

# S. 3257 Cruz Substitute (Modified)

MUR26185 167



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**

## **S. 3257**

To require the Administrator of the Federal Aviation Administration to revise regulations for certain individuals carrying out aviation activities who disclose a mental health diagnosis or condition, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. CRUZ

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Mental Health in Avia-
- 5 tion Act of 2026”.
- 6 **SEC. 2. DEFINITIONS.**
- 7 In this Act:
- 8 (1) ADMINISTRATOR.—The term “Adminis-
- 9 trator” means the Administrator of the Federal
- 10 Aviation Administration.

1           (2) APPROPRIATE COMMITTEES OF CON-  
2 GRESS.—The term “appropriate committees of Con-  
3 gress” means—

4           (A) the Committee on Transportation and  
5 Infrastructure of the House of Representatives;  
6 and

7           (B) the Committee on Commerce, Science,  
8 and Transportation of the Senate.

9           (3) FAA.—The term “FAA” means the Fed-  
10 eral Aviation Administration.

11           (4) SPECIAL ISSUANCE.—The term “special  
12 issuance” has the meaning given such term in sec-  
13 tion 67.401 of title 14, Code of Federal Regulations.

14 **SEC. 3. REGULATIONS FOR INDIVIDUALS CARRYING OUT**  
15 **AVIATION ACTIVITIES.**

16           (a) IN GENERAL.—Not later than 18 months after  
17 the date of enactment of this Act, the Administrator shall  
18 update regulations, including in part 67 of title 14, Code  
19 of Federal Regulations, and issue relevant guidance as ap-  
20 propriate to encourage individuals to—

21           (1) seek help for mental health conditions or  
22 symptoms of mental health conditions; and

23           (2) to disclose conditions or symptoms de-  
24 scribed in paragraph (1).

1 (b) SOLICIT FEEDBACK; REPORT REQUIREMENTS.—

2 Section 411(d) of the FAA Reauthorization Act of 2024  
3 (49 U.S.C. 44703 note) is amended—

4 (1) in paragraph (3), by striking subparagraph  
5 (B) and inserting the following:

6 “(B) soliciting feedback from aviation in-  
7 dustry professionals or other licensed profes-  
8 sionals representing air carrier operations under  
9 part 121 and part 135 of title 14, Code of Fed-  
10 eral Regulations, and general aviation oper-  
11 ations under part 91 of title 14, Code of Fed-  
12 eral Regulations, the exclusive bargaining rep-  
13 resentatives of air traffic controllers of the FAA  
14 certified under section 7111 of title 5, United  
15 States Code, organizations representing collec-  
16 tive bargaining representatives of airline pilots,  
17 institutions of higher education that are accred-  
18 ited by the Aviation Accreditation Board Inter-  
19 national, and professional pilot flight training  
20 schools certificated under part 141 of title 14,  
21 Code of Federal Regulations;” and

22 (2) in paragraph (4)—

23 (A) in subparagraphs (A) and (B), by  
24 striking “and” at the end;

1 (B) in subparagraph (C), by striking the  
2 period at the end and inserting a semicolon;  
3 and

4 (C) by adding at the end the following new  
5 subparagraphs:

6 “(D) a review and evaluation of any rec-  
7 ommendations reached by the National Trans-  
8 portation Safety Board related to aviation  
9 workforce mental health; and

10 “(E) a description of relevant clinical stud-  
11 ies, research, diagnostic manuals, and protocols  
12 relied upon by the task group in developing  
13 their recommendations.”.

14 (c) IMPLEMENTATION.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of enactment of this Act, and for any  
17 report issued thereafter, not later than 180 days  
18 after the submission of each report required under  
19 section 411(f) of the FAA Reauthorization Act of  
20 2024 (49 U.S.C. 44703 note), the Administrator  
21 may take action, as appropriate, to implement the  
22 recommendations of such report.

23 (2) JUSTIFICATION.—In the event that the Ad-  
24 ministrator decides not to implement a recommenda-  
25 tion described in paragraph (1), the Administrator

1 shall submit to the appropriate committees of Con-  
2 gress the justification for such decision not later  
3 than 90 days after receiving the report containing  
4 such recommendation.

5 **SEC. 4. REVIEW OF MENTAL HEALTH SPECIAL ISSUANCE**  
6 **PROCESS.**

7 Beginning on the date that is 180 days after the Ad-  
8 ministrator submits the first report pursuant to section  
9 411(f) of the FAA Reauthorization Act of 2024 (49  
10 U.S.C. 44703 note), and annually for the 1st 2 years  
11 thereafter, and triennially thereafter, the Administrator  
12 shall conduct a review of the special issuance process, and  
13 update, as appropriate, the applicable regulations, policies,  
14 orders, and guidance on mental health-related special  
15 issuance for pilots and air traffic controllers to—

16 (1) consider the reclassification of additional  
17 medications and evidence-based treatments that may  
18 be safely prescribed to treat mental health condi-  
19 tions;

20 (2) provide enhanced mental health knowledge  
21 and training for aviation medical examiners, con-  
22 sistent with the recommendations of the Mental  
23 Health & Aviation Medical Clearances Aviation Rule-  
24 making Committee described in section 6;

1           (3) if the Administrator determines appropriate,  
2           consider expanding opportunities in which an avia-  
3           tion medical examiner may issue a certificate con-  
4           sistent with the recommendations of the Mental  
5           Health & Aviation Medical Clearances Aviation Rule-  
6           making Committee described in section 6, provided  
7           that such examiner has completed enhanced mental  
8           health training, as described in paragraph (2), to en-  
9           sure such personnel have the requisite knowledge  
10          and ability to appropriately evaluate individuals for  
11          FAA medical certification; and

12          (4) improve the special issuance process for pi-  
13          lots and air traffic controllers.

