

111TH CONGRESS
1ST SESSION

H. R. 3273

To require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2009

Mr. HOLT (for himself, Mr. HIGGINS, and Mr. LEE of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring One Level
5 of Aviation Safety Act of 2009”.

1 **SEC. 2. IMPLEMENTATION OF RECOMMENDATIONS OF THE**
2 **NATIONAL TRANSPORTATION SAFETY**
3 **BOARD.**

4 (a) IMPLEMENTATION OF CERTAIN RECOMMENDA-
5 TIONS.—Not later than 180 days after the date of the en-
6 actment of this Act, the Administrator of the Federal
7 Aviation Administration shall implement the following rec-
8 ommendations of the National Transportation Safety
9 Board:

10 (1) Recommendations A–03–53 through A–03–
11 54, dated December 2, 2003 (relating to inspections
12 for general aviation aircraft and low-airspeed alert
13 systems for all aircraft).

14 (2) Recommendation A–05–14, dated May 13,
15 2005 (relating to programs for flight crewmembers
16 who have demonstrated deficiencies in performance
17 or training).

18 (3) Recommendations A–06–48 through A–06–
19 51, dated July 10, 2006 (relating to aircraft oper-
20 ations in cold or icy conditions).

21 (4) Recommendation A–07–8, dated January
22 23, 2007 (relating to developing programs of edu-
23 cation for air carrier pilots).

24 (b) DETERMINATIONS WITH RESPECT TO PENDING
25 AND FUTURE RECOMMENDATIONS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the National Transportation Safety Board pro-
3 vides the Administrator of the Federal Aviation Ad-
4 ministration with a safety recommendation, the Ad-
5 ministrator shall submit to Congress a notification—

6 (A) indicating whether or not the Adminis-
7 trator has determined to implement the rec-
8 ommendation; and

9 (B)(i) if the Administrator determines to
10 implement the recommendation, describing the
11 actions the Administrator plans to take to im-
12 plement the recommendation; or

13 (ii) if the Administrator determines not to
14 implement the recommendation, describing the
15 reasons for that determination.

16 (2) PENDING RECOMMENDATIONS.—Not later
17 than 180 days after the date of the enactment of
18 this Act, the Administrator of the Federal Aviation
19 Administration shall submit to Congress the notifi-
20 cation described in paragraph (1) with respect to
21 each recommendation of the National Transpor-
22 tation Safety Board—

23 (A) made before the date of the enactment
24 of this Act; and

1 (B) that is not implemented before such
2 date of enactment.

3 **SEC. 3. CERTIFICATION OF RECEIPT OF FEDERAL AVIA-**
4 **TION ADMINISTRATION AIRWORTHINESS DI-**
5 **RECTIVES AND OTHER ORDERS BY AIR CAR-**
6 **RIERS.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Administrator of the Federal Avia-
9 tion Administration shall submit to Congress a plan that
10 contains—

11 (1) a certification process under which each air
12 carrier will certify to the Administration that the air
13 carrier has received an airworthiness directive or
14 other order issued by the Administration; and

15 (2) a plan for ensuring the compliance of air
16 carriers with such directives and orders.

17 **SEC. 4. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.**

18 (a) **IN GENERAL.**—The Administrator of the Federal
19 Aviation Administration shall, not less frequently than
20 once each year, perform random, unannounced, on-site in-
21 spections of regional air carriers to ensure that such air
22 carriers are complying with all applicable safety standards
23 of the Administration.

24 (b) **REGIONAL AIR CARRIERS DEFINED.**—The Ad-
25 ministrator of the Federal Aviation Administration shall

1 determine which air carriers are regional air carriers for
2 purposes of subsection (a).

3 **SEC. 5. ESTABLISHMENT OF SAFETY STANDARDS WITH RE-**
4 **SPECT TO THE TRAINING, HIRING, AND OPER-**
5 **ATION OF AIRCRAFT BY PILOTS.**

6 (a) COMPLETION OF RULEMAKING ON TRAINING
7 PROGRAMS.—Not later than 180 days after the date of
8 the enactment of this Act, the Administrator of the Fed-
9 eral Aviation Administration shall issue a final rule with
10 respect to the Notice of Proposed Rulemaking published
11 in the Federal Register on January 12, 2009 (74 Fed.
12 Reg. 1280; relating to training programs for flight crew-
13 members and aircraft dispatchers).

14 (b) ESTABLISHMENT OF NATIONAL STANDARD WITH
15 RESPECT TO MINIMUM NUMBER OF FLIGHT HOURS RE-
16 QUIRED TO HIRE COMMERCIAL AIRCRAFT PILOTS.—Not
17 later than 1 year after the date of the enactment of this
18 Act, the Administrator of the Federal Aviation Adminis-
19 tration shall revise regulations under part 61 of title 14,
20 Code of Federal Regulations, to increase the minimum
21 number of hours of flight experience required for pilots
22 to conduct flight operations under parts 121 and 135 of
23 title 14, Code of Federal Regulations.

1 **SEC. 6. REGULATIONS TO ADDRESS PILOT FATIGUE.**

2 (a) **REGULATIONS ON WORK HOURS FOR PILOTS.**—

3 Not later than 180 days after the date of the enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall prescribe regulations specifying limita-
6 tions on hours of flight time allowed for pilots to address
7 problems relating to pilot fatigue.

8 (b) **FATIGUE MANAGEMENT PLANS.**—Not later than
9 1 year after the date of the enactment of this Act, the
10 Administrator of the Federal Aviation Administration
11 shall prescribe regulations—

12 (1) providing guidance to air carriers to develop
13 plans to ensure that pilots are not operating aircraft
14 while fatigued;

15 (2) requiring air carriers to submit such plans
16 to the Administration not later than 180 days after
17 the Administrator issues the final rule with respect
18 to the regulations and to update such plans on a
19 regular basis; and

20 (3) establishing standards and procedures for
21 the submission of such plans and the review of such
22 plans by the Administration.

23 **SEC. 7. ACCESS BY AIR CARRIERS TO INFORMATION ABOUT**
24 **PRACTICAL TEST FAILURES BY PILOTS.**

25 Section 44703(h)(1)(A) of title 49, United States
26 Code, is amended—

1 (1) in clause (i), by striking “; and” and insert-
2 ing a semicolon;

3 (2) by redesignating clause (ii) as clause (iii);
4 and

5 (3) by inserting after clause (i) the following:

6 “(ii) any failed attempt of the indi-
7 vidual to pass a practical test required to
8 obtain a certificate or type rating under
9 part 61 of title 14, Code of Federal Regu-
10 lations; and”.

11 **SEC. 8. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Administrator of the Federal Aviation Ad-
14 ministration shall submit to Congress a plan for over-
15 seeing pilot schools certified under part 141 of title 14,
16 Code of Federal Regulations, that includes—

17 (1) ensuring that the curriculum and course
18 outline requirements for such schools under subpart
19 C of such part are being met; and

20 (2) conducting on-site inspections of each such
21 school not less frequently than once every 2 years.

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