

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 571

To amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Marchion

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as "Pilot's Bill of Rights 2".

5 **SEC. 2. MEDICAL CERTIFICATION OF CERTAIN SMALL AIR-**
6 **CRAFT PILOTS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall issue or revise regu-

1 lations to ensure that an individual may operate as pilot
2 in command of a covered aircraft if—

3 (1) the individual possesses a valid driver's li-
4 cense issued by a State, territory, or possession of
5 the United States and complies with all medical re-
6 quirements or restrictions associated with that li-
7 cense;

8 (2) the individual holds a medical certificate
9 issued by the Federal Aviation Administration on
10 the date of enactment of this Act, held such a cer-
11 tificate at any point during the 10-year period pre-
12 ceding such date of enactment, or obtains such a
13 certificate after such date of enactment;

14 (3) the most recent medical certificate issued by
15 the Federal Aviation Administration to the indi-
16 vidual—

17 (A) indicates whether the certificate is
18 first, second, or third class;

19 (B) may include authorization for special
20 issuance;

21 (C) may be expired;

22 (D) cannot have been revoked or sus-
23 pended; and

24 (E) cannot have been withdrawn;

1 (4) the most recent application for airman med-
2 ical certification submitted to the Federal Aviation
3 Administration by the individual cannot have been
4 completed and denied;

5 (5) the individual has completed a medical edu-
6 cation course described in subsection (c) during the
7 24 calendar months before acting as pilot in com-
8 mand of a covered aircraft and demonstrates proof
9 of completion of the course;

10 (6) the individual, when serving as a pilot in
11 command, is under the care and treatment of a phy-
12 sician if the individual has been diagnosed with any
13 medical condition that may impact the ability of the
14 individual to fly;

15 (7) the individual has received a comprehensive
16 medical examination from a State-licensed physician
17 during the previous 48 months and—

18 (A) prior to the examination, the indi-
19 vidual—

20 (i) completed the individual's section
21 of the checklist described in subsection (b);
22 and

23 (ii) provided the completed checklist
24 to the physician performing the examina-
25 tion; and

1 (B) the physician conducted the com-
2 prehensive medical examination in accordance
3 with the checklist described in subsection (b),
4 checking each item specified during the exam-
5 ination and addressing, as medically appro-
6 priate, every medical condition listed, and any
7 medications the individual is taking; and

8 (8) the individual is operating in accordance
9 with the following conditions:

10 (A) The covered aircraft is carrying not
11 more than 5 passengers.

12 (B) The individual is operating the covered
13 aircraft under visual flight rules or instrument
14 flight rules.

15 (C) The flight, including each portion of
16 that flight, is not carried out—

17 (i) for compensation or hire, including
18 that no passenger or property on the flight
19 is being carried for compensation or hire;

20 (ii) at an altitude that is more than
21 18,000 feet above mean sea level;

22 (iii) outside the United States, unless
23 authorized by the country in which the
24 flight is conducted; or

1 (iv) at an indicated air speed exceed-
2 ing 250 knots.

3 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Adminis-
6 trator shall develop a checklist for an individual to
7 complete and provide to the physician performing
8 the comprehensive medical examination required in
9 subsection (a)(7).

10 (2) REQUIREMENTS.—The checklist shall con-
11 tain—

12 (A) a section, for the individual to com-
13 plete that contains—

14 (i) boxes 3 through 13 and boxes 16
15 through 19 of the Federal Aviation Admin-
16 istration Form 8500-8 (3-99);

17 (ii) a signature line for the individual
18 to affirm that—

19 (I) the answers provided by the
20 individual on that checklist, including
21 the individual's answers regarding
22 medical history, are true and com-
23 plete;

24 (II) the individual understands
25 that he or she is prohibited under

1 Federal Aviation Administration regula-
2 tions from acting as pilot in com-
3 mand, or any other capacity as a re-
4 quired flight crew member, if he or
5 she knows or has reason to know of
6 any medical deficiency or medically
7 disqualifying condition that would
8 make the individual unable to operate
9 the aircraft in a safe manner; and

10 (III) the individual is aware of
11 the regulations pertaining to the pro-
12 hibition on operations during medical
13 deficiency and has no medically dis-
14 qualifying conditions in accordance
15 with applicable law;

