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Title 49 - TRANSPORTATION

SUBTITLE VII - AVIATION PROGRAMS

PART A - AIR COMMERCE AND SAFETY

subpart iii - safety

CHAPTER 447 - SAFETY REGULATION

Sec. 44701 - General requirements

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### §44701. General requirements

(a) Promoting Safety.—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) Prescribing Minimum Safety Standards.—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) Reducing and Eliminating Accidents.—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) Considerations and Classification of Regulations and Standards.—When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) **Bilateral Exchanges of Safety Oversight Responsibilities.**—

(1) **In general.**—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) **Relinquishment and acceptance of responsibility.**—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) **Conditions.**—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) **Registered aircraft defined.**—In this subsection, the term "registered aircraft" means—

(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(f) **Exemptions.**—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1185; Pub. L. 103–429, §6(55), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106–181, title VII, §714, Apr. 5, 2000, 114 Stat. 161.)

Historical and Revision Notes

Pub. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44701(a)	49 App.:1421(a).	Aug. 23, 1958, Pub. L. 85–726, §§601(a), (b) (1st sentence related to standards, rules, and regulations, last sentence), (c), 604(a) (related to standards), 72 Stat. 775, 778.

	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
44701(b)	49 App.:1424(a) (related to standards). 49 App.:1432(a) (related to standards).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §612(a) (related to standards); added May 21, 1970, Pub. L. 91-258, §51(b)(1), 84 Stat. 234; restated Sept. 3, 1982, Pub. L. 97-248, §525(a), 96 Stat. 697.
44701(c)	49 App.:1655(c)(1). 49 App.:1421(b) (last sentence).	
44701(d)	49 App.:1655(c)(1). 49 App.:1421(b) (1st sentence related to standards, rules, and regulations).	
44701(e)	49 App.:1655(c)(1). 49 App.:1421(c). 49 App.:1655(c)(1).	

In this section, the word "Administrator" in sections 601(a)-(c) and 604 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 775, 778) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words "is empowered and it . . . be his duty to" and "and revising from time to time" are omitted as surplus. In clause (1), the words "as may be" are omitted as surplus. In clauses (2)-(5), the words "Reasonable" and "reasonable" are omitted as surplus and the word "rules" is omitted as being synonymous with "regulations". In clause (5), the words "to provide adequately" are omitted as surplus.

In subsection (b)(1), the words "the operation of" are omitted as surplus. The words "under section 44705 of this title" are added for clarity.

In subsection (b)(2), the words "scheduled or unscheduled" are omitted as surplus.

In subsection (c), the words "carry out" are substituted for "exercise and perform his powers and duties under", and the words "in carrying out" are substituted for "in the administration and enforcement of", for consistency and to eliminate unnecessary words.

In subsection (d), before clause (1), the word "rules" is omitted as being synonymous with "regulations". In clause (1), before subclause (A), the word "full" is omitted as surplus. In clause (1)(A), the word "provide" is substituted for "perform" for consistency in the revised title.

In subsection (e), the words "from time to time" are omitted as surplus. The word "rule" is omitted as being synonymous with "regulation".

#### **PUB. L. 103-429**

This amends 49:44701(d) and (e) to correct erroneous cross-references.

#### **AMENDMENTS**

**2000**—Subsecs. (e), (f). Pub. L. 106-181 added subsec. (e) and redesignated former subsec. (e) as (f).

**1994**—Subsecs. (d), (e). Pub. L. 103-429 substituted "any of sections 44702-44716" for "section 44702-44716".

#### **EFFECTIVE DATE OF 2000 AMENDMENT**

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

#### **EFFECTIVE DATE OF 1994 AMENDMENT**

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

#### **NOTICES TO AIRMEN**

Pub. L. 112–153, §3, Aug. 3, 2012, 126 Stat. 1162, provided that:

"(a) In General.—

"(1) Definition.—In this section, the term 'NOTAM' means Notices to Airmen.

"(2) Improvements.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2012], the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the 'NOTAM Improvement Program')—

"(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

"(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

"(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

"(b) Goals of Program.—The goals of the NOTAM Improvement Program are—

"(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

"(2) make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

"(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

"(4) to provide a document that is easily searchable; and

"(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

"(c) Advice From Private Sector Groups.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

"(d) Phase-in and Completion.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act [Aug. 3, 2012]."

