

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3371

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IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2009

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend title 49, United States Code, to improve airline  
safety and pilot training, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Airline Safety and Pilot Training Improvement Act of  
 4 2009”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. FAA Task Force on Air Carrier Safety and Pilot Training.
- Sec. 4. Implementation of NTSB flight crewmember training recommendations.
- Sec. 5. Secretary of Transportation responses to safety recommendations.
- Sec. 6. FAA pilot records database.
- Sec. 7. FAA rulemaking on training programs.
- Sec. 8. Aviation safety inspectors and operational research analysts.
- Sec. 9. Flight crewmember mentoring, professional development, and leadership.
- Sec. 10. Flight crewmember screening and qualifications.
- Sec. 11. Airline transport pilot certification.
- Sec. 12. Flight schools, flight education, and pilot academic training.
- Sec. 13. Voluntary safety programs.
- Sec. 14. ASAP and FOQA implementation plan.
- Sec. 15. Safety management systems.
- Sec. 16. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 17. Pilot fatigue.
- Sec. 18. Flight crewmember pairing and crew resource management techniques.

6 **SEC. 2. DEFINITIONS.**

7 (a) DEFINITIONS.—In this Act, the following defini-  
 8 tions apply:

9 (1) ADVANCED QUALIFICATION PROGRAM.—The  
 10 term “advanced qualification program” means the  
 11 program established by the Federal Aviation Admin-  
 12 istration in Advisory Circular 120–54A, dated June  
 13 23, 2006, including any subsequent revisions there-  
 14 to.

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

4           (3) AVIATION SAFETY ACTION PROGRAM.—The  
5 term “aviation safety action program” means the  
6 program established by the Federal Aviation Admin-  
7 istration in Advisory Circular 120–66B, dated No-  
8 vember 15, 2002, including any subsequent revisions  
9 thereto.

10          (4) FLIGHT CREWMEMBER.—The term “flight  
11 crewmember” has the meaning given that term in  
12 part 1.1 of title 14, Code of Federal Regulations.

13          (5) FLIGHT OPERATIONAL QUALITY ASSURANCE  
14 PROGRAM.—The term “flight operational quality as-  
15 surance program” means the program established by  
16 the Federal Aviation Administration in Advisory Cir-  
17 cular 120–82, dated April 12, 2004, including any  
18 subsequent revisions thereto.

19          (6) LINE OPERATIONS SAFETY AUDIT.—The  
20 term “line operations safety audit” means the proce-  
21 dure referenced by the Federal Aviation Administra-  
22 tion in Advisory Circular 120–90, dated April 27,  
23 2006, including any subsequent revisions thereto.

24          (7) PART 121 AIR CARRIER.—The term “part  
25 121 air carrier” means an air carrier that holds a

1 certificate issued under part 121 of title 14, Code of  
2 Federal Regulations.

3 (8) PART 135 AIR CARRIER.—The term “part  
4 135 air carrier” means an air carrier that holds a  
5 certificate issued under part 135 of title 14, Code of  
6 Federal Regulations.

7 **SEC. 3. FAA TASK FORCE ON AIR CARRIER SAFETY AND**  
8 **PILOT TRAINING.**

9 (a) ESTABLISHMENT.—The Administrator of the  
10 Federal Aviation Administration shall establish a special  
11 task force to be known as the “FAA Task Force on Air  
12 Carrier Safety and Pilot Training” (in this section re-  
13 ferred to as the “Task Force”).

14 (b) COMPOSITION.—The Task Force shall consist of  
15 members appointed by the Administrator and shall include  
16 air carrier representatives, labor union representatives,  
17 and aviation safety experts with knowledge of foreign and  
18 domestic regulatory requirements for flight crewmember  
19 education and training.

20 (c) DUTIES.—The duties of the Task Force shall in-  
21 clude, at a minimum, evaluating best practices in the air  
22 carrier industry and providing recommendations in the fol-  
23 lowing areas:

24 (1) Air carrier management responsibilities for  
25 flight crewmember education and support.

1           (2) Flight crewmember professional standards.

2           (3) Flight crewmember training standards and  
3 performance.

4           (4) Mentoring and information sharing between  
5 air carriers.

6       (d) REPORT.—Not later than 180 days after the date  
7 of enactment of this Act, and before the last day of each  
8 180-day period thereafter until termination of the Task  
9 Force, the Task Force shall submit to the Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives and the Committee on Commerce, Science,  
12 and Transportation of the Senate a report detailing—

13           (1) the progress of the Task Force in identi-  
14 fying best practices in the air carrier industry;

15           (2) the progress of air carriers and labor unions  
16 in implementing the best practices identified by the  
17 Task Force;

18           (3) recommendations of the Task Force, if any,  
19 for legislative or regulatory actions;

20           (4) the progress of air carriers and labor unions  
21 in implementing training-related, nonregulatory ac-  
22 tions recommended by the Administrator; and

23           (5) the progress of air carriers in developing  
24 specific programs to share safety data and ensure

1 implementation of the most effective safety prac-  
2 tices.

3 (e) TERMINATION.—The Task Force shall terminate  
4 on September 30, 2012.

5 (f) APPLICABILITY OF FEDERAL ADVISORY COM-  
6 MITTEE ACT.—The Federal Advisory Committee Act (5  
7 U.S.C. App.) shall not apply to the Task Force.

8 **SEC. 4. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER**  
9 **TRAINING RECOMMENDATIONS.**

10 (a) RULEMAKING PROCEEDINGS.—

11 (1) STALL AND UPSET RECOGNITION AND RE-  
12 COVERY TRAINING.—The Administrator of the Fed-  
13 eral Aviation Administration shall conduct a rule-  
14 making proceeding to require part 121 air carriers  
15 to provide flight crewmembers with ground training  
16 and flight training or flight simulator training—

17 (A) to recognize and avoid a stall of an  
18 aircraft or, if not avoided, to recover from the  
19 stall; and

20 (B) to recognize and avoid an upset of an  
21 aircraft or, if not avoided, to execute such tech-  
22 niques as available data indicate are appro-  
23 priate to recover from the upset in a given  
24 make, model, and series of aircraft.

1           (2) REMEDIAL TRAINING PROGRAMS.—The Ad-  
2           ministrators shall conduct a rulemaking proceeding to  
3           require part 121 air carriers to establish remedial  
4           training programs for flight crewmembers who have  
5           demonstrated performance deficiencies or experi-  
6           enced failures in the training environment.

7           (3) DEADLINES.—The Administrator shall—

8                   (A) not later than 180 days after the date  
9                   of enactment of this Act, issue a notice of pro-  
10                  posed rulemaking under each of paragraphs (1)  
11                  and (2); and

12                   (B) not later than 24 months after the  
13                   date of enactment of this Act, issue a final rule  
14                   for the rulemaking in each of paragraphs (1)  
15                   and (2).