16 (B) a section with instructions for the indi-
17 vidual to provide the completed checklist to the
18 physician performing the comprehensive medical
19 examination required in subsection (a)(7); and

20 (C) a section, for the physician to com-
21 plete, that instructs the physician—

22 (i) to perform a clinical examination
23 of—

24 (I) head, face, neck, and scalp;

- 1 (II) nose, sinuses, mouth, and
2 throat;
- 3 (III) ears, general (internal and
4 external canals) and eardrums (per-
5 foration);
- 6 (IV) eyes (general),
7 ophthalmoscopic, pupils (equality and
8 reaction), and ocular motility (associ-
9 ated parallel movement, nystagmus);
- 10 (V) lungs and chest (not includ-
11 ing breast examination);
- 12 (VI) heart (precordial activity,
13 rhythm, sounds, and murmurs);
- 14 (VII) vascular system (pulse, am-
15 plitude and character; arms, legs, oth-
16 ers);
- 17 (VIII) abdomen and viscera (in-
18 cluding hernia);
- 19 (IX) anus (not including digital
20 examination);
- 21 (X) skin;
- 22 (XI) G-U system (not including
23 pelvic examination);
- 24 (XII) upper and lower extrem-
25 ities (strength and range of motion);

1 (XIII) spine, other musculo-
2 skeletal;

3 (XIV) identifying body marks,
4 scars, and tattoos (size and location);

5 (XV) lymphatics;

6 (XVI) neurologic (tendon re-
7 flexes, equilibrium, senses, cranial
8 nerves, and coordination, etc.);

9 (XVII) psychiatric (appearance,
10 behavior, mood, communication, and
11 memory);

12 (XVIII) general systemic;

13 (XIX) hearing;

14 (XX) vision (distant, near, and
15 intermediate vision, field of vision,
16 color vision, and ocular alignment);

17 (XXI) blood pressure; and pulse;
18 and

19 (XXII) anything else the physi-
20 cian, in his or her medical judgment
21 considers necessary;

22 (ii) to exercise medical discretion to
23 address, as medically appropriate, any
24 medical conditions identified, and to exer-
25 cise medical discretion in determining

1 whether any medical tests are warranted
2 as part of the comprehensive medical ex-
3 amination;

4 (iii) to discuss all drugs the individual
5 reports taking (prescription and non-
6 prescription) and their potential to inter-
7 fere with the safe operation of an aircraft
8 or motor vehicle;

9 (iv) to sign the checklist, stating “I
10 certify that I discussed all items on this
11 checklist with the individual during my ex-
12 amination, discussed any medications the
13 individual is taking that could interfere
14 with their ability to safely operate an air-
15 craft or motor vehicle, and performed an
16 examination that included all of the items
17 on this checklist.”; and

18 (v) to provide the date the comprehen-
19 sive medical examination was completed,
20 and the physician’s full name, address,
21 telephone number, and State medical li-
22 cense number.

23 (3) LOGBOOK.—The completed checklist shall
24 be retained in the individual’s logbook and made
25 available on request.

1 (c) MEDICAL EDUCATION COURSE REQUIRE-
2 MENTS.—The medical education course described in this
3 subsection shall—

4 (1) be available on the Internet free of charge;

5 (2) be developed and periodically updated in co-
6 ordination with representatives of relevant nonprofit
7 and not-for-profit general aviation stakeholder
8 groups;

9 (3) educate pilots on conducting medical self-as-
10 sessments;

11 (4) advise pilots on identifying warning signs of
12 potential serious medical conditions;

13 (5) identify risk mitigation strategies for med-
14 ical conditions;

15 (6) increase awareness of the impacts of poten-
16 tially impairing over-the-counter and prescription
17 drug medications;

18 (7) encourage regular medical examinations and
19 consultations with primary care physicians;

20 (8) inform pilots of the regulations pertaining
21 to the prohibition on operations during medical defi-
22 ciency and medically disqualifying conditions;

23 (9) provide the checklist developed by the Fed-
24 eral Aviation Administration in accordance with sub-
25 section (b); and

1 (10) upon successful completion of the course,
2 electronically provide to the individual and transmit
3 to the Federal Aviation Administration—

4 (A) a certification of completion of the
5 medical education course, which shall be printed
6 and retained in the individual's logbook and
7 made available upon request, and shall contain
8 the individual's name, address, and airman cer-
9 tificate number;

