



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

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.

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 _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as "Pilot's Bill of Rights 2".

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

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall issue or revise medical
10 certificate regulations to ensure that an individual

1 may operate as pilot in command of a covered aircraft
2 without regard to any medical certification or proof of
3 health requirement otherwise applicable under Federal law
4 if—

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

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

16 (3) the most recent medical certificate issued by
17 the Federal Aviation Administration to the indi-
18 vidual—

19 (A) indicates whether the certificate is
20 first, second, or third class;

21 (B) includes authorization for special
22 issuance;

23 (C) may be expired;

24 (D) cannot have been revoked or sus-
25 pended; and

1 (E) cannot have been withdrawn;

2 (4) the individual has completed a medical edu-
3 cation course described in subsection (b) during the
4 24 calendar months before acting as pilot in com-
5 mand in a covered aircraft and demonstrates proof
6 of completion of the course;

7 (5) the individual, when serving as a pilot in
8 command, is under the care and treatment of a phy-
9 sician if the individual has been diagnosed with any
10 medical condition that may impact the ability of the
11 individual to fly;

12 (6) the individual has received a routine phys-
13 ical exam from a physician during the previous 48
14 months; and

15 (7) the pilot is operating in accordance with the
16 following conditions:

17 (A) The covered aircraft is carrying not
18 more than 5 passengers.

19 (B) The individual is operating the covered
20 aircraft under visual flight rules or instrument
21 flight rules.

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

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

4 (ii) at an altitude that is more than
5 18,000 feet above mean sea level;

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

9 (iv) at an indicated air speed exceed-
10 ing 250 knots.

11 (b) MEDICAL EDUCATION COURSE REQUIRE-
12 MENTS.—The medical education course required in sub-
13 section (a)(4) shall—

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

15 (2) be developed and periodically updated in co-
16 ordination with representatives of relevant nonprofit
17 and not-for-profit general aviation stakeholder
18 groups;

19 (3) educate pilots on conducting medical self-as-
20 sessments;

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

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

1 (6) increase awareness and impacts of poten-
2 tially impairing over-the-counter and prescription
3 drug medications;

4 (7) encourage regular medical exams and con-
5 sultations with primary care physicians;

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

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

12 (A) a certification of completion of the
13 medical education course, which shall be printed
14 and retained in the individual's logbook and
15 made available upon request, and shall contain
16 the individual's name, address, and airman cer-
17 tificate number;

18 (B) a certification by the individual that
19 the individual is under the care and treatment
20 of a physician if the individual has been diag-
21 nosed with any medical condition that may im-
22 pact the ability of the individual to fly, as re-
23 quired under (a)(5);

24 (C) a form, which shall be printed and re-
25 tained in the individual's logbook and made

1 available upon request, that shall contain
2 only—

3 (i) the name, address, telephone num-
4 ber, and airman certificate number of the
5 individual;

6 (ii) the name, address, and telephone
7 number of the physician that conducted
8 the routine physical exam required in sub-
9 section (a)(6); and

10 (iii) the date of the routine physical
11 exam required in subsection (a)(6); and

12 (iv) a statement which shall be print-
13 ed, and signed by the individual certifying
14 that the individual understands the exist-
15 ing prohibition on operations during med-
16 ical deficiency by stating: "I understand
17 that I cannot act as pilot in command, or
18 in any other capacity as a required flight
19 crewmember, if I know or have reason to
20 know of any medical condition that would
21 make me unable to operate the aircraft in
22 a safe manner."

23 (c) 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 one time for each diagnosis listed below
6 if the individual is diagnosed with any of the fol-
7 lowing medical conditions:

8 (A) A mental health disorder, limited to
9 clinically diagnosed conditions of—

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

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

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

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

24 (iii) severe bipolar disorder; and

1 (iv) substance dependence within the
2 previous 2 years, as defined in section
3 67.307(a)(4) of title 14, Code of Federal
4 Regulations.

