

114TH CONGRESS
1ST SESSION

S. 571

To amend the Pilot’s Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2015

Mr. INHOFE (for himself, Mr. MANCHIN, Mr. BOOZMAN, Mrs. SHAHEEN, Mr. DAINES, Mr. CASEY, Mr. WICKER, Ms. HEITKAMP, Mr. MORAN, Mr. TESTER, Mr. ROBERTS, Mr. BARRASSO, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Pilot’s Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pilot’s Bill of Rights
5 2”.

1 **SEC. 2. MEDICAL CERTIFICATION OF CERTAIN SMALL AIR-**
2 **CRAFT PILOTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Administrator of
5 the Federal Aviation Administration shall issue or revise
6 medical certification regulations to ensure that an indi-
7 vidual may operate as pilot in command of a covered air-
8 craft without regard to any medical certification or proof
9 of health requirement otherwise applicable under Federal
10 law if—

11 (1) the individual possesses a valid State driv-
12 er's license and complies with any medical require-
13 ment associated with that license;

14 (2) the individual is transporting not more than
15 5 passengers;

16 (3) the individual is operating under visual
17 flight rules or instrument flight rules; and

18 (4) the relevant flight, including each portion
19 thereof, is not carried out—

20 (A) for compensation, including that no
21 passenger or property on the flight is being car-
22 ried for compensation;

23 (B) at an altitude that is more than
24 14,000 feet above mean sea level;

1 (C) outside the United States, unless au-
2 thorized by the country in which the flight is
3 conducted; or

4 (D) at an indicated air speed exceeding
5 250 knots.

6 (b) COVERED AIRCRAFT DEFINED.—In this section,
7 the term “covered aircraft” means an aircraft that—

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

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

12 (c) REPORT REQUIRED.—Not later than 5 years
13 after the date of the enactment of this Act, the Adminis-
14 trator shall submit to Congress a report that describes the
15 effect of the regulations issued or revised under subsection
16 (a) and includes statistics with respect to changes in small
17 aircraft activity and safety incidents.

18 (d) PROHIBITION ON ENFORCEMENT ACTIONS.—On
19 and after the date that is 180 days after the date of the
20 enactment of this Act, the Administrator may not take
21 an enforcement action for not holding a valid third-class
22 medical certificate against a pilot of a covered aircraft for
23 a flight if the pilot and the flight meet the applicable re-
24 quirements under paragraphs (1) through (4) of sub-

1 section (a) unless the Administrator has published final
2 regulations in the Federal Register under subsection (a).

3 **SEC. 3. EXPANSION OF PILOT'S BILL OF RIGHTS.**

4 (a) APPEALS NOT SUBJECT TO EXHAUSTION OF AD-
5 MINISTRATIVE REMEDIES.—

6 (1) IN GENERAL.—Section 2(d)(1) of the Pilot's
7 Bill of Rights (Public Law 112–153; 126 Stat.
8 1159; 49 U.S.C. 44703 note) is amended to read as
9 follows:

10 “(1) IN GENERAL.—Upon a decision by the Ad-
11 ministrator denying a covered certificate, or impos-
12 ing a punitive civil action or an order of revocation
13 under section 44709 of title 49, United States Code,
14 a person substantially affected by the decision may,
15 at the person's election, file an appeal with the Na-
16 tional Transportation Safety Board or, without fur-
17 ther administrative review, in the United States dis-
18 trict court in which the person resides or in which
19 the action in question occurred, or in the United
20 States District Court for the District of Columbia.”.

21 (2) CONFORMING AMENDMENT.—Section
22 2(d)(2) of such Act is amended by striking “Federal
23 district court” and inserting “United States district
24 court”.

1 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
2 OF PROOF.—Section 2(e) of such Act is amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) IN GENERAL.—In an appeal filed under
6 subsection (d) in a United States district court with
7 respect to a denial, suspension, or revocation of a
8 covered certificate by the Administrator—

9 “(A) the district court shall review the de-
10 nial, suspension, or revocation de novo, includ-
11 ing by—

12 “(i) conducting a full independent re-
13 view of the complete administrative record
14 of the denial, suspension, or revocation;

15 “(ii) permitting additional discovery
16 and the taking of additional evidence; and

17 “(iii) making the findings of fact and
18 conclusions of law required by Rule 52 of
19 the Federal Rules of Civil Procedure with-
20 out being bound to any facts found by the
21 Administrator or the National Transpor-
22 tation Safety Board; and

23 “(B) the Administrator shall bear the bur-
24 den of proof.”; and

25 (2) by adding at the end the following:

1 “(3) APPLICABILITY OF ADMINISTRATIVE PRO-
 2 CEDURE ACT.—Notwithstanding paragraph (1)(A)
 3 or subsection (a)(1) of section 554 of title 5, United
 4 States Code, that section applies to adjudications of
 5 the Administrator and the National Transportation
 6 Safety Board to the same extent as that section ap-
 7 plied to such adjudications before the date of the en-
 8 actment of the Pilot’s Bill of Rights 2.”.