10 (B) subject to subsection (d), a release au-
11 thORIZING the National Driver Register through
12 a designated State Department of Motor Vehi-
13 cles to furnish to the Federal Aviation Adminis-
14 tration information pertaining to the individ-
15 ual's driving record;

16 (C) a certification by the individual that
17 the individual is under the care and treatment
18 of a physician if the individual has been diag-
19 nosed with any medical condition that may im-
20 pact the ability of the individual to fly, as re-
21 quired under (a)(6);

22 (D) a form that includes—

23 (i) the name, address, telephone num-
24 ber, and airman certificate number of the
25 individual;

1 (ii) the name, address, telephone num-
2 ber, and State medical license number of
3 the physician performing the comprehen-
4 sive medical examination required in sub-
5 section (a)(7);

6 (iii) the date of the comprehensive
7 medical examination required in subsection
8 (a)(7); and

9 (iv) a certification by the individual
10 that the checklist described in subsection
11 (b) was followed in the comprehensive
12 medical examination required in subsection
13 (a)(7); and

14 (E) a statement, which shall be printed,
15 and signed by the individual certifying that the
16 individual understands the existing prohibition
17 on operations during medical deficiency by stat-
18 ing: "I understand that I cannot act as pilot in
19 command, or any other capacity as a required
20 flight crew member, if I know or have reason to
21 know of any medical condition that would make
22 me unable to operate the aircraft in a safe
23 manner".

24 (d) NATIONAL DRIVER REGISTER.—The authoriza-
25 tion under subsection (c)(10)(B) shall be an authorization

1 for a single access to the information contained in the Na-
2 tional Driver Register.

3 (e) SPECIAL ISSUANCE PROCESS.—

4 (1) IN GENERAL.—An individual who has quali-
5 fied for the third-class medical certificate exemption
6 under subsection (a) and is seeking to serve as a
7 pilot in command of a covered aircraft shall be re-
8 quired to have completed the process for obtaining
9 an Authorization for Special Issuance of a Medical
10 Certificate for each of the following:

11 (A) A mental health disorder, limited to an
12 established medical history or clinical diagnosis
13 of—

14 (i) personality disorder that is severe
15 enough to have repeatedly manifested itself
16 by overt acts;

17 (ii) psychosis, defined as a case in
18 which an individual—

19 (I) has manifested delusions, hal-
20 lucinations, grossly bizarre or disorga-
21 nized behavior, or other commonly ac-
22 cepted symptoms of psychosis; or

23 (II) may reasonably be expected
24 to manifest delusions, hallucinations,
25 grossly bizarre or disorganized behav-

1 ior, or other commonly accepted
2 symptoms of psychosis;
3 (iii) bipolar disorder; or
4 (iv) substance dependence within the
5 previous 2 years, as defined in section
6 67.307(a)(4) of title 14, Code of Federal
7 Regulations.

8 (B) A neurological disorder, limited to an
9 established medical history or clinical diagnosis
10 of any of the following:

- 11 (i) Epilepsy.
12 (ii) Disturbance of consciousness with-
13 out satisfactory medical explanation of the
14 cause.
15 (iii) A transient loss of control of
16 nervous system functions without satisfac-
17 tory medical explanation of the cause.

18 (C) A cardiovascular condition, limited to a
19 one-time special issuance for each diagnosis of
20 the following:

- 21 (i) Myocardial infraction.
22 (ii) Coronary heart disease that has
23 required treatment.
24 (iii) Cardiac valve replacement.
25 (iv) Heart replacement.

1 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
2 DITIONS.—In the case of an individual with a car-
3 diovascular condition, the process for obtaining an
4 Authorization for Special Issuance of a Medical Cer-
5 tificate shall be satisfied with the successful comple-
6 tion of an appropriate clinical evaluation without a
7 mandatory wait period.

8 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
9 DITIONS.—

10 (A) In the case of an individual with a
11 clinically diagnosed mental health condition, the
12 third-class medical certificate exemption under
13 subsection (a) shall not apply if—

14 (i) in the judgment of the individual's
15 State-licensed medical specialist, the condi-
16 tion—

17 (I) renders the individual unable
18 to safely perform the duties or exer-
19 cise the airman privileges described in
20 subsection (a)(8); or

21 (II) may reasonably be expected
22 to make the individual unable to per-
23 form the duties or exercise the privi-
24 leges described in subsection (a)(8); or

1 (ii) the individual's driver's license is
2 revoked by the issuing agency as a result
3 of a clinically diagnosed mental health con-
4 dition.

