

114TH CONGRESS
1ST SESSION

S. 571

AN ACT

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.

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 “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-
10 lations to ensure that an individual may operate as pilot
11 in command of a covered aircraft if—

12 (1) the individual possesses a valid driver’s li-
13 cense issued by a State, territory, or possession of
14 the United States and complies with all medical re-
15 quirements or restrictions associated with that li-
16 cense;

17 (2) the individual holds a medical certificate
18 issued by the Federal Aviation Administration on
19 the date of enactment of this Act, held such a cer-
20 tificate at any point during the 10-year period pre-
21 ceding such date of enactment, or obtains such a
22 certificate after such date of enactment;

23 (3) the most recent medical certificate issued by
24 the Federal Aviation Administration to the indi-
25 vidual—

1 (A) indicates whether the certificate is
2 first, second, or third class;

3 (B) may include authorization for special
4 issuance;

5 (C) may be expired;

6 (D) cannot have been revoked or sus-
7 pended; and

8 (E) cannot have been withdrawn;

9 (4) the most recent application for airman med-
10 ical certification submitted to the Federal Aviation
11 Administration by the individual cannot have been
12 completed and denied;

13 (5) the individual has completed a medical edu-
14 cation course described in subsection (c) during the
15 24 calendar months before acting as pilot in com-
16 mand of a covered aircraft and demonstrates proof
17 of completion of the course;

18 (6) the individual, when serving as a pilot in
19 command, is under the care and treatment of a phy-
20 sician if the individual has been diagnosed with any
21 medical condition that may impact the ability of the
22 individual to fly;

23 (7) the individual has received a comprehensive
24 medical examination from a State-licensed physician
25 during the previous 48 months and—

1 (A) prior to the examination, the indi-
2 vidual—

3 (i) completed the individual's section
4 of the checklist described in subsection (b);

5 and

6 (ii) provided the completed checklist
7 to the physician performing the examina-
8 tion; and

9 (B) the physician conducted the com-
10 prehensive medical examination in accordance
11 with the checklist described in subsection (b),
12 checking each item specified during the exam-
13 ination and addressing, as medically appro-
14 priate, every medical condition listed, and any
15 medications the individual is taking; and

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

18 (A) The covered aircraft is carrying not
19 more than 5 passengers.

20 (B) The individual is operating the covered
21 aircraft under visual flight rules or instrument
22 flight rules.

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

- 1 (i) for compensation or hire, including
2 that no passenger or property on the flight
3 is being carried for compensation or hire;
4 (ii) at an altitude that is more than
5 18,000 feet above mean sea level;
6 (iii) outside the United States, unless
7 authorized by the country in which the
8 flight is conducted; or
9 (iv) at an indicated air speed exceed-
10 ing 250 knots.

11 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall develop a checklist for an individual to
15 complete and provide to the physician performing
16 the comprehensive medical examination required in
17 subsection (a)(7).

18 (2) REQUIREMENTS.—The checklist shall con-
19 tain—

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

22 (i) boxes 3 through 13 and boxes 16
23 through 19 of the Federal Aviation Admin-
24 istration Form 8500–8 (3–99);

1 (ii) a signature line for the individual
2 to affirm that—

3 (I) the answers provided by the
4 individual on that checklist, including
5 the individual’s answers regarding
6 medical history, are true and com-
7 plete;

8 (II) the individual understands
9 that he or she is prohibited under
10 Federal Aviation Administration regu-
11 lations from acting as pilot in com-
12 mand, or any other capacity as a re-
13 quired flight crew member, if he or
14 she knows or has reason to know of
15 any medical deficiency or medically
16 disqualifying condition that would
17 make the individual unable to operate
18 the aircraft in a safe manner; and

19 (III) the individual is aware of
20 the regulations pertaining to the pro-
21 hibition on operations during medical
22 deficiency and has no medically dis-
23 qualifying conditions in accordance
24 with applicable law;

1 (B) a section with instructions for the indi-
2 vidual to provide the completed checklist to the
3 physician performing the comprehensive medical
4 examination required in subsection (a)(7); and