16           (b) STICK PUSHER TRAINING AND WEATHER EVENT  
17 TRAINING.—

18           (1) MULTIDISCIPLINARY PANEL.—Not later  
19           than 120 days after the date of enactment of this  
20           Act, the Administrator shall convene a multidisci-  
21           plinary panel of specialists in aircraft operations,  
22           flight crewmember training, human factors, and  
23           aviation safety to study and submit to the Adminis-  
24           trator a report on methods to increase the famili-  
25           arity of flight crewmembers with, and improve the

1 response of flight crewmembers to, stick pusher sys-  
2 tems, icing conditions, and microburst and  
3 windshear weather events.

4 (2) REPORT TO CONGRESS AND NTSB.—Not  
5 later than one year after the date on which the Ad-  
6 ministrator convenes the panel, the Administrator  
7 shall—

8 (A) submit to the Committee on Transpor-  
9 tation and Infrastructure of the House of Rep-  
10 resentatives, the Committee on Commerce,  
11 Science, and Transportation of the Senate, and  
12 the National Transportation Safety Board a re-  
13 port based on the findings of the panel; and

14 (B) with respect to stick pusher systems,  
15 initiate appropriate actions to implement the  
16 recommendations of the panel.

17 (c) DEFINITIONS.—In this section, the following defi-  
18 nitions apply:

19 (1) FLIGHT TRAINING AND FLIGHT SIMU-  
20 LATOR.—The terms “flight training” and “flight  
21 simulator” have the meanings given those terms in  
22 part 61.1 of title 14, Code of Federal Regulations  
23 (or any successor regulation).



1           (2) STALL.—The term “stall” means an aero-  
2           dynamic loss of lift caused by exceeding the critical  
3           angle of attack.

4           (3) STICK PUSHER.—The term “stick pusher”  
5           means a device that, at or near a stall, applies a  
6           nose down pitch force to an aircraft’s control col-  
7           umns to attempt to decrease the aircraft’s angle of  
8           attack.

9           (4) UPSET.—The term “upset” means an un-  
10          usual aircraft attitude.

11 **SEC. 5. SECRETARY OF TRANSPORTATION RESPONSES TO**  
12 **SAFETY RECOMMENDATIONS.**

13          (a) IN GENERAL.—The first sentence of section  
14 1135(a) of title 49, United States Code, is amended by  
15 inserting “to the National Transportation Safety Board”  
16 after “shall give”.

17          (b) AIR CARRIER SAFETY RECOMMENDATIONS.—  
18 Section 1135 of such title is amended—

19               (1) by redesignating subsections (c) and (d) as  
20               subsections (d) and (e), respectively; and

21               (2) by inserting after subsection (b) the fol-  
22               lowing:

23               “(c) ANNUAL REPORT ON AIR CARRIER SAFETY  
24               RECOMMENDATIONS.—

1           “(1) IN GENERAL.—The Secretary shall submit  
2 to Congress and the Board, on an annual basis, a  
3 report on the recommendations made by the Board  
4 to the Secretary regarding air carrier operations  
5 conducted under part 121 of title 14, Code of Fed-  
6 eral Regulations.

7           “(2) RECOMMENDATIONS TO BE COVERED.—  
8 The report shall cover—

9           “(A) any recommendation for which the  
10 Secretary has developed, or intends to develop,  
11 procedures to adopt the recommendation or  
12 part of the recommendation, but has yet to  
13 complete the procedures; and

14           “(B) any recommendation for which the  
15 Secretary, in the preceding year, has issued a  
16 response under subsection (a)(2) or (a)(3) re-  
17 fusing to carry out all or part of the procedures  
18 to adopt the recommendation.

19           “(3) CONTENTS.—

20           “(A) PLANS TO ADOPT RECOMMENDA-  
21 TIONS.—For each recommendation of the  
22 Board described in paragraph (2)(A), the report  
23 shall contain—

24           “(i) a description of the recommenda-  
25 tion;

1           “(ii) a description of the procedures  
2           planned for adopting the recommendation  
3           or part of the recommendation;

4           “(iii) the proposed date for completing  
5           the procedures; and

6           “(iv) if the Secretary has not met a  
7           deadline contained in a proposed timeline  
8           developed in connection with the rec-  
9           ommendation under subsection (b), an ex-  
10          planation for not meeting the deadline.

11          “(B) REFUSALS TO ADOPT RECOMMENDA-  
12          TIONS.—For each recommendation of the  
13          Board described in paragraph (2)(B), the re-  
14          port shall contain—

15                 “(i) a description of the recommenda-  
16                 tion; and

17                 “(ii) a description of the reasons for  
18                 the refusal to carry out all or part of the  
19                 procedures to adopt the recommendation.”.

20   **SEC. 6. FAA PILOT RECORDS DATABASE.**

21           (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-  
22    CANTS.—Section 44703(h) of title 49, United States Code,  
23    is amended by adding at the end the following:

1           “(16) APPLICABILITY.—This subsection shall  
2           cease to be effective on the date specified in regula-  
3           tions issued under subsection (i).”.

4           (b) ESTABLISHMENT OF FAA PILOT RECORDS  
5 DATABASE.—Section 44703 of such title is amended—

6           (1) by redesignating subsections (i) and (j) as  
7           subsections (j) and (k), respectively; and

8           (2) by inserting after subsection (h) the fol-  
9           lowing:

10          “(i) FAA PILOT RECORDS DATABASE.—

11           “(1) IN GENERAL.—Before allowing an indi-  
12           vidual to begin service as a pilot, an air carrier shall  
13           access and evaluate, in accordance with the require-  
14           ments of this subsection, information pertaining to  
15           the individual from the pilot records database estab-  
16           lished under paragraph (2).

17           “(2) PILOT RECORDS DATABASE.—The Admin-  
18           istrator shall establish an electronic database (in this  
19           subsection referred to as the ‘database’) containing  
20           the following records:

21           “(A) FAA RECORDS.—From the Adminis-  
22           trator—

23           “(i) records that are maintained by  
24           the Administrator concerning current air-  
25           man certificates, including airman medical

1 certificates and associated type ratings and  
2 information on any limitations to those  
3 certificates and ratings;

4 “(ii) records that are maintained by  
5 the Administrator concerning any failed at-  
6 tempt of an individual to pass a practical  
7 test required to obtain a certificate or type  
8 rating under part 61 of title 14, Code of  
9 Federal Regulations; and

10 “(iii) summaries of legal enforcement  
11 actions resulting in a finding by the Ad-  
12 ministrator of a violation of this title or a  
13 regulation prescribed or order issued under  
14 this title that was not subsequently over-  
15 turned.