#### **CONSISTENCY OF REGULATORY INTERPRETATION**

Pub. L. 112–95, title III, §313, Feb. 14, 2012, 126 Stat. 67, provided that:

"(a) Establishment of Advisory Panel.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

"(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO–11–14); and

"(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

"(b) Matters To Be Considered.—The advisory panel shall—

"(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

"(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

"(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

"(c) Report to Congress.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations."

#### **FLIGHT STANDARDS EVALUATION PROGRAM**

Pub. L. 112–95, title III, §315, Feb. 14, 2012, 126 Stat. 68, provided that:

"(a) In General.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

"(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

"(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

"(b) Annual Report to Congress.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

"(c) Flight Standards Evaluation Program Defined.—In this section, the term 'Flight Standards Evaluation Program' means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto."

#### **REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE**

Pub. L. 112–95, title III, §343, Feb. 14, 2012, 126 Stat. 80, provided that:

"(a) Reviews.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

"(1) any trends in regulatory compliance are identified; and

"(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

"(b) Monthly Team Reports.—

"(1) In general.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

"(2) Contents.—A report submitted under paragraph (1) shall identify—

"(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

"(B) any corrective actions taken or proposed to be taken in response to the trends.

"(c) Biannual Reports to Congress.—The Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air

transportation oversight system database conducted under this section, including copies of reports received under subsection (b)."

#### **DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS**

Pub. L. 112–95, title III, §345, Feb. 14, 2012, 126 Stat. 81, provided that:

"(a) Rulemaking on Applicability of Part 121 Duty Periods and Flight Time Limitations to Part 91 Operations.—Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

"(b) Rulemaking on Applicability of Part 135 Duty Periods and Flight Time Limitations to Part 91 Operations.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

"(c) Separate Rulemaking Proceedings Required.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a)."

#### **SAFETY CRITICAL STAFFING**

Pub. L. 112–95, title VI, §606, Feb. 14, 2012, 126 Stat. 113, provided that:

"(a) In General.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled 'Staffing Standards for Aviation Safety Inspectors'. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

"(b) Report.—Not later than January 1 of each year beginning after September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a)."

#### **AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES**

Pub. L. 112–95, title VIII, §828, Feb. 14, 2012, 126 Stat. 133, provided that:

"(a) In General.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

"(b) Exceptions.—

"(1) Passenger carrying aircraft.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger

carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Feb. 14, 2012]).

"(2) Credible reports.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

"(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation—

"(i) addresses solely deficiencies referenced in the report; and

"(ii) is effective for not more than 1 year; and

"(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

"(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

"(ii) the regulation addresses solely the deficiencies in existing regulations; and

"(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

"(c) ICAO Technical Instructions Defined.—In this section, the term 'ICAO Technical Instructions' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act [Feb. 14, 2012])."

#### **AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT**

Pub. L. 111–216, title II, Aug. 1, 2010, 124 Stat. 2350, as amended by Pub. L. 111–249, §6, Sept. 30, 2010, 124 Stat. 2628, provided that:

#### **"SEC. 201. DEFINITIONS.**

"(a) [sic] Definitions.—In this title, the following definitions apply:

"(1) Advanced qualification program.—The term 'advanced qualification program' means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

"(2) Air carrier.—The term 'air carrier' has the meaning given that term in section 40102 of title 49, United States Code.

"(3) Aviation safety action program.—The term 'aviation safety action program' means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

"(4) Flight crewmember.—The term 'flight crewmember' has the meaning given the term 'flightcrew member' in part 1 of title 14, Code of Federal Regulations.

"(5) Flight operational quality assurance program.—The term 'flight operational quality assurance program' means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

"(6) Line operations safety audit.—The term 'line operations safety audit' means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

"(7) Part 121 air carrier.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

"(8) Part 135 air carrier.—The term 'part 135 air carrier' means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

"SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

"[Amended section 1135 of this title.]

"SEC. 203. FAA PILOT RECORDS DATABASE.

"[Amended section 44703 of this title.]

"SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

"(a) Establishment.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the 'Task Force').

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

"(c) Duties.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

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

"(2) Flight crewmember professional standards.

"(3) Flight crewmember training standards and performance.