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

7 (i) to perform a clinical examination
8 of—

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

10 (II) nose, sinuses, mouth, and
11 throat;

12 (III) ears, general (internal and
13 external canals), and eardrums (per-
14 foration);

15 (IV) eyes (general),
16 ophthalmoscopic, pupils (equality and
17 reaction), and ocular motility (associ-
18 ated parallel movement, nystagmus);

19 (V) lungs and chest (not includ-
20 ing breast examination);

21 (VI) heart (precordial activity,
22 rhythm, sounds, and murmurs);

23 (VII) vascular system (pulse, am-
24 plitude, and character, and arms, legs,
25 and others);

- 1 (VIII) abdomen and viscera (in-
2 cluding hernia);
- 3 (IX) anus (not including digital
4 examination);
- 5 (X) skin;
- 6 (XI) G–U system (not including
7 pelvic examination);
- 8 (XII) upper and lower extrem-
9 ities (strength and range of motion);
- 10 (XIII) spine and other musculo-
11 skeletal;
- 12 (XIV) identifying body marks,
13 scars, and tattoos (size and location);
- 14 (XV) lymphatics;
- 15 (XVI) neurologic (tendon re-
16 flexes, equilibrium, senses, cranial
17 nerves, and coordination, etc.);
- 18 (XVII) psychiatric (appearance,
19 behavior, mood, communication, and
20 memory);
- 21 (XVIII) general systemic;
- 22 (XIX) hearing;
- 23 (XX) vision (distant, near, and
24 intermediate vision, field of vision,
25 color vision, and ocular alignment);

1 (XXI) blood pressure and pulse;

2 and

3 (XXII) anything else the physi-
4 cian, in his or her medical judgment,
5 considers necessary;

6 (ii) to exercise medical discretion to
7 address, as medically appropriate, any
8 medical conditions identified, and to exer-
9 cise medical discretion in determining
10 whether any medical tests are warranted
11 as part of the comprehensive medical ex-
12 amination;

13 (iii) to discuss all drugs the individual
14 reports taking (prescription and non-
15 prescription) and their potential to inter-
16 fere with the safe operation of an aircraft
17 or motor vehicle;

18 (iv) to sign the checklist, stating: “I
19 certify that I discussed all items on this
20 checklist with the individual during my ex-
21 amination, discussed any medications the
22 individual is taking that could interfere
23 with their ability to safely operate an air-
24 craft or motor vehicle, and performed an
25 examination that included all of the items

1 on this checklist. I certify that I am not
2 aware of any medical condition that, as
3 presently treated, could interfere with the
4 individual's ability to safely operate an air-
5 craft.”; and

6 (v) to provide the date the comprehen-
7 sive medical examination was completed,
8 and the physician's full name, address,
9 telephone number, and State medical li-
10 cense number.

11 (3) LOGBOOK.—The completed checklist shall
12 be retained in the individual's logbook and made
13 available on request.

14 (c) MEDICAL EDUCATION COURSE REQUIRE-
15 MENTS.—The medical education course described in this
16 subsection shall—

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

18 (2) be developed and periodically updated in co-
19 ordination with representatives of relevant nonprofit
20 and not-for-profit general aviation stakeholder
21 groups;

22 (3) educate pilots on conducting medical self-as-
23 sements;

24 (4) advise pilots on identifying warning signs of
25 potential serious medical conditions;

1 (5) identify risk mitigation strategies for med-
2 ical conditions;

3 (6) increase awareness of the impacts of poten-
4 tially impairing over-the-counter and prescription
5 drug medications;

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

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

11 (9) provide the checklist developed by the Fed-
12 eral Aviation Administration in accordance with sub-
13 section (b); and

14 (10) upon successful completion of the course,
15 electronically provide to the individual and transmit
16 to the Federal Aviation Administration—

17 (A) a certification of completion of the
18 medical education course, which shall be printed
19 and retained in the individual's logbook and
20 made available upon request, and shall contain
21 the individual's name, address, and airman cer-
22 tificate number;

