

Calendar No. 422112TH CONGRESS
2^D SESSION**S. 3268**

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”.

1 **SEC. 2. FAA ENFORCEMENT PROCEEDINGS AND ELIMI-**
2 **NATION OF DEFERENCE.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, any proceeding conducted under subpart C
5 or D and F of part 821 of title 49, Code of Federal Regu-
6 lations, relating to denial, amendment, modification, sus-
7 pension, or revocation of an airman certificate, shall be
8 conducted in accordance with the Federal Rules of Civil
9 Procedure and Federal Rules of Evidence, to the extent
10 practicable.

11 (b) ACCESS TO INFORMATION.—

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

19 (A) The nature of the investigation.

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

23 (C) No action or adverse inference can be
24 taken against the individual for declining to re-
25 spond to a Letter of Investigation from the Ad-
26 ministrator.

1 (D) Any response to a Letter of Investiga-
2 tion from the Administrator or to an inquiry
3 made by a representative of the Administrator
4 by the individual may be used as evidence
5 against the individual.

6 (E) The releasable portions of the Admin-
7 istrator's investigative report will be available to
8 the individual.

9 (2) ACCESS TO AIR TRAFFIC DATA.—The Ad-
10 ministrator of the Federal Aviation Administration
11 shall provide (in a timely manner) an individual who
12 is the subject of an investigation relating to ap-
13 proval, denial, suspension, modification, or revoca-
14 tion of an airman certificate under chapter 447 of
15 title 49, United States Code, any air traffic data
16 that would facilitate the individual's ability to pro-
17 ductively participate in the investigation, including
18 the following:

19 (A) Relevant air traffic communication
20 tapes.

21 (B) Radar information.

22 (C) Air traffic controller statements.

23 (D) Flight data.

24 (E) Investigative reports.

1 (F) Any other air traffic or flight data that
2 would facilitate the individual's ability to pro-
3 ductively participate in the investigation.

4 (3) TIMING.—The Administrator shall not pro-
5 ceed against an individual that is the subject of an
6 investigation described in paragraph (1) for at least
7 30 days after the air traffic data required under
8 paragraph (2) is made available to the individual.

9 (c) AMENDMENTS TO TITLE 49.—

10 (1) AIRMAN CERTIFICATES.—Section
11 44703(d)(2) of title 49, United States Code, is
12 amended by striking the second sentence and insert-
13 ing the following: “The Board is not bound by the
14 findings of fact of the Administrator of the Federal
15 Aviation Administration or the interpretation of laws
16 or regulations the Administrator carries out, but
17 may consider the interpretation and guidance of the
18 Administrator in its review in accordance with the
19 general administrative law principles of deference.”.

20 (2) AMENDMENTS, MODIFICATIONS, SUSPEN-
21 SIONS, AND REVOCATIONS OF CERTIFICATES.—Sec-
22 tion 44709(d)(3) of title 49, United States Code, is
23 amended by striking “is not bound” and all that fol-
24 lows through the end period and inserting the fol-
25 lowing: “is not bound by the findings of fact of the

1 Administrator or the interpretation of laws or regu-
2 lations the Administrator carries out, but may con-
3 sider the interpretation and guidance of the Admin-
4 istrator in its review in accordance with the general
5 administrative law principles of deference.”.

6 (3) REVOCATION OF AIRMAN CERTIFICATES
7 FOR CONTROLLED SUBSTANCE VIOLATIONS.—The
8 third sentence of section 44710(d)(1) of title 49,
9 United States Code, is amended in the third sen-
10 tence, by striking “is not bound” and all that follows
11 through the end period, and inserting the following:
12 “is not bound by findings of fact of the Adminis-
13 trator or the interpretation of laws or regulations
14 the Administrator carries out, but may consider the
15 interpretation and guidance of the Administrator in
16 its review in accordance with the general administra-
17 tive law principles of deference.”.