5 (B) A neurological disorder, limited to an
6 established medical history and clinical diag-
7 nosis of the following:

8 (i) Epilepsy.

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

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

15 (C) A cardiovascular condition, limited to
16 the following:

17 (i) Myocardial infraction.

18 (ii) Coronary heart disease that has
19 been treated by open heart surgery.

20 (iii) Cardiac valve replacement.

21 (iv) Heart replacement.

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

1 tificate shall be satisfied with the successful comple-
2 tion of an appropriate clinical evaluation without a
3 mandatory wait period.

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

6 (Λ) In the case of an individual with a
7 clinically diagnosed mental health condition, the
8 third-class medical certificate exemption under
9 subsection (a) shall not apply if—

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

13 (I) renders the individual unable
14 to safely perform the duties or exer-
15 cise the airman privileges described in
16 subsection (a)(7); or

17 (II) may reasonably be expected
18 to make the individual unable to per-
19 form the duties or exercise the privi-
20 leges described in subsection (a)(7); or

21 (ii) the individual's driver's license is
22 revoked by the issuing agency as a result
23 of a clinically diagnosed mental health con-
24 dition.

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

8 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
9 TIONS.—

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

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

17 (I) renders the individual unable
18 to safely perform the duties or exer-
19 cise the airman privileges described in
20 subsection (a)(7); or

21 (II) may reasonably be expected
22 to make the individual unable to per-
23 form the duties or exercise the privi-
24 leges described in subsection (a)(7); or

1 (ii) the individual's driver's license is
2 revoked by the issuing agency as a result
3 of a clinically diagnosed neurological condi-
4 tion.

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

12 (d) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
13 DITIONS FOR THE CACI PROGRAM.—

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

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

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

1 merce, Science, and Transportation of the Senate
2 and the Committee on Transportation and Infra-
3 structure of the House of Representatives a report
4 listing the medical conditions that have been added
5 to the CACI program under paragraph (1).

6 (e) EXPEDITED AUTHORIZATION FOR SPECIAL
7 ISSUANCE OF A MEDICAL CERTIFICATE.—

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

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

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

1 cate and reduce the amount of time needed to review
2 and decide special issuance cases.

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

13 (g) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
14 ginning on the date that is 1 year after the date of enact-
15 ment of this Act, the Administrator may not take an en-
16 forcement action for not holding a valid third-class med-
17 ical certificate against a pilot of a covered aircraft for a
18 flight, through a good faith effort, if the pilot and the
19 flight meet the applicable requirements under subsection
20 (a), except paragraph (4), unless the Administrator has
21 published final regulations in the Federal Register under
22 that subsection.

23 (h) COVERED AIRCRAFT DEFINED.—In this section,
24 the term “covered aircraft” means an aircraft that—

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

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

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

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

11 (a) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
12 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
13 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
14 note) is amended—

15 (1) by amending paragraph (1) to read as fol-
16 lows:

17 “(1) IN GENERAL.—In an appeal filed under
18 subsection (d) in a United States district court with
19 respect to a denial, suspension, or revocation of a
20 covered certificate or the imposition of a punitive
21 civil action by the Administrator—

22 “(A) the district court shall review the de-
23 nial, suspension, revocation, or the imposition
24 of a punitive civil action de novo, including
25 by—

1 “(i) conducting a full independent re-
2 view of the complete administrative record
3 of the denial, suspension, or revocation;

4 “(ii) permitting additional discovery
5 and the taking of additional evidence; and

6 “(iii) making the findings of fact and
7 conclusions of law required by Rule 52 of
8 the Federal Rules of Civil Procedure with-
9 out being bound to any facts found by the
10 Administrator or the National Transpor-
11 tation Safety Board.”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3); and

14 (3) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) BURDEN OF PROOF.—In an appeal filed
17 under subsection (d) in a United States district
18 court, the burden of proof shall be as follows:

19 “(A) In an appeal of an order issued by
20 the Administrator pursuant to section 44703 of
21 title 49, United States Code, the burden of
22 proof shall be upon the applicant denied a cov-
23 ered certificate by the Administrator.

