AMENDMENT TO H.R. 658, AS REPORTED
OFFERED BY MR. KLINE OF MINNESOTA

At the end of subtitle A of title III, add the following new section:

SEC. 3. SENSE OF CONGRESS ON PROPOSED FEDERAL AVIATION ADMINISTRATION CHANGES TO FLIGHT CREW MEMBER DUTY AND REST REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 212 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216; 49 U.S.C. 44701 note) directed the Administrator of the Federal Aviation Administration to 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) On September 14, 2010, the Federal Aviation Administration issued a Notice of Proposed Rulemaking titled “Flightcrew Member Duty and Rest Requirements”.

(3) Between March 2010 and March 2011, the Air Mobility Command and its Civil Reserve Air Fleet partners airlifted more than 2 million passengers and 848,000 tons of cargo around the world in support of the missions of the Department of Defense.

(4) An Air Force Institute of Technology study titled “Civil Reserve Airlift Fleet (CRAF) Crew Rest Study” analyzed 2264 missions flown by Civil Reserve Air Fleet carriers under contract with the Department of Defense between May and September 2011, and concluded that over 80 percent of those missions may have been “infeasible” had the proposed rule referred to in paragraph (2) been in effect during such period.

(5) On February 15, 2011, General Duncan J. McNabb, Commander of the United States Transportation Command, wrote to the Administrator of the Federal Aviation Administration expressing significant concern about the proposed rule change and stating that the Operational Risk Management approach of the United States Transportation Command mitigated operational hazards and included “reasonable measures to reduce risk to personnel, equipment and the mission”. In the letter, General
McNabb noted that he believes there is room for proper exceptions to the proposed rule and went on to write that “through cooperation, we can develop mutually acceptable guidelines that not only mitigate the impact of crew fatigue, but afford all carriers the flexibility to implement safer aircrew processes”.

(6) The United States Transportation Command is relying heavily on the Civil Reserve Air Fleet as a critical partner as they effectively and efficiently deploy and sustain the warfighter in simultaneous operations in Afghanistan, Iraq, and Libya and in relief operations in Japan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when faced with immediate and long-term world events, the superb team of the United States Transportation Command successfully overcomes many obstacles to support the national security objectives of the United States with world-class logistics and the Civil Reserve Air Fleet program is one of the major reasons they deliver both combat power and humanitarian relief on time, on target, and at best value to the taxpayer;

(2) the Administrator of the Federal Aviation Administration should make every effort to ensure
that any changes to guidelines, regulations, and rules of the Federal Aviation Administration, including changes to the Flightcrew Member Duty and Rest Requirements, fully consider the impact of such changes on Civil Reserve Air Fleet carriers, the United States Transportation Command, and the Department of Defense; and

(3) the Administrator of the Federal Aviation Administration, in consultation with the Commander of the United States Transportation Command, develop guidelines that address not only crew fatigue, but also enhance safety while minimizing the impact on the mission of the United States Transportation Command and the Department of Defense.