



## The Pilot's Bill of Rights Summary

### Public Law 112-153

### Sen. Mark Begich



#### Makes FAA Enforcement Proceedings and NTSB Review Fair for Pilots

- Requires NTSB review of FAA enforcement actions to conform, to the extent practicable, with the Federal Rules of Evidence and Federal Rules of Civil Procedure.
- Requires the FAA to provide timely notice to a pilot who is the subject of an investigation, and that any response by the pilot can be used as evidence against him.
- Requires that in an FAA enforcement action against a pilot, the FAA must grant the pilot all relevant evidence 30 days prior to a decision to proceed with an enforcement action. This is currently not done and often leaves the pilot grossly uninformed of his violation and recourse.
- Makes contractor-run flight service station and contract tower communications available to airmen. Currently, if a request is made for flight service station information under FOIA, it is denied to the requestor because the contractor is not the government, per se. However, the contractor is performing an inherently governmental function and this information should be available to pilots who need it to defend themselves in an enforcement proceeding.
- Removes the special statutory deference as it relates to National Transportation Safety Board review of FAA actions. Too often the NTSB rubber stamps a decision of the FAA, giving wide latitude to the FAA and making the appeals process meaningless. This returns NTSB's deference to the FAA to general administrative law principles, just like every other government agency.
- Allows for Federal district court review of appeals from the NTSB, at the election of the appellant. This is important because a review by the Federal district court is *de novo*, meaning the pilot gets a new trial with the ability to introduce evidence and a new review of the facts.

#### NOTAM Improvement Program

- Requires that the FAA undertake a NOTAM Improvement Program, requiring simplification and archival of NOTAMs in a central location. The process by which Notices to Airmen are provided by the FAA has long needed revision. This will ensure that the most relevant information reaches the pilot. Currently, FAA makes pilots responsible for knowledge of pre-flight conditions. Non-profit general aviation groups will make up an advisory panel.

#### Medical Certification Review

- The FAA's medical certification process has long been known to present a multitude of problems for pilots seeking an airman certificate. The bill requires a GAO review of the FAA's medical certification process and forms, with the goal of demonstrating how the FAA can provide greater clarity in the questions and reduce the instances of misinterpretation that have, in the past, lead to allegations of intentional falsification against pilots. Non-profit general aviation groups will make up an advisory panel, which will give advice to the FAA on how the medical certification process can be improved. The FAA is required to take appropriate action on the GAO recommendations within one year.