To amend title 49, United States Code, to provide rights for pilots, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2012

Mr. INHOFE (for himself and Mr. BEGICH) introduced the following bill; which was read the first time

JUNE 7, 2012

Read the second time and placed on the calendar

A BILL

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,

3 SECTION 1. SHORT TITLE.

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

SEC. 2. FAA ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) In General.—Notwithstanding any other provision of law, any proceeding conducted under subpart C or D and F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence, to the extent practicable.

(b) Access to Information.—

(1) In General.—The Administrator of the Federal Aviation Administration shall advise (in a timely manner and in writing) an individual who is the subject of an investigation relating to approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code, of the following:

(A) The nature of the investigation.

(B) An oral or written response to a Letter of Investigation from the Administrator is not required.

(C) No action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator.
(D) Any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual.

(E) The releasable portions of the Administrator’s investigative report will be available to the individual.

(2) Access to air traffic data.—The Administrator of the Federal Aviation Administration shall provide (in a timely manner) an individual who is the subject of an investigation relating to approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code, any air traffic data that would facilitate the individual’s ability to productively participate in the investigation, including the following:

(A) Relevant air traffic communication tapes.

(B) Radar information.

(C) Air traffic controller statements.

(D) Flight data.

(E) Investigative reports.
(F) Any other air traffic or flight data that
would facilitate the individual’s ability to pro-
ductively participate in the investigation.

(3) Timing.—The Administrator shall not pro-
ceed against an individual that is the subject of an
investigation described in paragraph (1) for at least
30 days after the air traffic data required under
paragraph (2) is made available to the individual.

(e) Amendments to Title 49.—

(1) Airman certificates.—Section
44703(d)(2) of title 49, United States Code, is
amended by striking the second sentence and insert-
ing the following: “The Board is not bound by the
findings of fact of the Administrator of the Federal
Aviation Administration or the interpretation of laws
or regulations the Administrator carries out, but
may consider the interpretation and guidance of the
Administrator in its review in accordance with the
general administrative law principles of deference.”.

(2) Amendments, modifications, suspen-
sions, and revocations of certificates.—Sec-
tion 44709(d)(3) of title 49, United States Code, is
amended by striking “is not bound” and all that fol-
lows through the end period and inserting the fol-
lowing: “is not bound by the findings of fact of the
Administrator or the interpretation of laws or regulations the Administrator carries out, but may consider the interpretation and guidance of the Administrator in its review in accordance with the general administrative law principles of deference.”.

(3) Revocation of Airman Certificates for Controlled Substance Violations.—The third sentence of section 44710(d)(1) of title 49, United States Code, is amended in the third sentence, by striking “is not bound” and all that follows through the end period, and inserting the following: “is not bound by findings of fact of the Administrator or the interpretation of laws or regulations the Administrator carries out, but may consider the interpretation and guidance of the Administrator in its review in accordance with the general administrative law principles of deference.”.

(d) Appeal from Certificate Actions.—Upon an order or final decision by the Administrator of the Federal Aviation Administration denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under section 44709(d) and (e) of title 49, United States Code, the individual adversely affected by the Administrator’s action may, at the individual’s elec-
tion, file an appeal in the United States district court in
which the individual resides, in which the action in ques-
tion occurred, or in the district court for the District of
Columbia. If the individual adversely affected by the Ad-
ministrator’s action elects not to file an appeal in a Fed-
eral district court, the individual may file an appeal with
the National Transportation Safety Board.

(e) STANDARD OF REVIEW.—In an appeal filed under
subsection (d), the district court or the National Trans-
portation Safety Board, as the case may be, shall give full
independent review of a denial, suspension, or revocation
ordered by the Administrator, including substantive inde-
pendent and expedited review of any decision by the Ad-
ministrator to make the order effective immediately.

SEC. 3. NOTAMS PROVIDED TO AIRMEN.

(a) IN GENERAL.—

(1) DEFINITION.—In this section, the term
“NOTAM” means notices to airmen.

(2) IMPROVEMENTS.—Not later than 180 days
after the date of the enactment of this Act, the Ad-
ministrator of the Federal Aviation Administration
shall begin a Notice to Airmen Improvement Pro-
gram (in this section referred to as the “NOTAM
Improvement Program”) to—
(A) improve the system of providing air-
men with pertinent and timely information re-
garding the national airspace system;

(B) to archive, in a public central location,
all notices to airmen, including the original con-
tent and form of the notices, the original date
of publication, and any amendments to such no-
tices with the date of each amendment; and

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

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

(1) decrease the overwhelming volume of
NOTAMS an airman receives when retrieving air-
man information prior to a flight in the national air-
space system;

(2) make the NOTAMS more specific and rel-
levant to the airman’s route and in a format that is
more useable to the airman;

(3) provide both a full set of NOTAM results
in addition to specific information requested by air-
men;

(4) provide a document that is easily search-
able; and
(5) provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

(c) Advice From Private Sector Groups.—The Administrator shall establish a NOTAM Improvement Panel, consisting of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the Program under this section.

(d) Phase-In and Completion.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.

SEC. 4. FLIGHT SERVICE STATION BRIEFINGS.

The Flight Service Station briefings and other air traffic services performed by Lockheed Martin or any other government contractor shall be available to airmen under the section 522 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

SEC. 5. MEDICAL CERTIFICATION.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a review
of the Administration’s medical certification standards and forms in order to—

(1) revise the medical application form to provide greater clarity and guidance to applicants; and

(2) align medical qualification policies with present-day qualified medical judgment and practices as they may apply to an individual’s medically relevant circumstances; and

(3) publish objective medical standards so that the public is fairly advised of the criteria that determines an airman’s medical certificate eligibility.

(b) Goals of Program.—The goals of the review are to—

(1) provide questions in the medical application form that—

(A) are appropriate without being overly broad;

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

(C) allow for consistent treatment and responses during the medical application process; and

(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;
(2) provide questions that elicit information that is relevant to making a determination of an individual’s medical qualifications within the standards identified in the Administrator’s regulations;

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

(4) provide that the application of those standards ensures an appropriate and fair evaluation of an individual’s qualifications, and that the individual understands the basis for determining medical qualifications.

(c) Advice From Private Sector Groups.—The Administrator shall establish a panel, consisting of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the review required by this section.

(d) Phase-In and Completion.—The actions to revise the medical application form, to align the medical qualification policies, and to publish objective medical standards shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.
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A BILL

S. 3268

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