24 “(B) In an appeal of an order issued by
25 the Administrator pursuant to section 44709 or

1 44710 of title 49, United States Code, the bur-
2 den of proof shall be upon the Administrator.”;

3 and

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

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

13 (b) NOTIFICATION OF INVESTIGATION.—Section 2 of
14 the Pilot’s Bill of Rights (Public Law 112–153; 126 Stat.
15 1159; 49 U.S.C. 44703 note) is further amended—

16 (1) by striking subsection (c);

17 (2) by redesignating paragraph (5) of sub-
18 section (b) as subsection (c);

19 (3) in subsection (b)—

20 (A) in paragraph (2)(A), by inserting “and
21 the specific activity on which the investigation
22 is based” after “nature of the investigation”;

23 and

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

25 and

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

4 (c) RELEASE OF INVESTIGATIVE REPORTS.—Section
5 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
6 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
7 inserting after subsection (e) the following:

8 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

9 “(1) IN GENERAL.—

10 “(A) EMERGENCY ORDERS.—In any pro-
11 ceeding conducted under part 821 of title 49,
12 Code of Federal Regulations, relating to the
13 amendment, modification, suspension, or rev-
14 ocation of a covered certificate, in which the
15 Administrator issues an emergency order under
16 subsections (d) and (e) of section 44709, sec-
17 tion 44710, or section 46105(e) of title 49,
18 United States Code, or another order that takes
19 effect immediately, the Administrator shall pro-
20 vide to the individual holding the covered cer-
21 tificate the releasable portion of the investiga-
22 tive report at the time the Administrator issues
23 the order. If the complete Report of Investiga-
24 tion is not available at the time the Emergency
25 Order is issued, the Administrator shall issue

1 all portions of the report that are available at
2 the time and shall provide the full report within
3 5 days of its completion.

4 “(B) OTHER ORDERS.—In any non-emer-
5 gency proceeding conducted under part 821 of
6 title 49, Code of Federal Regulations, relating
7 to the amendment, modification, suspension, or
8 revocation of a covered certificate, in which the
9 Administrator notifies the covered certificate
10 holder of a proposed certificate action under
11 subsections (b) and (c) of section 44709 or sec-
12 tion 44710 of title 49, United States Code, the
13 Administrator shall, upon the written request of
14 the covered certificate holder and at any time
15 after that notification, provide to the covered
16 certificate holder the releasable portion of the
17 investigative report.

18 “(2) MOTION FOR DISMISSAL.—If the Adminis-
19 trator does not provide the releasable portions of the
20 investigative report to the individual holding the cov-
21 ered certificate subject to the proceeding referred to
22 in paragraph (1) by the time required by that para-
23 graph, the individual may move to dismiss the com-
24 plaint of the Administrator or for other relief and,
25 unless the Administrator establishes good cause for

1 the failure to provide the investigative report, the
2 administrative law judge shall order such relief as
3 the judge considers appropriate.

4 “(3) RELEASABLE PORTION OF INVESTIGATIVE
5 REPORT.—For purposes of paragraph (1), the re-
6 leasable portion of an investigative report is all in-
7 formation in the report, except for the following:

8 “(A) Information that is privileged.

9 “(B) Information that constitutes work
10 product or reflects internal deliberative process.

11 “(C) Information that would disclose the
12 identity of a confidential source.

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

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

17 “(F) Information the Administrator can
18 demonstrate is withheld for good cause.

19 “(G) Sensitive security information, as de-
20 fined in section 15.5 of title 49, Code of Fed-
21 eral Regulations (or any corresponding similar
22 ruling or regulation).

