

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5900

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IN THE SENATE OF THE UNITED STATES

JULY 30, 2010

Received

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## AN ACT

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, 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 “Airline Safety and  
 5 Federal Aviation Administration Extension Act of 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7        The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AIRPORT AND AIRWAY EXTENSION

- Sec. 101. Extension of taxes funding Airport and Airway Trust Fund.
- Sec. 102. Extension of Airport and Airway Trust Fund expenditure authority.
- Sec. 103. Extension of airport improvement program.
- Sec. 104. Extension of expiring authorities.
- Sec. 105. Federal Aviation Administration operations.
- Sec. 106. Air navigation facilities and equipment.
- Sec. 107. Research, engineering, and development.

TITLE II—AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

- Sec. 201. Definitions.
- Sec. 202. Secretary of Transportation responses to safety recommendations.
- Sec. 203. FAA pilot records database.
- Sec. 204. FAA Task Force on Air Carrier Safety and Pilot Training.
- Sec. 205. Aviation safety inspectors and operational research analysts.
- Sec. 206. Flight crewmember mentoring, professional development, and leadership.
- Sec. 207. Flight crewmember pairing and crew resource management techniques.
- Sec. 208. Implementation of NTSB flight crewmember training recommendations.
- Sec. 209. FAA rulemaking on training programs.
- Sec. 210. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 211. Safety inspections of regional air carriers.
- Sec. 212. Pilot fatigue.
- Sec. 213. Voluntary safety programs.
- Sec. 214. ASAP and FOQA implementation plan.
- Sec. 215. Safety management systems.
- Sec. 216. Flight crewmember screening and qualifications.
- Sec. 217. Airline transport pilot certification.

1 **TITLE I—AIRPORT AND AIRWAY**  
2 **EXTENSION**

3 **SEC. 101. EXTENSION OF TAXES FUNDING AIRPORT AND**  
4 **AIRWAY TRUST FUND.**

5 (a) FUEL TAXES.—Subparagraph (B) of section  
6 4081(d)(2) of the Internal Revenue Code of 1986 is  
7 amended by striking “August 1, 2010” and inserting  
8 “September 30, 2010”.

9 (b) TICKET TAXES.—

10 (1) PERSONS.—Clause (ii) of section  
11 4261(j)(1)(A) of the Internal Revenue Code of 1986  
12 is amended by striking “August 1, 2010” and in-  
13 sserting “September 30, 2010”.

14 (2) PROPERTY.—Clause (ii) of section  
15 4271(d)(1)(A) of such Code is amended by striking  
16 “August 1, 2010” and inserting “September 30,  
17 2010”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on August 2, 2010.

20 **SEC. 102. EXTENSION OF AIRPORT AND AIRWAY TRUST**  
21 **FUND EXPENDITURE AUTHORITY.**

22 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
23 of the Internal Revenue Code of 1986 is amended—

24 (1) by striking “August 2, 2010” and inserting  
25 “October 1, 2010”; and

1           (2) by inserting “or the Airline Safety and Fed-  
2           eral Aviation Administration Extension Act of 2010”  
3           before the semicolon at the end of subparagraph (A).

4           (b) CONFORMING AMENDMENT.—Paragraph (2) of  
5           section 9502(e) of such Code is amended by striking “Au-  
6           gust 2, 2010” and inserting “October 1, 2010”.

7           (c) EFFECTIVE DATE.—The amendments made by  
8           this section shall take effect on August 2, 2010.

9           **SEC. 103. EXTENSION OF AIRPORT IMPROVEMENT PRO-**  
10           **GRAM.**

11           Section 47104(c) of title 49, United States Code, is  
12           amended by striking “August 1, 2010,” and inserting  
13           “September 30, 2010,”.

14           **SEC. 104. EXTENSION OF EXPIRING AUTHORITIES.**

15           (a) Section 40117(l)(7) of title 49, United States  
16           Code, is amended by striking “August 2, 2010.” and in-  
17           serting “October 1, 2010.”.

18           (b) Section 44302(f)(1) of such title is amended—

19           (1) by striking “August 1, 2010,” and inserting  
20           “September 30, 2010,”; and

21           (2) by striking “October 31, 2010,” and insert-  
22           ing “December 31, 2010,”.

23           (c) Section 44303(b) of such title is amended by  
24           striking “October 31, 2010,” and inserting “December 31,  
25           2010,”.

1 (d) Section 47107(s)(3) of such title is amended by  
2 striking “August 2, 2010.” and inserting “October 1,  
3 2010.”.

4 (e) Section 47115(j) of such title is amended by strik-  
5 ing “fiscal years 2004 through 2009, and for the portion  
6 of fiscal year 2010 ending before August 2, 2010,” and  
7 inserting “fiscal years 2004 through 2010.”.

8 (f) Section 47141(f) of such title is amended by strik-  
9 ing “August 1, 2010.” and inserting “September 30,  
10 2010.”.

11 (g) Section 49108 of such title is amended by striking  
12 “August 1, 2010,” and inserting “September 30, 2010.”.