5 (B) Subject to subparagraph (A), an indi-
6 vidual clinically diagnosed with a mental health
7 condition shall certify every 2 years, in conjunc-
8 tion with the certification under subsection
9 (e)(10)(C), that the individual is under the care
10 of a State-licensed medical specialist for that
11 mental health condition.

12 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
13 TIONS.—

14 (A) In the case of an individual with a
15 clinically diagnosed neurological condition, the
16 third-class medical certificate exemption under
17 subsection (a) shall not apply if—

18 (i) in the judgment of the individual's
19 State-licensed medical specialist, the condi-
20 tion—

21 (I) renders the individual unable
22 to safely perform the duties or exer-
23 cise the airman privileges described in
24 subsection (a)(8); or

1 (II) may reasonably be expected
2 to make the individual unable to per-
3 form the duties or exercise the privi-
4 leges described in subsection (a)(8); or
5 (ii) the individual's driver's license is
6 revoked by the issuing agency as a result
7 of a clinically diagnosed neurological condi-
8 tion.

9 (B) Subject to subparagraph (A), an indi-
10 vidual clinically diagnosed with a neurological
11 condition shall certify every 2 years, in conjunc-
12 tion with the certification under subsection
13 (c)(10)(C), that the individual is under the care
14 of a State-licensed medical specialist for that
15 neurological condition.

16 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
17 DITIONS FOR THE CACI PROGRAM.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Adminis-
20 trator shall review and identify additional medical
21 conditions that could be added to the program
22 known as the Conditions AMEs Can Issue (CACI)
23 program.

1 (2) CONSULTATIONS.—In carrying out para-
2 graph (1), the Administrator shall consult with avia-
3 tion, medical, and union stakeholders.

4 (3) REPORT REQUIRED.—Not later than 180
5 days after the date of enactment of this Act, the Ad-
6 ministrator shall submit to the Committee on Com-
7 merce, Science, and Transportation of the Senate
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report
10 listing the medical conditions that have been added
11 to the CACI program under paragraph (1).

12 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
13 ISSUANCE OF A MEDICAL CERTIFICATE.—

14 (1) IN GENERAL.—The Administrator shall im-
15 plement procedures to expedite the process for ob-
16 taining an Authorization for Special Issuance of a
17 Medical Certificate under section 67.401 of title 14,
18 Code of Federal Regulations.

19 (2) CONSULTATIONS.—In carrying out para-
20 graph (1), the Administrator shall consult with avia-
21 tion, medical, and union stakeholders.

22 (3) REPORT REQUIRED.—Not later than 1 year
23 after the date of enactment of this Act, the Adminis-
24 trator shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives a report describing
3 how the procedures implemented under paragraph
4 (1) will streamline the process for obtaining an Au-
5 thorization for Special Issuance of a Medical Certifi-
6 cate and reduce the amount of time needed to review
7 and decide special issuance cases.

8 (h) REPORT REQUIRED.—Not later than 5 years
9 after the date of enactment of this Act, the Administrator,
10 in coordination with the National Transportation Safety
11 Board, shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report that describes the effect of the
15 regulations issued or revised under subsection (a) and in-
16 cludes statistics with respect to changes in small aircraft
17 activity and safety incidents.

18 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
19 ginning on the date that is 1 year after the date of enact-
20 ment of this Act, the Administrator may not take an en-
21 forcement action for not holding a valid third-class med-
22 ical certificate against a pilot of a covered aircraft for a
23 flight, through a good faith effort, if the pilot and the
24 flight meet the applicable requirements under subsection
25 (a), except paragraph (5), unless the Administrator has

1 published final regulations in the Federal Register under
2 that subsection.

3 (j) COVERED AIRCRAFT DEFINED.—In this section,
4 the term “covered aircraft” means an aircraft that—

5 (1) is authorized under Federal law to carry not
6 more than 6 occupants; and

7 (2) has a maximum certificated takeoff weight
8 of not more than 6,000 pounds.

9 (k) OPERATIONS COVERED.—The provisions and re-
10 quirements covered in this section do not apply to pilots
11 who elect to operate under the medical requirements under
12 section 61.23(e) of title 14, Code of Federal Regulations,
13 or section 61.23(b) of that title.

