

## **Pilot's Bill of Rights 2**

### *Section by Section*

**Section 1** – Title: Pilot's Bill of Rights 2

**Section 2** – Expands FAA's current 3<sup>rd</sup> class medical exemption for the sport pilot category to cover General Aviation aircraft up to 6,000 lbs

- Includes both VFR and IFR flights
- Raises altitude limitation up to 14,000 feet
- Prohibits FAA enforcement for 3<sup>rd</sup> class medical certificate violations unless the FAA has issued regulations as described within 180 days of enactment

**Section 3** – Expands the Pilot's Bill of Rights

**Subsections a-b:** Explicitly states that pilots facing an investigation by FAA can appeal the issue directly to a federal district court for a *de novo* trial. This provision of the original Pilot's Bill of Rights has not operated as intended.

**Subsection c:** Expands the protections of the Pilot's Bill of Rights to include all certificates authorized by FAA.

**Subsection d:** Increases protections for certificate holders during an FAA investigation

- Requires FAA to articulate the specific incident or incidents being used to begin enforcement proceedings against a covered certificate holder
- Prohibits FAA from moving forward with enforcement actions if FAA fails to provide timely notification to an individual of the initiation of an investigation
- Outlines specific actions FAA may not take should FAA fail to provide timely notification to an individual of the initiation of an investigation

**Subsection e:** Requires the FAA to provide a copy of the releasable portion of the Enforcement Investigative Report (EIR) when serving an enforcement action or emergency order to a covered certificate holder; while also defining the portions of an EIR considered releasable

**Subsection f:** Limits scope of FAA's document requests of certificate holders to the pertinent issues being investigated

**Subsection g:** Requires the FAA to maintain constructive dialogue with repair stations facing an investigation by requiring the FAA to respond within 30 calendar days to any written request made to withdraw or settle a case.

**Subsection h:** Reforms FAA record keeping policy

- Prohibits the retention of records beyond 90 days if FAA does not take enforcement action
- Prevents FAA from publicizing pending enforcement actions against a covered certificate holder

**Section 4** – Limitations of Reexamination of Covered Certificate Holders

- Prevents FAA from requiring the reexamination of a covered certificate holder after FAA or its designee examines and certifies an individual for a covered certificate unless there is clear evidence of wrongdoing or unsafe behavior by the certified entity
- Directs FAA to provide details as to why such a reexamination is necessary

- Establishes the ability of a covered certificate holder to appeal the decision of the agency to require a reexamination of their covered certificate to a US District Court

#### **Section 5 – Expediting Updates to NOTAM Program**

- Requires the NOTAM Program to be maintained (not just archived) in a public location that is internet accessible, machine readable, and searchable
- Directs FAA to establish a rating system prioritizing NOTAMs according to timeliness, importance, and criticality
- Requires the FAA to include temporary flight restrictions within the NOTAM program
- Directs the FAA to consider the repository of NOTAMs created to be the sole source location for pilots to check for NOTAMs
  - Prevents enforcement action if NOTAM is not included in repository
  - Determines that NOTAMs are announced and published when included in repository
- Prohibits enforcement of NOTAM violations if FAA has not finished its NOTAM improvement program within six months of enactment, while providing an exception for national security

#### **Section 6 – Accessibility of Covered Flight Record Data**

- Requires accessibility of flight record data maintained by contract towers, flight service stations, and controller training programs to FOIA requests through the FAA
- Provides exception for aviation safety action reports

#### **Section 7 – Extension of Civil Liability Protection**

- Provides civil liability protection to aviation medical examiners and other representatives of FAA, treating them as government employees for the purpose of carrying out their proscribed duties, without regard to an individual's employer

#### **Section 8 – Flexibility for Resolution of Enforcement Cases**

- Increases flexibility to resolve enforcement cases when new information is brought to light

#### **Section 9 – Volunteer Pilots**

- Acts as a Good Samaritan Law for volunteer pilots, protecting pilots from liability as long as they are following appropriate procedures