

118TH CONGRESS
1ST SESSION

S. 2332

To improve scheduled air service safety through enhanced aeronautical experience requirements for applicants seeking an airline transport pilot certificate with an airplane category and class rating, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2023

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve scheduled air service safety through enhanced aeronautical experience requirements for applicants seeking an airline transport pilot certificate with an airplane category and class rating, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Experienced Pilots
5 Save Lives Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The commercial aviation system is experi-
2 encing an unusual number of safety challenges as
3 evidenced by multiple near-miss incidents in cal-
4 endar year 2023 involving aircraft operated by part
5 121 air carriers.

6 (2) These near-miss commercial aviation inci-
7 dents include—

8 (A) at the Austin-Bergstrom International
9 Airport, a Boeing 737–700 aircraft operated by
10 Southwest Airlines nearly colliding with a Boe-
11 ing 767 cargo aircraft operated by FedEx, with
12 the National Transportation Safety Board find-
13 ing that the two aircraft likely came within 100
14 feet of each other in the near-miss incident;

15 (B) at Washington Reagan National Air-
16 port, a runway incursion by an Embraer 175
17 aircraft operated by Republic Airways where it
18 crossed into a runway that air traffic control
19 had already cleared an Airbus A319 aircraft op-
20 erated by United Airlines for takeoff, forcing
21 the takeoff to be aborted;

22 (C) at Bob Hope Burbank Airport, a run-
23 way incursion incident where a CRJ900 aircraft
24 operated by Mesa Airlines was forced to abort
25 a landing on approach because an Embraer 175

1 aircraft operated by SkyWest Airlines had yet
2 to take off; and

3 (D) at Boston Logan International Air-
4 port, an incident where an Embraer 190 oper-
5 ated by JetBlue was forced to take evasive ac-
6 tion after a Learjet 60 operated by a private
7 charter carrier initiated takeoff without clear-
8 ance from a runway that intersected the run-
9 way that the Embraer 190 had been cleared to
10 use for landing.

11 (3) Following this surge of near-miss incidents
12 involving part 121 air carriers, the National Trans-
13 portation Safety Board initiated a comprehensive in-
14 vestigation of these incidents to identify commonal-
15 ities that may have contributed to the incidents,
16 such as communication breakdowns, situational
17 awareness lapses, and inadequate training. This in-
18 vestigation is active and ongoing.

19 (4) The spike in troubling near-miss incidents
20 also spurred the Federal Aviation Administration to
21 convene an Aviation Surface Safety Summit on
22 March 15, 2023, where the Acting Administrator of
23 the Federal Aviation Administration warned summit
24 participants and the aviation industry, “As I men-
25 tioned in my call to action, the biggest mistake we

1 can make as an industry is to become complacent.
2 As a safety professional, if you are comfortable it
3 means you're probably missing something.”.

4 (5) The Chair of the National Transportation
5 Safety Board, the Honorable Jennifer Homendy,
6 also addressed summit participants and called on the
7 aviation community to recognize that, “These recent
8 incidents must serve as a wake-up call for every sin-
9 gle one of us, before something more catastrophic
10 occurs. Before lives are lost.”.

11 (6) A former Chair of the National Transpor-
12 tation Safety Board, the Honorable Robert Sumwalt,
13 described the surge of near-miss commercial aviation
14 incidents in 2023 as a red flag, stating, “I look at
15 them like a fever in a human body and that it is sig-
16 naling that something is not right. I think these are
17 very much precursor events that could be signaling
18 that there's something more serious in the system.”.

19 (7) Although the National Transportation Safe-
20 ty Board investigation of these 2023 incidents is ac-
21 tive and ongoing, certain aviation professionals and
22 experts have hypothesized that the combination of
23 mass buyouts of experienced commercial aviation pi-
24 lots and the post-pandemic surge in demand for
25 commercial air travel have resulted in a perfect

1 storm of higher flight volume necessitating wide-
2 spread hiring that has lowered the overall experience
3 level among pilots, first officers, air traffic control-
4 lers, and mechanics.

5 (8) Other organizations, such as the Regional
6 Airline Association, have expressed concern over the
7 quality of flight hours that aspiring pilots accrue, al-
8 leging that too many hours are gained through fly-
9 ing aircraft in optimal weather conditions at flight
10 schools in Arizona and Florida, depriving pilots of
11 gaining real-world flight experience that reflects the
12 typical part 121 operating environment, which fea-
13 tures cross-country flights, flights with clouds,
14 flights in inclement weather, and flights at night,
15 among other conditions.