14   **SEC. 5. IMPROVING CAPACITY FOR THE OFFICE OF AERO-**  
15                           **SPACE MEDICINE.**

16          Of the amounts made available pursuant to section  
17   106(k)(1) of title 49, United States Code, the Adminis-  
18   trator shall designate not more than \$15,000,000 for each  
19   of fiscal years 2026 through 2028 to—

20          (1) recruit, select, and train additional aviation  
21          medical examiners and human intervention motiva-  
22          tion study aviation medical examiners, including  
23          those who are psychiatrists;

24          (2) expand capacity to provide oversight of  
25          aviation medical examiners and clear the backlog of

1 special issuance requests and cases awaiting review  
2 at the Office of Aerospace Medicine of the FAA;

3 (3) provide enhanced mental health training to  
4 aviation medical examiners to ensure such personnel  
5 have requisite knowledge and the ability to appro-  
6 priately evaluate individuals for FAA medical certifi-  
7 cation; and

8 (4) support any other related activities, as de-  
9 termined appropriate by the Administrator.

10 **SEC. 6. IMPLEMENTATION OF AVIATION RULEMAKING**  
11 **COMMITTEE RECOMMENDATIONS.**

12 (a) **IN GENERAL.**—Not later than 2 years after the  
13 date of enactment of this Act, the Administrator shall im-  
14 plement, as appropriate, the recommendations of the Men-  
15 tal Health & Aviation Medical Clearances Aviation Rule-  
16 making Committee, which were submitted to the Adminis-  
17 trator on April 1, 2024 (in this section referred to as the  
18 “ARC”).

19 (b) **CONSULTATION.**—In carrying out subsection (a),  
20 the Administrator shall consult with the stakeholders de-  
21 scribed in section 411(d)(3)(B) of the FAA Reauthoriza-  
22 tion Act of 2024 (as amended by this Act).

23 (c) **VALIDATION.**—With respect to recommendation 6  
24 of the ARC, the Administrator shall leverage and cite rel-  
25 evant clinical studies, research, diagnostic manuals, and

1 protocols to inform the recommendation, as determined by  
2 the Administrator. The Administrator may, as appro-  
3 priate, commission any such studies that may be needed  
4 to fill data gaps. Any such studies shall document the data  
5 gap and be completed not later than 1 year after the en-  
6 actment of this Act.

7 (d) **JUSTIFICATION.**—If the Administrator decides  
8 not to implement a recommendation described in the ARC,  
9 the Administrator shall submit to the appropriate commit-  
10 tees of Congress their justification for such decision not  
11 later than 90 days after the deadline described in such  
12 subsection.

13 **SEC. 7. PUBLIC INFORMATION CAMPAIGN.**

14 (a) **IN GENERAL.**—For fiscal years 2026 through  
15 2028, the Administrator shall carry out a public informa-  
16 tion campaign or similar public education efforts to—

17 (1) destigmatize individuals in (or interested in  
18 joining) the aviation industry who seek mental  
19 health care;

20 (2) broaden awareness of available supportive  
21 services; and

22 (3) improve trust between the FAA and pilots  
23 and air traffic controllers.

1 (b) REQUIREMENTS.—The public information cam-  
2 paign or similar public education efforts described in sub-  
3 section (a) shall include—

4 (1) making publicly available (in an easily ac-  
5 cessible format and location online)—

6 (A) information that would help  
7 destigmatize the reporting of mental health con-  
8 cerns impacting the aviation workforce, and en-  
9 courage individuals to seek help for such con-  
10 cerns; and

11 (B) other information to effectuate the  
12 outcomes described in subsection (a);

13 (2) posting the information described in para-  
14 graph (1) at Aviation Medical Examiner offices; and

15 (3) collaborating with air carriers (as defined in  
16 section 40102 of title 49, United States Code), flight  
17 training institutions and entities (as described in  
18 parts 61 and 141 of title 14, Code of Federal Regu-  
19 lations), and small, medium, and large hub airports  
20 (as defined in such section 40102) to encourage  
21 such entities to make such information easily acces-  
22 sible to airmen and air traffic controllers.

23 (c) BRIEFING AND REPORT TO CONGRESS.—

24 (1) BRIEFING.—Not later than 90 days after  
25 the Administrator establishes the public information

1 campaign described in subsection (a), the Adminis-  
2 trator shall brief the appropriate committees of Con-  
3 gress on the actions taken to develop the campaign  
4 and the plans to implement the campaign.

5 (2) REPORT.—Not later than 2 years after the  
6 Administrator implements the public information  
7 campaign, the Administrator shall submit to the ap-  
8 propriate committees of Congress a report describing  
9 the engagement and outreach resulting from such  
10 campaign, including a description of any applicable  
11 feedback from aviation industry stakeholders on the  
12 efficacy of the campaign.