13 (h) Section 161 of the Vision 100—Century of Avia-  
14 tion Reauthorization Act (49 U.S.C. 47109 note) is  
15 amended by striking “fiscal year 2009, or in the portion  
16 of fiscal year 2010 ending before August 2, 2010,” and  
17 inserting “fiscal year 2009 or 2010”.

18 (i) Section 186(d) of such Act (117 Stat. 2518) is  
19 amended by striking “October 1, 2009, and for the portion  
20 of fiscal year 2010 ending before August 2, 2010,” and  
21 inserting “October 1, 2010.”.

22 (j) The amendments made by this section shall take  
23 effect on August 2, 2010.

1 **SEC. 105. FEDERAL AVIATION ADMINISTRATION OPER-**  
2 **ATIONS.**

3 Section 106(k)(1)(F) of title 49, United States Code,  
4 is amended to read as follows:

5 “(F) \$9,350,028,000 for fiscal year  
6 2010.”.

7 **SEC. 106. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

8 Section 48101(a)(6) of title 49, United States Code,  
9 is amended to read as follows:

10 “(6) \$2,936,203,000 for fiscal year 2010.”.

11 **SEC. 107. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

12 Section 48102(a)(14) of title 49, United States Code,  
13 is amended to read as follows:

14 “(14) \$190,500,000 for fiscal year 2010.”.

15 **TITLE II—AIRLINE SAFETY AND**  
16 **PILOT TRAINING IMPROVEMENT**

17 **SEC. 201. DEFINITIONS.**

18 (a) DEFINITIONS.—In this title, the following defini-  
19 tions apply:

20 (1) ADVANCED QUALIFICATION PROGRAM.—The  
21 term “advanced qualification program” means the  
22 program established by the Federal Aviation Admin-  
23 istration in Advisory Circular 120–54A, dated June  
24 23, 2006, including any subsequent revisions there-  
25 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 the term  
12 “flightcrew member” in part 1 of title 14, Code of  
13 Federal Regulations.

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

20          (6) LINE OPERATIONS SAFETY AUDIT.—The  
21 term “line operations safety audit” means the proce-  
22 dure referenced by the Federal Aviation Administra-  
23 tion in Advisory Circular 120–90, dated April 27,  
24 2006, including any subsequent revisions thereto.

1           (7) PART 121 AIR CARRIER.—The term “part  
2           121 air carrier” means an air carrier that holds a  
3           certificate issued under part 121 of title 14, Code of  
4           Federal Regulations.

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

9   **SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES**  
10                           **TO SAFETY RECOMMENDATIONS.**

11           (a) IN GENERAL.—The first sentence of section  
12   1135(a) is amended by inserting “to the Board” after  
13   “shall give”.

14           (b) AIR CARRIER SAFETY RECOMMENDATIONS.—  
15   Section 1135 is amended—

16           (1) by redesignating subsection (d) as sub-  
17   section (e); and

18           (2) by inserting after subsection (c) the fol-  
19   lowing:

20           “(d) ANNUAL REPORT ON AIR CARRIER SAFETY  
21   RECOMMENDATIONS.—

22           “(1) IN GENERAL.—The Secretary shall submit  
23   to Congress and the Board, on an annual basis, a  
24   report on the recommendations made by the Board  
25   to the Secretary regarding air carrier operations



1 conducted under part 121 of title 14, Code of Fed-  
2 eral Regulations.

3 “(2) RECOMMENDATIONS TO BE COVERED.—

4 The report shall cover—

5 “(A) any recommendation for which the  
6 Secretary has developed, or intends to develop,  
7 procedures to adopt the recommendation or  
8 part of the recommendation, but has yet to  
9 complete the procedures; and

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

15 “(3) CONTENTS.—

16 “(A) PLANS TO ADOPT RECOMMENDA-  
17 TIONS.—For each recommendation of the  
18 Board described in paragraph (2)(A), the report  
19 shall contain—

20 “(i) a description of the recommenda-  
21 tion;

22 “(ii) a description of the procedures  
23 planned for adopting the recommendation  
24 or part of the recommendation;

1 “(iii) the proposed date for completing  
2 the procedures; and

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

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

12 “(i) a description of the recommenda-  
13 tion; and

14 “(ii) a description of the reasons for  
15 the refusal to carry out all or part of the  
16 procedures to adopt the recommendation.”.

17 **SEC. 203. FAA PILOT RECORDS DATABASE.**

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

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

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

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

3           (2) by inserting after subsection (h) the fol-  
4 lowing:

5           “(i) FAA PILOT RECORDS DATABASE.—

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

12           “(2) PILOT RECORDS DATABASE.—The Admin-  
13 istrator shall establish an electronic database (in this  
14 subsection referred to as the ‘database’) containing  
15 the following records:

16           “(A) FAA RECORDS.—From the Adminis-  
17 trator—

18           “(i) records that are maintained by  
19 the Administrator concerning current air-  
20 man certificates, including airman medical  
21 certificates and associated type ratings and  
22 information on any limitations to those  
23 certificates and ratings;

24           “(ii) records that are maintained by  
25 the Administrator concerning any failed at-

1 tempt of an individual to pass a practical  
2 test required to obtain a certificate or type  
3 rating under part 61 of title 14, Code of  
4 Federal Regulations; and

5 “(iii) summaries of legal enforcement  
6 actions resulting in a finding by the Ad-  
7 ministrator of a violation of this title or a  
8 regulation prescribed or order issued under  
9 this title that was not subsequently over-  
10 turned.