16 (9) Congress recognized the importance of qual-
17 ity in addition to quantity when establishing min-
18 imum flight hours requirements to obtain an airline
19 transport pilot certificate, specifically including in
20 subsection (c)(2) of section 217 of the Airline Safety
21 and Federal Aviation Administration Extension Act
22 of 2010 (Public Law 111–216) the following re-
23 quirement: “The total flight hours required by the
24 Administrator under subsection (b)(1) shall include
25 sufficient flight hours, as determined by the Admin-

1 istrator, in difficult operational conditions that may
2 be encountered by an air carrier to enable a pilot to
3 operate safely in such conditions.”.

4 (10) The alarming rise of near-miss incidents
5 involving part 121 carriers in 2023 warrants the
6 Federal Aviation Administration to strengthen cur-
7 rent regulations governing the specific minimum
8 number of hours that pilots must earn in different
9 types of flight while accruing flight hours towards
10 the 1,500-hour minimum, which should include in-
11 creasing the minimum hours requirement for cross-
12 country flight time, night flight time, flight time in
13 the class of airplane for which a rating is sought, in-
14 strument flight time in actual instrument conditions,
15 and cross-country and night flight time in an air-
16 plane where the individual seeking an airline trans-
17 port pilot certificate serves as the pilot in command,
18 or as second in command performing the duties of
19 a pilot in command while under the supervision of
20 a pilot in command.

21 **SEC. 3. ENHANCING MINIMUM FLIGHT HOURS REQUIRE-**
22 **MENTS FOR DIFFICULT OPERATIONAL CON-**
23 **DITIONS.**

24 Not later than 30 days after the date of enactment
25 of this Act, the Administrator of the Federal Aviation Ad-

1 ministration shall amend part 61.159 of title 14, Code of
2 Federal Regulations, to—

3 (1) preserve the minimum total flight hours re-
4 quirement that requires a person applying for an
5 airline transport pilot certificate with an airplane
6 category and class rating to have at least 1,500
7 hours of total time as a pilot; and

8 (2) modify the minimum flight time require-
9 ments for specific types of flight hours in difficult
10 operational conditions to require that the 1,500
11 hours of total time as a pilot includes at least—

12 (A) 900 hours of cross-country flight time;

13 (B) 200 hours of night flight time;

14 (C) 375 hours of flight time in the class of
15 airplane for the rating sought;

16 (D) 75 hours of instrument flight time, in
17 actual instrument conditions;

18 (E) 200 hours of cross-country flight time
19 in an airplane as a pilot in command, or as sec-
20 ond in command performing the duties of pilot
21 in command while under the supervision of a
22 pilot in command, or any combination thereof;
23 and

24 (F) 50 hours of night flight time in an air-
25 plane as a pilot in command, or as second in

1 command performing the duties of pilot in com-
 2 mand while under the supervision of a pilot in
 3 command, or any combination thereof.

4 **SEC. 4. MINIMUM FULL FLIGHT SIMULATOR STANDARDS**
 5 **FOR AIRLINE TRANSPORT PILOT CERTIFI-**
 6 **CATION CREDIT.**

7 Not later than 60 days after the date of enactment
 8 of this Act, the Administrator of the Federal Aviation Ad-
 9 ministration shall conduct a rulemaking proceeding to
 10 amend part 61.159 of title 14, Code of Federal Regula-
 11 tions, to require that hours in a full flight simulator rep-
 12 resenting the class of airplane for a rating sought shall
 13 only be credited toward the flight time requirement if that
 14 full flight simulator features at least—

- 15 (1) 6 degrees of freedom motion; and
- 16 (2) accurate aerodynamic modeling, including—
 - 17 (A) extended envelope modeling featuring
 - 18 high angle of attack and sideslip data ranges;
 - 19 and
 - 20 (B) maximum simulator fidelity in repro-
 - 21 ducing stall characteristics of the specific air-
 - 22 plane the simulator represents to enable users
 - 23 to conduct effective upset stall recovery training
 - 24 with pitch attitudes at or below the horizon in

- 1 the special events training programs of air car-
- 2 riers.