9 (c) EXPANSION TO ALL CERTIFICATES ISSUED BY
 10 FEDERAL AVIATION ADMINISTRATION.—

11 (1) IN GENERAL.—Section 2 of such Act is
 12 amended—

13 (A) in subsection (a)—

14 (i) by striking “subpart C, D, or F
 15 of”; and

16 (ii) by striking “an airman certifi-
 17 cate” and inserting “a covered certificate”;
 18 and

19 (B) in subsection (b)(1), by striking “an
 20 airman certificate under chapter 447 of title 49,
 21 United States Code” and inserting “a covered
 22 certificate”.

23 (2) COVERED CERTIFICATE DEFINED.—Section
 24 2 of such Act is amended by adding at the end the
 25 following:

1 “(k) COVERED CERTIFICATE DEFINED.—In this sec-
 2 tion, the term ‘covered certificate’ means an airman cer-
 3 tificate, design organization certificate, holder of type cer-
 4 tificate, production certificate, airworthiness certificate,
 5 air carrier operating certificate, airport operating certifi-
 6 cate, air agency certificate, air navigation facility certifi-
 7 cate, medical certificate, or any other authorization issued
 8 by the Administrator under chapter 447 of title 49, United
 9 States Code.”.

10 (3) CONFORMING AMENDMENTS.—Section 2 of
 11 such Act, as amended by this subsection, is further
 12 amended—

13 (A) in subsection (b)(4)(C)—

14 (i) in clause (i), by striking “Any indi-
 15 vidual” and inserting “Any person”;

16 (ii) in clauses (ii) and (iii), in the
 17 clause headings, by striking “INDIVIDUAL”
 18 and inserting “PERSON”; and

19 (iii) in clause (iii)(II), by striking “the
 20 requesting individual” and inserting “the
 21 requesting person”;

22 (B) by striking “the individual’s” each
 23 place it appears and inserting “the person’s”;

24 (C) by striking “the individual” each place
 25 it appears and inserting “the person”; and

1 (D) by striking “an individual” each place
2 it appears and inserting “a person”.

3 (d) NOTIFICATION OF INVESTIGATION.—Section 2 of
4 such Act is further amended—

5 (1) by striking subsection (c);

6 (2) by redesignating paragraph (5) of sub-
7 section (b) as subsection (c), and by moving such
8 subsection, as so redesignated, two ems to the left;

9 (3) in subsection (b)—

10 (A) in paragraph (2)(A), by inserting “and
11 the specific incident or incidents on which the
12 investigation is based” after “nature of the in-
13 vestigation”;

14 (B) in paragraph (3), by striking “timely”;

15 (C) by redesignating paragraph (4) as
16 paragraph (5); and

17 (D) by inserting after paragraph (3) the
18 following:

19 “(4) FAILURE TO PROVIDE INFORMATION.—If
20 the Administrator does not provide a person with
21 the notification required by paragraph (1) with re-
22 spect to an investigation relating to the approval, de-
23 nial, suspension, modification, or revocation of a cov-
24 ered certificate, including all of the information re-

1 quired under paragraph (2), the Administrator may
2 not—

3 “(A) retain records of the investigation;

4 “(B) deny, suspend, or revoke the covered
5 certificate;

6 “(C) seek a civil penalty or other punitive
7 action against the person; or

8 “(D) in any way take action, including
9 issuance of a warning letter or letter of correc-
10 tion or any other administrative action, with re-
11 gard to the matter that was the subject of the
12 investigation.”; and

13 (4) in subsection (c), as redesignated by para-
14 graph (2), by striking “section 44709(e)(2)” and in-
15 serting “section 44709(e)(2)”.

