

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.