16 “(B) AIR CARRIER AND OTHER  
17 RECORDS.—From any air carrier or other per-  
18 son (except a branch of the Armed Forces, the  
19 National Guard, or a reserve component of the  
20 Armed Forces) that has employed an individual  
21 as a pilot of a civil or public aircraft, or from  
22 the trustee in bankruptcy for such air carrier or  
23 person—

24 “(i) records pertaining to the indi-  
25 vidual that are maintained by the air car-

1 rier (other than records relating to flight  
2 time, duty time, or rest time), including  
3 records under regulations set forth in—

4 “(I) section 121.683 of title 14,  
5 Code of Federal Regulations;

6 “(II) paragraph (A) of section  
7 VI, appendix I, part 121 of such title;

8 “(III) paragraph (A) of section  
9 IV, appendix J, part 121 of such title;

10 “(IV) section 125.401 of such  
11 title; and

12 “(V) section 135.63(a)(4) of such  
13 title; and

14 “(ii) other records pertaining to the  
15 individual’s performance as a pilot that are  
16 maintained by the air carrier or person  
17 concerning—

18 “(I) the training, qualifications,  
19 proficiency, or professional com-  
20 petence of the individual, including  
21 comments and evaluations made by a  
22 check airman designated in accord-  
23 ance with section 121.411, 125.295,  
24 or 135.337 of such title;

1                   “(II) any disciplinary action  
2                   taken with respect to the individual  
3                   that was not subsequently overturned;  
4                   and

5                   “(III) any release from employ-  
6                   ment or resignation, termination, or  
7                   disqualification with respect to em-  
8                   ployment.

9                   “(C) NATIONAL DRIVER REGISTER  
10                  RECORDS.—In accordance with section  
11                  30305(b)(8) of this title, from the chief driver  
12                  licensing official of a State, information con-  
13                  cerning the motor vehicle driving record of the  
14                  individual.

15                  “(3) WRITTEN CONSENT; RELEASE FROM LI-  
16                  ABILITY.—An air carrier—

17                         “(A) shall obtain the written consent of an  
18                         individual before accessing records pertaining to  
19                         the individual under paragraph (1); and

20                         “(B) may, notwithstanding any other pro-  
21                         vision of law or agreement to the contrary, re-  
22                         quire an individual with respect to whom the  
23                         carrier is accessing records under paragraph (1)  
24                         to execute a release from liability for any claim  
25                         arising from accessing the records or the use of

1 such records by the air carrier in accordance  
2 with this section (other than a claim arising  
3 from furnishing information known to be false  
4 and maintained in violation of a criminal stat-  
5 ute).

6 “(4) REPORTING.—

7 “(A) REPORTING BY ADMINISTRATOR.—

8 The Administrator shall enter data described in  
9 paragraph (2)(A) into the database promptly to  
10 ensure that an individual’s records are current.

11 “(B) REPORTING BY AIR CARRIERS AND

12 OTHER PERSONS.—

13 “(i) IN GENERAL.—Air carriers and

14 other persons shall report data described  
15 in paragraphs (2)(B) and (2)(C) to the  
16 Administrator promptly for entry into the  
17 database.

18 “(ii) DATA TO BE REPORTED.—Air

19 carriers and other persons shall report, at  
20 a minimum, under clause (i) the following  
21 data described in paragraph (2)(B):

22 “(I) Records that are generated

23 by the air carrier or other person  
24 after the date of enactment of this  
25 paragraph.



1                   “(II) Records that the air carrier  
2                   or other person is maintaining, on  
3                   such date of enactment, pursuant to  
4                   subsection (h)(4).

5                   “(5) REQUIREMENT TO MAINTAIN RECORDS.—  
6                   The Administrator—

7                   “(A) shall maintain all records entered into  
8                   the database under paragraph (2) pertaining to  
9                   an individual until the date of receipt of notifi-  
10                  cation that the individual is deceased; and

11                  “(B) may remove the individual’s records  
12                  from the database after that date.

13                  “(6) RECEIPT OF CONSENT.—The Adminis-  
14                  trator shall not permit an air carrier to access  
15                  records pertaining to an individual from the data-  
16                  base under paragraph (1) without the air carrier  
17                  first demonstrating to the satisfaction of the Admin-  
18                  istrator that the air carrier has obtained the written  
19                  consent of the individual.

20                  “(7) RIGHT OF PILOT TO REVIEW CERTAIN  
21                  RECORDS AND CORRECT INACCURACIES.—Notwith-  
22                  standing any other provision of law or agreement,  
23                  the Administrator, upon receipt of written request  
24                  from an individual—

1           “(A) shall make available, not later than  
2           30 days after the date of the request, to the in-  
3           dividual for review all records referred to in  
4           paragraph (2) pertaining to the individual; and

5           “(B) shall provide the individual with a  
6           reasonable opportunity to submit written com-  
7           ments to correct any inaccuracies contained in  
8           the records.

9           “(8) REASONABLE CHARGES FOR PROCESSING  
10          REQUESTS AND FURNISHING COPIES.—The Adminis-  
11          trator may establish a reasonable charge for the cost  
12          of processing a request under paragraph (1) or (7)  
13          and for the cost of furnishing copies of requested  
14          records under paragraph (7).

15          “(9) PRIVACY PROTECTIONS.—

16                 “(A) USE OF RECORDS.—An air carrier  
17                 that accesses records pertaining to an individual  
18                 under paragraph (1) may use the records only  
19                 to assess the qualifications of the individual in  
20                 deciding whether or not to hire the individual as  
21                 a pilot. The air carrier shall take such actions  
22                 as may be necessary to protect the privacy of  
23                 the individual and the confidentiality of the  
24                 records accessed, including ensuring that infor-  
25                 mation contained in the records is not divulged

1 to any individual that is not directly involved in  
2 the hiring decision.

3 “(B) DISCLOSURE OF INFORMATION.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided by clause (ii), information collected  
6 by the Administrator under paragraph (2)  
7 shall be exempt from the disclosure re-  
8 quirements of section 552 of title 5.

9 “(ii) EXCEPTIONS.—Clause (i) shall  
10 not apply to—

11 “(I) de-identified, summarized in-  
12 formation to explain the need for  
13 changes in policies and regulations;

14 “(II) information to correct a  
15 condition that compromises safety;

16 “(III) information to carry out a  
17 criminal investigation or prosecution;

18 “(IV) information to comply with  
19 section 44905, regarding information  
20 about threats to civil aviation; and

21 “(V) such information as the Ad-  
22 ministrator determines necessary, if  
23 withholding the information would not  
24 be consistent with the safety respon-

1                   sibilities of the Federal Aviation Ad-  
2                   ministration.

3                   “(10) PERIODIC REVIEW.—Not later than 18  
4                   months after the date of enactment of this para-  
5                   graph, and at least once every 3 years thereafter,  
6                   the Administrator shall transmit to Congress a  
7                   statement that contains, taking into account recent  
8                   developments in the aviation industry—

9                   “(A) recommendations by the Adminis-  
10                  trator concerning proposed changes to Federal  
11                  Aviation Administration records, air carrier  
12                  records, and other records required to be in-  
13                  cluded in the database under paragraph (2); or

14                  “(B) reasons why the Administrator does  
15                  not recommend any proposed changes to the  
16                  records referred to in subparagraph (A).

17                  “(11) REGULATIONS FOR PROTECTION AND SE-  
18                  CURITY OF RECORDS.—The Administrator shall pre-  
19                  scribe such regulations as may be necessary—

20                  “(A) to protect and secure—

21                  “(i) the personal privacy of any indi-  
22                  vidual whose records are accessed under  
23                  paragraph (1); and

24                  “(ii) the confidentiality of those  
25                  records; and

1           “(B) to preclude the further dissemination  
2           of records received under paragraph (1) by the  
3           person who accessed the records.