16 (e) RELEASE OF INVESTIGATIVE REPORTS.—Section
17 2 of such Act is amended by inserting after subsection
18 (e) the following:

19 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

20 “(1) IN GENERAL.—

21 “(A) EMERGENCY ORDERS.—In any pro-
22 ceeding conducted under part 821 of title 49,
23 Code of Federal Regulations, relating to denial,
24 amendment, modification, suspension, or rev-
25 ocation of a covered certificate, in which the

1 Administrator issues an emergency order of rev-
2 ocation under subsections (d) and (e) of section
3 44709 of title 49, United States Code, an emer-
4 gency order under section 46105(c) of such
5 title, or another order that takes effect imme-
6 diately, the Administrator shall provide to the
7 person holding the covered certificate the re-
8 leasable portion of the investigative report be-
9 fore issuing the order.

10 “(B) OTHER ORDERS.—In any proceeding
11 conducted under part 821 of title 49, Code of
12 Federal Regulations, relating to denial, amend-
13 ment, modification, suspension, or revocation of
14 a covered certificate, in which the Adminis-
15 trator notifies the holder of the covered certifi-
16 cate of a proposed action under subsections (b)
17 and (c) of section 44709 of title 49, United
18 States Code, the Administrator shall, upon re-
19 quest of the holder of the covered certificate
20 and at any time after that notification, provide
21 to the holder of the covered certificate the re-
22 leasable portion of the investigative report.

23 “(2) MOTION FOR DISMISSAL.—If the Adminis-
24 trator does not provide the investigative report to
25 the person holding the covered certificate subject to

1 the proceeding referred to in paragraph (1) by the
2 time required by that paragraph, the person may
3 move to dismiss the complaint of the Administrator
4 or for other relief and, unless the Administrator es-
5 tablishes good cause for the failure to provide the in-
6 vestigative report, the administrative law judge shall
7 order such relief as the judge considers appropriate.

8 “(3) RELEASABLE PORTION OF REPORT.—For
9 purposes of paragraph (1), the releasable portion of
10 an investigative report is all information in the re-
11 port, except for the following:

12 “(A) Information that is privileged.

13 “(B) Information that constitutes work
14 product or reflects internal deliberative process.

15 “(C) Information that would disclose the
16 identity of a confidential source.

17 “(D) Information the disclosure of which is
18 prohibited by any other provision of law.

19 “(E) Information that is not relevant to
20 the subject matter of the proceeding.

21 “(F) Information the Administrator can
22 demonstrate is withheld for good cause.

23 “(G) Sensitive security information, as de-
24 fined in section 15.5 of title 49, Code of Fed-

1 eral Regulations (or any corresponding similar
2 ruling or regulation).

3 “(4) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to prevent the Ad-
5 ministrator from releasing to a person subject to an
6 investigation described in subsection (b)(1)—

7 “(A) information in addition to the infor-
8 mation included in the releasable portion of the
9 investigative report; or

10 “(B) a copy of the investigative report be-
11 fore the Administrator issues a complaint.”.

12 (f) LIMITATION ON DOCUMENT REQUESTS.—Section
13 2 of such Act, as amended by subsection (e), is further
14 amended by inserting after subsection (f) the following:

15 “(g) LIMITATION ON DOCUMENT REQUESTS.—In
16 any case in which the Administrator initiates an investiga-
17 tion described in subsection (b)(1) with respect to a per-
18 son, the Administrator and the investigating officials may
19 request documents from the person only if the request is
20 limited and narrowly tailored to issues in the investiga-
21 tion.”.

22 (g) RESPONSE TO REQUESTS BY REPAIR STATIONS
23 TO SETTLE OR WITHDRAW.—Section 2 of such Act, as
24 amended by subsections (e) and (f), is further amended
25 by inserting after subsection (g) the following:

1 “(h) RESPONSE TO REQUESTS BY REPAIR STATIONS
2 TO SETTLE OR WITHDRAW.—The Administrator shall re-
3 spond to a written request by a repair station holding a
4 certificate under part 145, Code of Federal Regulations,
5 that is subject to an investigation described in subsection
6 (b)(1) to withdraw from or settle a proceeding relating to
7 the investigation not later than 30 calendar days after re-
8 ceiving the request.”.