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

19 “(i) records pertaining to the indi-  
20 vidual that are maintained by the air car-  
21 rier (other than records relating to flight  
22 time, duty time, or rest time) or person,  
23 including records under regulations set  
24 forth in—

1 “(I) section 121.683 of title 14,  
2 Code of Federal Regulations;

3 “(II) section 121.111(a) of such  
4 title;

5 “(III) section 121.219(a) of such  
6 title;

7 “(IV) section 125.401 of such  
8 title; and

9 “(V) section 135.63(a)(4) of such  
10 title; and

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

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

22 “(II) any disciplinary action  
23 taken with respect to the individual  
24 that was not subsequently overturned;  
25 and

1                   “(III) any release from employ-  
2                   ment or resignation, termination, or  
3                   disqualification with respect to em-  
4                   ployment.

5                   “(C) NATIONAL DRIVER REGISTER  
6                   RECORDS.—In accordance with section  
7                   30305(b)(8) of this title, from the chief driver  
8                   licensing official of a State, information con-  
9                   cerning the motor vehicle driving record of the  
10                  individual.

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

13                         “(A) shall obtain the written consent of an  
14                         individual before accessing records pertaining to  
15                         the individual under paragraph (1); and

16                         “(B) may, notwithstanding any other pro-  
17                         vision of law or agreement to the contrary, re-  
18                         quire an individual with respect to whom the  
19                         carrier is accessing records under paragraph (1)  
20                         to execute a release from liability for any claim  
21                         arising from accessing the records or the use of  
22                         such records by the air carrier in accordance  
23                         with this section (other than a claim arising  
24                         from furnishing information known to be false

1 and maintained in violation of a criminal statute).  
2

3 “(4) REPORTING.—

4 “(A) REPORTING BY ADMINISTRATOR.—

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

8 “(B) REPORTING BY AIR CARRIERS AND  
9 OTHER PERSONS.—

10 “(i) IN GENERAL.—Air carriers and  
11 other persons shall report data described  
12 in paragraphs (2)(B) and (2)(C) to the  
13 Administrator promptly for entry into the  
14 database.

15 “(ii) DATA TO BE REPORTED.—Air  
16 carriers and other persons shall report, at  
17 a minimum, under clause (i) the following  
18 data described in paragraph (2)(B):

19 “(I) Records that are generated  
20 by the air carrier or other person  
21 after the date of enactment of this  
22 paragraph.

23 “(II) Records that the air carrier  
24 or other person is maintaining, on

1                   such date of enactment, pursuant to  
2                   subsection (h)(4).

3                   “(5) REQUIREMENT TO MAINTAIN RECORDS.—

4                   The Administrator—

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

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

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

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

23                  “(A) shall make available, not later than  
24                  30 days after the date of the request, to the in-



1           dividual for review all records referred to in  
2           paragraph (2) pertaining to the individual; and

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

7           “(8) REASONABLE CHARGES FOR PROCESSING  
8           REQUESTS AND FURNISHING COPIES.—

9           “(A) IN GENERAL.—The Administrator  
10          may establish a reasonable charge for the cost  
11          of processing a request under paragraph (1) or  
12          (7) and for the cost of furnishing copies of re-  
13          quested records under paragraph (7).

14          “(B) CREDITING APPROPRIATIONS.—  
15          Funds received by the Administrator pursuant  
16          to this paragraph shall—

17                 “(i) be credited to the appropriation  
18                 current when the amount is received;

19                 “(ii) be merged with and available for  
20                 the purposes of such appropriation; and

21                 “(iii) remain available until expended.

22          “(9) PRIVACY PROTECTIONS.—

23          “(A) USE OF RECORDS.—An air carrier  
24          that accesses records pertaining to an individual  
25          under paragraph (1) may use the records only

1 to assess the qualifications of the individual in  
2 deciding whether or not to hire the individual as  
3 a pilot. The air carrier shall take such actions  
4 as may be necessary to protect the privacy of  
5 the individual and the confidentiality of the  
6 records accessed, including ensuring that infor-  
7 mation contained in the records is not divulged  
8 to any individual that is not directly involved in  
9 the hiring decision.

10 “(B) DISCLOSURE OF INFORMATION.—

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

16 “(ii) EXCEPTIONS.—Clause (i) shall  
17 not apply to—

18 “(I) deidentified, summarized in-  
19 formation to explain the need for  
20 changes in policies and regulations;

21 “(II) information to correct a  
22 condition that compromises safety;

23 “(III) information to carry out a  
24 criminal investigation or prosecution;

1                   “(IV) information to comply with  
2                   section 44905, regarding information  
3                   about threats to civil aviation; and

4                   “(V) such information as the Ad-  
5                   ministrator determines necessary, if  
6                   withholding the information would not  
7                   be consistent with the safety respon-  
8                   sibilities of the Federal Aviation Ad-  
9                   ministration.