4           “(12) GOOD FAITH EXCEPTION.—Notwith-  
5           standing paragraph (1), an air carrier may allow an  
6           individual to begin service as a pilot, without first  
7           obtaining information described in paragraph (2)(B)  
8           from the database pertaining to the individual, if—

9                   “(A) the air carrier has made a docu-  
10                  mented good faith attempt to access the infor-  
11                  mation from the database; and

12                   “(B) has received written notice from the  
13                  Administrator that the information is not con-  
14                  tained in the database because the individual  
15                  was employed by an air carrier or other person  
16                  that no longer exists or by a foreign govern-  
17                  ment or other entity that has not provided the  
18                  information to the database.

19           “(13) LIMITATIONS ON ELECTRONIC ACCESS TO  
20           RECORDS.—

21                   “(A) ACCESS BY INDIVIDUALS DES-  
22                  IGNATED BY AIR CARRIERS.—For the purpose  
23                  of increasing timely and efficient access to  
24                  records described in paragraph (2), the Admin-  
25                  istrator may allow, under terms established by

1 the Administrator, an individual designated by  
2 an air carrier to have electronic access to the  
3 database.

4 “(B) TERMS.—The terms established by  
5 the Administrator under subparagraph (A) for  
6 allowing a designated individual to have elec-  
7 tronic access to the database shall limit such  
8 access to instances in which information in the  
9 database is required by the designated indi-  
10 vidual in making a hiring decision concerning a  
11 pilot applicant and shall require that the des-  
12 ignated individual provide assurances satisfac-  
13 tory to the Administrator that—

14 “(i) the designated individual has re-  
15 ceived the written consent of the pilot ap-  
16 plicant to access the information; and

17 “(ii) information obtained using such  
18 access will not be used for any purpose  
19 other than making the hiring decision.

20 “(14) AUTHORIZED EXPENDITURES.—Out of  
21 amounts appropriated under section 106(k)(1), there  
22 is authorized to be expended to carry out this sub-  
23 section such sums as may be necessary for each of  
24 fiscal years 2010, 2011, and 2012.

25 “(15) REGULATIONS.—

1           “(A) IN GENERAL.—The Administrator  
2 shall issue regulations to carry out this sub-  
3 section.

4           “(B) EFFECTIVE DATE.—The regulations  
5 shall specify the date on which the requirements  
6 of this subsection take effect and the date on  
7 which the requirements of subsection (h) cease  
8 to be effective.

9           “(C) EXCEPTIONS.—Notwithstanding sub-  
10 paragraph (B)—

11           “(i) the Administrator shall begin to  
12 establish the database under paragraph (2)  
13 not later than 90 days after the date of en-  
14 actment of this paragraph;

15           “(ii) the Administrator shall maintain  
16 records in accordance with paragraph (5)  
17 beginning on the date of enactment of this  
18 paragraph; and

19           “(iii) air carriers and other persons  
20 shall maintain records to be reported to  
21 the database under paragraph (4)(B) in  
22 the period beginning on such date of enact-  
23 ment and ending on the date that is 5  
24 years after the requirements of subsection

1 (h) cease to be effective pursuant to sub-  
2 paragraph (B).

3 “(16) SPECIAL RULE.—During the one-year pe-  
4 riod beginning on the date on which the require-  
5 ments of this section become effective pursuant to  
6 paragraph (15)(B), paragraph (7)(A) shall be ap-  
7 plied by substituting ‘45 days’ for ‘30 days’.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) LIMITATION ON LIABILITY; PREEMPTION OF  
10 STATE LAW.—Section 44703(j) (as redesignated by  
11 subsection (b)(1) of this section) is amended—

12 (A) in the subsection heading by striking  
13 “LIMITATION” and inserting “LIMITATIONS”;

14 (B) in paragraph (1)—

15 (i) in the matter preceding subpara-  
16 graph (A) by striking “paragraph (2)” and  
17 inserting “subsection (h)(2) or (i)(3)”;

18 (ii) in subparagraph (A) by inserting  
19 “or accessing the records of that individual  
20 under subsection (i)(1)” before the semi-  
21 colon; and

22 (iii) in the matter following subpara-  
23 graph (D) by striking “subsection (h)” and  
24 inserting “subsection (h) or (i)”;



1 (C) in paragraph (2) by striking “sub-  
2 section (h)” and inserting “subsection (h) or  
3 (i)”;

4 (D) in paragraph (3), in the matter pre-  
5 ceeding subparagraph (A), by inserting “or who  
6 furnished information to the database estab-  
7 lished under subsection (i)(2)” after “sub-  
8 section (h)(1)”;

9 (E) by adding at the end the following:

10 “(4) PROHIBITION ON ACTIONS AND PRO-  
11 CEEDINGS AGAINST AIR CARRIERS.—

12 “(A) HIRING DECISIONS.—An air carrier  
13 may refuse to hire an individual as a pilot if the  
14 individual did not provide written consent for  
15 the air carrier to receive records under sub-  
16 section (h)(2)(A) or (i)(3)(A) or did not execute  
17 the release from liability requested under sub-  
18 section (h)(2)(B) or (i)(3)(B).

19 “(B) ACTIONS AND PROCEEDINGS.—No  
20 action or proceeding may be brought against an  
21 air carrier by or on behalf of an individual who  
22 has applied for or is seeking a position as a  
23 pilot with the air carrier if the air carrier re-  
24 fused to hire the individual after the individual  
25 did not provide written consent for the air car-

1 rier to receive records under subsection  
2 (h)(2)(A) or (i)(3)(A) or did not execute a re-  
3 lease from liability requested under subsection  
4 (h)(2)(B) or (i)(3)(B).”.

5 (2) LIMITATION ON STATUTORY CONSTRUC-  
6 TION.—Section 44703(k) (as redesignated by sub-  
7 section (b)(1) of this section) is amended by striking  
8 “subsection (h)” and inserting “subsection (h) or  
9 (i)”.

10 **SEC. 7. FAA RULEMAKING ON TRAINING PROGRAMS.**

11 (a) COMPLETION OF RULEMAKING ON TRAINING  
12 PROGRAMS.—Not later than 14 months after the date of  
13 enactment of this Act, the Administrator of the Federal  
14 Aviation Administration shall issue a final rule with re-  
15 spect to the notice of proposed rulemaking published in  
16 the Federal Register on January 12, 2009 (74 Fed. Reg.  
17 1280; relating to training programs for flight crew-  
18 members and aircraft dispatchers).

19 (b) EXPERT PANEL TO REVIEW PART 121 AND PART  
20 135 TRAINING HOURS.—

21 (1) ESTABLISHMENT.—Not later than 60 days  
22 after the date of enactment of this Act, the Adminis-  
23 trator shall convene a multidisciplinary expert panel  
24 comprised of, at a minimum, air carrier representa-  
25 tives, training facility representatives, instructional

1 design experts, aircraft manufacturers, safety orga-  
2 nization representatives, and labor union representa-  
3 tives.