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

"(d) Report.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], and before the last day of each one-year period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

"(1) the progress of the Task Force in identifying best practices in the air carrier industry;

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

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

"(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

"(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

"(e) Termination.—The Task Force shall terminate on September 30, 2012.

"(f) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

"SEC. 205. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

"(a) Review by DOT Inspector General.—Not later than 9 months after the date of enactment of this Act [Aug. 1, 2010], the Inspector General of the Department of Transportation shall conduct a review of the aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

"(b) Purposes.—The purpose of the review shall be, at a minimum—

"(1) to review the level of the Administration's oversight of each part 121 air carrier;

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

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

"(4) to evaluate how the Administration is making assignments of aviation safety inspectors to each part 121 air carrier;

"(5) to review various safety inspector oversight programs, including the geographic inspector program;

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

"(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

"(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 will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

"(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

"(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

"(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

"(E) Ensure that recurrent training for pilots in command includes leadership and command training.

"(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flight crewmember professional development.

"(2) Compliance with sterile cockpit rule.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

"(3) Streamlined program review.—

"(A) In general.—As part of the rulemaking required by subsection (b), the Administrator shall establish a streamlined review process for part 121 air carriers that have in effect, as of the date of enactment of this Act [Aug. 1, 2010], the programs described in paragraph (1).

"(B) Expedited approvals.—Under the streamlined review process, the Administrator shall

—

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

"(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

"(b) Rulemaking.—The Administrator shall issue—

"(1) not later than one year after the date of enactment of this Act, a notice of proposed rulemaking based on the recommendations of the aviation rulemaking committee convened under subsection (a); and

"(2) not later than 36 months after such date of enactment, a final rule based on such recommendations.

#### "SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

"(a) Study.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing, crew resource management techniques, and pilot commuting.

"(b) Report.—Not later than one year after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

#### "SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

"(a) Rulemaking Proceedings.—

"(1) Stall and upset recognition and recovery training.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

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

"(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

"(2) Remedial training programs.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

"(3) Deadlines.—The Administrator shall—

"(A) not later than one year after the date of enactment of this Act [Aug. 1, 2010], issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

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

"(b) Stick Pusher Training and Weather Event Training.—

"(1) Multidisciplinary panel.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

"(2) Report to congress and ntsb.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

"(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

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

"(c) Definitions.—In this section, the following definitions apply:

"(1) Flight training and flight simulator.—The terms 'flight training' and 'flight simulator' have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

"(2) Stall.—The term 'stall' means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

"(3) Stick pusher.—The term 'stick pusher' means a device that, at or near a stall, applies a nose down pitch force to an aircraft's control columns to attempt to decrease the aircraft's angle of attack.

"(4) Upset.—The term 'upset' means an unusual aircraft attitude.

#### "SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.

"(a) Completion of Rulemaking on Training Programs.—Not later than 14 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

"(b) Expert Panel To Review Part 121 and Part 135 Training Hours.—

"(1) Establishment.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

"(2) Assessment and recommendations.—The panel shall assess and make recommendations concerning—

"(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

"(B) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides;

"(C) the optimal length of time between training events for such flight crewmembers, including recurrent training events;

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

"(E) classroom instruction requirements governing curriculum content and hours of instruction;

"(F) the best methods to allow specific academic training courses to be credited toward the total flight hours required to receive an airline transport pilot certificate; and

"(G) crew leadership training.

"(3) Best practices.—In making recommendations under subsection (b)(2), the panel shall consider, if appropriate, best practices in the aviation industry with respect to training protocols, methods, and procedures.

"(4) Report.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

#### "SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

"[Amended section 41712 of this title.]

#### "SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

"The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each 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.

"SEC. 212. PILOT FATIGUE.

"(a) Flight and Duty Time Regulations.—

"(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.

"(2) Matters to be addressed.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

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

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

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

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

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

"(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

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

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

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

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

"(K) Medical screening and treatment.

"(L) Rest environments.

"(M) Any other matters the Administrator considers appropriate.

"(3) Rulemaking.—The Administrator shall issue—

"(A) not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under paragraph (1); and

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

"(b) Fatigue Risk Management Plan.—

"(1) Submission of fatigue risk management plan by part 121 air carriers.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier's pilots.

"(2) Contents of plan.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

"(A) Current flight time and duty period limitations.