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

16                   “(A) recommendations by the Adminis-  
17                   trator concerning proposed changes to Federal  
18                   Aviation Administration records, air carrier  
19                   records, and other records required to be in-  
20                   cluded in the database under paragraph (2); or

21                   “(B) reasons why the Administrator does  
22                   not recommend any proposed changes to the  
23                   records referred to in subparagraph (A).

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

4                   “(A) to protect and secure—

5                           “(i) the personal privacy of any indi-  
6                           vidual whose records are accessed under  
7                           paragraph (1); and

8                           “(ii) the confidentiality of those  
9                           records; and

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

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

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

21                   “(B) the air carrier has received written  
22                   notice from the Administrator that the informa-  
23                   tion is not contained in the database because  
24                   the individual was employed by an air carrier or  
25                   other person that no longer exists or by a for-

1           eign government or other entity that has not  
2           provided the information to the database.

3           “(13) LIMITATIONS ON ELECTRONIC ACCESS TO  
4           RECORDS.—

5                   “(A) ACCESS BY INDIVIDUALS DES-  
6                   IGNATED BY AIR CARRIERS.—For the purpose  
7                   of increasing timely and efficient access to  
8                   records described in paragraph (2), the Admin-  
9                   istrator may allow, under terms established by  
10                  the Administrator, an individual designated by  
11                  an air carrier to have electronic access to the  
12                  database.

13                  “(B) TERMS.—The terms established by  
14                  the Administrator under subparagraph (A) for  
15                  allowing a designated individual to have elec-  
16                  tronic access to the database shall limit such  
17                  access to instances in which information in the  
18                  database is required by the designated indi-  
19                  vidual in making a hiring decision concerning a  
20                  pilot applicant and shall require that the des-  
21                  ignated individual provide assurances satisfac-  
22                  tory to the Administrator that—

23                          “(i) the designated individual has re-  
24                          ceived the written consent of the pilot ap-  
25                          plicant to access the information; and

1                   “(ii) information obtained using such  
2                   access will not be used for any purpose  
3                   other than making the hiring decision.

4                   “(14) AUTHORIZED EXPENDITURES.—Of  
5                   amounts appropriated under section 106(k)(1), a  
6                   total of \$6,000,000 for fiscal years 2010 through  
7                   2013 may be used to carry out this subsection.

8                   “(15) REGULATIONS.—

9                   “(A) IN GENERAL.—The Administrator  
10                  shall issue regulations to carry out this sub-  
11                  section.

12                  “(B) EFFECTIVE DATE.—The regulations  
13                  shall specify the date on which the requirements  
14                  of this subsection take effect and the date on  
15                  which the requirements of subsection (h) cease  
16                  to be effective.

17                  “(C) EXCEPTIONS.—Notwithstanding sub-  
18                  paragraph (B)—

19                         “(i) the Administrator shall begin to  
20                         establish the database under paragraph (2)  
21                         not later than 90 days after the date of en-  
22                         actment of this paragraph;

23                         “(ii) the Administrator shall maintain  
24                         records in accordance with paragraph (5)

1 beginning on the date of enactment of this  
2 paragraph; and

3 “(iii) air carriers and other persons  
4 shall maintain records to be reported to  
5 the database under paragraph (4)(B) in  
6 the period beginning on such date of enact-  
7 ment and ending on the date that is 5  
8 years after the requirements of subsection  
9 (h) cease to be effective pursuant to sub-  
10 paragraph (B).

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

16 (c) CONFORMING AMENDMENTS.—

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

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

22 (B) in paragraph (1)—

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

1 (ii) in subparagraph (A) by inserting  
2 “or accessing the records of that individual  
3 under subsection (i)(1)” before the semi-  
4 colon; and

5 (iii) in the matter following subpara-  
6 graph (D) by striking “subsection (h)” and  
7 inserting “subsection (h) or (i)”;

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

11 (D) in paragraph (3), in the matter pre-  
12 ceding subparagraph (A), by inserting “or who  
13 furnished information to the database estab-  
14 lished under subsection (i)(2)” after “sub-  
15 section (h)(1)”;

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

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

19 “(A) HIRING DECISIONS.—An air carrier  
20 may refuse to hire an individual as a pilot if the  
21 individual did not provide written consent for  
22 the air carrier to receive records under sub-  
23 section (h)(2)(A) or (i)(3)(A) or did not execute  
24 the release from liability requested under sub-  
25 section (h)(2)(B) or (i)(3)(B).



1           “(B) ACTIONS AND PROCEEDINGS.—No  
2           action or proceeding may be brought against an  
3           air carrier by or on behalf of an individual who  
4           has applied for or is seeking a position as a  
5           pilot with the air carrier if the air carrier re-  
6           fused to hire the individual after the individual  
7           did not provide written consent for the air car-  
8           rier to receive records under subsection  
9           (h)(2)(A) or (i)(3)(A) or did not execute a re-  
10          lease from liability requested under subsection  
11          (h)(2)(B) or (i)(3)(B).”.