9 (h) LIMITATION ON RETENTION OF RECORDS.—Sec-
10 tion 2 of such Act, as amended by subsections (e), (f),
11 and (g), is further amended by inserting after subsection
12 (h) the following:

13 “(i) LIMITATION ON RETENTION OF RECORDS.—The
14 Administrator shall expunge the record of any investiga-
15 tion described in subsection (b)(1) with respect to a cov-
16 ered certificate that does not lead to the denial, suspen-
17 sion, modification, or revocation of the certificate not later
18 than 90 days after the Administrator determines not to
19 deny, suspend, modify, or revoke the certificate.

20 “(j) PROHIBITION ON PUBLICIZING PENDING EN-
21 FORCEMENT ACTIONS.—The Administrator may not indi-
22 cate in the publicly accessible records of a person holding
23 a covered certificate who is the subject of an investigation
24 described in subsection (b)(1) any information that is dif-

1 ferent from information in such records of an airman who
 2 is not under such an investigation.”.

3 **SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE**
 4 **HOLDERS.**

5 (a) IN GENERAL.—Section 44709 of title 49, United
 6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) in the subsection heading, by striking
 9 “AND REEXAMINATION”;

10 (B) by striking “The Administrator” and
 11 inserting the following:

12 “(1) IN GENERAL.—The Administrator”;

13 (C) by striking “, or reexamine an airman
 14 holding a certificate issued under section 44703
 15 of this title”; and

16 (D) by adding at the end the following:

17 “(2) REEXAMINATION OF AIRMEN CERTIFI-
 18 CATES.—

19 “(A) IN GENERAL.—The Administrator
 20 may reexamine an airman holding a certificate
 21 issued under section 44703 of this title only if
 22 the Administrator has reasonable grounds—

23 “(i) to question the airman’s lack of
 24 competence based on acts or omissions

1 committed while the airman was exercising
2 the privileges of the certificate; or

3 “(ii) to believe the airman obtained
4 the certificate through fraudulent means.

5 “(B) NOTIFICATION REQUIREMENTS.—Be-
6 fore taking any action to reexamine an airman
7 holding a certificate issued under section 44703
8 of this title, the Administrator shall provide to
9 the airman—

10 “(i) the specific justification for the
11 reexamination; and

12 “(ii) any releasable information gath-
13 ered by the Federal Aviation Administra-
14 tion that form the basis for that justifica-
15 tion.”.

16 (b) MODIFICATION, SUSPENSION, OR REVOCATION
17 OF AIRMEN CERTIFICATES AFTER REEXAMINATION.—
18 Section 44709(b) of such title is amended—

19 (1) by redesignating subparagraphs (A) and
20 (B) as clauses (i) and (ii), and by moving such
21 clauses, as so redesignated, two ems to the right;

22 (2) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), and by moving such
24 subparagraphs, as so redesignated, two ems to the
25 right;

1 (3) by striking “The Administrator” and insert-
 2 ing the following:

3 “(1) IN GENERAL.—The Administrator”; and

4 (4) by adding at the end the following:

5 “(2) MODIFICATION, SUSPENSION, OR REVOCA-
 6 TION OF AIRMEN CERTIFICATES AFTER REEXAMINA-
 7 TION.—The Administrator may not amend, modify,
 8 suspend, or revoke an airman certificate issued
 9 under section 44703 of this title after a reexamina-
 10 tion of the airman holding the certificate unless the
 11 Administrator demonstrates by a preponderance of
 12 the evidence that the airman—

13 “(A) lacks the skills and competency, or
 14 care, judgment, and responsibility, necessary to
 15 hold the certificate; or

16 “(B) materially contributed to the issuance
 17 of the certificate by fraudulent means.”.

18 (c) APPEALS.—Section 44709(f) of such title is
 19 amended—

20 (1) by striking “A person” and inserting the
 21 following:

22 “(1) IN GENERAL.—A person”; and

23 (2) by adding at the end the following:

24 “(2) APPEALS RELATING TO REEXAMINATION
 25 OF AIRMEN CERTIFICATES.—If the Administrator

1 amends, modifies, suspends, or revokes an airman
2 certificate after reexamination of the airman holding
3 the certificate in violation of subsection (a)(2), the
4 airman may elect to file an appeal in the United
5 States district court in which the airman resides or
6 in which the action in question occurred, or in the
7 United States District Court for the District of Co-
8 lumbia, instead of filing an appeal with the Board
9 under subsection (d).”.

