

AMENDMENT TO H.R. 4441

OFFERED BY MS. BROWNLEY OF CALIFORNIA

Beginning on page 192, strike line 3 and all that follows through page 195, line 17, and insert the following:

1 (a) IN GENERAL.—Not later than 180 days after the
2 date of enactment of this Act, the Administrator of the
3 Federal Aviation Administration shall issue or revise regu-
4 lations to ensure that an individual may operate as pilot
5 in command of a covered aircraft if—

6 (1) the individual possesses a valid driver’s li-
7 cense issued by a State, territory, or possession of
8 the United States and complies with all medical re-
9 quirements or restrictions associated with that li-
10 cense;

11 (2) the individual holds a medical certificate
12 issued by the Federal Aviation Administration on
13 the date of enactment of this Act, held such a cer-
14 tificate at any point during the 10-year period pre-
15 ceding such date of enactment, or obtains such a
16 certificate after such date of enactment;

1 (3) the most recent medical certificate issued by
2 the Federal Aviation Administration to the indi-
3 vidual—

4 (A) indicates whether the certificate is
5 first, second, or third class;

6 (B) may include authorization for special
7 issuance;

8 (C) may be expired;

9 (D) cannot have been revoked or sus-
10 pended; and

11 (E) cannot have been withdrawn;

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

16 (5) the individual has completed a medical edu-
17 cation course described in subsection (c) during the
18 24 calendar months before acting as pilot in com-
19 mand of a covered aircraft and demonstrates proof
20 of completion of the course;

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

1 (7) the individual has received a comprehensive
2 medical examination from a State-licensed physician
3 during the previous 48 months and—

4 (A) prior to the examination, the indi-
5 vidual—

6 (i) completed the individual's section
7 of the checklist described in subsection (b);
8 and

9 (ii) provided the completed checklist
10 to the physician performing the examina-
11 tion; and

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

19 (8) the individual is operating in accordance
20 with the following conditions:

21 (A) The covered aircraft is carrying not
22 more than 5 passengers.

23 (B) The individual is operating the covered
24 aircraft under visual flight rules or instrument
25 flight rules.

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

3 (i) for compensation or hire, including
4 that no passenger or property on the flight
5 is being carried for compensation or hire;

6 (ii) at an altitude that is more than
7 18,000 feet above mean sea level;

8 (iii) outside the United States, unless
9 authorized by the country in which the
10 flight is conducted; or

11 (iv) at an indicated air speed exceed-
12 ing 250 knots.

13 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

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

20 (2) REQUIREMENTS.—The checklist shall con-
21 tain—

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

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

4 (ii) a signature line for the individual
5 to affirm that—

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

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

22 (III) the individual is aware of
23 the regulations pertaining to the pro-
24 hibition on operations during medical
25 deficiency and has no medically dis-

1 qualifying conditions in accordance
2 with applicable law;

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

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

9 (i) to perform a clinical examination
10 of—

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

12 (II) nose, sinuses, mouth, and
13 throat;

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

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

21 (V) lungs and chest (not includ-
22 ing breast examination);

23 (VI) heart (precordial activity,
24 rhythm, sounds, and murmurs);

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

1 (XX) vision (distant, near, and
2 intermediate vision, field of vision,
3 color vision, and ocular alignment);

4 (XXI) blood pressure and pulse;
5 and

6 (XXII) anything else the physi-
7 cian, in his or her medical judgment,
8 considers necessary;

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

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

21 (iv) to sign the checklist, stating: “I
22 certify that I discussed all items on this
23 checklist with the individual during my ex-
24 amination, discussed any medications the
25 individual is taking that could interfere

1 with their ability to safely operate an air-
2 craft or motor vehicle, and performed an
3 examination that included all of the items
4 on this checklist. I certify that I am not
5 aware of any medical condition that, as
6 presently treated, could interfere with the
7 individual's ability to safely operate an air-
8 craft.”; and

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

14 (3) LOGBOOK.—The completed checklist shall
15 be retained in the individual's logbook and made
16 available on request.

17 (c) MEDICAL EDUCATION COURSE REQUIRE-
18 MENTS.—The medical education course described in this
19 subsection shall—

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

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

1 (3) educate pilots on conducting medical self-as-
2 sessments;

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

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

7 (6) increase awareness of the impacts of poten-
8 tially impairing over-the-counter and prescription
9 drug medications;

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

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

15 (9) provide the checklist developed by the Fed-
16 eral Aviation Administration in accordance with sub-
17 section (b); and

18 (10) upon successful completion of the course,
19 electronically provide to the individual and transmit
20 to the Federal Aviation Administration—

21 (A) a certification of completion of the
22 medical education course, which shall be printed
23 and retained in the individual's logbook and
24 made available upon request, and shall contain

1 the individual's name, address, and airman cer-
2 tificate number;

3 (B) subject to subsection (d), a release au-
4 thORIZING the National Driver Register through
5 a designated State Department of Motor Vehi-
6 cles to furnish to the Federal Aviation Adminis-
7 tration information pertaining to the individ-
8 ual's driving record;