12          (2) LIMITATION ON STATUTORY CONSTRUC-  
13          TION.—Section 44703(k) (as redesignated by sub-  
14          section (b)(1) of this section) is amended by striking  
15          “subsection (h)” and inserting “subsection (h) or  
16          (i)”.

17   **SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND**  
18                           **PILOT TRAINING.**

19          (a) ESTABLISHMENT.—The Administrator of the  
20          Federal Aviation Administration shall establish a special  
21          task force to be known as the FAA Task Force on Air  
22          Carrier Safety and Pilot Training (in this section referred  
23          to as the “Task Force”).

24          (b) COMPOSITION.—The Task Force shall consist of  
25          members appointed by the Administrator and shall include

1 air carrier representatives, labor union representatives,  
2 and aviation safety experts with knowledge of foreign and  
3 domestic regulatory requirements for flight crewmember  
4 education and training.

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

9 (1) Air carrier management responsibilities for  
10 flight crewmember education and support.

11 (2) Flight crewmember professional standards.

12 (3) Flight crewmember training standards and  
13 performance.

14 (4) Mentoring and information sharing between  
15 air carriers.

16 (d) REPORT.—Not later than one year after the date  
17 of enactment of this Act, and before the last day of each  
18 one-year period thereafter until termination of the Task  
19 Force, the Task Force shall submit to the Committee on  
20 Transportation and Infrastructure of the House of Rep-  
21 resentatives and the Committee on Commerce, Science,  
22 and Transportation of the Senate a report detailing—

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

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

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

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

9           (5) the progress of air carriers in developing  
10          specific programs to share safety data and ensure  
11          implementation of the most effective safety prac-  
12          tices.

13          (e) **TERMINATION.**—The Task Force shall terminate  
14          on September 30, 2012.

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

18          **SEC. 205. AVIATION SAFETY INSPECTORS AND OPER-**  
19          **ATIONAL RESEARCH ANALYSTS.**

20          (a) **REVIEW BY DOT INSPECTOR GENERAL.**—Not  
21          later than 9 months after the date of enactment of this  
22          Act, the Inspector General of the Department of Trans-  
23          portation shall conduct a review of the aviation safety in-  
24          spectors and operational research analysts of the Federal  
25          Aviation Administration assigned to part 121 air carriers

1 and submit to the Administrator of the Federal Aviation  
2 Administration a report on the results of the review.

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

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

7 (2) to make recommendations to ensure that  
8 each part 121 air carrier is receiving an equivalent  
9 level of oversight;

10 (3) to assess the number and level of experience  
11 of aviation safety inspectors assigned to each part  
12 121 air carrier;

13 (4) to evaluate how the Administration is mak-  
14 ing assignments of aviation safety inspectors to each  
15 part 121 air carrier;

16 (5) to review various safety inspector oversight  
17 programs, including the geographic inspector pro-  
18 gram;

19 (6) to evaluate the adequacy of the number of  
20 operational research analysts assigned to each part  
21 121 air carrier;

22 (7) to evaluate the surveillance responsibilities  
23 of aviation safety inspectors, including en route in-  
24 spections;

1 (8) to evaluate whether inspectors are able to  
2 effectively use data sources, such as the Safety Per-  
3 formance Analysis System and the Air Transpor-  
4 tation Oversight System, to assist in targeting over-  
5 sight of each part 121 air carrier;

6 (9) to assess the feasibility of establishment by  
7 the Administration of a comprehensive repository of  
8 information that encompasses multiple Administra-  
9 tion data sources and allows access by aviation safe-  
10 ty inspectors and operational research analysts to  
11 assist in the oversight of each part 121 air carrier;  
12 and

13 (10) to conduct such other analyses as the In-  
14 spector General considers relevant to the review.

15 **SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFES-**  
16 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

17 (a) AVIATION RULEMAKING COMMITTEE.—

18 (1) IN GENERAL.—The Administrator of the  
19 Federal Aviation Administration shall convene an  
20 aviation rulemaking committee to develop procedures  
21 for each part 121 air carrier to take the following  
22 actions:

23 (A) Establish flight crewmember men-  
24 toring programs under which the air carrier will  
25 pair highly experienced flight crewmembers who

1 will serve as mentor pilots and be paired with  
2 newly employed flight crewmembers. Mentor pi-  
3 lots should be provided, at a minimum, specific  
4 instruction on techniques for instilling and rein-  
5 forcing the highest standards of technical per-  
6 formance, airmanship, and professionalism in  
7 newly employed flight crewmembers.

8 (B) Establish flight crewmember profes-  
9 sional development committees made up of air  
10 carrier management and labor union or profes-  
11 sional association representatives to develop, ad-  
12 minister, and oversee formal mentoring pro-  
13 grams of the carrier to assist flight crew-  
14 members to reach their maximum potential as  
15 safe, seasoned, and proficient flight crew-  
16 members.

17 (C) Establish or modify training programs  
18 to accommodate substantially different levels  
19 and types of flight experience by newly em-  
20 ployed flight crewmembers.

21 (D) Establish or modify training programs  
22 for second-in-command flight crewmembers at-  
23 tempting to qualify as pilot-in-command flight  
24 crewmembers for the first time in a specific air-

1           craft type and ensure that such programs in-  
2           clude leadership and command training.