23 (B) subject to subsection (d), a release au-
24 thorizing the National Driver Register through
25 a designated State Department of Motor Vehi-

1 cles to furnish to the Federal Aviation Adminis-
2 tration information pertaining to the individ-
3 ual's driving record;

4 (C) a certification by the individual that
5 the individual is under the care and treatment
6 of a physician if the individual has been diag-
7 nosed with any medical condition that may im-
8 pact the ability of the individual to fly, as re-
9 quired under (a)(6);

10 (D) a form that includes—

11 (i) the name, address, telephone num-
12 ber, and airman certificate number of the
13 individual;

14 (ii) the name, address, telephone num-
15 ber, and State medical license number of
16 the physician performing the comprehen-
17 sive medical examination required in sub-
18 section (a)(7);

19 (iii) the date of the comprehensive
20 medical examination required in subsection
21 (a)(7); and

22 (iv) a certification by the individual
23 that the checklist described in subsection
24 (b) was followed and signed by the physi-

1 cian in the comprehensive medical exam-
2 ination required in subsection (a)(7); and
3 (E) a statement, which shall be printed,
4 and signed by the individual certifying that the
5 individual understands the existing prohibition
6 on operations during medical deficiency by stat-
7 ing: “I understand that I cannot act as pilot in
8 command, or any other capacity as a required
9 flight crew member, if I know or have reason to
10 know of any medical condition that would make
11 me unable to operate the aircraft in a safe
12 manner.”.

13 (d) NATIONAL DRIVER REGISTER.—The authoriza-
14 tion under subsection (c)(10)(B) shall be an authorization
15 for a single access to the information contained in the Na-
16 tional Driver Register.

17 (e) SPECIAL ISSUANCE PROCESS.—

18 (1) IN GENERAL.—An individual who has quali-
19 fied for the third-class medical certificate exemption
20 under subsection (a) and is seeking to serve as a
21 pilot in command of a covered aircraft shall be re-
22 quired to have completed the process for obtaining
23 an Authorization for Special Issuance of a Medical
24 Certificate for each of the following:

1 (A) A mental health disorder, limited to an
2 established medical history or clinical diagnosis
3 of—

4 (i) personality disorder that is severe
5 enough to have repeatedly manifested itself
6 by overt acts;

7 (ii) psychosis, defined as a case in
8 which an individual—

9 (I) has manifested delusions, hal-
10 lucinations, grossly bizarre or disorga-
11 nized behavior, or other commonly ac-
12 cepted symptoms of psychosis; or

13 (II) may reasonably be expected
14 to manifest delusions, hallucinations,
15 grossly bizarre or disorganized behav-
16 ior, or other commonly accepted
17 symptoms of psychosis;

18 (iii) bipolar disorder; or

19 (iv) substance dependence within the
20 previous 2 years, as defined in section
21 67.307(a)(4) of title 14, Code of Federal
22 Regulations.

23 (B) A neurological disorder, limited to an
24 established medical history or clinical diagnosis
25 of any of the following:

- 1 (i) Epilepsy.
- 2 (ii) Disturbance of consciousness with-
3 out satisfactory medical explanation of the
4 cause.
- 5 (iii) A transient loss of control of
6 nervous system functions without satisfac-
7 tory medical explanation of the cause.
- 8 (C) A cardiovascular condition, limited to a
9 one-time special issuance for each diagnosis of
10 the following:
- 11 (i) Myocardial infraction.
- 12 (ii) Coronary heart disease that has
13 required treatment.
- 14 (iii) Cardiac valve replacement.
- 15 (iv) Heart replacement.

16 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
17 DITIONS.—In the case of an individual with a car-
18 diovascular condition, the process for obtaining an
19 Authorization for Special Issuance of a Medical Cer-
20 tificate shall be satisfied with the successful comple-
21 tion of an appropriate clinical evaluation without a
22 mandatory wait period.