23 “(4) RULE OF CONSTRUCTION.—Nothing in
24 this subsection shall be construed to prevent the Ad-

1 administrator from releasing to an individual subject
2 to an investigation described in subsection (b)(1)—

3 “(A) information in addition to the infor-
4 mation included in the releasable portion of the
5 investigative report; or

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

8 (d) PROHIBITION OF PUBLICIZING PENDING INVE-
9 TIGATIONS OR ENFORCEMENT ACTIONS.—Section 2 of the
10 Pilot’s Bill of Rights (Public Law 112–153; 126 Stat.
11 1159; 49 U.S.C. 44703 note) is further amended by add-
12 ing at the end the following:

13 “(g) PROHIBITION ON PUBLICIZING PENDING INVE-
14 TIGATIONS OR ENFORCEMENT ACTIONS.—The Adminis-
15 trator may not indicate in the publicly accessible records
16 of an individual holding a covered certificate who is the
17 subject of an investigation described in subsection (b)(1)
18 any information that is different from information in such
19 records of an individual who is not the subject of such
20 an investigation.”.

21 **SEC. 4. LIMITATIONS ON REEXAMINATION OF CERTIFICATE**
22 **HOLDERS.**

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

25 (1) in subsection (a)—

1 (A) in the heading, by striking “AND RE-
2 EXAMINATION”;

3 (B) by striking “The Administrator” and
4 inserting the following:

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

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

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

10 “(2) REEXAMINATION OF AIRMEN CERTIFI-
11 CATES.—

12 “(A) IN GENERAL.—The Administrator
13 may not reexamine an airman holding a certifi-
14 cate issued under section 44703 of this title if
15 the reexamination is ordered as a result of an
16 event involving the fault of the Federal Aviation
17 Administration or its designee, unless the Ad-
18 ministrator has reasonable grounds—

19 “(i) to establish that the airman may
20 not be qualified to exercise the privileges of
21 a particular certificate or rating, based
22 upon an act or omission committed by the
23 airman while exercising those privileges,
24 after the certificate or rating was issued by

1 the Federal Aviation Administration or its
2 designee; or

3 “(ii) to demonstrate that the airman
4 obtained the certificate or the rating
5 through fraudulent means or through an
6 examination that was substantially and de-
7 monstrably inadequate to establish the air-
8 man’s qualifications.

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

14 “(i) a reasonable basis, described in
15 detail, for requesting the reexamination;
16 and

17 “(ii) any information gathered by the
18 Federal Aviation Administration, that the
19 Administrator determines is appropriate to
20 provide, such as the scope and nature of
21 the requested reexamination, that formed
22 the basis for that justification.”.

23 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
24 REVOCATION OF AIRMEN CERTIFICATES AFTER REEXAM-

1 INATION.—Section 44709(b) of title 49, United States
2 Code, is amended—

3 (1) in paragraph (1), by redesignating subpara-
4 graphs (A) and (B) as clauses (i) and (ii), respec-
5 tively, and indenting appropriately;

6 (2) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively, and indent-
8 ing appropriately;

9 (3) in the matter preceding subparagraph (A),
10 as redesignated, by striking “The Administrator”
11 and inserting the following:

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), the Administrator”; and

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

15 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
16 SIONS, AND REVOCATIONS OF AIRMEN CERTIFICATES
17 AFTER REEXAMINATION.—

18 “(A) IN GENERAL.—The Administrator
19 may not issue an order to amend, modify, sus-
20 pend, or revoke an airman certificate issued
21 under section 44703 of this title after a reex-
22 amination of the airman holding the certificate
23 unless the Administrator determines that the
24 airman—

1 “(i) lacks the technical skills and com-
2 petency, or care, judgment, and responsi-
3 bility, necessary to hold and safely exercise
4 the privileges of the certificate; or

5 “(ii) materially contributed to the
6 issuance of the certificate by fraudulent
7 means.

8 “(B) STANDARD OF REVIEW.—Any order
9 of the Administrator under this paragraph shall
10 be subject to the standard of review provided
11 for under section 2 of the Pilot’s Bill of Rights
12 (49 U.S.C. 44703 note).”