10 (d) CONFORMING AMENDMENTS.—Section
11 44709(d)(1) of such title is amended—

12 (1) in subparagraph (A), by striking “sub-
13 section (b)(1)(A)” and inserting “subsection
14 (b)(1)(A)(i)”; and

15 (2) in subparagraph (B), by striking “sub-
16 section (b)(1)(B)” and inserting “subsection
17 (b)(1)(A)(ii)”.

18 **SEC. 5. EXPEDITING UPDATES TO NOTAM PROGRAM.**

19 (a) IN GENERAL.—The Administrator of the Federal
20 Aviation Administration may not take any enforcement ac-
21 tion, on or after the date that is 180 days after the date
22 of the enactment of this Act, against any individual for
23 a violation of a NOTAM (as defined in section 3 of the
24 Pilot’s Bill of Rights (49 U.S.C. 44701 note)) until the
25 Administrator certifies that the Administrator has com-

1 plied with the requirements of section 3 of the Pilot’s Bill
2 of Rights, as amended by this section, to—

3 (1) the Committee on Appropriations and the
4 Committee on Commerce, Science, and Transpor-
5 tation of the Senate; and

6 (2) the Committee on Appropriations and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives.

9 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
10 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
11 44701 note) is amended—

12 (1) in subsection (a)(2)—

13 (A) in the matter preceding subparagraph

14 (A)—

15 (i) by striking “this Act” and insert-
16 ing “the Pilot’s Bill of Rights 2”; and

17 (ii) by striking “begin” and inserting
18 “complete the implementation of”;

19 (B) by amending subparagraph (B) to read
20 as follows:

21 “(B) to establish a repository, in a public
22 central location, to maintain and archive all
23 NOTAMs, including the original content and
24 form of the notices, the original date of publica-
25 tion, and any amendments to such notices with

1 the date of each amendment, in a manner that
2 is Internet-accessible, machine-readable, and
3 searchable;”;

4 (C) in subparagraph (C), by striking the
5 period at the end and inserting a semicolon;
6 and

7 (D) by adding at the end the following:

8 “(D) to establish a rating system to
9 prioritize each NOTAM by the urgency and im-
10 portance of the NOTAM; and

11 “(E) to specify the times during which
12 temporary flight restrictions are in effect and
13 the duration of a designation of special use air-
14 space in a specific area.”; and

15 (2) by amending subsection (d) to read as fol-
16 lows:

17 “(d) DESIGNATION OF REPOSITORY AS SOLE
18 SOURCE FOR NOTAMS.—

19 “(1) IN GENERAL.—The Administrator—

20 “(A) shall consider the repository for
21 NOTAMs established under subsection
22 (a)(2)(B) to be the sole location for airmen to
23 check for NOTAMs; and

1 “(B) may not consider a NOTAM to be
2 announced and published until the NOTAM is
3 included in the repository.

4 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
5 LATIONS OF NOTAMS NOT IN REPOSITORY.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (A), on and after the date on
8 which the repository established under sub-
9 section (a)(2)(B) is final and published, the Ad-
10 ministrators may not take any enforcement ac-
11 tion against an airman for a violation of a
12 NOTAM during a flight if that NOTAM is not
13 available through the repository before the com-
14 mencement of the flight and reasonably acces-
15 sible and identifiable to the airman.

16 “(B) EXCEPTION FOR NATIONAL SECUR-
17 ITY.—Subparagraph (A) shall not apply in the
18 case of an enforcement action for a violation of
19 a NOTAM that directly relates to national se-
20 curity.”.

21 **SEC. 6. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

22 (a) IN GENERAL.—Subchapter I of chapter 471 of
23 title 49, United States Code, is amended by inserting after
24 section 47124 the following:

1 **“§ 47124a. Accessibility of certain flight data**

2 “(a) DEFINITIONS.—In this section:

3 “(1) CONTRACT TOWER.—The term ‘contract
4 tower’ means an air traffic control tower providing
5 air traffic control services pursuant to a contract
6 with the Federal Aviation Administration under the
7 Contract Tower Program under section 47124(b)(3).

8 “(2) COVERED FLIGHT RECORD.—The term
9 ‘covered flight record’ means any flight data, includ-
10 ing air traffic data (as defined in section 2(b)(4)(B)
11 of the Pilot’s Bill of Rights (49 U.S.C. 44703
12 note)), created, maintained, or controlled by any
13 program of the Federal Aviation Administration,
14 whether carried out by employees or contractors of
15 the Federal Aviation Administration, including con-
16 tract towers, flight service stations, and controller
17 training programs.

