

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3578
OFFERED BY MR. LOBIONDO OF NEW JERSEY**

Strike all after the enacting clause and insert the
following:

1 **SECTION 1. MEDICAL CERTIFICATION REQUIREMENTS FOR**
2 **AIRMEN AND AIR TRAFFIC CONTROLLERS**
3 **RELATING TO SLEEP DISORDERS.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 may, consistent with accepted medical standards and prac-
6 tices, implement or enforce a requirement providing for
7 the screening, testing, or treatment (including consider-
8 ation of all possible treatment alternatives) of an airman
9 or an air traffic controller for a sleep disorder—

10 (1) in the case of an airman, only if the re-
11 quirement is adopted pursuant to a rulemaking pro-
12 ceeding; and

13 (2) in the case of an air traffic controller, only
14 if the Federal Aviation Administration meets its ob-
15 ligations pursuant to chapter 71 of title 5, United
16 States Code.

1 (b) APPLICABILITY.—Subsection (a) shall not apply
2 to a requirement that was in force before November 1,
3 2013.

4 (c) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) AIRMAN.—The term “airman” has the
7 meaning given that term in section 40102(a) of title
8 49, United States Code.

9 (2) AIR TRAFFIC CONTROLLER.—The term “air
10 traffic controller” means a civilian employee of the
11 Department of Transportation described in section
12 2109 of title 5, United States Code.

13 (3) SLEEP DISORDER.—The term “sleep dis-
14 order” includes obstructive sleep apnea.

Amend the title so as to read: “A bill to establish requirements for the adoption of any new or revised requirement providing for the screening, testing, or treatment of an airman or an air traffic controller for a sleep disorder, and for other purposes.”.

