

S 571

Pilot's Bill of Rights 2

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Feb 25, 2015

Current Status: By Senator Thune from Committee on Commerce, Science, and Transportation filed written report. Report

Latest Action: By Senator Thune from Committee on Commerce, Science, and Transportation filed written report. Report No. 114-198. Additional views filed. (Dec 18, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/571>

Sponsor

Name: Sen. Inhofe, James M. [R-OK]

Party: Republican • **State:** OK • **Chamber:** Senate

Cosponsors (70 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Barrasso, John [R-WY]	R · WY		Feb 25, 2015
Sen. Boozman, John [R-AR]	R · AR		Feb 25, 2015
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Feb 25, 2015
Sen. Daines, Steve [R-MT]	R · MT		Feb 25, 2015
Sen. Heitkamp, Heidi [D-ND]	D · ND		Feb 25, 2015
Sen. King, Angus S., Jr. [I-ME]	I · ME		Feb 25, 2015
Sen. Manchin, Joe, III [D-WV]	D · WV		Feb 25, 2015
Sen. Moran, Jerry [R-KS]	R · KS		Feb 25, 2015
Sen. Roberts, Pat [R-KS]	R · KS		Feb 25, 2015
Sen. Shaheen, Jeanne [D-NH]	D · NH		Feb 25, 2015
Sen. Tester, Jon [D-MT]	D · MT		Feb 25, 2015
Sen. Wicker, Roger F. [R-MS]	R · MS		Feb 25, 2015
Sen. Murkowski, Lisa [R-AK]	R · AK		Feb 27, 2015
Sen. Fischer, Deb [R-NE]	R · NE		Mar 2, 2015
Sen. Hatch, Orrin G. [R-UT]	R · UT		Mar 11, 2015
Sen. Rounds, Mike [R-SD]	R · SD		Mar 11, 2015
Sen. Heller, Dean [R-NV]	R · NV		Mar 26, 2015
Sen. Sullivan, Dan [R-AK]	R · AK		Mar 26, 2015
Sen. Kirk, Mark Steven [R-IL]	R · IL		Apr 13, 2015
Sen. Wyden, Ron [D-OR]	D · OR		Apr 13, 2015
Sen. Paul, Rand [R-KY]	R · KY		Apr 20, 2015
Sen. Warren, Elizabeth [D-MA]	D · MA		Apr 23, 2015
Sen. Johnson, Ron [R-WI]	R · WI		May 19, 2015
Sen. Rubio, Marco [R-FL]	R · FL		Jul 7, 2015
Sen. Lankford, James [R-OK]	R · OK		Jul 9, 2015
Sen. Crapo, Mike [R-ID]	R · ID		Jul 14, 2015
Sen. Blunt, Roy [R-MO]	R · MO		Jul 16, 2015
Sen. Brown, Sherrod [D-OH]	D · OH		Jul 16, 2015
Sen. Capito, Shelley Moore [R-WV]	R · WV		Jul 16, 2015
Sen. Cassidy, Bill [R-LA]	R · LA		Jul 16, 2015
Sen. Coons, Christopher A. [D-DE]	D · DE		Jul 16, 2015
Sen. Cotton, Tom [R-AR]	R · AR		Jul 16, 2015
Sen. Enzi, Michael B. [R-WY]	R · WY		Jul 16, 2015
Sen. Isakson, Johnny [R-GA]	R · GA		Jul 16, 2015
Sen. Risch, James E. [R-ID]	R · ID		Jul 16, 2015
Sen. Shelby, Richard C. [R-AL]	R · AL		Jul 16, 2015
Sen. Tillis, Thomas [R-NC]	R · NC		Jul 16, 2015
Sen. Toomey, Patrick [R-PA]	R · PA		Jul 16, 2015
Sen. Baldwin, Tammy [D-WI]	D · WI		Jul 21, 2015
Sen. Cornyn, John [R-TX]	R · TX		Jul 21, 2015
Sen. Flake, Jeff [R-AZ]	R · AZ		Jul 21, 2015

