

**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:

1 **SEC. 3 \_\_\_\_ . SENSE OF CONGRESS ON PROPOSED FEDERAL**  
2 **AVIATION ADMINISTRATION CHANGES TO**  
3 **FLIGHT CREW MEMBER DUTY AND REST RE-**  
4 **QUIREMENTS.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) Section 212 of the Airline Safety and Fed-  
8 eral Aviation Administration Extension Act of 2010  
9 (Public Law 111–216; 49 U.S.C. 44701 note) di-  
10 rected the Administrator of the Federal Aviation Ad-  
11 ministration to issue regulations, based on the best  
12 available scientific information, to specify limitations  
13 on the hours of flight and duty time allowed for pi-  
14 lots to address problems relating to pilot fatigue.

15 (2) On September 14, 2010, the Federal Avia-  
16 tion Administration issued a Notice of Proposed  
17 Rulemaking titled “Flightcrew Member Duty and  
18 Rest Requirements”.

1           (3) Between March 2010 and March 2011, the  
2 Air Mobility Command and its Civil Reserve Air  
3 Fleet partners airlifted more than 2 million pas-  
4 sengers and 848,000 tons of cargo around the world  
5 in support of the missions of the Department of De-  
6 fense.

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

16           (5) On February 15, 2011, General Duncan J.  
17 McNabb, Commander of the United States Trans-  
18 portation Command, wrote to the Administrator of  
19 the Federal Aviation Administration expressing sig-  
20 nificant concern about the proposed rule change and  
21 stating that the Operational Risk Management ap-  
22 proach of the United States Transportation Com-  
23 mand mitigated operational hazards and included  
24 “reasonable measures to reduce risk to personnel,  
25 equipment and the mission”. In the letter, General

1 McNabb noted that he believes there is room for  
2 proper exceptions to the proposed rule and went on  
3 to write that “through cooperation, we can develop  
4 mutually acceptable guidelines that not only mitigate  
5 the impact of crew fatigue, but afford all carriers  
6 the flexibility to implement safer aircrew processes”.

7 (6) The United States Transportation Com-  
8 mand is relying heavily on the Civil Reserve Air  
9 Fleet as a critical partner as they effectively and ef-  
10 ficiently deploy and sustain the warfighter in simul-  
11 taneous operations in Afghanistan, Iraq, and Libya  
12 and in relief operations in Japan.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) when faced with immediate and long-term  
16 world events, the superb team of the United States  
17 Transportation Command successfully overcomes  
18 many obstacles to support the national security ob-  
19 jectives of the United States with world-class logis-  
20 tics and the Civil Reserve Air Fleet program is one  
21 of the major reasons they deliver both combat power  
22 and humanitarian relief on time, on target, and at  
23 best value to the taxpayer;

24 (2) the Administrator of the Federal Aviation  
25 Administration should make every effort to ensure

1 that any changes to guidelines, regulations, and  
2 rules of the Federal Aviation Administration, includ-  
3 ing changes to the Flightcrew Member Duty and  
4 Rest Requirements, fully consider the impact of such  
5 changes on Civil Reserve Air Fleet carriers, the  
6 United States Transportation Command, and the  
7 Department of Defense; and

8 (3) the Administrator of the Federal Aviation  
9 Administration, in consultation with the Commander  
10 of the United States Transportation Command, de-  
11 velop guidelines that address not only crew fatigue,  
12 but also enhance safety while minimizing the impact  
13 on the mission of the United States Transportation  
14 Command and the Department of Defense.

