

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3935  
OFFERED BY MS. TITUS OF NEVADA**

Page 447, strike line 6 and all that follows through page 449, line 24 and insert the following:

1       (a) IN GENERAL.—Chapter 447 of title 49, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing:

4       **“§ 44745. Cockpit recording device**

5       “(a) IN GENERAL.—Not later than 18 months after  
6 the date of enactment of this section, the Administrator  
7 of the Federal Aviation Administration shall complete a  
8 rulemaking proceeding to—

9               “(1) require that, not later than 4 years after  
10 the date of enactment of this Act, all applicable air  
11 craft are fitted with a cockpit voice recorder and a  
12 flight data recorder that are each capable of record-  
13 ing the most recent 25 hours of data;

14               “(2) prohibit any person from deliberately eras-  
15 ing or tampering with any recording on such a cock-  
16 pit voice recorder or flight data recorder following a  
17 National Transportation Safety Board reportable  
18 event under part 830 of title 49, Code of Federal

1 Regulations, and provide for civil and criminal pen-  
2 alties for such deliberate erasing or tampering,  
3 which may be assessed in accordance with section of  
4 this title and section 32 of title 18;

5 “(3) require that such a cockpit voice recorder  
6 has the capability for an operator to use an erasure  
7 feature, such as an installed bulk erase function,  
8 consistent with applicable law and regulations;

9 “(4) require that, in the case of such a cockpit  
10 voice recorder or flight data recorder that uses a  
11 solid state recording medium in which activation of  
12 a bulk erase function assigns a random discrete code  
13 to the deleted recording, only the manufacturer of  
14 the recorder and National Transportation Safety  
15 Board have access to the software necessary to de-  
16 termine the code in order to extract the deleted re-  
17 corded data; and

18 “(5) ensure that data on such a cockpit voice  
19 recorder or a flight data recorder, through technical  
20 means other than encryption (such as overwriting or  
21 the substitution of a blank recording medium before  
22 the recorder is returned to the owner) is not dis-  
23 closed for use other than for accident or incident in-  
24 vestigation purposes.

1           “(b) PROHIBITED USE.—A cockpit voice recorder re-  
2 cording shall not be used by the Administrator or any em-  
3 ployer for any certificate action, civil penalty, or discipli-  
4 nary proceedings against flight crewmembers.

5           “(c) APPLICABLE AIRCRAFT DEFINED.—In this sec-  
6 tion, the term ‘applicable aircraft’ means an aircraft that  
7 is—

8                   “(1) operated under part 121 of title 14, Code  
9 of Federal Regulations; and

10                   “(2) required by regulation to have a cockpit  
11 voice recorder or a flight data recorder.”.

12           (b) CLERICAL AMENDMENT.—The analysis for chap-  
13 ter 447 of title 49, United States Code, is amended by  
14 inserting after the item relating to section 44744 the fol-  
15 lowing:

“44745. Cockpit recording device.”.