4 (2) ASSESSMENT AND RECOMMENDATIONS.—

5 The panel shall assess and make recommendations  
6 concerning—

7 (A) the best methods and optimal time  
8 needed for flight crewmembers of part 121 air  
9 carriers and flight crewmembers of part 135 air  
10 carriers to master aircraft systems, maneuvers,  
11 procedures, take offs and landings, and crew co-  
12 ordination;

13 (B) the optimal length of time between  
14 training events for such crewmembers, includ-  
15 ing recurrent training events;

16 (C) the best methods to reliably evaluate  
17 mastery by such crewmembers of aircraft sys-  
18 tems, maneuvers, procedures, take offs and  
19 landings, and crew coordination; and

20 (D) the best methods to allow specific aca-  
21 demic training courses to be credited pursuant  
22 to section 11(d) toward the total flight hours  
23 required to receive an airline transport pilot  
24 certificate.

1           (3) REPORT.—Not later than one year after the  
2           date of enactment of this Act, the Administrator  
3           shall submit to the Committee on Transportation  
4           and Infrastructure of the House of Representatives,  
5           the Committee on Commerce, Science, and Trans-  
6           portation of the Senate, and the National Transpor-  
7           tation Safety Board a report based on the findings  
8           of the panel.

9   **SEC. 8. AVIATION SAFETY INSPECTORS AND OPERATIONAL**  
10                                   **RESEARCH ANALYSTS.**

11           (a) REVIEW BY DOT INSPECTOR GENERAL.—Not  
12           later than 9 months after the date of enactment of this  
13           Act, the Inspector General of the Department of Trans-  
14           portation shall conduct a review of aviation safety inspec-  
15           tors and operational research analysts of the Federal Avia-  
16           tion Administration assigned to part 121 air carriers and  
17           submit to the Administrator of the Federal Aviation Ad-  
18           ministration a report on the results of the review.

19           (b) PURPOSES.—The purpose of the review shall be,  
20           at a minimum—

21                   (1) to review the level of the Administration’s  
22                   oversight of each part 121 air carrier;

23                   (2) to make recommendations to ensure that  
24                   each part 121 air carrier is receiving an equivalent  
25                   level of oversight;

1           (3) to assess the number and level of experience  
2 of aviation safety inspectors assigned to such car-  
3 riers;

4           (4) to evaluate how the Administration is mak-  
5 ing assignments of aviation safety inspectors to such  
6 carriers;

7           (5) to review various safety inspector oversight  
8 programs, including the geographic inspector pro-  
9 gram;

10          (6) to evaluate the adequacy of the number of  
11 operational research analysts assigned to each part  
12 121 air carrier;

13          (7) to evaluate the surveillance responsibilities  
14 of aviation safety inspectors, including en route in-  
15 spections;

16          (8) to evaluate whether inspectors are able to  
17 effectively use data sources, such as the Safety Per-  
18 formance Analysis System and the Air Transpor-  
19 tation Oversight System, to assist in targeting over-  
20 sight of air carriers;

21          (9) to assess the feasibility of establishment by  
22 the Administration of a comprehensive repository of  
23 information that encompasses multiple Administra-  
24 tion data sources and allowing access by aviation  
25 safety inspectors and operational research analysts

1 to assist in the oversight of part 121 air carriers;  
2 and

3 (10) to conduct such other analyses as the In-  
4 spector General considers relevant to the purpose of  
5 the review.

6 (c) REPORT TO CONGRESS.—Not later than 90 days  
7 after the date of receipt of the report submitted under sub-  
8 section (a), the Administrator shall submit to the Com-  
9 mittee on Transportation and Infrastructure of the House  
10 of Representatives and the Committee on Commerce,  
11 Science, and Transportation of the Senate a report—

12 (1) that specifies which, if any, policy changes  
13 recommended by the Inspector General under this  
14 section the Administrator intends to adopt and im-  
15 plement;

16 (2) that includes an explanation of how the Ad-  
17 ministrator plans to adopt and implement such pol-  
18 icy changes; and

19 (3) in any case in which the Administrator does  
20 not intend to adopt a policy change recommended by  
21 the Inspector General, that includes an explanation  
22 of the reasons for the decision not to adopt and im-  
23 plement the policy change.

1 **SEC. 9. FLIGHT CREWMEMBER MENTORING, PROFES-**  
2 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

3 (a) RULEMAKING PROCEEDING.—

4 (1) IN GENERAL.—The Administrator of the  
5 Federal Aviation Administration shall conduct a  
6 rulemaking proceeding to require each part 121 air  
7 carrier to take the following actions:

8 (A) Establish flight crewmember men-  
9 toring programs under which the air carrier will  
10 pair highly experienced flight crewmembers who  
11 will serve as mentor pilots and be paired with  
12 newly employed flight crewmembers. Mentor pi-  
13 lots shall receive, at a minimum, specific in-  
14 struction on techniques for instilling and rein-  
15 forcing the highest standards of technical per-  
16 formance, airmanship, and professionalism in  
17 newly employed flight crewmembers.

18 (B) Establish flight crewmember profes-  
19 sional development committees made up of air  
20 carrier management and labor union or profes-  
21 sional association representatives to develop, ad-  
22 minister, and oversee formal mentoring pro-  
23 grams of the carrier to assist flight crew-  
24 members to reach their maximum potential as  
25 safe, seasoned, and proficient flight crew-  
26 members.

1           (C) Establish or modify training programs  
2 to accommodate substantially different levels  
3 and types of flight experience by newly em-  
4 ployed flight crewmembers.

5           (D) Establish or modify training programs  
6 for second-in-command flight crewmembers at-  
7 tempting to qualify as pilot-in-command flight  
8 crewmembers for the first time in a specific air-  
9 craft type and ensure that such programs in-  
10 clude leadership and command training.

11          (E) Ensure that recurrent training for pi-  
12 lots in command includes leadership and com-  
13 mand training.

14          (F) Such other actions as the Adminis-  
15 trator determines appropriate to enhance flight  
16 crewmember professional development.

17          (2) COMPLIANCE WITH STERILE COCKPIT  
18 RULE.—Leadership and command training described  
19 in paragraphs (1)(D) and (1)(E) shall include in-  
20 struction on compliance with flight crewmember du-  
21 ties under part 121.542 of title 14, Code of Federal  
22 Regulations.

23          (3) STREAMLINED PROGRAM REVIEW.—

24           (A) IN GENERAL.—As part of the rule-  
25 making required by subsection (a), the Admin-



1           istrator shall establish a streamlined process for  
2           part 121 air carriers that have in effect, as of  
3           the date of enactment of this Act, the programs  
4           required by paragraph (1).

5           (B) EXPEDITED APPROVALS.—Under the  
6           streamlined process, the Administrator shall—

7                   (i) review the programs of such part  
8                   121 air carriers to determine whether the  
9                   programs meet the requirements set forth  
10                  in the final rule referred to in subsection  
11                  (b)(2); and

12                  (ii) expedite the approval of the pro-  
13                  grams that the Administrator determines  
14                  meet such requirements.