"(B) A rest scheme consistent with such limitations that enables the management of pilot fatigue, including annual training to increase awareness of—

"(i) fatigue;

"(ii) the effects of fatigue on pilots; and

"(iii) fatigue countermeasures.

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

"(i) to improve alertness; and

"(ii) to mitigate performance errors.

"(3) Review.—Not later than 12 months after the date of enactment of this Act, the Administrator shall review and accept or reject the fatigue risk management plans submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

"(4) Plan updates.—

"(A) In general.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

"(B) Review.—Not later than 12 months after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

"(5) Compliance.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

"(6) Civil penalties.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

"(c) Effect of Commuting on Fatigue.—

"(1) In general.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

"(2) Study.—In conducting the study, the National Academy of Sciences shall consider—

"(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

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

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

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

"(E) postconference materials from the Federal Aviation Administration's June 2008 symposium titled 'Aviation Fatigue Management Symposium: Partnerships for Solutions';

"(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

"(G) any other matters as the Administrator considers appropriate.

"(3) Preliminary findings.—Not later than 120 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

"(4) Report.—Not later than 9 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

"(5) Rulemaking.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

"(A) consider the findings and recommendations in the report; and

"(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

## "SEC. 213. VOLUNTARY SAFETY PROGRAMS.

"(a) Report.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

"(b) Contents.—The report shall include—

"(1) a list of—

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

- "(B) the voluntary safety programs each air carrier is using;
- "(2) if an air carrier is not using one or more of the voluntary safety programs—
  - "(A) a list of such programs the carrier is not using; and
  - "(B) the reasons the carrier is not using each such program;
- "(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;
- "(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;
- "(5) an explanation of—
  - "(A) where the data derived from the voluntary safety programs is stored;
  - "(B) how the data derived from such programs is protected and secured; and
  - "(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;
- "(6) a description of the extent to which aviation safety inspectors are able to review data derived from the voluntary safety programs to enhance their oversight responsibilities;
- "(7) a description of how the Administration plans to incorporate operational trends identified under the voluntary safety programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;
- "(8) other plans to strengthen the voluntary safety programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and
- "(9) such other matters as the Administrator determines are appropriate.

"SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.

"(a) Development and Implementation Plan.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

"(b) Matters To Be Considered.—In developing the plan under subsection (a), the Administrator shall consider—

- "(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive a benefit from establishing a flight operational quality assurance program;
- "(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and
- "(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

"(c) Report.—Not later than 180 days after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

"(d) Deadline for Beginning Implementation of Plan.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

"SEC. 215. SAFETY MANAGEMENT SYSTEMS.

"(a) Rulemaking.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

"(b) Matters To Consider.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

- "(1) An aviation safety action program.
- "(2) A flight operational quality assurance program.

"(3) A line operations safety audit.

"(4) An advanced qualification program.

"(c) Deadlines.—The Administrator shall issue—

"(1) not later than 90 days after the date of enactment of this Act [Aug. 1, 2010], a notice of proposed rulemaking under subsection (a); and

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

"(d) Safety Management System Defined.—In this section, the term 'safety management system' means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

#### "SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

"(a) Requirements.—

"(1) Rulemaking proceeding.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

"(2) Minimum requirements.—

"(A) Prospective flight crewmembers.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive preemployment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

"(B) All flight crewmembers.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act [Aug. 1, 2010], all flight crewmembers—

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

"(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

"(b) Deadlines.—The Administrator shall issue—

"(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

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

"(c) Default.—The requirement that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations, shall begin to apply on the date that is 3 years after the date of enactment of this Act even if the Administrator fails to meet a deadline established under this section.

#### "SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

"(a) Rulemaking Proceeding.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

"(b) Minimum Requirements.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

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

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

"(A) function effectively in a multi-pilot environment;

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

"(C) function effectively during high altitude operations;

"(D) adhere to the highest professional standards; and

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

"(c) Flight Hours.—

"(1) Numbers of flight hours.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

"(2) Flight hours in difficult operational conditions.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

"(d) Credit Toward Flight Hours.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

"(e) Recommendations of Expert Panel.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 209(b) of this Act.

"(f) Deadline.—Not later than 36 months after the date of enactment of this Act [Aug. 1, 2010], the Administrator shall issue a final rule under subsection (a)."

#### **FAA INSPECTOR TRAINING**

Pub. L. 108–176, title V, §506, Dec. 12, 2003, 117 Stat. 2560, provided that:

"(a) Study.—

"(1) In general.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as 'FAA inspectors').

