

111TH CONGRESS
2^D SESSION

H. R. 5900

IN THE SENATE OF THE UNITED STATES

JULY 30, 2010

Received

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 serting “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;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of each part 121 air carrier;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allows access by aviation safety inspectors and operational research analysts to assist in the oversight of each part 121 air carrier; and

(10) to conduct such other analyses as the Inspector General considers relevant to the review.

SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

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

(A) Establish flight crewmember mentoring programs under which the air carrier will 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 ministrator 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 pro-
2 vide air transportation pursuant to a contract with a part
3 121 air carrier to ensure that such air carriers are com-
4 plying with all applicable safety standards of the Adminis-
5 tration.

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

7 (a) FLIGHT AND DUTY TIME REGULATIONS.—

8 (1) IN GENERAL.—In accordance with para-
9 graph (3), the Administrator of the Federal Aviation
10 Administration shall issue regulations, based on the
11 best available scientific information, to specify limi-
12 tations on the hours of flight and duty time allowed
13 for pilots to address problems relating to pilot fa-
14 tigue.

15 (2) MATTERS TO BE ADDRESSED.—In con-
16 ducting the rulemaking proceeding under this sub-
17 section, the Administrator shall consider and review
18 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 ministrator 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 multipilot 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.