3           (E) Ensure that recurrent training for pi-  
4           lots in command includes leadership and com-  
5           mand training.

6           (F) Such other actions as the aviation  
7           rulemaking committee determines appropriate  
8           to enhance flight crewmember professional de-  
9           velopment.

10          (2) COMPLIANCE WITH STERILE COCKPIT  
11          RULE.—Leadership and command training described  
12          in paragraphs (1)(D) and (1)(E) shall include in-  
13          struction on compliance with flight crewmember du-  
14          ties under part 121.542 of title 14, Code of Federal  
15          Regulations.

16          (3) STREAMLINED PROGRAM REVIEW.—

17                 (A) IN GENERAL.—As part of the rule-  
18                 making required by subsection (b), the Admin-  
19                 istrator shall establish a streamlined review  
20                 process for part 121 air carriers that have in  
21                 effect, as of the date of enactment of this Act,  
22                 the programs described in paragraph (1).

23                 (B) EXPEDITED APPROVALS.—Under the  
24                 streamlined review process, the Administrator  
25                 shall—

1 (i) review the programs of such part  
2 121 air carriers to determine whether the  
3 programs meet the requirements set forth  
4 in the final rule referred to in subsection  
5 (b)(2); and

6 (ii) expedite the approval of the pro-  
7 grams that the Administrator determines  
8 meet such requirements.

9 (b) RULEMAKING.—The Administrator shall issue—

10 (1) not later than one year after the date of en-  
11 actment of this Act, a notice of proposed rulemaking  
12 based on the recommendations of the aviation rule-  
13 making committee convened under subsection (a);  
14 and

15 (2) not later than 36 months after such date of  
16 enactment, a final rule based on such recommenda-  
17 tions.

18 **SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RE-**

19 **SOURCE MANAGEMENT TECHNIQUES.**

20 (a) STUDY.—The Administrator of the Federal Avia-  
21 tion Administration shall conduct a study on aviation in-  
22 dustry best practices with regard to flight crewmember  
23 pairing, crew resource management techniques, and pilot  
24 commuting.



1 (b) REPORT.—Not later than one year after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to the Committee on Transportation and Infrastructure  
4 of the House of Representatives and the Committee on  
5 Commerce, Science, and Transportation of the Senate a  
6 report on the results of the study.

7 **SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREW-**  
8 **MEMBER TRAINING RECOMMENDATIONS.**

9 (a) RULEMAKING PROCEEDINGS.—

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

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

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

24 (2) REMEDIAL TRAINING PROGRAMS.—The Ad-  
25 ministrator shall conduct a rulemaking proceeding to

1 require part 121 air carriers to establish remedial  
2 training programs for flight crewmembers who have  
3 demonstrated performance deficiencies or experi-  
4 enced failures in the training environment.

5 (3) DEADLINES.—The Administrator shall—

6 (A) not later than one year after the date  
7 of enactment of this Act, issue a notice of pro-  
8 posed rulemaking under each of paragraphs (1)  
9 and (2); and

10 (B) not later than 36 months after the  
11 date of enactment of this Act, issue a final rule  
12 for the rulemaking under each of paragraphs  
13 (1) and (2).

14 (b) STICK PUSHER TRAINING AND WEATHER EVENT  
15 TRAINING.—

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

1       tems, icing conditions, and microburst and  
2       windshear weather events.

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

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

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

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

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

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

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

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

8   **SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.**

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

17          (b) EXPERT PANEL TO REVIEW PART 121 AND PART  
18          135 TRAINING HOURS.—

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

1 nization representatives, and labor union representa-  
2 tives.

3 (2) ASSESSMENT AND RECOMMENDATIONS.—

4 The panel shall assess and make recommendations  
5 concerning—

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

12 (B) initial and recurrent testing require-  
13 ments for pilots, including the rigor and con-  
14 sistency of testing programs such as check  
15 rides;

16 (C) the optimal length of time between  
17 training events for such flight crewmembers, in-  
18 cluding recurrent training events;

19 (D) the best methods reliably to evaluate  
20 mastery by such flight crewmembers of aircraft  
21 systems, maneuvers, procedures, takeoffs and  
22 landings, and crew coordination;

23 (E) classroom instruction requirements  
24 governing curriculum content and hours of in-  
25 struction;

1 (F) the best methods to allow specific aca-  
2 demic training courses to be credited toward  
3 the total flight hours required to receive an air-  
4 line transport pilot certificate; and

5 (G) crew leadership training.

6 (3) BEST PRACTICES.—In making recommenda-  
7 tions under subsection (b)(2), the panel shall con-  
8 sider, if appropriate, best practices in the aviation  
9 industry with respect to training protocols, methods,  
10 and procedures.

11 (4) REPORT.—Not later than one year after the  
12 date of enactment of this Act, the Administrator  
13 shall submit to the Committee on Transportation  
14 and Infrastructure of the House of Representatives,  
15 the Committee on Commerce, Science, and Trans-  
16 portation of the Senate, and the National Transpor-  
17 tation Safety Board a report based on the findings  
18 of the panel.