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

15 (D) a form that includes—

16 (i) the name, address, telephone num-
17 ber, and airman certificate number of the
18 individual;

19 (ii) the name, address, telephone num-
20 ber, and State medical license number of
21 the physician performing the comprehen-
22 sive medical examination required in sub-
23 section (a)(7);

1 (iii) the date of the comprehensive
2 medical examination required in subsection
3 (a)(7); and

4 (iv) a certification by the individual
5 that the checklist described in subsection
6 (b) was followed and signed by the physi-
7 cian in the comprehensive medical exam-
8 ination required in subsection (a)(7); and

9 (E) a statement, which shall be printed,
10 and signed by the individual certifying that the
11 individual understands the existing prohibition
12 on operations during medical deficiency by stat-
13 ing: “I understand that I cannot act as pilot in
14 command, or any other capacity as a required
15 flight crew member, if I know or have reason to
16 know of any medical condition that would make
17 me unable to operate the aircraft in a safe
18 manner.”.

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

23 (e) SPECIAL ISSUANCE PROCESS.—

24 (1) IN GENERAL.—An individual who has quali-
25 fied for the third-class medical certificate exemption

1 under subsection (a) and is seeking to serve as a
2 pilot in command of a covered aircraft shall be re-
3 quired to have completed the process for obtaining
4 an Authorization for Special Issuance of a Medical
5 Certificate for each of the following:

6 (A) A mental health disorder, limited to an
7 established medical history or clinical diagnosis
8 of—

9 (i) personality disorder that is severe
10 enough to have repeatedly manifested itself
11 by overt acts;

12 (ii) psychosis, defined as a case in
13 which an individual—

14 (I) has manifested delusions, hal-
15 lucinations, grossly bizarre or disorga-
16 nized behavior, or other commonly ac-
17 cepted symptoms of psychosis; or

18 (II) may reasonably be expected
19 to manifest delusions, hallucinations,
20 grossly bizarre or disorganized behav-
21 ior, or other commonly accepted
22 symptoms of psychosis;

23 (iii) bipolar disorder; or

24 (iv) substance dependence within the
25 previous 2 years, as defined in section

1 67.307(a)(4) of title 14, Code of Federal
2 Regulations.

3 (B) A neurological disorder, limited to an
4 established medical history or clinical diagnosis
5 of any of the following:

6 (i) Epilepsy.

7 (ii) Disturbance of consciousness with-
8 out satisfactory medical explanation of the
9 cause.

10 (iii) A transient loss of control of
11 nervous system functions without satisfac-
12 tory medical explanation of the cause.

13 (C) A cardiovascular condition, limited to a
14 one-time special issuance for each diagnosis of
15 the following:

16 (i) Myocardial infraction.

17 (ii) Coronary heart disease that has
18 required treatment.

19 (iii) Cardiac valve replacement.

20 (iv) Heart replacement.

21 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
22 DITIONS.—In the case of an individual with a car-
23 diovascular condition, the process for obtaining an
24 Authorization for Special Issuance of a Medical Cer-
25 tificate shall be satisfied with the successful comple-

1 tion of an appropriate clinical evaluation without a
2 mandatory wait period.

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

5 (A) In the case of an individual with a
6 clinically diagnosed mental health 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 mental health con-
23 dition.

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

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 mental health condition.

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

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

12 (i) in the judgment of the individual's
13 State-licensed medical specialist, the condi-
14 tion—

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

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

23 (ii) the individual's driver's license is
24 revoked by the issuing agency as a result

1 of a clinically diagnosed neurological condi-
2 tion.

3 (B) Subject to subparagraph (A), an indi-
4 vidual clinically diagnosed with a neurological
5 condition shall certify every 2 years, in conjunc-
6 tion with the certification under subsection
7 (c)(10)(C), that the individual is under the care
8 of a State-licensed medical specialist for that
9 neurological condition.

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

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

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

21 (3) REPORT REQUIRED.—Not later than 180
22 days after the date of enactment of this Act, the Ad-
23 ministrator shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate
25 and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report
2 listing the medical conditions that have been added
3 to the CACI program under paragraph (1).

4 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
5 ISSUANCE OF A MEDICAL CERTIFICATE.—

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

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

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

1 (h) REPORT REQUIRED.—Not later than 5 years
2 after the date of enactment of this Act, the Administrator,
3 in coordination with the National Transportation Safety
4 Board, shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives a report that describes the effect of the
8 regulations issued or revised under subsection (a) and in-
9 cludes statistics with respect to changes in small aircraft
10 activity and safety incidents.

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

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

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

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

3 (k) OPERATIONS COVERED.—The provisions and re-
4 quirements covered in this section do not apply to pilots
5 who elect to operate under the medical requirements under
6 subsection (b) or subsection (c) of section 61.23 of title
7 14, Code of Federal Regulations.

8 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
9 TION.—

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

21 (2) USE OF INFORMATION.—The Administrator
22 may use credible or urgent information received
23 under paragraph (1) to request an individual to pro-

- 1 vide additional information or to take actions under
- 2 section 44709(b) of title 49, United States Code.