15       (b) DEADLINES.—The Administrator shall issue—

16           (1) not later than 180 days after the date of  
17           enactment of this Act, a notice of proposed rule-  
18           making under subsection (a); and

19           (2) not later than 24 months after such date of  
20           enactment, a final rule under subsection (a).

21 **SEC. 10. FLIGHT CREWMEMBER SCREENING AND QUALI-**  
22 **FICATIONS.**

23       (a) REQUIREMENTS.—

24           (1) RULEMAKING PROCEEDING.—The Adminis-  
25           trator of the Federal Aviation Administration shall

1       conduct a rulemaking proceeding to require part 121  
2       air carriers to develop and implement means and  
3       methods for ensuring that flight crewmembers have  
4       proper qualifications and experience.

5               (2) MINIMUM REQUIREMENTS.—

6               (A) PROSPECTIVE FLIGHT CREW-  
7       MEMBERS.—Rules issued under paragraph (1)  
8       shall ensure that prospective flight crew-  
9       members undergo comprehensive pre-employ-  
10       ment screening, including an assessment of the  
11       skills, aptitudes, airmanship, and suitability of  
12       each applicant for a position as a flight crew-  
13       member in terms of functioning effectively in  
14       the air carrier’s operational environment.

15              (B) ALL FLIGHT CREWMEMBERS.—Rules  
16       issued under paragraph (1) shall ensure that,  
17       after the date that is 3 years after the date of  
18       enactment of this Act, all flight crewmembers—

19                   (i) have obtained an airline transport  
20                   pilot certificate under part 61 of title 14,  
21                   Code of Federal Regulations; and

22                   (ii) have appropriate multi-engine air-  
23                   craft flight experience, as determined by  
24                   the Administrator.

25       (b) DEADLINES.—The Administrator shall issue—

1           (1) not later than 180 days after the date of  
2           enactment of this Act, a notice of proposed rule-  
3           making under subsection (a); and

4           (2) not later than 24 months after such date of  
5           enactment, a final rule under subsection (a).

6 **SEC. 11. AIRLINE TRANSPORT PILOT CERTIFICATION.**

7           (a) **RULEMAKING PROCEEDING.**—The Administrator  
8           of the Federal Aviation Administration shall conduct a  
9           rulemaking proceeding to amend part 61 of title 14, Code  
10          of Federal Regulations, to modify requirements for the  
11          issuance of an airline transport pilot certificate.

12          (b) **MINIMUM REQUIREMENTS.**—To be qualified to  
13          receive an airline transport pilot certificate pursuant to  
14          subsection (a), an individual shall—

15               (1) have sufficient flight hours, as determined  
16               by the Administrator, to enable a pilot to function  
17               effectively in an air carrier operational environment;  
18               and

19               (2) have received flight training, academic  
20               training, or operational experience that will prepare  
21               a pilot, at a minimum, to—

22                       (A) function effectively in a multi-pilot envi-  
23                       ronment;

24                       (B) function effectively in adverse weather  
25                       conditions, including icing conditions;

1 (C) function effectively during high alti-  
2 tude operations;

3 (D) adhere to the highest professional  
4 standards; and

5 (E) function effectively in an air carrier  
6 operational environment.

7 (c) FLIGHT HOURS.—

8 (1) NUMBERS OF FLIGHT HOURS.—The total  
9 flight hours required by the Administrator under  
10 subsection (b)(1) shall be at least 1,500 flight hours.

11 (2) FLIGHT HOURS IN DIFFICULT OPER-  
12 ATIONAL CONDITIONS.—The total flight hours re-  
13 quired by the Administrator under subsection (b)(1)  
14 shall include sufficient flight hours, as determined  
15 by the Administrator, in difficult operational condi-  
16 tions that may be encountered by an air carrier to  
17 enable a pilot to operate safely in such conditions.

18 (d) CREDIT TOWARD FLIGHT HOURS.—The Admin-  
19 istrator may allow specific academic training courses, be-  
20 yond those required under subsection (b)(2), to be credited  
21 toward the total flight hours required under subsection  
22 (c). The Administrator may allow such credit based on a  
23 determination by the Administrator that allowing a pilot  
24 to take specific academic training courses will enhance

1 safety more than requiring the pilot to fully comply with  
2 the flight hours requirement.

3 (e) RECOMMENDATIONS OF EXPERT PANEL.—In  
4 conducting the rulemaking proceeding under this section,  
5 the Administrator shall review and consider the assess-  
6 ment and recommendations of the expert panel to review  
7 part 121 and part 135 training hours established by sec-  
8 tion 7(b) of this Act.

9 (f) DEADLINE.—Not later than 36 months after the  
10 date of enactment of this Act, the Administrator shall  
11 issue a final rule under subsection (a).

12 **SEC. 12. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT**  
13 **ACADEMIC TRAINING.**

14 (a) GAO STUDY.—The Comptroller General shall  
15 conduct a comprehensive study of flight schools, flight  
16 education, and academic training requirements for certifi-  
17 cation of an individual as a pilot.

18 (b) MINIMUM CONTENTS OF STUDY.—The study  
19 shall include, at a minimum—

20 (1) an assessment of the Federal Aviation Ad-  
21 ministration’s oversight of flight schools;

22 (2) an assessment of the Administration’s aca-  
23 demic training requirements in effect on the date of  
24 enactment of this Act as compared to flight edu-

1 cation provided to a pilot by accredited 2- and 4-  
2 year universities;

3 (3) an assessment of the quality of pilots enter-  
4 ing the part 121 air carrier workforce from all  
5 sources after receiving training from flight training  
6 providers, including Aviation Accreditation Board  
7 International, universities, pilot training organiza-  
8 tions, and the military, utilizing the training records  
9 of part 121 air carriers, including consideration of  
10 any relationships between flight training providers  
11 and air carriers;

12 (4) a comparison of the academic training re-  
13 quirements for pilots in the United States to the  
14 academic training requirements for pilots in other  
15 countries;

16 (5) a determination and description of any im-  
17 provements that may be needed in the Administra-  
18 tion's academic training requirements for pilots;

19 (6) an assessment of student financial aid and  
20 loan options available to individuals interested in en-  
21 rolling at a flight school for both academic and flight  
22 hour training;

23 (7) an assessment of the Federal Aviation Ad-  
24 ministration's oversight of general aviation flight  
25 schools that offer or would like to offer training pro-

1       grams under part 142 of title 14, Code of Federal  
2       Regulations; and

3             (8) an assessment of whether compliance with  
4       the English speaking requirements applicable to pi-  
5       lots under part 61 of such title is adequately tested  
6       and enforced.

7       (c) REPORT.—Not later than 120 days after the date  
8       of enactment of this Act, the Comptroller General shall  
9       submit to the Committee on Transportation and Infra-  
10      structure of the House of Representatives and the Com-  
11      mittee on Commerce, Science, and Transportation of the  
12      Senate a report on the results of the study.