19 **SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING**  
20 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
21 **PORTATION.**

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

24 “(c) DISCLOSURE REQUIREMENT FOR SELLERS OF  
25 TICKETS FOR FLIGHTS.—

1           “(1) IN GENERAL.—It shall be an unfair or de-  
2           ceptive practice under subsection (a) for any ticket  
3           agent, air carrier, foreign air carrier, or other person  
4           offering to sell tickets for air transportation on a  
5           flight of an air carrier to fail to disclose, whether  
6           verbally in oral communication or in writing in writ-  
7           ten or electronic communication, prior to the pur-  
8           chase of a ticket—

9                   “(A) the name of the air carrier providing  
10                  the air transportation; and

11                   “(B) if the flight has more than one flight  
12                  segment, the name of each air carrier providing  
13                  the air transportation for each such flight seg-  
14                  ment.

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

22 **SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
23 **RIERS.**

24           The Administrator of the Federal Aviation Adminis-  
25           tration shall perform, not less frequently than once each

1 year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

6 **SEC. 212. PILOT FATIGUE.**

7 (a) FLIGHT AND DUTY TIME REGULATIONS.—

8 (1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

15 (2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

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

20 (B) Number of takeoff and landings in a  
21 duty period.

22 (C) Number of time zones crossed in a  
23 duty period.

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



1           (E) Research conducted on fatigue, sleep,  
2           and circadian rhythms.

3           (F) Sleep and rest requirements rec-  
4           ommended by the National Transportation  
5           Safety Board and the National Aeronautics and  
6           Space Administration.

7           (G) International standards regarding  
8           flight schedules and duty periods.

9           (H) Alternative procedures to facilitate  
10          alertness in the cockpit.

11          (I) Scheduling and attendance policies and  
12          practices, including sick leave.

13          (J) The effects of commuting, the means  
14          of commuting, and the length of the commute.

15          (K) Medical screening and treatment.

16          (L) Rest environments.

17          (M) Any other matters the Administrator  
18          considers appropriate.

19          (3) RULEMAKING.—The Administrator shall  
20          issue—

21                 (A) not later than 180 days after the date  
22                 of enactment of this Act, a notice of proposed  
23                 rulemaking under paragraph (1); and

1 (B) not later than one year after the date  
2 of enactment of this Act, a final rule under  
3 paragraph (1).

4 (b) FATIGUE RISK MANAGEMENT PLAN.—

5 (1) SUBMISSION OF FATIGUE RISK MANAGE-  
6 MENT PLAN BY PART 121 AIR CARRIERS.—Not later  
7 than 90 days after the date of enactment of this  
8 Act, each part 121 air carrier shall submit to the  
9 Administrator for review and acceptance a fatigue  
10 risk management plan for the carrier’s pilots.

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

14 (A) Current flight time and duty period  
15 limitations.

16 (B) A rest scheme consistent with such  
17 limitations that enables the management of  
18 pilot fatigue, including annual training to in-  
19 crease awareness of—

20 (i) fatigue;

21 (ii) the effects of fatigue on pilots;

22 and

23 (iii) fatigue countermeasures.

1           (C) Development and use of a methodology  
2           that continually assesses the effectiveness of the  
3           program, including the ability of the program—

4                   (i) to improve alertness; and

5                   (ii) to mitigate performance errors.

6           (3) REVIEW.—Not later than 12 months after  
7           the date of enactment of this Act, the Administrator  
8           shall review and accept or reject the fatigue risk  
9           management plans submitted under this subsection.  
10          If the Administrator rejects a plan, the Adminis-  
11          trator shall provide suggested modifications for re-  
12          submission of the plan.

13          (4) PLAN UPDATES.—

14               (A) IN GENERAL.—A part 121 air carrier  
15               shall update its fatigue risk management plan  
16               under paragraph (1) every 2 years and submit  
17               the update to the Administrator for review and  
18               acceptance.

19               (B) REVIEW.—Not later than 12 months  
20               after the date of submission of a plan update  
21               under subparagraph (A), the Administrator  
22               shall review and accept or reject the update. If  
23               the Administrator rejects an update, the Ad-  
24               ministrators shall provide suggested modifica-  
25               tions for resubmission of the update.

1           (5) COMPLIANCE.—A part 121 air carrier shall  
2           comply with the fatigue risk management plan of the  
3           air carrier that is accepted by the Administrator  
4           under this subsection.

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

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) postconference materials from the  
8 Federal Aviation Administration's June 2008  
9 symposium titled "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  
17 120 days after the date of entering into arrange-  
18 ments under paragraph (1), the National Academy  
19 of Sciences shall submit to the Administrator its  
20 preliminary findings under the study.

21 (4) REPORT.—Not later than 9 months after  
22 the date of entering into arrangements under para-  
23 graph (1), the National Academy of Sciences shall  
24 submit a report to the Administrator 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 **SEC. 213. VOLUNTARY SAFETY PROGRAMS.**

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

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

23 (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 the vol-  
23 untary safety programs 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 the voluntary safety programs to enhance their  
7 oversight responsibilities;

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

14 (8) other plans to strengthen the voluntary  
15 safety programs, taking into account reviews of such  
16 programs by the Inspector General of the Depart-  
17 ment of Transportation; and

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

20 **SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.**

21 (a) DEVELOPMENT AND IMPLEMENTATION PLAN.—  
22 The Administrator of the Federal Aviation Administration  
23 shall develop and implement a plan to facilitate the estab-  
24 lishment of an aviation safety action program and a flight



1 operational quality assurance program by all part 121 air  
2 carriers.