18 “(b) PROVISION OF COVERED FLIGHT DATA TO
19 FEDERAL AVIATION ADMINISTRATION.—

20 “(1) REQUEST FROM FEDERAL AVIATION AD-
21 MINISTRATION.—When the Federal Aviation Admin-
22 istration receives a request, pursuant to section 552
23 of title 5, United States Code, for a covered flight
24 record that is not in the possession of the Federal
25 Aviation Administration, the Administrator of the
26 Federal Aviation Administration shall request the

1 record from the contract tower or other contractor
2 of the Federal Aviation Administration that pos-
3 sesses the record.

4 “(2) PROVISION OF RECORDS TO FEDERAL
5 AVIATION ADMINISTRATION.—Any covered flight
6 record created, maintained, or controlled by a con-
7 tract tower or another contractor of the Federal
8 Aviation Administration that maintains covered
9 flight records shall be provided to the Federal Avia-
10 tion Administration if the Federal Aviation Adminis-
11 tration requests the record pursuant to paragraph
12 (1).

13 “(c) APPLICABILITY OF FOIA.—After the Federal
14 Aviation Administration receives a covered flight record
15 under subsection (b), that record shall be—

16 “(1) considered an agency record of the Federal
17 Aviation Administration for purposes of section
18 552(f)(2) of title 5, United States Code; and

19 “(2) subject to section 552 of title 5, United
20 States Code (commonly known as the ‘Freedom of
21 Information Act’), to the same extent as if the
22 record was created, maintained, and controlled by
23 the Federal Aviation Administration.

24 “(d) WITHHOLDING OF INFORMATION.—The Admin-
25 istrator of the Federal Aviation Administration may with-

1 hold information that would otherwise be required to be
2 made available under this section only if—

3 “(1) the Administrator determines, based on in-
4 formation in the possession of the Administrator,
5 that the Administrator may withhold the informa-
6 tion in accordance with section 552(b) of title 5,
7 United States Code; or

8 “(2) the information is voluntarily provided
9 safety- or security-related information covered by
10 section 40123.

11 “(e) **FORMAT OF RECORDS.**—Each contract tower or
12 other contractor of the Federal Aviation Administration
13 that maintains covered flight records shall maintain
14 records relating to covered flight records in formats that
15 are readily reproducible and reasonably searchable by the
16 Federal Aviation Administration.

17 “(f) **REGULATIONS.**—

18 “(1) **IN GENERAL.**—Not later than 180 days
19 after the date of the enactment of the Pilot’s Bill of
20 Rights 2, the Administrator shall promulgate regula-
21 tions or guidance to ensure compliance with this sec-
22 tion by the Federal Aviation Administration, con-
23 tract towers, and other contractors of the Federal
24 Aviation Administration that maintain covered flight
25 records.

1 “(2) COMPLIANCE BY APPLICABLE ENTITIES.—

2 “(A) IN GENERAL.—Compliance with this
3 section by a contract tower or other contractor
4 of the Federal Aviation Administration that
5 maintains covered flight records shall be in-
6 cluded as a material term in any contract be-
7 tween the Federal Aviation Administration and
8 the contract tower or contractor entered into or
9 renewed on or after the date of the enactment
10 of the Pilot’s Bill of Rights 2.

11 “(B) MODIFICATION OF CONTRACT OR
12 AGREEMENT.—Not later than one year after
13 the date of the enactment of the Pilot’s Bill of
14 Rights 2, the Administrator shall secure a
15 modification to include compliance with this
16 section by each contract tower and other con-
17 tractor of the Federal Aviation Administration
18 that maintains covered flight records as a mate-
19 rial term in any contract between the Federal
20 Aviation Administration and the contract tower
21 or contractor that will not otherwise be renegoti-
22 ated, renewed, or modified before the date
23 that is one year after such date of enactment.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 for chapter 471 of title 49, United States Code, is amend-

1 ed by inserting after the item relating to section 47124
2 the following:

“47124a. Accessibility of certain flight data.”.

