

112TH CONGRESS
2^D SESSION

S. 1335

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2012

Referred to the Committee on Transportation and Infrastructure

AN ACT

To amend title 49, United States Code, to provide rights
for pilots, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pilot’s Bill of Rights”.

3 **SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCE-**
4 **MENT PROCEEDINGS AND ELIMINATION OF**
5 **DEFERENCE.**

6 (a) **IN GENERAL.**—Any proceeding conducted under
7 subpart C, D, or F of part 821 of title 49, Code of Federal
8 Regulations, relating to denial, amendment, modification,
9 suspension, or revocation of an airman certificate, shall
10 be conducted, to the extent practicable, in accordance with
11 the Federal Rules of Civil Procedure and the Federal
12 Rules of Evidence.

13 (b) **ACCESS TO INFORMATION.**—

14 (1) **IN GENERAL.**—Except as provided under
15 paragraph (3), the Administrator of the Federal
16 Aviation Administration (referred to in this section
17 as the “Administrator”) shall provide timely, written
18 notification to an individual who is the subject of an
19 investigation relating to the approval, denial, suspen-
20 sion, modification, or revocation of an airman certifi-
21 cate under chapter 447 of title 49, United States
22 Code.

23 (2) **INFORMATION REQUIRED.**—The notification
24 required under paragraph (1) shall inform the indi-
25 vidual—

26 (A) of the nature of the investigation;

1 (B) that an oral or written response to a
2 Letter of Investigation from the Administrator
3 is not required;

4 (C) that no action or adverse inference can
5 be taken against the individual for declining to
6 respond to a Letter of Investigation from the
7 Administrator;

8 (D) that any response to a Letter of Inves-
9 tigation from the Administrator or to an in-
10 quiry made by a representative of the Adminis-
11 trator by the individual may be used as evi-
12 dence against the individual;

13 (E) that the releasable portions of the Ad-
14 ministrators' investigative report will be avail-
15 able to the individual; and

16 (F) that the individual is entitled to access
17 or otherwise obtain air traffic data described in
18 paragraph (4).

19 (3) EXCEPTION.—The Administrator may delay
20 timely notification under paragraph (1) if the Ad-
21 ministrator determines that such notification may
22 threaten the integrity of the investigation.

23 (4) ACCESS TO AIR TRAFFIC DATA.—

24 (A) FAA AIR TRAFFIC DATA.—The Admin-
25 istrator shall provide an individual described in

1 paragraph (1) with timely access to any air
2 traffic data in the possession of the Federal
3 Aviation Administration that would facilitate
4 the individual's ability to productively partici-
5 pate in a proceeding relating to an investigation
6 described in such paragraph.

7 (B) AIR TRAFFIC DATA DEFINED.—As
8 used in subparagraph (A), the term “air traffic
9 data” includes—

10 (i) relevant air traffic communication
11 tapes;

12 (ii) radar information;

13 (iii) air traffic controller statements;

14 (iv) flight data;

15 (v) investigative reports; and

16 (vi) any other air traffic or flight data
17 in the Federal Aviation Administration's
18 possession that would facilitate the individ-
19 ual's ability to productively participate in
20 the proceeding.

21 (C) GOVERNMENT CONTRACTOR AIR TRAF-
22 FIC DATA.—

23 (i) IN GENERAL.—Any individual de-
24 scribed in paragraph (1) is entitled to ob-
25 tain any air traffic data that would facili-

1 tate the individual's ability to productively
2 participate in a proceeding relating to an
3 investigation described in such paragraph
4 from a government contractor that pro-
5 vides operational services to the Federal
6 Aviation Administration, including control
7 towers and flight service stations.

8 (ii) REQUIRED INFORMATION FROM
9 INDIVIDUAL.—The individual may obtain
10 the information described in clause (i) by
11 submitting a request to the Administrator
12 that—

13 (I) describes the facility at which
14 such information is located; and

15 (II) identifies the date on which
16 such information was generated.

17 (iii) PROVISION OF INFORMATION TO
18 INDIVIDUAL.—If the Administrator re-
19 ceives a request under this subparagraph,
20 the Administrator shall—

21 (I) request the contractor to pro-
22 vide the requested information; and

23 (II) upon receiving such informa-
24 tion, transmitting the information to

1 the requesting individual in a timely
2 manner.