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

6 (1) how the Administration can assist part 121  
7 air carriers with smaller fleet sizes to derive a ben-  
8 efit from establishing a flight operational quality as-  
9 surance program;

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

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

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

1 (d) DEADLINE FOR BEGINNING IMPLEMENTATION  
2 OF PLAN.—Not later than one year after the date of en-  
3 actment of this Act, the Administrator shall begin imple-  
4 mentation of the plan developed under subsection (a).

5 **SEC. 215. SAFETY MANAGEMENT SYSTEMS.**

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

10 (b) MATTERS TO CONSIDER.—In conducting the  
11 rulemaking under subsection (a), the Administrator shall  
12 consider, at a minimum, including each of the following  
13 as a part of the safety management system:

14 (1) An aviation safety action program.

15 (2) A flight operational quality assurance pro-  
16 gram.

17 (3) A line operations safety audit.

18 (4) An advanced qualification program.

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

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

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

1 (d) SAFETY MANAGEMENT SYSTEM DEFINED.—In  
2 this section, the term “safety management system” means  
3 the program established by the Federal Aviation Adminis-  
4 tration in Advisory Circular 120–92, dated June 22, 2006,  
5 including any subsequent revisions thereto.

6 **SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALI-**  
7 **FICATIONS.**

8 (a) REQUIREMENTS.—

9 (1) RULEMAKING PROCEEDING.—The Adminis-  
10 trator of the Federal Aviation Administration shall  
11 conduct a rulemaking proceeding to require part 121  
12 air carriers to develop and implement means and  
13 methods for ensuring that flight crewmembers have  
14 proper qualifications and experience.

15 (2) MINIMUM REQUIREMENTS.—

16 (A) PROSPECTIVE FLIGHT CREW-  
17 MEMBERS.—Rules issued under paragraph (1)  
18 shall ensure that prospective flight crew-  
19 members undergo comprehensive preemploy-  
20 ment screening, including an assessment of the  
21 skills, aptitudes, airmanship, and suitability of  
22 each applicant for a position as a flight crew-  
23 member in terms of functioning effectively in  
24 the air carrier’s operational environment.

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

5 (i) have obtained an airline transport  
6 pilot certificate under part 61 of title 14,  
7 Code of Federal Regulations; and

8 (ii) have appropriate multi-engine air-  
9 craft flight experience, as determined by  
10 the Administrator.

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

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

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

17 (c) DEFAULT.—The requirement that each flight  
18 crewmember for a part 121 air carrier hold an airline  
19 transport pilot certificate under part 61 of title 14, Code  
20 of Federal Regulations, shall begin to apply on the date  
21 that is 3 years after the date of enactment of this Act  
22 even if the Administrator fails to meet a deadline estab-  
23 lished under this section.

1 **SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.**

2 (a) RULEMAKING PROCEEDING.—The Administrator  
3 of the Federal Aviation Administration shall conduct a  
4 rulemaking proceeding to amend part 61 of title 14, Code  
5 of Federal Regulations, to modify requirements for the  
6 issuance of an airline transport pilot certificate.

7 (b) MINIMUM REQUIREMENTS.—To be qualified to  
8 receive an airline transport pilot certificate pursuant to  
9 subsection (a), an individual shall—

10 (1) have sufficient flight hours, as determined  
11 by the Administrator, to enable a pilot to function  
12 effectively in an air carrier operational environment;  
13 and

14 (2) have received flight training, academic  
15 training, or operational experience that will prepare  
16 a pilot, at a minimum, to—

17 (A) function effectively in a multi-pilot envi-  
18 ronment;

19 (B) function effectively in adverse weather  
20 conditions, including icing conditions;

21 (C) function effectively during high alti-  
22 tude operations;

23 (D) adhere to the highest professional  
24 standards; and

25 (E) function effectively in an air carrier  
26 operational environment.

1 (c) FLIGHT HOURS.—

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

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

12 (d) CREDIT TOWARD FLIGHT HOURS.—The Admin-  
13 istrator may allow specific academic training courses, be-  
14 yond those required under subsection (b)(2), to be credited  
15 toward the total flight hours required under subsection  
16 (c). The Administrator may allow such credit based on a  
17 determination by the Administrator that allowing a pilot  
18 to take specific academic training courses will enhance  
19 safety more than requiring the pilot to fully comply with  
20 the flight hours requirement.

21 (e) RECOMMENDATIONS OF EXPERT PANEL.—In  
22 conducting the rulemaking proceeding under this section,  
23 the Administrator shall review and consider the assess-  
24 ment and recommendations of the expert panel to review

1 part 121 and part 135 training hours established by sec-  
2 tion 209(b) of this Act.

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

Passed the House of Representatives July 29, 2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*