3 **SEC. 7. LIMITATION OF LIABILITY FOR CERTAIN INDIVID-**
4 **UALS DESIGNATED AS REPRESENTATIVES OF**
5 **THE FEDERAL AVIATION ADMINISTRATION.**

6 (a) IN GENERAL.—Any individual designated by the
7 Administrator of the Federal Aviation Administration
8 under subpart C of part 183 of title 14, Code of Federal
9 Regulations, to act as a representative of the Adminis-
10 trator, including an aviation medical examiner, pilot exam-
11 iner, or designated airworthiness representative, shall,
12 when carrying out duties pursuant to that designation and
13 without regard to the individual’s employer—

14 (1) be considered to be performing an activity
15 necessary to safeguard a uniquely Federal interest;
16 and

17 (2) not be liable in a civil action for actions per-
18 formed with reasonable care in connection with those
19 duties.

20 (b) FRAUDULENT MISCONDUCT.—This section does
21 not relieve an individual described in subsection (a) that
22 causes harm to any person through intentional or fraudu-
23 lent misconduct while carrying out duties pursuant to that
24 subsection from any penalty applicable under any provi-
25 sion of law for that misconduct.

1 **SEC. 8. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
2 **TAIN NOTICES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Administrator of the Federal Avia-
5 tion Administration shall revise section 13.11 of title 14,
6 Code of Federal Regulations, to authorize legal counsel to
7 close enforcement actions covered by that section with a
8 warning notice, letter of correction, or other administra-
9 tive action.

10 **SEC. 9. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**
11 **THAT FLY FOR THE PUBLIC BENEFIT.**

12 (a) FINDINGS AND PURPOSE.—

13 (1) FINDINGS.—Congress finds the following:

14 (A) Many volunteer pilot nonprofit organi-
15 zations fly for public benefit and provide valu-
16 able services to communities and individuals.

17 (B) In each calendar year, volunteer pilot
18 nonprofit organizations provide long-distance,
19 no-cost transportation for tens of thousands of
20 people during times of special need.

21 (C) Such nonprofit organizations are no
22 longer able to purchase liability insurance for
23 aircraft they do not own to provide liability pro-
24 tection at a reasonable price, and therefore face
25 a highly detrimental liability risk.

1 (D) Such nonprofit organizations have
 2 supported the homeland security of the United
 3 States by providing volunteer pilot services dur-
 4 ing times of national emergency.

5 (2) PURPOSE.—The purpose of this section is
 6 to promote the activities of volunteer pilot nonprofit
 7 organizations that fly for public benefit and to sus-
 8 tain the availability of the services that such non-
 9 profit organizations provide, including the following:

10 (A) Transportation at no cost to finan-
 11 cially needy medical patients for medical treat-
 12 ment, evaluation, and diagnosis.

13 (B) Flights for humanitarian and chari-
 14 table purposes.

15 (C) Other flights of compassion.

16 (b) LIABILITY PROTECTION FOR VOLUNTEER PILOT
 17 NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC
 18 BENEFIT AND TO PILOTS AND STAFF OF SUCH NON-
 19 PROFIT ORGANIZATIONS.—Section 4 of the Volunteer Pro-
 20 tection Act of 1997 (42 U.S.C. 14503) is amended—

21 (1) in subsection (a)(4)—

22 (A) by redesignating subparagraphs (A)
 23 and (B) as clauses (i) and (ii), respectively;

1 (B) by striking “the harm” and inserting
2 “(A) except in the case of subparagraph (B),
3 the harm”;

4 (C) in subparagraph (A)(ii), as redesignig-
5 nated by this paragraph, by striking the period
6 at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(B) the volunteer—

9 “(i) was operating an aircraft in fur-
10 therance of the purpose of a volunteer pilot
11 nonprofit organization that flies for public
12 benefit; and

13 “(ii) was properly licensed and in-
14 sured for the operation of such aircraft.”;
15 and

16 (2) in subsection (c)—

17 (A) by striking “Nothing in this section”
18 and inserting the following:

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), nothing in this section”; and

21 (B) by adding at the end the following:

22 “(2) EXCEPTION.—A volunteer pilot nonprofit
23 organization that flies for public benefit, the staff,
24 mission coordinators, officers, and directors (whether
25 volunteer or otherwise) of that nonprofit organiza-

1 tion, and a referring agency of that nonprofit orga-
2 nization shall not be liable for harm caused to any
3 person by a volunteer of the nonprofit organization
4 while the volunteer—

5 “(A) is operating an aircraft in further-
6 ance of the purpose of the nonprofit organiza-
7 tion;

8 “(B) is properly licensed for the operation
9 of the aircraft; and

10 “(C) has certified to the nonprofit organi-
11 zation that the volunteer has insurance covering
12 the volunteer’s operation of the aircraft.”.

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