3 (5) TIMING.—Except when the Administrator
4 determines that an emergency exists under section
5 44709(c)(2) or 46105(c), the Administrator may not
6 proceed against an individual that is the subject of
7 an investigation described in paragraph (1) during
8 the 30-day period beginning on the date on which
9 the air traffic data required under paragraph (4) is
10 made available to the individual.

11 (c) AMENDMENTS TO TITLE 49.—

12 (1) AIRMAN CERTIFICATES.—Section
13 44703(d)(2) of title 49, United States Code, is
14 amended by striking “but is bound by all validly
15 adopted interpretations of laws and regulations the
16 Administrator carries out unless the Board finds an
17 interpretation is arbitrary, capricious, or otherwise
18 not according to law”.

19 (2) AMENDMENTS, MODIFICATIONS, SUSPEN-
20 SIONS, AND REVOCATIONS OF CERTIFICATES.—Sec-
21 tion 44709(d)(3) of such title is amended by striking
22 “but is bound by all validly adopted interpretations
23 of laws and regulations the Administrator carries
24 out and of written agency policy guidance available
25 to the public related to sanctions to be imposed

1 under this section unless the Board finds an inter-
2 pretation is arbitrary, capricious, or otherwise not
3 according to law”.

4 (3) REVOCATION OF AIRMAN CERTIFICATES
5 FOR CONTROLLED SUBSTANCE VIOLATIONS.—Sec-
6 tion 44710(d)(1) of such title is amended by striking
7 “but shall be bound by all validly adopted interpre-
8 tations of laws and regulations the Administrator
9 carries out and of written agency policy guidance
10 available to the public related to sanctions to be im-
11 posed under this section unless the Board finds an
12 interpretation is arbitrary, capricious, or otherwise
13 not according to law”.

14 (d) APPEAL FROM CERTIFICATE ACTIONS.—

15 (1) IN GENERAL.—Upon a decision by the Na-
16 tional Transportation Safety Board upholding an
17 order or a final decision by the Administrator deny-
18 ing an airman certificate under section 44703(d) of
19 title 49, United States Code, or imposing a punitive
20 civil action or an emergency order of revocation
21 under subsections (d) and (e) of section 44709 of
22 such title, an individual substantially affected by an
23 order of the Board may, at the individual’s election,
24 file an appeal in the United States district court in
25 which the individual resides or in which the action

1 in question occurred, or in the United States Dis-
2 trict Court for the District of Columbia. If the indi-
3 vidual substantially affected by an order of the
4 Board elects not to file an appeal in a United States
5 district court, the individual may file an appeal in an
6 appropriate United States court of appeals.

7 (2) EMERGENCY ORDER PENDING JUDICIAL RE-
8 VIEW.—Subsequent to a decision by the Board to
9 uphold an Administrator’s emergency order under
10 section 44709(e)(2) of title 49, United States Code,
11 and absent a stay of the enforcement of that order
12 by the Board, the emergency order of amendment,
13 modification, suspension, or revocation of a certifi-
14 cate shall remain in effect, pending the exhaustion
15 of an appeal to a Federal district court as provided
16 in this Act.

17 (e) STANDARD OF REVIEW.—

18 (1) IN GENERAL.—In an appeal filed under
19 subsection (d) in a United States district court, the
20 district court shall give full independent review of a
21 denial, suspension, or revocation ordered by the Ad-
22 ministrator, including substantive independent and
23 expedited review of any decision by the Adminis-
24 trator to make such order effective immediately.

1 (2) EVIDENCE.—A United States district
2 court’s review under paragraph (1) shall include in
3 evidence any record of the proceeding before the Ad-
4 ministrator and any record of the proceeding before
5 the National Transportation Safety Board, including
6 hearing testimony, transcripts, exhibits, decisions,
7 and briefs submitted by the parties.

8 **SEC. 3. NOTICES TO AIRMEN.**

9 (a) IN GENERAL.—

10 (1) DEFINITION.—In this section, the term
11 “NOTAM” means Notices to Airmen.