14 **SEC. 3. EXPANSION OF PILOT'S BILL OF RIGHTS.**

15 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
16 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
17 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
18 44703 note) is amended by striking “or imposing a puni-
19 tive civil action or an emergency order of revocation under
20 subsections (d) and (e) of section 44709 of such title” and
21 inserting “suspending or revoking an airman certificate
22 under section 44709(d) of such title, or imposing an emer-
23 gency order of revocation under subsections (d) and (e)
24 of section 44709 of such title”.

1 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
2 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights
3 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
4 note) is amended—

5 (1) by amending paragraph (1) to read as fol-
6 lows:

7 “(1) IN GENERAL.—In an appeal filed under
8 subsection (d) in a United States district court with
9 respect to a denial, suspension, or revocation of an
10 airman certificate by the Administrator—

11 “(A) the district court shall review the de-
12 nial, suspension, or revocation de novo, includ-
13 ing by—

14 “(i) conducting a full independent re-
15 view of the complete administrative record
16 of the denial, suspension, or revocation;

17 “(ii) permitting additional discovery
18 and the taking of additional evidence; and

19 “(iii) making the findings of fact and
20 conclusions of law required by Rule 52 of
21 the Federal Rules of Civil Procedure with-
22 out being bound to any findings of fact of
23 the Administrator or the National Trans-
24 portation Safety Board.”;

1 (2) by redesignating paragraph (2) as para-
2 graph (3); and

3 (3) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) BURDEN OF PROOF.—In an appeal filed
6 under subsection (d) in a United States district
7 court after an exhaustion of administrative remedies,
8 the burden of proof shall be as follows:

9 “(A) In an appeal of the denial of an ap-
10 plication for the issuance or renewal of an air-
11 man certificate under section 44703 of title 49,
12 United States Code, the burden of proof shall
13 be upon the applicant denied an airman certifi-
14 cate by the Administrator.

15 “(B) In an appeal of an order issued by
16 the Administrator under section 44709 of title
17 49, United States Code, the burden of proof
18 shall be upon the Administrator.”; and

19 (4) by adding at the end the following:

20 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
21 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
22 this subsection or subsection (a)(1) of section 554 of
23 title 5, United States Code, section 554 of such title
24 shall apply to adjudications of the Administrator
25 and the National Transportation Safety Board to

1 the same extent as that section applied to such adju-
2 dications before the date of enactment of the Pilot's
3 Bill of Rights 2.”.

4 (c) NOTIFICATION OF INVESTIGATION.—Subsection
5 (b) of section 2 of the Pilot's Bill of Rights (Public Law
6 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
7 amended—

8 (1) in paragraph (2)(A), by inserting “and the
9 specific activity on which the investigation is based”
10 after “nature of the investigation”; and

11 (2) in paragraph (3), by striking “timely”; and

12 (3) in paragraph (5), by striking “section
13 44709(c)(2)” and inserting “section 44709(e)(2)”.

14 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
15 2 of the Pilot's Bill of Rights (Public Law 112–153; 126
16 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
17 inserting after subsection (e) the following:

18 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

19 “(1) IN GENERAL.—

20 “(A) EMERGENCY ORDERS.—In any pro-
21 ceeding conducted under part 821 of title 49,
22 Code of Federal Regulations, relating to the
23 amendment, modification, suspension, or rev-
24 ocation of an airman certificate, in which the
25 Administrator issues an emergency order under

1 subsections (d) and (e) of section 44709, sec-
2 tion 44710, or section 46105(e) of title 49,
3 United States Code, or another order that takes
4 effect immediately, the Administrator shall pro-
5 vide to the individual holding the airman certifi-
6 cate the releasable portion of the investigative
7 report at the time the Administrator issues the
8 order. If the complete Report of Investigation is
9 not available at the time the Emergency Order
10 is issued, the Administrator shall issue all por-
11 tions of the report that are available at the time
12 and shall provide the full report within 5 days
13 of its completion.

14 “(B) OTHER ORDERS.—In any non-emer-
15 gency proceeding conducted under part 821 of
16 title 49, Code of Federal Regulations, relating
17 to the amendment, modification, suspension, or
18 revocation of an airman certificate, in which the
19 Administrator notifies the certificate holder of a
20 proposed certificate action under subsections
21 (b) and (c) of section 44709 or section 44710
22 of title 49, United States Code, the Adminis-
23 trator shall, upon the written request of the
24 covered certificate holder and at any time after
25 that notification, provide to the covered certifi-

1 cate holder the releasable portion of the inves-
2 tigative report.

3 “(2) MOTION FOR DISMISSAL.—If the Adminis-
4 trator does not provide the releasable portions of the
5 investigative report to the individual holding the air-
6 man certificate subject to the proceeding referred to
7 in paragraph (1) by the time required by that para-
8 graph, the individual may move to dismiss the com-
9 plaint of the Administrator or for other relief and,
10 unless the Administrator establishes good cause for
11 the failure to provide the investigative report or for
12 a lack of timeliness, the administrative law judge
13 shall order such relief as the judge considers appro-
14 priate.

15 “(3) RELEASABLE PORTION OF INVESTIGATIVE
16 REPORT.—For purposes of paragraph (1), the re-
17 leasable portion of an investigative report is all in-
18 formation in the report, except for the following:

19 “(A) Information that is privileged.

20 “(B) Information that constitutes work
21 product or reflects internal deliberative process.

22 “(C) Information that would disclose the
23 identity of a confidential source.

24 “(D) Information the disclosure of which is
25 prohibited by any other provision of law.

1 “(E) Information that is not relevant to
2 the subject matter of the proceeding.

3 “(F) Information the Administrator can
4 demonstrate is withheld for good cause.

5 “(G) Sensitive security information, as de-
6 fined in section 15.5 of title 49, Code of Fed-
7 eral Regulations (or any corresponding similar
8 ruling or regulation).

9 “(4) RULE OF CONSTRUCTION.—Nothing in
10 this subsection shall be construed to prevent the Ad-
11 ministrator from releasing to an individual subject
12 to an investigation described in subsection (b)(1)—

13 “(A) information in addition to the infor-
14 mation included in the releasable portion of the
15 investigative report; or

16 “(B) a copy of the investigative report be-
17 fore the Administrator issues a complaint.”.

18 **SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE**
19 **HOLDERS.**

20 (a) IN GENERAL.—Section 44709(a) of title 49,
21 United States Code, is amended—

22 (1) by striking “The Administrator” and insert-
23 ing the following:

24 “(1) IN GENERAL.—The Administrator”;

1 (2) by striking “reexamine” and inserting “, ex-
2 cept as provided in paragraph (2), reexamine”;

3 (3) by adding at the end the following:

4 “(2) LIMITATION ON THE REEXAMINATION OF
5 AIRMAN CERTIFICATES.—

6 “(A) IN GENERAL.—The Administrator
7 may not reexamine an airman holding a stu-
8 dent, sport, recreational, or private pilot certifi-
9 cate issued under section 44703 of this title if
10 the reexamination is ordered as a result of an
11 event involving the fault of the Federal Aviation
12 Administration or its designee, unless the Ad-
13 ministrator has reasonable grounds—

14 “(i) to establish that the airman may
15 not be qualified to exercise the privileges of
16 a particular certificate or rating, based
17 upon an act or omission committed by the
18 airman while exercising those privileges,
19 after the certificate or rating was issued by
20 the Federal Aviation Administration or its
21 designee; or

22 “(ii) to demonstrate that the airman
23 obtained the certificate or the rating
24 through fraudulent means or through an
25 examination that was substantially and de-

1 monstrably inadequate to establish the air-
2 man's qualifications.

3 “(B) NOTIFICATION REQUIREMENTS.—Be-
4 fore taking any action to reexamine an airman
5 under subparagraph (A), the Administrator
6 shall provide to the airman—

7 “(i) a reasonable basis, described in
8 detail, for requesting the reexamination;
9 and

10 “(ii) any information gathered by the
11 Federal Aviation Administration, that the
12 Administrator determines is appropriate to
13 provide, such as the scope and nature of
14 the requested reexamination, that formed
15 the basis for that justification.”.

16 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
17 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
18 INATION.—Section 44709(b) of title 49, United States
19 Code, is amended—

20 (1) in paragraph (1), by redesignating subpara-
21 graphs (A) and (B) as clauses (i) and (ii), respec-
22 tively, and indenting appropriately;

23 (2) by redesignating paragraphs (1) and (2) as
24 subparagraphs (A) and (B), respectively, and indent-
25 ing appropriately;

1 (3) in the matter preceding subparagraph (A),
2 as redesignated, by striking “The Administrator”
3 and inserting the following:

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Administrator”; and

6 (4) by adding at the end the following:

7 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
8 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
9 AFTER REEXAMINATION.—

10 “(A) IN GENERAL.—The Administrator
11 may not issue an order to amend, modify, sus-
12 pend, or revoke an airman certificate held by a
13 student, sport, recreational, or private pilot and
14 issued under section 44703 of this title after a
15 reexamination of the airman holding the certifi-
16 cate unless the Administrator determines that
17 the airman—

18 “(i) lacks the technical skills and com-
19 petency, or care, judgment, and responsi-
20 bility, necessary to hold and safely exercise
21 the privileges of the certificate; or

22 “(ii) materially contributed to the
23 issuance of the certificate by fraudulent
24 means.

1 “(B) STANDARD OF REVIEW.—Any order
2 of the Administrator under this paragraph shall
3 be subject to the standard of review provided
4 for under section 2 of the Pilot’s Bill of Rights
5 (49 U.S.C. 44703 note).”.

6 (c) CONFORMING AMENDMENTS.—Section
7 44709(d)(1) of title 49, United States Code, is amended—

8 (1) in subparagraph (A), by striking “sub-
9 section (b)(1)(A)” and inserting “subsection
10 (b)(1)(A)(i)”; and

11 (2) in subparagraph (B), by striking “sub-
12 section (b)(1)(B)” and inserting “subsection
13 (b)(1)(A)(ii)”.

14 **SEC. 5. EXPEDITING UPDATES TO NOTAM PROGRAM.**

15 (a) IN GENERAL.—

16 (1) Beginning on the date that is 180 days
17 after the date of enactment of this Act, the Adminis-
18 trator of the Federal Aviation Administration may
19 not take any enforcement action against any indi-
20 vidual for a violation of a NOTAM (as defined in
21 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
22 44701 note)) until the Administrator certifies to the
23 appropriate congressional committees that the Ad-
24 ministrator has complied with the requirements of

1 section 3 of the Pilot's Bill of Rights, as amended
2 by this section.

3 (2) In this subsection, the term "appropriate
4 congressional committees" means—

5 (A) the Committee on Commerce, Science,
6 and Transportation of the Senate; and

7 (B) the Committee on Transportation and
8 Infrastructure of the House of Representatives.

9 (b) AMENDMENTS.—Section 3 of the Pilot's Bill of
10 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
11 44701 note) is amended—

12 (1) in subsection (a)(2)—

13 (A) in the matter preceding subparagraph

14 (A)—

15 (i) by striking "this Act" and insert-
16 ing "the Pilot's Bill of Rights 2"; and

17 (ii) by striking "begin" and inserting
18 "complete the implementation of";

19 (B) by amending subparagraph (B) to read
20 as follows:

21 "(B) to continue developing and modern-
22 izing the NOTAM repository, in a public cen-
23 tral location, to maintain and archive all
24 NOTAMs, including the original content and
25 form of the notices, the original date of publica-

1 tion, and any amendments to such notices with
2 the date of each amendment, in a manner that
3 is Internet-accessible, machine-readable, and
4 searchable;”;

5 (C) in subparagraph (C), by striking the
6 period at the end and inserting a semicolon;
7 and

8 (D) by adding at the end the following:

9 “(D) to specify the times during which
10 temporary flight restrictions are in effect and
11 the duration of a designation of special use air-
12 space in a specific area.”; and

13 (2) by amending subsection (d) to read as fol-
14 lows:

15 “(d) DESIGNATION OF REPOSITORY AS SOLE
16 SOURCE FOR NOTAMS.—

17 “(1) IN GENERAL.—The Administrator—

18 “(A) shall consider the repository for
19 NOTAMs under subsection (a)(2)(B) to be the
20 sole location for airmen to check for NOTAMs;
21 and

22 “(B) may not consider a NOTAM to be
23 announced or published until the NOTAM is in-
24 cluded in the repository for NOTAMs under
25 subsection (a)(2)(B).

1 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
2 LATIONS OF NOTAMS NOT IN REPOSITORY.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), beginning on the date that
5 the repository under subsection (a)(2)(B) is
6 final and published, the Administrator may not
7 take any enforcement action against an airman
8 for a violation of a NOTAM during a flight if—

9 “(i) that NOTAM is not available
10 through the repository before the com-
11 mencement of the flight; and

12 “(ii) that NOTAM is not reasonably
13 accessible and identifiable to the airman.

14 “(B) EXCEPTION FOR NATIONAL SECUR-
15 ITY.—Subparagraph (A) shall not apply in the
16 case of an enforcement action for a violation of
17 a NOTAM that directly relates to national se-
18 curity.”.

19 **SEC. 6. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

20 (a) IN GENERAL.—Subchapter I of chapter 471 of
21 title 49, United States Code, is amended by inserting after
22 section 47124 the following:

23 **“§ 47124a. Accessibility of certain flight data**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ADMINISTRATION.—The term ‘Administra-
2 tion’ means the Federal Aviation Administration.

3 “(2) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Federal Avia-
5 tion Administration.

6 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
7 plicable individual’ means an individual who is the
8 subject of an investigation initiated by the Adminis-
9 trator related to a covered flight record.

10 “(4) CONTRACT TOWER.—The term ‘contract
11 tower’ means an air traffic control tower providing
12 air traffic control services pursuant to a contract
13 with the Administration under the contract air traf-
14 fic control tower program under section
15 47124(b)(3).

16 “(5) COVERED FLIGHT RECORD.—The term
17 ‘covered flight record’ means any air traffic data (as
18 defined in section 2(b)(4)(B) of the Pilot’s Bill of
19 Rights (49 U.S.C. 44703 note)), created, main-
20 tained, or controlled by any program of the Adminis-
21 tration, including any program of the Administration
22 carried out by employees or contractors of the Ad-
23 ministration, such as contract towers, flight service
24 stations, and controller training programs.

1 “(b) PROVISION OF COVERED FLIGHT RECORD TO
2 ADMINISTRATION.—

3 “(1) REQUESTS.—Whenever the Administration
4 receives a written request for a covered flight record
5 from an applicable individual and the covered flight
6 record is not in the possession of the Administration,
7 the Administrator shall request the covered flight
8 record from the contract tower or other contractor
9 of the Administration in possession of the covered
10 flight record.

11 “(2) PROVISION OF RECORDS.—Any covered
12 flight record created, maintained, or controlled by a
13 contract tower or another contractor of the Adminis-
14 tration that maintains covered flight records shall be
15 provided to the Administration if the Administration
16 requests the record pursuant to paragraph (1).

17 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
18 TION.—If the Administrator has issued, or subse-
19 quently issues, a Notice of Proposed Certificate Ac-
20 tion relying on evidence contained in the covered
21 flight record and the individual who is the subject of
22 an investigation has requested the record, the Ad-
23 ministrator shall promptly produce the record and
24 extend the time the individual has to respond to the

1 Notice of Proposed Certificate Action until the cov-
2 ered flight record is provided.

3 “(c) IMPLEMENTATION.—

4 “(1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of the Pilot’s Bill of
6 Rights 2, the Administrator shall promulgate regula-
7 tions or guidance to ensure compliance with this sec-
8 tion.

9 “(2) COMPLIANCE BY CONTRACTORS.—

10 “(A) Compliance with this section by a
11 contract tower or other contractor of the Ad-
12 ministration that maintains covered flight
13 records shall be included as a material term in
14 any contract between the Administration and
15 the contract tower or contractor entered into or
16 renewed on or after the date of enactment of
17 the Pilot’s Bill of Rights 2.

18 “(B) Subparagraph (A) shall not apply to
19 any contract or agreement in effect on the date
20 of enactment of the Pilot’s Bill of Rights 2 un-
21 less the contract or agreement is renegotiated,
22 renewed, or modified after that date.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 The table of contents for chapter 471 of title 49, United

1 States Code, is amended by inserting after the item relat-
2 ing to section 47124 the following:

“47124a. Accessibility of certain flight data.”.

3 **SEC. 7. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
4 **TAIN NOTICES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall revise section 13.11 of title 14, Code
8 of Federal Regulations, to authorize legal counsel of the
9 Federal Aviation Administration to close enforcement ac-
10 tions covered by that section with a warning notice, letter
11 of correction, or other administrative action.