13 (c) CONFORMING AMENDMENTS.—Section
14 44709(d)(1) of title 49, United States Code, is amended—

15 (1) in subparagraph (A), by striking “sub-
16 section (b)(1)(A)” and inserting “subsection
17 (b)(1)(A)(i)”; and

18 (2) in subparagraph (B), by striking “sub-
19 section (b)(1)(B)” and inserting “subsection
20 (b)(1)(A)(ii)”.

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

22 (a) IN GENERAL.—

23 (1) Beginning on the date that is 180 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Federal Aviation Administration may

1 not take any enforcement action against any indi-
2 vidual for a violation of a NOTAM (as defined in
3 section 3 of the Pilot's Bill of Rights (49 U.S.C.
4 44701 note)) until the Administrator certifies to the
5 appropriate congressional committees that the Ad-
6 ministrator has complied with the requirements of
7 section 3 of the Pilot's Bill of Rights, as amended
8 by this section.

9 (2) In this subsection, the term "appropriate
10 congressional committees" means—

11 (A) the Committee on Commerce, Science,
12 and Transportation of the Senate; and

13 (B) the Committee on Transportation and
14 Infrastructure of the House of Representatives.

15 (b) AMENDMENTS.—Section 3 of the Pilot's Bill of
16 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
17 44701 note) is amended—

18 (1) in subsection (a)(2)—

19 (A) in the matter preceding subparagraph

20 (A)—

21 (i) by striking "this Act" and insert-
22 ing "the Pilot's Bill of Rights 2"; and

23 (ii) by striking "begin" and inserting
24 "complete the implementation of";

1 (B) by amending subparagraph (B) to read
2 as follows:

3 “(B) to continue developing and modern-
4 izing the NOTAM repository, in a public cen-
5 tral location, to maintain and archive all
6 NOTAMs, including the original content and
7 form of the notices, the original date of publica-
8 tion, and any amendments to such notices with
9 the date of each amendment, in a manner that
10 is Internet-accessible, machine-readable, and
11 searchable;”;

12 (C) in subparagraph (C), by striking the
13 period at the end and inserting a semicolon;
14 and

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

16 “(D) to specify the times during which
17 temporary flight restrictions are in effect and
18 the duration of a designation of special use air-
19 space in a specific area.”; and

20 (2) by amending subsection (d) to read as fol-
21 lows:

22 “(d) DESIGNATION OF REPOSITORY AS SOLE
23 SOURCE FOR NOTAMS.—

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

1 “(A) shall consider the repository for
2 NOTAMs under subsection (a)(2)(B) to be the
3 sole location for airmen to check for NOTAMs;
4 and

5 “(B) may not consider a NOTAM to be
6 announced or published until the NOTAM is in-
7 cluded in the repository for NOTAMs under
8 subsection (a)(2)(B).

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

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), beginning on the date that
13 the repository under subsection (a)(2)(B) is
14 final and published, the Administrator may not
15 take any enforcement action against an airman
16 for a violation of a NOTAM during a flight if—

17 “(i) that NOTAM is not available
18 through the repository before the com-
19 mencement of the flight; and

20 “(ii) that NOTAM is not reasonably
21 accessible and identifiable to the airman.

22 “(B) EXCEPTION FOR NATIONAL SECUR-
23 RITY.—Subparagraph (A) shall not apply in the
24 case of an enforcement action for a violation of

1 a NOTAM that directly relates to national se-
2 curity.”.

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

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

7 **“§ 47124a. Accessibility of certain flight data**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADMINISTRATION.—The term ‘Administra-
10 tion’ means the Federal Aviation Administration.

11 “(2) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of the Federal Avia-
13 tion Administration.

14 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
15 plicable individual’ means an individual who is the
16 subject of an investigation initiated by the Adminis-
17 trator related to a covered flight record.