23 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
24 DITIONS.—

1 (A) In the case of an individual with a
2 clinically diagnosed mental health condition, the
3 third-class medical certificate exemption under
4 subsection (a) shall not apply if—

5 (i) in the judgment of the individual's
6 State-licensed medical specialist, the condi-
7 tion—

8 (I) renders the individual unable
9 to safely perform the duties or exer-
10 cise the airman privileges described in
11 subsection (a)(8); or

12 (II) may reasonably be expected
13 to make the individual unable to per-
14 form the duties or exercise the privi-
15 leges described in subsection (a)(8); or

16 (ii) the individual's driver's license is
17 revoked by the issuing agency as a result
18 of a clinically diagnosed mental health con-
19 dition.

20 (B) Subject to subparagraph (A), an indi-
21 vidual clinically diagnosed with a mental health
22 condition shall certify every 2 years, in conjunc-
23 tion with the certification under subsection
24 (c)(10)(C), that the individual is under the care

1 of a State-licensed medical specialist for that
2 mental health condition.

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

5 (A) In the case of an individual with a
6 clinically diagnosed neurological condition, the
7 third-class medical certificate exemption under
8 subsection (a) shall not apply if—

9 (i) in the judgment of the individual's
10 State-licensed medical specialist, the condi-
11 tion—

12 (I) renders the individual unable
13 to safely perform the duties or exer-
14 cise the airman privileges described in
15 subsection (a)(8); or

16 (II) may reasonably be expected
17 to make the individual unable to per-
18 form the duties or exercise the privi-
19 leges described in subsection (a)(8); or

20 (ii) the individual's driver's license is
21 revoked by the issuing agency as a result
22 of a clinically diagnosed neurological condi-
23 tion.

24 (B) Subject to subparagraph (A), an indi-
25 vidual clinically diagnosed with a neurological

1 condition shall certify every 2 years, in conjunc-
2 tion with the certification under subsection
3 (c)(10)(C), that the individual is under the care
4 of a State-licensed medical specialist for that
5 neurological condition.

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

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Adminis-
10 trator shall review and identify additional medical
11 conditions that could be added to the program
12 known as the Conditions AMEs Can Issue (CACI)
13 program.

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

17 (3) REPORT REQUIRED.—Not later than 180
18 days after the date of enactment of this Act, the Ad-
19 ministrator shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Senate
21 and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report
23 listing the medical conditions that have been added
24 to the CACI program under paragraph (1).

1 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
2 ISSUANCE OF A MEDICAL CERTIFICATE.—

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

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

11 (3) REPORT REQUIRED.—Not later than 1 year
12 after the date of enactment of this Act, the Adminis-
13 trator shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives a report describing
17 how the procedures implemented under paragraph
18 (1) will streamline the process for obtaining an Au-
19 thorization for Special Issuance of a Medical Certifi-
20 cate and reduce the amount of time needed to review
21 and decide special issuance cases.

22 (h) REPORT REQUIRED.—Not later than 5 years
23 after the date of enactment of this Act, the Administrator,
24 in coordination with the National Transportation Safety
25 Board, shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-
2 mittee on Transportation and Infrastructure of the House
3 of Representatives a report that describes the effect of the
4 regulations issued or revised under subsection (a) and in-
5 cludes statistics with respect to changes in small aircraft
6 activity and safety incidents.

7 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
8 ginning on the date that is 1 year after the date of enact-
9 ment of this Act, the Administrator may not take an en-
10 forcement action for not holding a valid third-class med-
11 ical certificate against a pilot of a covered aircraft for a
12 flight, through a good faith effort, if the pilot and the
13 flight meet the applicable requirements under subsection
14 (a), except paragraph (5), unless the Administrator has
15 published final regulations in the Federal Register under
16 that subsection.

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

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

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

23 (k) OPERATIONS COVERED.—The provisions and re-
24 quirements covered in this section do not apply to pilots
25 who elect to operate under the medical requirements under

1 subsection (b) or subsection (c) of section 61.23 of title
2 14, Code of Federal Regulations.

3 (1) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
4 TION.—

5 (1) IN GENERAL.—If the Administrator receives
6 credible or urgent information, including from the
7 National Driver Register or the Administrator’s
8 Safety Hotline, that reflects on an individual’s abil-
9 ity to safely operate a covered aircraft under the
10 third-class medical certificate exemption in sub-
11 section (a), the Administrator may require the indi-
12 vidual to provide additional information or history so
13 that the Administrator may determine whether the
14 individual is safe to continue operating a covered
15 aircraft.

