that were put together to review this, to extract every single lesson learned.

I thank the acting administrator at the time, Dan Elwell—and I want to congratulate him on his retirement—for his steady hand in ensuring that, as we move forward, we base our decisions on facts. I thank him for some of the changes within the FAA to ensure that we apply lessons learned.

Mr. Speaker, as previous speakers noted, this legislation is the result of all of these nonpartisan, independent expert reviews. We took the lessons learned and we adapted it into legislation to make sure that we can, as I said, continue to strive for perfection; to continue to focus on, as my friend Mr. LARSEN noted, the families; to keep a face on this; to ensure that we never subject future families to the same losses that we had in this case. And that is just what we did.

I thank Michael Stumo, one of the leaders of the families who called us often and reminded us what it was that we were doing. We were focusing on safety because this is about people, about real lives.

Mr. Speaker, this bill has a number of improvements, as I noted, including ensuring that safety management systems are applied by manufacturers and better controls over project management. The bill integrates project review within the FAA to make sure that different entities within the FAA are aware of what the others are doing.

The bill ensures that there is disclosure of safety critical information in systems, including close inspection and review of new or novel technologies that are introduced into the design to ensure that we fully understand the impact of those. It ensures that there is conformance with the FAA design type; meaning that you can't come in and simply amend the design type if you are making significant changes to the aircraft or if the aircraft design evolves over time to where if initially it couldn't simply be an amended design.

Mr. Speaker, it also includes something that is very important. It integrates human factors, ensuring that we understand how humans, how pilots and others will behave in the instance of some type of safety issue on aircraft.

Mr. Speaker, when an aircraft has a problem, you can't simply pull it over to the side of the road and check it out. We have to make sure that this continues to be the safest mode of transportation. We have to continue to ensure that the United States truly has a gold standard.

I thank Chairman DEFAZIO and my friend, Chairman LARSEN, as well as full committee Ranking Member GRAVES of Missouri, for the work on this bill because this bill didn't start out as something that was bipartisan that everybody was on board with, but it did evolve to this point. Candidly,

there are few perfections in here that I would like to see, but this is a really good bill, and it does simply take the recommendations, the findings of the expert reports and it does turn this into legislation.

I thank all my friends for working together on this. I thank Holly and Hunter, whose baby Theo didn't comply with our schedule in this legislation, for all of their hard work here.

Mr. GRAVES of Missouri. Mr. Speaker, H.R. 8408 addresses the nonpartisan expert safety recommendations to improve the FAA's aircraft certification process in the aftermath of tragic Lion Air and Ethiopian Airlines accidents in 2018 and 2019.

This bill is responsible, comprehensive, bipartisan, and it is going to improve aviation safety.

I thank again Chairman DEFAZIO and Ranking Member GARRET GRAVES and the committee staff on both sides, with special thanks to Holly Woodruff Lyons, Hunter Presti, Jamie Hopkins, Corey Cooke, Jack Ruddy, and Paul Sass for their work on this important piece of legislation.

Mr. Speaker, I urge all Members to support this legislation, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I, too, want to recognize the staff on both sides and the Members. Early on, this did appear like it could be a contentious piece of legislation, but in the end we all came together in the public safety interest for needed reforms to this Federal agency and the process by which we certify aircraft.

I thank the investigative staff of the committee, who put together an extraordinary report. I also thank the aviation staff on both sides of the aisle for their work.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, the tragic deaths of 346 people on two Boeing 737 MAX jet crashes in October 2018 and March of 2019 were entirely preventable. As was said in the final report prepared by the Majority Staff of the House Committee on Transportation and Infrastructure on "The Design, Development & Certification of the Boeing 737 Max" released on September 16, 2020, "The MAX crashes were not the result of a singular failure, technical mistake, or mismanaged event. They were the horrific culmination of a series of faulty technical assumptions by Boeing's engineers, a lack of transparency on the part of Boeing's management, and grossly insufficient oversight by the FAA—the pernicious result of regulatory capture on the part of the FAA with respect to its responsibilities to perform robust oversight of Boeing and to ensure the safety of the flying public."

The 737 MAX tragedies require us to make sure that certification alone can never become a legal shield for aircraft design or manufacturing defects. Even with the enactment of this legislative reform, it will be impossible to eliminate all risk. Indeed, as the Committee's report shows, "FAA management has undercut the authority and judgment of its own technical experts and sided with Boeing on design issues that failed to adequately address safety

issues and appear to have violated FAA regulations or guidance, in some instances.”

We need to incentivize the industry to do everything possible to ensure the safety of their planes and components. H.R. 8408 seeks to accomplish this goal by making both manufacturers and regulators responsible for updating and upgrading safety and technology standards as new systems and information are developed and become available.

I also want to make it clear that this bill is not meant, in anyway, to interfere with victims' or their families' access to the judicial system and all available remedies when tragedies occur. Compliance with the provisions of H.R. 8408 will not adversely affect any existing remedies available to families of the Boeing victims and any other future victims under state or Federal statutory or common law. Families, who have already suffered tragic loss, must be able to seek compensation when their loved ones are injured or killed in aircraft crashes due to negligence or other wrongdoing.

