

114TH CONGRESS
2D SESSION

S. 3421

To require air carriers to provide all flight attendants with scheduled rest periods of at least 10 consecutive hours between duty periods and to comply with fatigue management plans for flight attendants that have been approved by the Federal Aviation Administration.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2016

Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mrs. SHAHEEN, Mr. BROWN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require air carriers to provide all flight attendants with scheduled rest periods of at least 10 consecutive hours between duty periods and to comply with fatigue management plans for flight attendants that have been approved by the Federal Aviation Administration.

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. FLIGHT ATTENDANT DUTY PERIOD LIMITA-**
4 **TIONS AND REST REQUIREMENTS.**

5 (a) RULEMAKING.—Not later than 30 days after the
6 date of the enactment of this Act, the Secretary of Trans-

1 portation shall modify the flight attendant duty period
2 limitations and rest requirements under section 121.467
3 of title 14, Code of Federal Regulations, to require that—

4 (1) all flight attendants scheduled to a duty pe-
5 riod of 14 hours or less are given a scheduled rest
6 period of at least 10 consecutive hours; and

7 (2) the rest period referred to in paragraph
8 (1)—

9 (A) is not reduced under any cir-
10 cumstances; and

11 (B) occurs between the completion of the
12 scheduled duty period and the commencement
13 of the subsequent duty period.

14 (b) FATIGUE RISK MANAGEMENT PLAN.—

15 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
16 RIERS.—Not later than 90 days after the date of the
17 enactment of this Act, each air carrier operating
18 under part 121 of title 13, Code of Federal Regula-
19 tions (referred to in this subsection as a “part 121
20 air carrier”), shall submit a fatigue risk manage-
21 ment plan for the carrier’s flight attendants to the
22 Administrator of the Federal Aviation Administra-
23 tion for review and acceptance.

1 (2) CONTENTS OF PLAN.—Each fatigue risk
2 management plan submitted under paragraph (1)
3 shall include—

4 (A) current flight time and duty period
5 limitations;

6 (B) a rest scheme that is consistent with
7 such limitations and enables the management of
8 flight attendant fatigue, including annual train-
9 ing to increase awareness of—

10 (i) fatigue;

11 (ii) the effects of fatigue on flight at-
12 tendants; and

13 (iii) fatigue countermeasures; and

14 (C) the development and use of method-
15 ology that continually assesses the effectiveness
16 of implementation of the plan, including the
17 ability of the plan—

18 (i) to improve alertness; and

19 (ii) to mitigate performance errors.

20 (3) REVIEW.—Not later than 1 year after the
21 date of the enactment of this Act, the Administrator
22 of the Federal Aviation Administration shall—

23 (A) review each fatigue risk management
24 plan submitted under this subsection; and

25 (B)(i) accept the plan; or

1 (ii) reject the plan and provide the part
2 121 air carrier with suggested modifications to
3 be included when the plan is resubmitted.

4 (4) PLAN UPDATES.—

5 (A) IN GENERAL.—Not less frequently
6 than once every 2 years, each part 121 air car-
7 rier shall—

8 (i) update the fatigue risk manage-
9 ment plan submitted under paragraph (1);
10 and

11 (ii) submit the updated plan to the
12 Administrator for review and acceptance.

13 (B) REVIEW.—Not later than 1 year after
14 the date on which an updated plan is submitted
15 under subparagraph (A)(ii), the Administrator
16 shall—

17 (i) review the updated plan; and

18 (ii)(I) accept the updated plan; or

19 (II) reject the updated plan and pro-
20 vide the part 121 air carrier with sug-
21 gested modifications to be included when
22 the updated plan is resubmitted.

23 (5) COMPLIANCE.—Each part 121 air carrier
24 shall comply with its fatigue risk management plan

1 after the plan is accepted by the Administrator
2 under this subsection.

3 (6) CIVIL PENALTIES.—A violation of this sub-
4 section by a part 121 air carrier shall be treated as
5 a violation of chapter 447 of title 49, United States
6 Code, for the purpose of applying civil penalties
7 under chapter 463 of such title.

○