18 (d) APPEAL FROM CERTIFICATE ACTIONS.—Upon
19 an order or final decision by the Administrator of the Fed-
20 eral Aviation Administration denying an airman certificate
21 under section 44703(d) of title 49, United States Code,
22 or imposing a punitive civil action or an emergency order
23 of revocation under section 44709 (d) and (e) of title 49,
24 United States Code, the individual adversely affected by
25 the Administrator’s action may, at the individual’s elec-

1 tion, file an appeal in the United States district court in
2 which the individual resides, in which the action in ques-
3 tion occurred, or in the district court for the District of
4 Columbia. If the individual adversely affected by the Ad-
5 ministrator's action elects not to file an appeal in a Fed-
6 eral district court, the individual may file an appeal with
7 the National Transportation Safety Board.

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

15 **SEC. 3. NOTAMS PROVIDED TO AIRMEN.**

16 (a) IN GENERAL.—

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

19 (2) IMPROVEMENTS.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Federal Aviation Administration
22 shall begin a Notice to Airmen Improvement Pro-
23 gram (in this section referred to as the “NOTAM
24 Improvement Program”) to—

1 (A) improve the system of providing air-
2 men with pertinent and timely information re-
3 garding the national airspace system;

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

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

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

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

18 (2) make the NOTAMS more specific and rel-
19 evant to the airman's route and in a format that is
20 more useable to the airman;

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

24 (4) provide a document that is easily search-
25 able; and

1 (5) provide a filtering mechanism similar to
2 that provided by the Department of Defense Notices
3 to Airmen.

4 (c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The
5 Administrator shall establish a NOTAM Improvement
6 Panel, consisting of relevant nonprofit and not-for-profit
7 general aviation pilot groups, to advise the Administrator
8 in carrying out the goals of the Program under this sec-
9 tion.

10 (d) **PHASE-IN AND COMPLETION.**—The improve-
11 ments required by this section shall be phased in as quick-
12 ly as practicable and shall be completed not later than the
13 date that is 1 year after the date of the enactment of this
14 Act.

15 **SEC. 4. FLIGHT SERVICE STATION BRIEFINGS.**

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

21 **SEC. 5. MEDICAL CERTIFICATION.**

22 (a) **IN GENERAL.**—Not later than 180 days after the
23 date of the enactment of this Act, the Administrator of
24 the Federal Aviation Administration shall begin a review

1 of the Administration's medical certification standards
2 and forms in order to—

3 (1) revise the medical application form to pro-
4 vide greater clarity and guidance to applicants; and

5 (2) align medical qualification policies with
6 present-day qualified medical judgment and prac-
7 tices as they may apply to an individual's medically
8 relevant circumstances; and

9 (3) publish objective medical standards so that
10 the public is fairly advised of the criteria that deter-
11 mines an airman's medical certificate eligibility.

12 (b) GOALS OF PROGRAM.—The goals of the review
13 are to—

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

16 (A) are appropriate without being overly
17 broad;

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

20 (C) allow for consistent treatment and re-
21 sponses during the medical application process;
22 and

23 (D) avoid unnecessary allegations that an
24 individual has intentionally falsified answers on
25 the form;

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

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

8 (4) provide that the application of those stand-
9 ards ensures an appropriate and fair evaluation of
10 an individual's qualifications, and that the individual
11 understands the basis for determining medical quali-
12 fications.

13 (c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The
14 Administrator shall establish a panel, consisting of rel-
15 evant nonprofit and not-for-profit general aviation pilot
16 groups, aviation medical examiners, and other qualified
17 medical experts, to advise the Administrator in carrying
18 out the goals of the review required by this section.

19 (d) **PHASE-IN AND COMPLETION.**—The actions to re-
20 vise the medical application form, to align the medical
21 qualification policies, and to publish objective medical
22 standards shall be phased in as quickly as practicable and
23 shall be completed not later than the date that is 1 year
24 after the date of the enactment of this Act.

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

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