13   **SEC. 13. VOLUNTARY SAFETY PROGRAMS.**

14      (a) REPORT.—Not later than 180 days after the date  
15      of enactment of this Act, the Administrator of the Federal  
16      Aviation Administration shall submit to the Committee on  
17      Transportation and Infrastructure of the House of Rep-  
18      resentatives and the Committee on Commerce, Science  
19      and Transportation of the Senate a report on the aviation  
20      safety action program, the flight operational quality assur-  
21      ance program, the line operations safety audit, and the  
22      advanced qualification program.

23      (b) CONTENTS.—The report shall include—

24             (1) a list of—

1 (A) which air carriers are using one or  
2 more of the voluntary safety programs referred  
3 to in subsection (a); and

4 (B) the voluntary safety programs each air  
5 carrier is using;

6 (2) if an air carrier is not using one or more  
7 of the voluntary safety programs—

8 (A) a list of such programs the carrier is  
9 not using; and

10 (B) the reasons the carrier is not using  
11 each such program;

12 (3) if an air carrier is using one or more of the  
13 voluntary safety programs, an explanation of the  
14 benefits and challenges of using each such program;

15 (4) a detailed analysis of how the Administra-  
16 tion is using data derived from each of the voluntary  
17 safety programs as safety analysis and accident or  
18 incident prevention tools and a detailed plan on how  
19 the Administration intends to expand data analysis  
20 of such programs;

21 (5) an explanation of—

22 (A) where the data derived from such pro-  
23 grams is stored;

24 (B) how the data derived from such pro-  
25 grams is protected and secured; and



1 (C) what data analysis processes air car-  
2 riers are implementing to ensure the effective  
3 use of the data derived from such programs;

4 (6) a description of the extent to which aviation  
5 safety inspectors are able to review data derived  
6 from such programs to enhance their oversight re-  
7 sponsibilities;

8 (7) a description of how the Administration  
9 plans to incorporate operational trends identified  
10 under such programs into the air transport oversight  
11 system and other surveillance databases so that such  
12 system and databases are more effectively utilized;

13 (8) other plans to strengthen such programs,  
14 taking into account reviews of such programs by the  
15 Inspector General of the Department of Transpor-  
16 tation; and

17 (9) such other matters as the Administrator de-  
18 termines are appropriate.

19 **SEC. 14. ASAP AND FOQA IMPLEMENTATION PLAN.**

20 (a) DEVELOPMENT AND IMPLEMENTATION PLAN.—  
21 The Administrator of the Federal Aviation Administration  
22 shall develop and implement a plan to facilitate the estab-  
23 lishment of an aviation safety action program and a flight  
24 operational quality assurance program by all part 121 air  
25 carriers.

1 (b) MATTERS TO BE CONSIDERED.—In developing  
2 the plan under subsection (a), the Administrator shall con-  
3 sider—

4 (1) how the Administration can assist part 121  
5 air carriers with smaller fleet sizes to derive benefit  
6 from establishing a flight operational quality assur-  
7 ance program;

8 (2) how part 121 air carriers with established  
9 aviation safety action and flight operational quality  
10 assurance programs can quickly begin to report data  
11 into the aviation safety information analysis sharing  
12 database; and

13 (3) how part 121 air carriers and aviation safe-  
14 ty inspectors can better utilize data from such data-  
15 base as accident and incident prevention tools.

16 (c) REPORT.—Not later than 180 days after the date  
17 of enactment of this Act, the Administrator shall submit  
18 to the Committee on Transportation and Infrastructure  
19 of the House of Representatives and the Committee on  
20 Science, Commerce, and Transportation of the Senate a  
21 copy of the plan developed under subsection (a) and an  
22 explanation of how the Administration will implement the  
23 plan.

24 (d) DEADLINE FOR BEGINNING IMPLEMENTATION  
25 OF PLAN.—Not later than one year after the date of en-

1 actment of this Act, the Administrator shall begin imple-  
2 mentation of the plan developed under subsection (a).

3 **SEC. 15. SAFETY MANAGEMENT SYSTEMS.**

4 (a) RULEMAKING.—The Administrator of the Fed-  
5 eral Aviation Administration shall conduct a rulemaking  
6 proceeding to require all part 121 air carriers to imple-  
7 ment a safety management system.

8 (b) MATTERS TO CONSIDER.—In conducting the rule-  
9 making under subsection (a), the Administrator shall con-  
10 sider, at a minimum, including each of the following as  
11 a part of the safety management system:

12 (1) An aviation safety action program.

13 (2) A flight operational quality assurance pro-  
14 gram.

15 (3) A line operations safety audit.

16 (4) An advanced qualification program.

17 (c) DEADLINES.—The Administrator shall issue—

18 (1) not later than 90 days after the date of en-  
19 actment of this Act, a notice of proposed rulemaking  
20 under subsection (a); and

21 (2) not later than 24 months after the date of  
22 enactment of this Act, a final rule under subsection  
23 (a).

24 (d) SAFETY MANAGEMENT SYSTEM DEFINED.—In  
25 this section, the term “safety management system” means

1 the program established by the Federal Aviation Adminis-  
2 tration in Advisory Circular 120–92, dated June 22, 2006,  
3 including any subsequent revisions thereto.

4 **SEC. 16. DISCLOSURE OF AIR CARRIERS OPERATING**  
5 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
6 **PORTATION.**

7 Section 41712 of title 49, United States Code, is  
8 amended by adding at the end the following:

9 “(c) DISCLOSURE REQUIREMENT FOR SELLERS OF  
10 TICKETS FOR FLIGHTS.—

11 “(1) IN GENERAL.—It shall be an unfair or de-  
12 ceptive practice under subsection (a) for any ticket  
13 agent, air carrier, foreign air carrier, or other person  
14 offering to sell tickets for air transportation on a  
15 flight of an air carrier to not disclose, whether ver-  
16 bally in oral communication or in writing in written  
17 or electronic communication, prior to the purchase  
18 of a ticket—

19 “(A) the name (including any business or  
20 corporate name) of the air carrier providing the  
21 air transportation; and

22 “(B) if the flight has more than one flight  
23 segment, the name of each air carrier providing  
24 the air transportation for each such flight seg-  
25 ment.

1           “(2) INTERNET OFFERS.—In the case of an  
2 offer to sell tickets described in paragraph (1) on an  
3 Internet Web site, disclosure of the information re-  
4 quired by paragraph (1) shall be provided on the  
5 first display of the Web site following a search of a  
6 requested itinerary in a format that is easily visible  
7 to a viewer.”.

8 **SEC. 17. PILOT FATIGUE.**

9           (a) FLIGHT AND DUTY TIME REGULATIONS.—

10           (1) IN GENERAL.—In accordance with para-  
11 graph (3), the Administrator of the Federal Aviation  
12 Administration shall issue regulations, based on the  
13 best available scientific information—

14                   (A) to specify limitations on the hours of  
15 flight and duty time allowed for pilots to ad-  
16 dress problems relating to pilot fatigue; and

17                   (B) to require part 121 air carriers to de-  
18 velop and implement fatigue risk management  
19 plans.