18 “(4) CONTRACT TOWER.—The term ‘contract
19 tower’ means an air traffic control tower providing
20 air traffic control services pursuant to a contract
21 with the Administration under the contract air traf-
22 fic control tower program under section
23 47124(b)(3).

24 “(5) COVERED FLIGHT RECORD.—The term
25 ‘covered flight record’ means any air traffic data (as

1 defined in section 2(b)(4)(B) of the Pilot's Bill of
2 Rights (49 U.S.C. 44703 note)), created, main-
3 tained, or controlled by any program of the Adminis-
4 tration, including any program of the Administration
5 carried out by employees or contractors of the Ad-
6 ministration, such as contract towers, flight service
7 stations, and controller training programs.

8 “(b) PROVISION OF COVERED FLIGHT RECORD TO
9 ADMINISTRATION.—

10 “(1) REQUESTS.—Whenever the Administration
11 receives a written request for a covered flight record
12 from an applicable individual and the covered flight
13 record is not in the possession of the Administration,
14 the Administrator shall request the covered flight
15 record from the contract tower or other contractor
16 of the Administration in possession of the covered
17 flight record.

18 “(2) PROVISION OF RECORDS.—Any covered
19 flight record created, maintained, or controlled by a
20 contract tower or another contractor of the Adminis-
21 tration that maintains covered flight records shall be
22 provided to the Administration if the Administration
23 requests the record pursuant to paragraph (1).

24 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
25 TION.—If the Administrator has issued, or subse-

1 frequently issues, a Notice of Proposed Certificate Ac-
2 tion relying on evidence contained in the covered
3 flight record and the individual who is the subject of
4 an investigation had not previously requested the
5 record, the Administrator shall promptly produce the
6 record and extend the time the individual has to re-
7 spond to the Notice of Proposed Certificate Action
8 until the covered flight record is provided.

9 “(c) FORMAT OF RECORDS.—The Administrator
10 shall ensure that all covered flight records are created and
11 maintained in formats that are readily reproducible and
12 reasonably searchable by the Administration.

13 “(d) IMPLEMENTATION.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of the Pilot’s Bill of
16 Rights 2, the Administrator shall promulgate regula-
17 tions or guidance to ensure compliance with this sec-
18 tion.

19 “(2) COMPLIANCE BY CONTRACTORS.—

20 “(A) Compliance with this section by a
21 contract tower or other contractor of the Ad-
22 ministration that maintains covered flight
23 records shall be included as a material term in
24 any contract between the Administration and
25 the contract tower or contractor entered into or

1 renewed on or after the date of enactment of
2 the Pilot's Bill of Rights 2.

3 "(B) Subparagraph (A) shall not apply to
4 any contract or agreement in effect on the date
5 of enactment of the Pilot's Bill of Rights 2 un-
6 less the contract or agreement is renegotiated,
7 renewed, or modified after that date."

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
9 The table of contents for chapter 471 of title 49, United
10 States Code, is amended by inserting after the item relat-
11 ing to section 47124 the following:

"47124a. Accessibility of certain flight data."

12 **SEC. 7. LIMITATION OF LIABILITY FOR CERTAIN INDIVID-**
13 **UALS DESIGNATED AS REPRESENTATIVES OF**
14 **THE FEDERAL AVIATION ADMINISTRATION.**

15 (a) IN GENERAL.—Any individual designated by the
16 Administrator of the Federal Aviation Administration
17 under subpart C of part 183 of title 14, Code of Federal
18 Regulations, to act as a representative of the Adminis-
19 trator, including an aviation medical examiner, a pilot ex-
20 aminer, or a designated airworthiness representative,
21 when carrying out duties pursuant to that designation and
22 without regard to the individual's employer—

23 (1) shall be considered to be performing an ac-
24 tivity necessary to safeguard a uniquely Federal in-
25 terest; and

1 (2) shall not be liable in a civil action for an ac-
2 tion performed with reasonable care in connection
3 with those duties.