16 (2) USE OF INFORMATION.—The Administrator
17 may use credible or urgent information received
18 under paragraph (1) to request an individual to pro-
19 vide additional information or to take actions under
20 section 44709(b) of title 49, United States Code.

21 **SEC. 3. EXPANSION OF PILOT’S BILL OF RIGHTS.**

22 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
23 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
24 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
25 44703 note) is amended by striking “or imposing a puni-

1 tive civil action or an emergency order of revocation under
2 subsections (d) and (e) of section 44709 of such title” and
3 inserting “suspending or revoking an airman certificate
4 under section 44709(d) of such title, or imposing an emer-
5 gency order of revocation under subsections (d) and (e)
6 of section 44709 of such title”.

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

11 (1) by amending paragraph (1) to read as fol-
12 lows:

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

17 “(A) the district court shall review the de-
18 nial, suspension, or revocation de novo, includ-
19 ing by—

20 “(i) conducting a full independent re-
21 view of the complete administrative record
22 of the denial, suspension, or revocation;

23 “(ii) permitting additional discovery
24 and the taking of additional evidence; and

1 “(iii) making the findings of fact and
2 conclusions of law required by Rule 52 of
3 the Federal Rules of Civil Procedure with-
4 out being bound to any findings of fact of
5 the Administrator or the National Trans-
6 portation Safety Board.”;

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

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

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

15 “(A) In an appeal of the denial of an ap-
16 plication for the issuance or renewal of an air-
17 man certificate under section 44703 of title 49,
18 United States Code, the burden of proof shall
19 be upon the applicant denied an airman certifi-
20 cate by the Administrator.

21 “(B) In an appeal of an order issued by
22 the Administrator under section 44709 of title
23 49, United States Code, the burden of proof
24 shall be upon the Administrator.”; and

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

1 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
2 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
3 this subsection or subsection (a)(1) of section 554 of
4 title 5, United States Code, section 554 of such title
5 shall apply to adjudications of the Administrator
6 and the National Transportation Safety Board to
7 the same extent as that section applied to such adju-
8 dications before the date of enactment of the Pilot’s
9 Bill of Rights 2.”.

10 (c) NOTIFICATION OF INVESTIGATION.—Subsection
11 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
12 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
13 amended—

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

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

18 (3) in paragraph (5), by striking “section
19 44709(c)(2)” and inserting “section 44709(e)(2)”.

20 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
21 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
22 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
23 inserting after subsection (e) the following:

24 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

25 “(1) IN GENERAL.—

1 “(A) EMERGENCY ORDERS.—In any pro-
2 ceeding conducted under part 821 of title 49,
3 Code of Federal Regulations, relating to the
4 amendment, modification, suspension, or rev-
5 ocation of an airman certificate, in which the
6 Administrator issues an emergency order under
7 subsections (d) and (e) of section 44709, sec-
8 tion 44710, or section 46105(c) of title 49,
9 United States Code, or another order that takes
10 effect immediately, the Administrator shall pro-
11 vide to the individual holding the airman certifi-
12 cate the releasable portion of the investigative
13 report at the time the Administrator issues the
14 order. If the complete Report of Investigation is
15 not available at the time the Emergency Order
16 is issued, the Administrator shall issue all por-
17 tions of the report that are available at the time
18 and shall provide the full report within 5 days
19 of its completion.

20 “(B) OTHER ORDERS.—In any non-emer-
21 gency proceeding conducted under part 821 of
22 title 49, Code of Federal Regulations, relating
23 to the amendment, modification, suspension, or
24 revocation of an airman certificate, in which the
25 Administrator notifies the certificate holder of a

1 proposed certificate action under subsections
2 (b) and (c) of section 44709 or section 44710
3 of title 49, United States Code, the Adminis-
4 trator shall, upon the written request of the
5 covered certificate holder and at any time after
6 that notification, provide to the covered certifi-
7 cate holder the releasable portion of the inves-
8 tigative report.