12 (2) IMPROVEMENTS.—Not later than 180 days
13 after the date of the enactment of this Act, the Ad-
14 ministrator of the Federal Aviation Administration
15 shall begin a Notice to Airmen Improvement Pro-
16 gram (in this section referred to as the “NOTAM
17 Improvement Program”)—

18 (A) to improve the system of providing air-
19 men with pertinent and timely information re-
20 garding the national airspace system;

21 (B) to archive, in a public central location,
22 all NOTAMs, including the original content and
23 form of the notices, the original date of publica-
24 tion, and any amendments to such notices with
25 the date of each amendment; and

1 (C) to apply filters so that pilots can
2 prioritize critical flight safety information from
3 other airspace system information.

4 (b) GOALS OF PROGRAM.—The goals of the NOTAM
5 Improvement Program are—

6 (1) to decrease the overwhelming volume of
7 NOTAMs an airman receives when retrieving airman
8 information prior to a flight in the national airspace
9 system;

10 (2) make the NOTAMs more specific and rel-
11 evant to the airman's route and in a format that is
12 more useable to the airman;

13 (3) to provide a full set of NOTAM results in
14 addition to specific information requested by airmen;

15 (4) to provide a document that is easily search-
16 able; and

17 (5) to provide a filtering mechanism similar to
18 that provided by the Department of Defense Notices
19 to Airmen.

20 (c) ADVICE FROM PRIVATE SECTOR GROUPS.—The
21 Administrator shall establish a NOTAM Improvement
22 Panel, which shall be comprised of representatives of rel-
23 evant nonprofit and not-for-profit general aviation pilot
24 groups, to advise the Administrator in carrying out the

1 goals of the NOTAM Improvement Program under this
2 section.

3 (d) PHASE-IN AND COMPLETION.—The improve-
4 ments required by this section shall be phased in as quick-
5 ly as practicable and shall be completed not later than the
6 date that is 1 year after the date of the enactment of this
7 Act.

8 **SEC. 4. MEDICAL CERTIFICATION.**

9 (a) ASSESSMENT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Comptroller General of the United States shall ini-
13 tiate an assessment of the Federal Aviation Admin-
14 istration’s medical certification process and the asso-
15 ciated medical standards and forms.

16 (2) REPORT.—The Comptroller General shall
17 submit a report to Congress based on the assess-
18 ment required under paragraph (1) that examines—

19 (A) revisions to the medical application
20 form that would provide greater clarity and
21 guidance to applicants;

22 (B) the alignment of medical qualification
23 policies with present-day qualified medical judg-
24 ment and practices, as applied to an individ-
25 ual’s medically relevant circumstances; and

1 (C) steps that could be taken to promote
2 the public's understanding of the medical re-
3 quirements that determine an airman's medical
4 certificate eligibility.

5 (b) GOALS OF THE FEDERAL AVIATION ADMINISTRA-
6 TION'S MEDICAL CERTIFICATION PROCESS.—The goals of
7 the Federal Aviation Administration's medical certifi-
8 cation process are—

9 (1) to provide questions in the medical applica-
10 tion form that—

11 (A) are appropriate without being overly
12 broad;

13 (B) are subject to a minimum amount of
14 misinterpretation and mistaken responses;

15 (C) allow for consistent treatment and re-
16 sponses during the medical application process;
17 and

18 (D) avoid unnecessary allegations that an
19 individual has intentionally falsified answers on
20 the form;

21 (2) to provide questions that elicit information
22 that is relevant to making a determination of an in-
23 dividual's medical qualifications within the standards
24 identified in the Administrator's regulations;

1 (3) to give medical standards greater meaning
2 by ensuring the information requested aligns with
3 present-day medical judgment and practices; and

4 (4) to ensure that—

5 (A) the application of such medical stand-
6 ards provides an appropriate and fair evalua-
7 tion of an individual’s qualifications; and

8 (B) the individual understands the basis
9 for determining medical qualifications.

10 (c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The
11 Administrator shall establish a panel, which shall be com-
12 prised of representatives of relevant nonprofit and not-for-
13 profit general aviation pilot groups, aviation medical ex-
14 aminers, and other qualified medical experts, to advise the
15 Administrator in carrying out the goals of the assessment
16 required under this section.

17 (d) **FEDERAL AVIATION ADMINISTRATION RE-**
18 **SPONSE.**—Not later than 1 year after the issuance of the
19 report by the Comptroller General pursuant to subsection

1 (a)(2), the Administrator shall take appropriate actions to
2 respond to such report.

Passed the Senate June 29, 2012.

Attest: NANCY ERICKSON,
Secretary.