Cosponsor	Party / State	Role	Date Joined
Sen. Gardner, Cory [R-CO]	R · CO		Jul 21, 2015
Sen. Hoeven, John [R-ND]	R · ND		Jul 21, 2015
Sen. Lee, Mike [R-UT]	R · UT		Jul 21, 2015
Sen. Perdue, David [R-GA]	R · GA		Jul 21, 2015
Sen. Scott, Tim [R-SC]	R · SC		Jul 21, 2015
Sen. Vitter, David [R-LA]	R · LA		Jul 21, 2015
Sen. Burr, Richard [R-NC]	R · NC		Jul 22, 2015
Sen. Cochran, Thad [R-MS]	R · MS		Jul 22, 2015
Sen. Sessions, Jeff [R-AL]	R · AL		Jul 22, 2015
Sen. Ernst, Joni [R-IA]	R · IA		Jul 23, 2015
Sen. Grassley, Chuck [R-IA]	R · IA		Jul 23, 2015
Sen. Alexander, Lamar [R-TN]	R · TN		Jul 26, 2015
Sen. Coats, Daniel [R-IN]	R · IN		Jul 26, 2015
Sen. Warner, Mark R. [D-VA]	D · VA		Jul 26, 2015
Sen. Portman, Rob [R-OH]	R · OH		Jul 27, 2015
Sen. Cruz, Ted [R-TX]	R · TX		Sep 10, 2015
Sen. Graham, Lindsey [R-SC]	R · SC		Sep 15, 2015
Sen. Bennet, Michael F. [D-CO]	D · CO		Sep 17, 2015
Sen. Donnelly, Joe [D-IN]	D · IN		Sep 17, 2015
Sen. McCain, John [R-AZ]	R · AZ		Sep 17, 2015
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Sep 21, 2015
Sen. Kaine, Tim [D-VA]	D · VA		Sep 24, 2015
Sen. Murphy, Christopher [D-CT]	D · CT		Sep 24, 2015
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Sep 25, 2015
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Oct 8, 2015
Sen. Ayotte, Kelly [R-NH]	R · NH		Oct 21, 2015
Sen. Collins, Susan M. [R-ME]	R · ME		Oct 28, 2015
Sen. Sasse, Ben [R-NE]	R · NE		Dec 1, 2015
Sen. Udall, Tom [D-NM]	D · NM		Dec 10, 2015

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Dec 9, 2015
Transportation and Infrastructure Committee	House	Referred to	Dec 17, 2015

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
114 S 2943	Related bill	Dec 23, 2016: Became Public Law No: 114-328.
114 S 2658	Related bill	Dec 20, 2016: By Senator Thune from Committee on Commerce, Science, and Transportation filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-428. Additional views filed.
114 HR 636	Related bill	Jul 15, 2016: Became Public Law No: 114-190.
114 HR 1062	Identical bill	Mar 16, 2015: Referred to the Subcommittee on the Constitution and Civil Justice.
114 HR 1086	Related bill	Feb 26, 2015: Referred to the Subcommittee on Aviation.
114 S 573	Related bill	Feb 25, 2015: Read twice and referred to the Committee on Commerce, Science, and Transportation.

Pilot's Bill of Rights 2

(Sec. 2) This bill directs the Federal Aviation Administration (FAA) to issue or revise medical certification regulations to ensure that an individual may operate as a pilot of a covered aircraft if the flight meets certain criteria and the individual:

- possesses a valid driver's license issued by a state, territory, or U.S. possession;
- complies with medical requirements associated with that license;
- holds an FAA medical certificate on the date of enactment of this bill, held such a certificate at any point during the 10-year period preceding the date of enactment, or obtains one after the date of enactment;
- is transporting five or fewer passengers, and
- is operating under visual or instrument flight rules.

The most recent FAA medical certificate to the individual:

- must indicate whether it is first, second, or third class;
- may include authorization for special issuance;
- may be expired;
- cannot have been revoked or suspended; and
- cannot have been withdrawn.

The individual's most recent application to the FAA for airman medical certification cannot have been denied.

The individual must also have completed an Internet medical education course, meeting specified criteria and free of charge, during the 24 calendar months before acting as pilot in command of a covered aircraft. Successful completion of the course shall trigger an electronic release authorizing the National Driver Register through a designated state department of motor vehicles to furnish the FAA with information about the individual's driving record.

If diagnosed with any medical condition that may impact ability to fly, the individual must, when serving as a pilot in command, be under a physician's care and treatment.

The individual must have received a comprehensive medical examination from a state-licensed physician during the previous 48 months and met certain pre-examination requirements involving a checklist of medical conditions and medications.

An individual who has qualified for the third-class medical certificate exemption and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of a specified list of mental health disorders, neurological disorders, and cardiovascular conditions. The bill prescribes special rules for such disorders and conditions.

The FAA shall review and identify additional medical conditions that could be added to the Conditions Aviation Medical Examiners (AMEs) Can Issue (CACI) program (which allows AMEs to issue airman medical certificates that previously had to be deferred to the Aerospace Medical Certification Division or the Regional Flight Surgeon's Office for further review).

The FAA shall also implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate.

Beginning one year after enactment of this bill, the FAA may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet certain requirements, unless the FAA has published in the Federal Register final regulations for the medical certification of small aircraft pilots under this section.

A "covered aircraft" is one that:

- is authorized under federal law to carry not more than six occupants, and
- has a maximum certificated takeoff weight of no more than 6,000 pounds.

The requirements of this section shall not apply to pilots electing to operate under regulations for operations not requiring a medical certificate or for operations requiring either a medical certificate or U.S. driver's license.

If it receives credible or urgent information, including from the National Driver Register or the FAA Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption, the FAA may require the individual to provide additional information or history so that it may determine whether the individual is safe to continue operating a covered aircraft. The FAA may use such information to request an individual to provide additional information or to take actions to amend, modify, suspend, or revoke the individual's airman certificate.

(Sec. 3) The Pilot's Bill of Rights is amended to revise the authorization for appeal to a federal court by a substantially affected individual from a decision of the National Transportation Safety Board (NTSB) to uphold an adverse FAA order or final decision. The bill specifies the suspension or revocation of an airman certificate as the punitive civil action which may be appealed.