"(2) Contents.—The study shall include—

"(A) an analysis of the type of training provided to FAA inspectors;

"(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

"(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid pro quo basis; and

"(D) the amount of travel that is required of FAA inspectors in receiving training.

"(3) Report.—Not later than 1 year after the date of enactment of this Act [Dec. 12, 2003], the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

"(b) Sense of the House.—It is the sense of the House of Representatives that—

"(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

"(2) FAA inspector training should have a direct relation to an individual's job requirements; and

"(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

"(c) Workload of Inspectors.—

"(1) Study by national academy of sciences.—Not later than 90 days after the date of enactment of this Act [Dec. 12, 2003], the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

"(2) Contents.—The study shall include the following:

"(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

"(B) The approximate cost and length of time for developing such models.

"(3) Report.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study."

#### **AIR TRANSPORTATION OVERSIGHT SYSTEM**

Pub. L. 106–181, title V, §513, Apr. 5, 2000, 114 Stat. 144, provided that:

"(a) Report.—Not later than August 1, 2000, the Administrator [of the Federal Aviation Administration] shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

"(b) Required Contents.—At a minimum, the report shall indicate—

"(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

"(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

"(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

"(c) Update.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a)."

#### **REGULATION OF ALASKA GUIDE PILOTS**

Pub. L. 106–181, title VII, §732, Apr. 5, 2000, 114 Stat. 168, provided that:

"(a) In General.—Beginning on the date of the enactment of this Act [Apr. 5, 2000], flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

"(b) Rulemaking Proceeding.—

"(1) In general.—The Administrator [of the Federal Aviation Administration] shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

"(2) Contents of rules.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

"(A) to operate aircraft inspected no less often than after 125 hours of flight time;

"(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

"(C) to have at least 500 hours of flight time as a pilot;

"(D) to have a commercial rating, as described in subpart F of part 61 of such title;

"(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

"(F) to hold a current letter of authorization issued by the Administrator; and

"(G) to take such other actions as the Administrator determines necessary for safety.

"(3) Consideration.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

"(c) Definitions.—In this section, the following definitions apply:

"(1) Letter of authorization.—The term 'letter of authorization' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the

election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

"(2) Alaska guide pilot.—The term 'Alaska guide pilot' means a pilot who—

"(A) conducts aircraft operations over or within the State of Alaska;

"(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

"(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services."

#### **AVIATION MEDICAL ASSISTANCE**

Pub. L. 105–170, Apr. 24, 1998, 112 Stat. 47, provided that:

##### **"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Aviation Medical Assistance Act of 1998'.

##### **"SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.**

"Not later than 1 year after the date of the enactment of this Act [Apr. 24, 1998], the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding: (1) the equipment required to be carried in medical kits of aircraft operated by air carriers; and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

##### **"SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.**

"(a) In General.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act [Apr. 24, 1998], a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

"(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed from such an aircraft as a result of a medical incident that occurred on such aircraft.

"(2) The age of each such person.

"(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

"(4) Whether or not the aircraft was diverted as a result of the death or incident.

"(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

"(b) Format.—The Administrator may specify a format for reports to be submitted under this section.

##### **"SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.**

"(a) In General.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

"(b) Form of Decision.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

"(c) Contents.—If the Administrator decides that automatic external defibrillators should be required—

"(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

"(A) the size of the aircraft on which such defibrillators should be required;

"(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

"(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

"(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

"(2) at airports, the proposed rulemaking or recommendation shall include—

"(A) the size of the airport at which such defibrillators should be required;

"(B) the training that should be required for airport personnel in the use of such defibrillators; and

"(C) the associated equipment and medication that should be required at the airport.

"(d) Limitation.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

"(e) Special Rule.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

#### "SEC. 5. LIMITATIONS ON LIABILITY.

"(a) Liability of Air Carriers.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

"(b) Liability of Individuals.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

#### "SEC. 6. DEFINITIONS.

"In this Act—

"(1) the terms 'air carrier', 'aircraft', 'airport', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings such terms have under section 40102 of title 49, United States Code;

"(2) the term 'major air carrier' means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act [Apr. 24, 1998], as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

"(3) the term 'medically qualified individual' includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician."