

worse, than average while a rating of 96 reflects a collision loss experience that is 4 percent lower, or better, than average.

It goes on to say:

It is unlikely your total premium will vary more than 10 percent depending upon the collision loss experience of a particular vehicle.

It then goes on to say that, if you really want to find out about the insurance, what you really need to do is to contact the insurance carriers or the companies directly.

Do you know what? I didn't want to base it just on what I know. I've talked to a lot of my friends who are also in the automobile business, and I've asked them, Have you ever had anybody walk in the store and ask for this? They've said, Absolutely not. It has never happened.

We called the NHTSA hotline, the booklet hotline. The representative said—and this is NHTSA's representative—I have no idea about the booklet. He said, Do you know what you need to do? You need to call your insurance agent. Now, this is NHTSA's person. This is their hotline.

Last month—again, not relying on my 45 years of experience—I went back into our store, and I went to one of our sales meetings. I asked our guys and our girls, who have a combined sales experience of 250 years, Listen, I've never had this happen, but has anybody ever come in and asked for this insurance collision loss booklet? Nobody—nobody—had heard of it. Nobody has ever come in—zero, nada—and asked for that booklet.

Now, here is the deal. Dealers have to have this booklet available. Should somebody ask for it and you can't provide it, there is a fine of \$1,000 per occurrence with a max of \$400,000. That's what the fine is capped at. So, if somebody comes into the showroom and asks for the booklet and you don't have it and you get audited on it, it's \$1,000. Unfortunately, the government caps it at \$400,000.

So, when you look at these things, again, the unintended consequences have such a dire effect on the American people. These are taxpayer dollars that are being wasted on information that is irrelevant, never asked for. Nobody cares about it. So I join my colleagues.

I thank Mr. OWENS, and I also thank Mr. HARPER and Mrs. BONO MACK for bringing this forward today. It is another waste of taxpayer money that serves no purpose to the American people. I urge the passage of H.R. 5859.

Mr. BUTTERFIELD. I don't have any more speakers on my side.

I yield back the balance of my time.

Mrs. BONO MACK. In closing, I just want to strongly urge the passage of H.R. 5859. It passed unanimously out of the Energy and Commerce Committee.

Again, I would like to thank Mr. BUTTERFIELD for his hard work, and I would like to thank the staff for their hard work and for the bipartisan nature that we all approached this with. I would also like to thank my staff for their hard work.

In 1993, this insurance reporting provision probably made sense.

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But today, after being road tested now for nearly 20 years and with so much information currently available to consumers simply on the Internet, the Kelley Blue Book value on this regulation is just darn near next to nothing. Let's junk it and move on.

With that, Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 5859, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PILOT'S BILL OF RIGHTS

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1335) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or 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, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

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

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

(D) that 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) that the releasable portions of the Administrator's investigative report will be available to the individual; and

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

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

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

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

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

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

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

(c) AMENDMENTS TO TITLE 49.—

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

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of

written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(3) **REVOCAION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.**—Section 44710(d)(1) of such title is amended by striking “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(d) **APPEAL FROM CERTIFICATE ACTIONS.**—

(1) **IN GENERAL.**—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator 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 subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) **EMERGENCY ORDER PENDING JUDICIAL REVIEW.**—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) **STANDARD OF REVIEW.**—

(1) **IN GENERAL.**—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) **EVIDENCE.**—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

SEC. 3. NOTICES 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 Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the “NOTAM Improvement Program”)—

(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

(C) to 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—

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

(2) make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

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

(4) to provide a document that is easily searchable; and

(5) to 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, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement 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. MEDICAL CERTIFICATION.

(a) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

(2) **REPORT.**—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

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

(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

(b) **GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.**—The goals of the Federal Aviation Administration's medical certification process are—

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

(4) to ensure that—

(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

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

(c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The Administrator shall establish a panel, which shall be comprised of representatives 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 assessment required under this section.

(d) **FEDERAL AVIATION ADMINISTRATION RESPONSE.**—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 1335.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUCSHON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Pilot's Bill of Rights.

S. 1335, the Pilot's Bill of Rights, is intended to restore fairness to airmen and Federal Aviation Administration enforcement proceedings by providing airmen timely access to critical information and adding an additional level of appeal for airmen disputing enforcement action. This bill also requires the FAA to improve the system of providing notices to airmen and directs the FAA to review and approve the medical certification form.

Pilots have expressed frustration and concerns about what they believe is unfair and inequitable treatment during FAA enforcement proceedings before the National Transportation Safety Board. They complain that the burden of proof is on the airman to prove his or her innocence rather than the FAA proving guilt. To address this, the Pilot's Bill of Rights directs that, to the extent the NTSB finds practical, FAA enforcement proceedings should be conducted in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence. This is consistent with protections provided to defendants in other parts of our legal system.

The Pilot's Bill of Rights also requires the FAA to better inform and advise an airman, who is the subject of an investigation, of his or her rights. The goal is to provide an airman with better and timely access to information. This includes notifying an airman that the releasable portions of the administrator's investigative report will,

at the appropriate time, be available to the airman.

The bill also clarifies that air traffic data collected by a government contractor that is available to the FAA, such as air traffic communication tapes, radar information, and air traffic controller statements, will also be available to the airman. However, it is important that the pilot community understands that, when the data has to be obtained from a government contractor, time is of the essence. Tapes containing air traffic data from contractors is ordinarily recycled after 15 days and would no longer be available to the FAA or the airman.

S. 1335 eliminates language that expressly bound the NTSB to all validly adopted interpretations of laws and regulations of the FAA unless the NTSB finds an interpretation to be arbitrary, capricious, or otherwise not according to law. The amendments are made only because they are redundant of what is already provided under law. The NTSB, when reviewing FAA cases, will continue to apply principles of judicial deference to the FAA interpretations of the laws, regulations, and policies in accordance with the Supreme Court precedent.

The Pilot's Bill of Rights adds an additional way to appeal to the NTSB's decisions regarding FAA enforcement action.

Currently, an airman goes before an administrative law judge at the NTSB and can appeal any decisions to the full NTSB board and, ultimately, to the court of appeals. According to pilots, the courts generally defer to the NTSB's decisions. It's not a true or fair appellate process.

The Pilot's Bill of Rights allows an airman to elect to file an appeal of his or her case in either the U.S. district court or the U.S. circuit court of appeals. It is the intent of Congress that courts not act in a way that is contrary to civil aviation safety in conducting their reviews of the NTSB's decisions.

Lastly, the Pilot's Bill of Rights requires the FAA to improve the system of providing notices to airmen—NOTAMs—and to undertake an assessment of the medical certification standards and forms. The overwhelming volume of NOTAMs and a vague and outdated medical certification process can lead to confusion and, ultimately, an FAA enforcement proceeding against an airman.

Again, I rise in strong support of S. 1335 and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1335, the Pilot's Bill of Rights.

I want to commend Senator INHOFE from Oklahoma for his leadership on this issue, as well as Chairman PETRI and Congressman BUCSHON, for bringing the bill to the floor in an expedited manner.

S. 1335 revises the process for the Federal Aviation Administration enforcement action against pilots, mechanics, and other airmen. The bill also directs the FAA to streamline important safety-related information provided to pilots before flight.

As I have said many times, the FAA must have the authority and resources necessary to keep the skies safe. To keep the skies safe, the FAA must use its enforcement power to take action, when appropriate, against pilots and other airmen who act in an unsafe manner. This bill does not weaken that authority; rather, it requires the FAA to hand over, at the earliest appropriate time, the evidence that could be used against pilots involved in enforcement actions, and it provides pilots with a new opportunity to test the FAA's enforcement orders in court. Additionally, the bill directs the FAA to streamline its publication of notices to pilots to ensure that they receive high priority and relevant safety information before flight.

This legislation is strongly supported by the Aircraft Owners and Pilots Association and the general aviation community.

Mr. Speaker, I'm pleased to support this bill authored by my friend, Senator INHOFE, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I rise again in strong support of S. 1335.

I'd like to thank Mr. GRAVES, the gentleman from Missouri, the lead sponsor on the majority side, and Mr. LIPINSKI from Illinois, from the minority side, for bringing this bill to the House floor.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARPER). The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, S. 1335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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EDWIN L. MECHEM UNITED STATES COURTHOUSE

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3742) to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Edwin L. Mechem was a land surveyor with the United States Reclamation Service in Las Cruces, New Mexico, from 1932–1935.

(2) He served as a member of the New Mexico State Police Commission.

(3) He was a Special Agent with the Federal Bureau of Investigation.

(4) He attended the New Mexico College of Agriculture and Mechanic Arts, which later became the New Mexico State University in Las Cruces, New Mexico.

(5) He was admitted to the New Mexico bar in 1939, and practiced law in Albuquerque and Las Cruces, New Mexico.

(6) He served in the New Mexico House of Representatives from 1947–1948.

(7) He was the first New Mexico governor born in New Mexico after statehood.

(8) He served four terms as Governor of New Mexico between 1951 and 1962.

(9) He served as a United States Senator from New Mexico from 1962–1964.

(10) He was confirmed by the United States Senate as a United States District Judge for the District of New Mexico on October 8, 1970, and served in that position until his death in 2002.

(11) He led a rich and accomplished life dedicated to public service which warrants recognition.

SEC. 2. DESIGNATION.

The United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, shall be known and designated as the "Edwin L. Mechem United States Courthouse".

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the "Edwin L. Mechem United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3742.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUCSHON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3742 would designate the United States courthouse in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

I want to thank the gentleman from New Mexico, Representative PEARCE, for his work on this legislation.

Judge Mechem served more than 30 years as a U.S. district judge for the district of New Mexico until his death in 2002. Prior to his judicial appointment, Judge Mechem served as Governor of New Mexico for four terms. He also served as a U.S. Senator as well as a member of the New Mexico House of Representatives. Earlier in his career, he worked as a special agent for the FBI.