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

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

25 “(A) Information that is privileged.

1 “(B) Information that constitutes work
2 product or reflects internal deliberative process.

3 “(C) Information that would disclose the
4 identity of a confidential source.

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

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

9 “(F) Information the Administrator can
10 demonstrate is withheld for good cause.

11 “(G) Sensitive security information, as de-
12 fined in section 15.5 of title 49, Code of Fed-
13 eral Regulations (or any corresponding similar
14 ruling or regulation).

15 “(4) RULE OF CONSTRUCTION.—Nothing in
16 this subsection shall be construed to prevent the Ad-
17 ministrator from releasing to an individual subject
18 to an investigation described in subsection (b)(1)—

19 “(A) information in addition to the infor-
20 mation included in the releasable portion of the
21 investigative report; or

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

1 **SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE**
2 **HOLDERS.**

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

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

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

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

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

11 “(2) LIMITATION ON THE REEXAMINATION OF
12 AIRMAN CERTIFICATES.—

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

21 “(i) to establish that the airman may
22 not be qualified to exercise the privileges of
23 a particular certificate or rating, based
24 upon an act or omission committed by the
25 airman while exercising those privileges,
26 after the certificate or rating was issued by

1 the Federal Aviation Administration or its
2 designee; or

3 “(ii) to demonstrate that the airman
4 obtained the certificate or the rating
5 through fraudulent means or through an
6 examination that was substantially and de-
7 monstrably inadequate to establish the air-
8 man’s qualifications.

9 “(B) NOTIFICATION REQUIREMENTS.—Be-
10 fore taking any action to reexamine an airman
11 under subparagraph (A), the Administrator
12 shall provide to the airman—

13 “(i) a reasonable basis, described in
14 detail, for requesting the reexamination;
15 and

16 “(ii) any information gathered by the
17 Federal Aviation Administration, that the
18 Administrator determines is appropriate to
19 provide, such as the scope and nature of
20 the requested reexamination, that formed
21 the basis for that justification.”.

22 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
23 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
24 INATION.—Section 44709(b) of title 49, United States
25 Code, is amended—

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

4 (2) by redesignating paragraphs (1) and (2) as
5 subparagraphs (A) and (B), respectively, and indent-
6 ing appropriately;

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

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

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

13 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
14 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
15 AFTER REEXAMINATION.—

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

24 “(i) lacks the technical skills and com-
25 petency, or care, judgment, and responsi-

1 bility, necessary to hold and safely exercise
2 the privileges of the certificate; or

3 “(ii) materially contributed to the
4 issuance of the certificate by fraudulent
5 means.

6 “(B) STANDARD OF REVIEW.—Any order
7 of the Administrator under this paragraph shall
8 be subject to the standard of review provided
9 for under section 2 of the Pilot’s Bill of Rights
10 (49 U.S.C. 44703 note).”.

11 (c) CONFORMING AMENDMENTS.—Section
12 44709(d)(1) of title 49, United States Code, is amended—

13 (1) in subparagraph (A), by striking “sub-
14 section (b)(1)(A)” and inserting “subsection
15 (b)(1)(A)(i)”; and

16 (2) in subparagraph (B), by striking “sub-
17 section (b)(1)(B)” and inserting “subsection
18 (b)(1)(A)(ii)”.

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

20 (a) IN GENERAL.—

21 (1) Beginning on the date that is 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator of the Federal Aviation Administration may
24 not take any enforcement action against any indi-
25 vidual for a violation of a NOTAM (as defined in

1 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
2 44701 note)) until the Administrator certifies to the
3 appropriate congressional committees that the Ad-
4 ministrator has complied with the requirements of
5 section 3 of the Pilot’s Bill of Rights, as amended
6 by this section.

7 (2) In this subsection, the term “appropriate
8 congressional committees” means—

9 (A) the Committee on Commerce, Science,
10 and Transportation of the Senate; and

11 (B) the Committee on Transportation and
12 Infrastructure of the House of Representatives.