4 (b) FRAUDULENT MISCONDUCT.—This section shall
5 not relieve an individual described in subsection (a) that
6 causes harm to any person through intentional or fraudu-
7 lent misconduct while carrying out duties pursuant to that
8 designation from any penalty applicable under any provi-
9 sion of law for that misconduct.

10 **SEC. 8. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
11 **TAIN NOTICES.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Administrator of the Federal Aviation Ad-
14 ministration shall revise section 13.11 of title 14, Code
15 of Federal Regulations, to authorize legal counsel of the
16 Federal Aviation Administration to close enforcement ac-
17 tions covered by that section with a warning notice, letter
18 of correction, or other administrative action.

19 **SEC. 9. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**
20 **THAT FLY FOR THE PUBLIC BENEFIT.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Many volunteer pilot nonprofit organiza-
24 tions fly for public benefit and provide valuable serv-
25 ices to communities and individuals.

1 (2) In each calendar year, volunteer pilot non-
2 profit organizations provide long-distance, no-cost
3 transportation for tens of thousands of people dur-
4 ing times of special need.

5 (3) Such nonprofit organizations are no longer
6 able to purchase liability insurance for aircraft they
7 do not own to provide liability protection at a rea-
8 sonable price, and therefore face a highly detri-
9 mental liability risk.

10 (4) Such nonprofit organizations have sup-
11 ported the homeland security of the United States
12 by providing volunteer pilot services during times of
13 national emergency.

14 (b) PURPOSE.—The purpose of this section is to pro-
15 mote the activities of volunteer pilot nonprofit organiza-
16 tions that fly for public benefit and to sustain the avail-
17 ability of the services that such nonprofit organizations
18 provide, including the following:

19 (1) Transportation at no cost to financially
20 needy medical patients for medical treatment, eval-
21 uation, and diagnosis.

22 (2) Flights for humanitarian and charitable
23 purposes.

24 (3) Other flights of compassion.

1 (c) LIABILITY PROTECTION FOR VOLUNTEER PILOT
2 NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC
3 BENEFIT AND TO PILOTS AND STAFF OF SUCH NON-
4 PROFIT ORGANIZATIONS.—Section 4 of the Volunteer Pro-
5 tection Act of 1997 (42 U.S.C. 14503) is amended—

6 (1) in subsection (a)(4)—

7 (A) by redesignating subparagraphs (A)
8 and (B) as clauses (i) and (ii), respectively, and
9 indenting appropriately;

10 (B) by striking “the harm” and inserting
11 “(A) except as provided in subparagraph (B),
12 the harm”;

13 (C) in subparagraph (A)(ii), as redesign-
14 ated, by striking the period at the end and in-
15 serting “; and”; and

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

17 “(B) the volunteer—

18 “(i) was operating an aircraft in fur-
19 therance of the purpose of a volunteer pilot
20 nonprofit organization that flies for public
21 benefit;

22 “(ii) was properly licensed and in-
23 sured for the operation of such aircraft;
24 and

1 “(iii) did not engage in careless or
2 reckless activity.”; and

3 (2) in subsection (c)—

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

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

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

9 “(2) EXCEPTION.—A volunteer pilot nonprofit
10 organization that flies for public benefit, the staff,
11 mission coordinators, officers, and directors (whether
12 volunteer or otherwise) of that nonprofit organiza-
13 tion, and a referring agency of that nonprofit orga-
14 nization shall not be liable for harm caused to any
15 person by a volunteer of the nonprofit organization
16 while the volunteer—

17 “(A) is operating an aircraft in further-
18 ance of the purpose of the nonprofit organiza-
19 tion;

20 “(B) is properly licensed for the operation
21 of the aircraft; and

22 “(C) has certified to the nonprofit organi-
23 zation that the volunteer has insurance covering
24 the volunteer’s operation of the aircraft.”.