A U.S. district court shall review de novo an FAA denial, suspension, or revocation of an airman certificate, which may be by:

- conducting a full independent review of the complete administrative record of the denial, suspension, or revocation (as under current law);
- permitting additional discovery and the taking of additional evidence; and
- making the findings of fact and conclusions of law required by the Federal Rules of Civil Procedure without being bound to any findings of fact by the FAA or the NTSB.

The burden of proof in a U.S. district court for appeal of an FAA denial of an application for the issuance or renewal of an airman certificate shall be upon the applicant denied the certificate. But the burden of proof shall be upon the FAA under any appeal related to a suspended or revoked certificate.

The adjudication requirements of the Administrative Procedure Act shall apply to adjudications of the FAA and the NTSB to the same extent as they applied to such adjudications before enactment of this bill.

The bill requires any FAA notification to an individual who is the subject of an investigation relating to an airman certificate to specify the activity on which the investigation is based.

Whenever the FAA issues an emergency order related to safety in air commerce, including an order revoking an airman certificate for controlled substance violations, or any other order that takes effect immediately, the FAA must simultaneously give the holder of the airman certificate in question a copy of the releasable portion of the investigative report. In any non-emergency proceeding relating to amendment, modification, suspension, or revocation of an airman certificate, in which the certificate holder is notified of a proposed certificate action, the FAA must, at the holder's written

request, give the holder the releasable portion of the investigative report.

All information in an investigative report constitutes the releasable portion, with specified exceptions.

If the FAA fails to observe these requirements, the certificate holder may move to dismiss the complaint before an administrative law judge (ALJ). The ALJ may order appropriate relief, if the FAA fails to establish good cause for failure to comply with these requirements.

(Sec. 4) The FAA may not reexamine an airman holding a student, sport, recreational, or private pilot certificate if the reexamination is ordered as a result of an event involving the fault of the FAA or its designee, unless the FAA has reasonable grounds to:

- establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed while exercising those privileges, after the certificate or rating was issued by the FAA or its designee; or
- demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

Before taking action to reexamine an airman the FAA shall furnish the airman with:

- a reasonable basis, described in detail, for requesting the reexamination; and
- any information the FAA finds appropriate to furnish, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

The FAA may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot, and issued after a reexamination, unless the FAA determines that the airman:

- lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or
- materially contributed to the issuance of the certificate by fraudulent means.

(Sec. 5) The FAA may not take enforcement action against an individual for violation of a Notice to Airmen (NOTAM) regarding airspace system information until the FAA certifies its compliance with certain NOTAM Improvement Program requirements, as amended by this Act.

Under the NOTAM Improvement Program the FAA shall:

- continue developing and modernizing the NOTAM repository, making all NOTAMs Internet-accessible, machine-readable, and searchable; and
- specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.

The FAA shall consider the NOTAM repository to be the sole location for airmen to check for NOTAMs, and may not consider a NOTAM announced or published until it is in the repository.

Except for an enforcement action relating to national security, the FAA may not take any enforcement action against an airman for a violation of a NOTAM during a flight if that NOTAM is not available through the repository before the flight's commencement and the NOTAM is not reasonably accessible and identifiable to the airman.

(Sec. 6) Upon receiving from an individual subject to an investigation a request for a flight record of air traffic data not in its possession, the FAA shall request the record from a FAA contract air traffic control tower or other FAA contractor possessing it. The contract tower or other contractor shall give the FAA, upon request, any covered flight record it created, maintained, or controls.

If the FAA has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in such a flight record, and the individual subject to an investigation has requested the record, the FAA shall produce it promptly and extend the time the individual has to respond to the notice until the covered flight record is furnished.

Compliance with these requirements by a contract tower or other contractor shall be included as a material term in any contract with the FAA.

(Sec. 7) The FAA shall revise certain regulations for FAA administrative disposition of a case under the Federal Aviation Act of 1958 or the Hazardous Materials Transportation Act to authorize the FAA legal counsel to close covered enforcement actions with a warning notice, letter of correction, or other administrative action.

Actions Timeline

- **Dec 18, 2015:** By Senator Thune from Committee on Commerce, Science, and Transportation filed written report. Report No. 114-198. Additional views filed.
- **Dec 17, 2015:** Referred to the Subcommittee on Aviation.
- **Dec 16, 2015:** Received in the House.
- **Dec 16, 2015:** Message on Senate action sent to the House.
- **Dec 16, 2015:** Referred to the House Committee on Transportation and Infrastructure.
- **Dec 15, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S8674-8682)
- **Dec 15, 2015:** The committee substitute as amended agreed to by Unanimous Consent. (text of committee substitute as amended: CR S8674-8678)
- **Dec 15, 2015:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S8678-8682)
- **Dec 15, 2015:** Passed Senate with an amendment by Unanimous Consent. (text: CR S8678-8682)
- **Dec 9, 2015:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Dec 9, 2015:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. Without written report.
- **Dec 9, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 319.
- **Feb 25, 2015:** Introduced in Senate
- **Feb 25, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.