13 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
14 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
15 44701 note) is amended—

16 (1) in subsection (a)(2)—

17 (A) in the matter preceding subparagraph

18 (A)—

19 (i) by striking “this Act” and insert-
20 ing “the Pilot’s Bill of Rights 2”; and

21 (ii) by striking “begin” and inserting
22 “complete the implementation of”;

23 (B) by amending subparagraph (B) to read
24 as follows:

1 “(B) to continue developing and modern-
2 izing the NOTAM repository, in a public cen-
3 tral location, to maintain and archive all
4 NOTAMs, including the original content and
5 form of the notices, the original date of publica-
6 tion, and any amendments to such notices with
7 the date of each amendment, in a manner that
8 is Internet-accessible, machine-readable, and
9 searchable;”;

10 (C) in subparagraph (C), by striking the
11 period at the end and inserting a semicolon;
12 and

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

14 “(D) to specify the times during which
15 temporary flight restrictions are in effect and
16 the duration of a designation of special use air-
17 space in a specific area.”; and

18 (2) by amending subsection (d) to read as fol-
19 lows:

20 “(d) DESIGNATION OF REPOSITORY AS SOLE
21 SOURCE FOR NOTAMS.—

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

23 “(A) shall consider the repository for
24 NOTAMs under subsection (a)(2)(B) to be the

1 sole location for airmen to check for NOTAMs;
2 and

3 “(B) may not consider a NOTAM to be
4 announced or published until the NOTAM is in-
5 cluded in the repository for NOTAMs under
6 subsection (a)(2)(B).

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

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), beginning on the date that
11 the repository under subsection (a)(2)(B) is
12 final and published, the Administrator may not
13 take any enforcement action against an airman
14 for a violation of a NOTAM during a flight if—

15 “(i) that NOTAM is not available
16 through the repository before the com-
17 mencement of the flight; and

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

20 “(B) EXCEPTION FOR NATIONAL SECUR-
21 ITY.—Subparagraph (A) shall not apply in the
22 case of an enforcement action for a violation of
23 a NOTAM that directly relates to national se-
24 curity.”.

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

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

5 **“§ 47124a. Accessibility of certain flight data**

6 “(a) DEFINITIONS.—In this section:

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

9 “(2) ADMINISTRATOR.—The term ‘Adminis-
10 trator’ means the Administrator of the Federal Avia-
11 tion Administration.

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

16 “(4) CONTRACT TOWER.—The term ‘contract
17 tower’ means an air traffic control tower providing
18 air traffic control services pursuant to a contract
19 with the Administration under the contract air traf-
20 fic control tower program under section
21 47124(b)(3).

22 “(5) COVERED FLIGHT RECORD.—The term
23 ‘covered flight record’ means any air traffic data (as
24 defined in section 2(b)(4)(B) of the Pilot’s Bill of
25 Rights (49 U.S.C. 44703 note)), created, main-
26 tained, or controlled by any program of the Adminis-

1 tration, including any program of the Administration
2 carried out by employees or contractors of the Ad-
3 ministration, such as contract towers, flight service
4 stations, and controller training programs.

5 “(b) PROVISION OF COVERED FLIGHT RECORD TO
6 ADMINISTRATION.—

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

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

21 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
22 TION.—If the Administrator has issued, or subse-
23 quently issues, a Notice of Proposed Certificate Ac-
24 tion relying on evidence contained in the covered
25 flight record and the individual who is the subject of

1 an investigation has requested the record, the Ad-
2 ministrator shall promptly produce the record and
3 extend the time the individual has to respond to the
4 Notice of Proposed Certificate Action until the cov-
5 ered flight record is provided.

6 “(c) IMPLEMENTATION.—

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

12 “(2) COMPLIANCE BY CONTRACTORS.—

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

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

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The table of contents for chapter 471 of title 49, United
3 States Code, is amended by inserting after the item relat-
4 ing to section 47124 the following:

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

5 **SEC. 7. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
6 **TAIN NOTICES.**

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

Passed the Senate December 15, 2015.

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

S. 571

AN ACT

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.