20           (2) MATTERS TO BE ADDRESSED.—In con-  
21 ducting the rulemaking proceeding under this sub-  
22 section, the Administrator shall consider and review  
23 the following:

24                   (A) Time of day of flights in a duty period.

1           (B) Number of takeoff and landings in a  
2 duty period.

3           (C) Number of time zones crossed in a  
4 duty period.

5           (D) The impact of functioning in multiple  
6 time zones or on different daily schedules.

7           (E) Research conducted on fatigue, sleep,  
8 and circadian rhythms.

9           (F) Sleep and rest requirements rec-  
10 ommended by the National Transportation  
11 Safety Board and the National Aeronautics and  
12 Space Administration.

13          (G) International standards regarding  
14 flight schedules and duty periods.

15          (H) Alternative procedures to facilitate  
16 alertness in the cockpit.

17          (I) Scheduling and attendance policies and  
18 practices, including sick leave.

19          (J) The effects of commuting, the means  
20 of commuting, and the length of the commute.

21          (K) Medical screening and treatment.

22          (L) Rest environments.

23          (M) Any other matters the Administrator  
24 considers appropriate.

1           (3) DEADLINES.—The Administrator shall  
2 issue—

3                   (A) not later than 180 days after the date  
4 of enactment of this Act, a notice of proposed  
5 rulemaking under subsection (a); and

6                   (B) not later than one year after the date  
7 of enactment of this Act, a final rule under sub-  
8 section (a).

9 (b) FATIGUE RISK MANAGEMENT PLAN.—

10           (1) SUBMISSION OF FATIGUE RISK MANAGE-  
11 MENT PLAN BY PART 121 AIR CARRIERS.—Not later  
12 than 90 days after the date of enactment of this sec-  
13 tion, each part 121 air carrier shall submit to the  
14 Administrator for review and approval a fatigue risk  
15 management plan.

16           (2) CONTENTS OF PLAN.—A fatigue risk man-  
17 agement plan submitted by a part 121 air carrier  
18 under paragraph (1) shall include the following:

19                   (A) Current flight time and duty period  
20 limitations.

21                   (B) A rest scheme that enables the man-  
22 agement of fatigue, including annual training to  
23 increase awareness of—

24                           (i) fatigue;

1 (ii) the effects of fatigue on pilots;

2 and

3 (iii) fatigue countermeasures.

4 (C) Development and use of a methodology  
5 that continually assesses the effectiveness of the  
6 program, including the ability of the program—

7 (i) to improve alertness; and

8 (ii) to mitigate performance errors.

9 (3) PLAN UPDATES.—A part 121 air carrier  
10 shall update its fatigue risk management plan under  
11 paragraph (1) every 2 years and submit the update  
12 to the Administrator for review and approval.

13 (4) APPROVAL.—

14 (A) INITIAL APPROVAL OR MODIFICA-  
15 TION.—Not later than 9 months after the date  
16 of enactment of this section, the Administrator  
17 shall review and approve or require modification  
18 to fatigue risk management plans submitted  
19 under this subsection to ensure that pilots are  
20 not operating aircraft while fatigued.

21 (B) UPDATE APPROVAL OR MODIFICA-  
22 TION.—Not later than 9 months after submis-  
23 sion of a plan update under paragraph (3), the  
24 Administrator shall review and approve or re-  
25 quire modification to such update.



1           (5) CIVIL PENALTIES.—A violation of this sub-  
2           section by a part 121 air carrier shall be treated as  
3           a violation of chapter 447 of title 49, United States  
4           Code, for purposes of the application of civil pen-  
5           alties under chapter 463 of that title.

6           (6) LIMITATION ON APPLICABILITY.—The re-  
7           quirements of this subsection shall cease to apply to  
8           a part 121 air carrier on and after the effective date  
9           of the regulations to be issued under subsection (a).

10          (c) EFFECT OF COMMUTING ON FATIGUE.—

11           (1) IN GENERAL.—Not later than 60 days after  
12           the date of enactment of this Act, the Administrator  
13           shall enter into appropriate arrangements with the  
14           National Academy of Sciences to conduct a study of  
15           the effects of commuting on pilot fatigue and report  
16           its findings to the Administrator.

17           (2) STUDY.—In conducting the study, the Na-  
18           tional Academy of Sciences shall consider—

19                   (A) the prevalence of pilot commuting in  
20                   the commercial air carrier industry, including  
21                   the number and percentage of pilots who com-  
22                   mute;

23                   (B) information relating to commuting by  
24                   pilots, including distances traveled, time zones  
25                   crossed, time spent, and methods used;

1 (C) research on the impact of commuting  
2 on pilot fatigue, sleep, and circadian rhythms;

3 (D) commuting policies of commercial air  
4 carriers (including passenger and all-cargo air  
5 carriers), including pilot check-in requirements  
6 and sick leave and fatigue policies;

7 (E) post-conference materials from the  
8 Federal Aviation Administration's June 2008  
9 symposium entitled "Aviation Fatigue Manage-  
10 ment Symposium: Partnerships for Solutions";

11 (F) Federal Aviation Administration and  
12 international policies and guidance regarding  
13 commuting; and

14 (G) any other matters as the Adminis-  
15 trator considers appropriate.

16 (3) PRELIMINARY FINDINGS.—Not later than  
17 90 days after the date of entering into arrangements  
18 under paragraph (1), the National Academy of  
19 Sciences shall submit to the Administrator its pre-  
20 liminary findings under the study.

21 (4) REPORT.—Not later than 6 months after  
22 the date of entering into arrangements under para-  
23 graph (1), the National Academy of Sciences shall  
24 submit to the Administrator a report containing its  
25 findings under the study and any recommendations

1 for regulatory or administrative actions by the Fed-  
2 eral Aviation Administration concerning commuting  
3 by pilots.

4 (5) RULEMAKING.—Following receipt of the re-  
5 port of the National Academy of Sciences under  
6 paragraph (4), the Administrator shall—

7 (A) consider the findings and recommenda-  
8 tions in the report; and

9 (B) update, as appropriate based on sci-  
10 entific data, regulations required by subsection  
11 (a) on flight and duty time.

12 (6) AUTHORIZATION OF APPROPRIATIONS.—  
13 There are authorized to be appropriated such sums  
14 as may be necessary to carry out this subsection.

15 **SEC. 18. FLIGHT CREWMEMBER PAIRING AND CREW RE-**  
16 **SOURCE MANAGEMENT TECHNIQUES.**

17 (a) STUDY.—The Administrator of the Federal Avia-  
18 tion Administration shall conduct a study on aviation in-  
19 dustry best practices with regard to flight crewmember  
20 pairing and crew resource management techniques.

21 (b) REPORT.—Not later than one year after the date  
22 of enactment of this Act, the Administrator shall submit  
23 to the Committee on Transportation and Infrastructure  
24 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a  
2 report on the results of the study.

Passed the House of Representatives October 14,  
2009.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*