

HR 3816 IH

112th CONGRESS
2d Session
H. R. 3816

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

IN THE HOUSE OF REPRESENTATIVES

January 24, 2012

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

A BILL

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

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. FAA ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) In General- Notwithstanding any other provision of law, any proceeding conducted under subpart C or D and 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 in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence, to the extent practicable.

(b) Access to Information-

(1) IN GENERAL- The Administrator of the Federal Aviation Administration shall advise (in a timely manner and in writing) an individual who is the subject of an investigation relating to approval, denial, suspension, modification, or revocation of an

airman certificate under chapter 447 of title 49, United States Code, of the following:

- (A) The nature of the investigation.
- (B) An oral or written response to a Letter of Investigation from the Administrator is not required.
- (C) No action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator.
- (D) 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) The releasable portions of the Administrator's investigative report will be available to the individual.

(2) ACCESS TO AIR TRAFFIC DATA- The Administrator of the Federal Aviation Administration shall provide (in a timely manner) an individual who is the subject of an investigation relating to approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code, any air traffic data that would facilitate the individual's ability to productively participate in the investigation, including the following:

- (A) Relevant air traffic communication tapes.
- (B) Radar information.
- (C) Air traffic controller statements.
- (D) Flight data.
- (E) Investigative reports.
- (F) Any other air traffic or flight data that would facilitate the individual's ability to productively participate in the investigation.

(3) TIMING- The Administrator shall not proceed against an individual that is the subject of an investigation described in paragraph (1) for at least 30 days after the air traffic data required under paragraph (2) 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 the second sentence and inserting the following: `The Board is not bound by the findings of fact of the Administrator of the Federal Aviation Administration or the interpretation of laws or regulations the Administrator carries out, but may consider the interpretation and guidance of the Administrator in its review in accordance with the general administrative law principles of deference.'.

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES- Section 44709(d)(3) of title 49, United States Code, is amended by striking `is not bound' and all that follows through the end period and inserting the following: `is not bound by the findings of fact of the Administrator or the interpretation of laws or regulations the Administrator carries out, but may consider the interpretation and guidance of the Administrator in its review in accordance with the general administrative law principles of deference.'

(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS- The third sentence of section 44710(d)(1) of title 49, United States Code, is amended in the third sentence, by striking `is not bound' and all that follows through the end period, and inserting the following: `is not bound by findings of fact of the Administrator or the interpretation of laws or regulations the Administrator carries out, but may consider the interpretation and guidance of the Administrator in its review in accordance with the general administrative law principles of deference.'

(d) Appeal From Certificate Actions- Upon an order or final decision by the Administrator of the Federal Aviation Administration 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 section 44709 (d) and (e) of title 49, United States Code, the individual adversely affected by the Administrator's action may, at the individual's election, file an appeal in the United States district court in which the individual resides, in which the action in question occurred, or in the district court for the District of Columbia. If the individual adversely affected by the Administrator's action elects not to file an appeal in a Federal district court, the individual may file an appeal with the National Transportation Safety Board.

(e) Standard of Review- In an appeal filed under subsection (d), the district court or the National Transportation Safety Board, as the case may be, 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 the order effective immediately.

SEC. 3. NOTAMS PROVIDED 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') to--

(A) 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 notices to airmen, 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) 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 to--

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

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

(5) 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, consisting of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the 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. FLIGHT SERVICE STATION BRIEFINGS.

The Flight Service Station briefings and other air traffic services performed by any government contractor shall be available to airmen under the section 522 of title 5, United States Code (commonly known as the `Freedom of Information Act').

SEC. 5. MEDICAL CERTIFICATION.

(a) In General- Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a review of the Administration's medical certification standards and forms in order to--

- (1) revise the medical application form to provide greater clarity and guidance to applicants; and
- (2) align medical qualification policies with present-day qualified medical judgment and practices as they may apply to an individual's medically relevant circumstances; and
- (3) publish objective medical standards so that the public is fairly advised of the criteria that determines an airman's medical certificate eligibility.

(b) Goals of Program- The goals of the review are to--

- (1) 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) 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) give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and
- (4) provide that the application of those standards ensures an appropriate and fair evaluation of an individual's qualifications, and that the individual understands the basis for determining medical qualifications.

(c) Advice From Private Sector Groups- The Administrator shall establish a panel, consisting 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 review required by this section.

(d) Phase-In and Completion- The actions to revise the medical application form, to align the medical qualification policies, and to publish objective medical standards 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.