Many of the families of the Boeing 737 MAX crashes attended hearing after hearing as the House Committee on Transportation and Infrastructure conducted a comprehensive review of everything that went wrong with the 737 MAX. They were there to remind us of the human element—that we are here to work for the people. The bill does nothing to interfere with or affect the ability of the families of victims of air tragedies to hold industry accountable, now or in the future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 8408, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEMA ASSISTANCE RELIEF ACT OF 2020

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8266) to modify the Federal cost share of certain emergency assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to modify the activities eligible for assistance under the emergency declaration issued by the President on March 13, 2020, relating to COVID-19, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8266

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Assistance Relief Act of 2020”.

#### SEC. 2. COST SHARE.

(a) TEMPORARY FEDERAL SHARE.—Notwithstanding sections 403(b), 403(c)(4), 404(a), 406(b), 408(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for any emergency or major disaster

declared by the President under such Act during the period beginning on January 1, 2020 and ending on December 31, 2020, the Federal share of assistance provided under such sections shall be not less than 90 percent of the eligible cost of such assistance.

(b) COST SHARE UNDER COVID EMERGENCY DECLARATION.—Notwithstanding subsection (a), assistance provided under the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and under any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration, shall be at a 100 percent Federal cost share.

(c) APPLICABILITY.—This section shall apply to funds appropriated on or after the date of enactment of this Act.

#### SEC. 3. CLARIFICATION OF ASSISTANCE.

(a) IN GENERAL.—For the emergency declared on March 13, 2020 by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), the President may provide assistance for activities, costs, and purchases of States, Indian tribal governments, or local governments, including—

(1) activities eligible for assistance under sections 301, 415, 416, and 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141, 5182, 5183, 5189d);

(2) backfill costs for first responders and other essential employees who are ill or quarantined;

(3) increased operating costs for essential government services due to such emergency, including costs for implementing continuity plans, and sheltering or housing for first responders, emergency managers, health providers and other essential employees;

(4) costs of providing guidance and information to the public and for call centers to disseminate such guidance and information, including private nonprofit organizations;

(5) costs associated with establishing and operating virtual services;

(6) costs for establishing and operating remote test sites, including comprehensive community based testing;

(7) training provided specifically in anticipation of or in response to the event on which such emergency declaration is predicated;

(8) personal protective equipment and other critical supplies and services for first responders and other essential employees, including individuals working in public schools, courthouses, law enforcement, and public transit systems;

(9) medical equipment, regardless of whether such equipment is used for emergency or inpatient care;

(10) public health costs, including provision and distribution of medicine and medical supplies;

(11) costs associated with maintaining alternate care facilities or related facilities currently inactive but related to future needs tied to the ongoing pandemic event;

(12) costs of establishing and operating shelters and providing services, including transportation, that help alleviate the need of individuals for shelter; and

(13) costs, including costs incurred by private nonprofit organizations, of procuring and distributing food to individuals affected by the pandemic through networks established by State, local, or Tribal governments, or other organizations, including restaurants and farms, and for the purchase of food directly from food producers and farmers.

(b) APPLICATION TO SUBSEQUENT MAJOR DISASTER.—The activities described in sub-

section (a) may also be eligible for assistance under any major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) that supersedes the emergency declaration described in such subsection.

(c) FINANCIAL ASSISTANCE FOR FUNERAL EXPENSES.—For any emergency or major disaster described in subsection (a) or (b) and subject to the availability of appropriations, the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of such Act (42 U.S.C. 5174(e)).

(d) ADVANCED ASSISTANCE.—

(1) IN GENERAL.—In order to facilitate activities under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, may provide assistance in advance to an eligible applicant if a failure to do so would prevent the applicant from carrying out such activities.

(2) ANNUAL REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs a report on assistance provided in advance pursuant to paragraph (1).

(3) AUDIT BY DEPARTMENT OF HOMELAND SECURITY INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct a follow-up review of assistance provided in advance pursuant to paragraph (1).

(4) REVIEW.—The audit under paragraph (2) shall include, at a minimum—

(A) a review of the assumptions and methodologies used to determine eligibility for advanced assistance; and

(B) a determination of whether the advanced assistance was used appropriately.

(5) REPORT TO CONGRESS.—The Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review carried out under this subsection.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to make ineligible any assistance that would otherwise be eligible under section 403, 408, or 502 of such Act (42 U.S.C. 5170b, 5192).

(f) STATE; INDIAN TRIBAL GOVERNMENT; LOCAL GOVERNMENT DEFINED.—In this section, the terms “State”, “Indian tribal government”, and “local government” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(g) APPLICABILITY.—This section shall apply to funds appropriated on or after the date of enactment of this Act.

#### SEC. 4. REPORT ON STAFFORD ACT RESPONSE CAPABILITIES.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall seek to enter into an agreement with the National Academy of Sciences to convene a committee of experts to conduct a comprehensive study on the use of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to respond to an emergency which does not cause physical damages, such as the emergency declaration issued by the President on March 13, 2020, including—

(1) how non-physical damages can be quantified;

(2) consideration of any factors that allow for an adjustment of cost shares;

(3) recommendations to Congress on thresholds or criteria to be met to trigger a future declaration; and

(4) other items that the Administrator determines necessary to increase future preparedness to such events.