

# Union Calendar No. 253

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3578

[Report No. 113-343]

To ensure that any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder is adopted pursuant to a rulemaking proceeding, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. LOBIONDO (for himself, Mr. LARSEN of Washington, Mr. BUCSHON, Mr. GRAVES of Missouri, Mr. LIPINSKI, and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

FEBRUARY 6, 2014

Additional sponsors: Mr. HUDSON, Mr. YOUNG of Alaska, Mr. BARROW of Georgia, Mr. ROKITA, Mr. RIBBLE, Mr. FARENTHOLD, Mr. RODNEY DAVIS of Illinois, Mr. RENACCI, Mr. HANNA, Mr. FLORES, Mrs. HARTZLER, Mr. PETRI, Mr. POMPEO, Mr. GERLACH, Mr. LONG, Mr. LOWENTHAL, Mr. DENT, Mr. WESTMORELAND, Mr. COLLINS of New York, Mr. PETERSON, Mr. MARCHANT, Mr. GRIFFIN of Arkansas, Mr. HUELSKAMP, Mr. MEADOWS, Mr. WOMACK, Mr. NUGENT, Mr. LUETKEMEYER, Mr. STIVERS, Mr. SMITH of Texas, Mr. ROSKAM, Mr. COBLE, Mrs. CAPITO, Ms. JENKINS, Mr. AUSTIN SCOTT of Georgia, and Mr. JOHNSON of Ohio

FEBRUARY 6, 2014

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

# **A BILL**

To ensure that any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder is adopted pursuant to a rulemaking proceeding, 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. MEDICAL CERTIFICATION REQUIREMENTS FOR**  
4 **AIRMEN AND AIR TRAFFIC CONTROLLERS**  
5 **RELATING TO SLEEP DISORDERS.**

6 (a) **IN GENERAL.**—The Secretary of Transportation  
7 may implement or enforce a requirement providing for the  
8 screening, testing, or treatment (including consideration  
9 of all possible treatment alternatives) of an airman or an  
10 air traffic controller for a sleep disorder only if the re-  
11 quirement is adopted pursuant to a rulemaking pro-  
12 ceeding.

13 (b) **APPLICABILITY.**—Subsection (a) shall not apply  
14 to a requirement that was in force before November 1,  
15 2013.

16 (c) **DEFINITIONS.**—In this section, the following defi-  
17 nitions apply:

18 (1) **AIRMAN.**—The term “airman” has the  
19 meaning given that term in section 40102(a) of title  
20 49, United States Code.

21 (2) **AIR TRAFFIC CONTROLLER.**—The term “air  
22 traffic controller” means a civilian employee of the  
23 Department of Transportation described in section  
24 2109 of title 5, United States Code.

1           ~~(3)~~ SLEEP DISORDER.—The term “sleep dis-  
2           order” includes obstructive sleep apnea.

3   **SECTION 1. MEDICAL CERTIFICATION REQUIREMENTS FOR**  
4                   **AIRMEN AND AIR TRAFFIC CONTROLLERS RE-**  
5                   **LATING TO SLEEP DISORDERS.**

6           (a) *IN GENERAL.*—The Secretary of Transportation  
7   may, consistent with accepted medical standards and prac-  
8   tices, implement or enforce a requirement providing for the  
9   screening, testing, or treatment (including consideration of  
10  all possible treatment alternatives) of an airman or an air  
11  traffic controller for a sleep disorder—

12           (1) *in the case of an airman, only if the require-*  
13   *ment is adopted pursuant to a rulemaking pro-*  
14   *ceeding; and*

15           (2) *in the case of an air traffic controller, only*  
16   *if the Federal Aviation Administration meets its obli-*  
17   *gations pursuant to chapter 71 of title 5, United*  
18   *States Code.*

19           (b) *APPLICABILITY.*—Subsection (a) shall not apply to  
20  a requirement that was in force before November 1, 2013.

21           (c) *DEFINITIONS.*—In this section, the following defi-  
22  nitions apply:

23           (1) *AIRMAN.*—The term “airman” has the mean-  
24   ing given that term in section 40102(a) of title 49,  
25   United States Code.

1           (2) *AIR TRAFFIC CONTROLLER.*—*The term “air*  
2           *traffic controller” means a civilian employee of the*  
3           *Department of Transportation described in section*  
4           *2109 of title 5, United States Code.*

5           (3) *SLEEP DISORDER.*—*The term “sleep dis-*  
6           *order” includes obstructive sleep apnea.*

Amend the title so as to read: “A bill to establish requirements for the adoption of any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder, and for other purposes.”.

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