

**AMENDMENT TO H.R. 4441**

**OFFERED BY MR. CAPUANO OF MASSACHUSETTS**

At the end of subtitle A of title IV, add the following:

1 **SEC. 419. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**

2 **AND REST REQUIREMENTS.**

3 (a) MODIFICATION OF FINAL RULE.—

4 (1) IN GENERAL.—Not later than 30 days after  
5 the date of enactment of this Act, the Secretary of  
6 Transportation shall modify the final rule of the  
7 Federal Aviation Administration published in the  
8 Federal Register on August 19, 1994 (59 Fed. Reg.  
9 42974; relating to flight attendant duty period limi-  
10 tations and rest requirements) in accordance with  
11 the requirements of this subsection.

12 (2) CONTENTS.—The final rule, as modified  
13 under paragraph (1), shall ensure that—

14 (A) a flight attendant scheduled to a duty  
15 period of 14 hours or less is given a scheduled  
16 rest period of at least 10 consecutive hours; and

17 (B) the rest period is not reduced under  
18 any circumstances.

19 (b) FATIGUE RISK MANAGEMENT PLAN.—

1           (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-  
2           RIERS.—Not later than 90 days after the date of en-  
3           actment of this Act, each air carrier operating under  
4           part 121 of title 14, Code of Federal Regulations (in  
5           this section referred to as a “part 121 air carrier”),  
6           shall submit to the Administrator of the Federal  
7           Aviation Administration for review and acceptance a  
8           fatigue risk management plan for the carrier’s flight  
9           attendants.

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

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

15                   (B) A rest scheme consistent with such  
16                   limitations that enables the management of  
17                   flight attendant fatigue, including annual train-  
18                   ing to increase awareness of—

19                           (i) fatigue;

20                           (ii) the effects of fatigue on pilots;

21                           and

22                           (iii) fatigue countermeasures.

23                   (C) Development and use of a methodology  
24                   that continually assesses the effectiveness of im-

1           plementation of the plan, including the ability  
2           of the plan—

3                   (i) to improve alertness; and

4                   (ii) to mitigate performance errors.

5           (3) REVIEW.—Not later than 1 year after the  
6           date of enactment of this Act, the Administrator  
7           shall review and accept or reject each fatigue risk  
8           management plan submitted under this subsection.  
9           If the Administrator rejects a plan, the Adminis-  
10          trator shall provide suggested modifications for re-  
11          submission of the plan.

12          (4) PLAN UPDATES.—

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

18               (B) REVIEW.—Not later than 1 year after  
19               the date of submission of a plan update under  
20               subparagraph (A), the Administrator shall re-  
21               view and accept or reject the update. If the Ad-  
22               ministratoor rejects an update, the Adminis-  
23               trator shall provide suggested modifications for  
24               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.

