

115TH CONGRESS
2D SESSION

S. 3270

To address the need for pilot development and encourage more individuals to enter the field of aviation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. INHOFE (for himself, Ms. DUCKWORTH, Mr. WICKER, Mr. BOOZMAN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To address the need for pilot development and encourage more individuals to enter the field of aviation, 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 “Securing and Revital-
5 izing Aviation Act of 2018” or the “SARA Act of 2018”.

6 **SEC. 2. AIRCRAFT PILOT WORKFORCE DEVELOPMENT PRO-** 7 **GRAM.**

8 (a) IN GENERAL.—The Administrator shall establish
9 a program to provide grants for eligible projects to support

1 the education of future aircraft pilots and the development
2 of the aircraft pilot workforce.

3 (b) PROJECT GRANTS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated \$5,000,000 for each of fiscal years
6 2019 through 2023 to provide grants under the pro-
7 gram established under subsection (a).

8 (2) DOLLAR AMOUNT LIMIT.—Not more than
9 \$500,000 shall be available for any 1 grant in any
10 1 fiscal year under the program established under
11 subsection (a).

12 (c) ELIGIBLE APPLICATIONS.—An application for a
13 grant under the program established under subsection (a)
14 shall be submitted, in such form as the Administrator may
15 specify, by—

16 (1) an air carrier, as defined in section 40102
17 of title 49, United States Code, or a labor organiza-
18 tion representing aircraft pilots;

19 (2) an accredited institution of higher education
20 (as defined in section 101 of the Higher Education
21 Act of 1965 (20 U. S. C. 1001)) or a high school
22 or secondary school (as defined in section 7801 of
23 the Higher Education Act of 1965 (20 U.S.C.
24 1001));

1 (3) a flight school that provides flight training,
2 as defined in part 61 of title 14, Code of Federal
3 Regulations, or that holds a pilot school certificate
4 under part 141 of title 14, Code of Federal Regula-
5 tions;

6 (4) a State or local governmental entity; or

7 (5) an organization representing aircraft users,
8 aircraft owners, or aircraft pilots.

9 (d) ELIGIBLE PROJECTS.—For purposes of the pro-
10 gram established under subsection (a), an eligible project
11 is a project—

12 (1) to create and deliver curriculum designed to
13 provide high school students with meaningful avia-
14 tion education that is designed to prepare the stu-
15 dents to become aircraft pilots, aerospace engineers,
16 or unmanned aircraft systems operators; or

17 (2) to support the professional development of
18 teachers using the curriculum described in para-
19 graph (1).

20 (e) GRANT APPLICATION REVIEW.—In reviewing and
21 selecting applications for grants under the program estab-
22 lished under subsection (a), the Administrator shall—

23 (1) prior to selecting among competing applica-
24 tions, consult with representatives of air carriers,
25 labor organizations, business aviation, general avia-

1 tion, educational institutions, and other relevant
2 aviation sectors; and

3 (2) ensure that the applications selected will
4 allow participation from a diverse collection of public
5 and private schools in rural, suburban, and urban
6 areas.

7 **SEC. 3. ENHANCING PROTECTIONS FOR THE AVIATION**
8 **COMMUNITY.**

9 (a) NTSB REVIEW OF APPLICATION FOR AIRMAN
10 CERTIFICATE.—Section 44703(d) of title 49, United
11 States Code, is amended—

12 (1) by redesignating paragraphs (2) and (3) as
13 paragraphs (3) and (4), respectively; and

14 (2) by inserting after paragraph (1), the fol-
15 lowing new paragraph:

16 “(2) NTSB REVIEW.—

17 “(A) IN GENERAL.—In the case of an ap-
18 plication for the issuance of an airman medical
19 certificate, the National Transportation Safety
20 Board may review a denial that may not be
21 considered a final denial by the Administrator
22 when the Administrator has twice reconsidered
23 the application and sustained a previous denial
24 on that application.

1 “(B) DEEMED DENIAL.—The Administra-
2 tor’s failure to rule upon an application to re-
3 consider the denial of issuance of an airman
4 medical certificate within 60 days of the date
5 on which the application to reconsider is sub-
6 mitted to the Administrator shall be deemed to
7 be a denial of the application.”.

8 (b) VOLUNTARY SURRENDER OF AN AIRMAN MED-
9 ICAL CERTIFICATE.—Section 44703 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing new subsection:

12 “(l) VOLUNTARY SURRENDER OF AN AIRMAN MED-
13 ICAL CERTIFICATE.—An airman may voluntarily sur-
14 render an airman medical certificate issued under this sec-
15 tion for cancellation at any time, unless the certificate is
16 subject to a Federal Aviation Administration order at the
17 time of the voluntary surrender.”.

18 (c) APPEALS.—Section 44703(d)(1) of title 49,
19 United States Code, is amended by striking “hold a certifi-
20 cate that” and all that follows through the period and in-
21 serting “holds a certificate that is suspended at the time
22 of denial.”.

23 (d) REAPPLICATIONS.—Section 44709 of title 49,
24 United States Code, is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e), the fol-
4 lowing new subsection:

5 “(f) REAPPLICATIONS.—Except as provided in sec-
6 tion 44710, any person whose certificate has been revoked
7 by an order of the Administrator or the National Trans-
8 portation Safety Board may reapply for a certificate at
9 any time following the revocation.”.

10 (e) APPEAL OF SUSPENSION OR TERMINATION OF
11 DELEGATION.—Section 44702(d) of title 49, United
12 States Code, is amended by adding at the end the fol-
13 lowing: “Subsections (d), (e), and (f) of section 44709
14 shall apply to a rescission of a delegation under this sub-
15 section in the same manner as those subsections apply to
16 an order of the Administrator or the National Transpor-
17 tation Safety Board under that section.”.

18 **SEC. 4. DESIGNATED PILOT EXAMINER REFORMS.**

19 (a) IN GENERAL.—The Administrator of the Federal
20 Aviation Administration shall assign to the Aviation Rule-
21 making Advisory Committee (in this section referred to
22 as the “Committee”) the task of reviewing all regulations
23 and policies related to designated pilot examiners ap-
24 pointed under section 183.23 of title 14, Code of Federal
25 Regulations. The Committee shall focus on the processes

1 and requirements by which the Federal Aviation Adminis-
2 tration selects, trains, and deploys individuals as des-
3 ignated pilot examiners, and provide recommendations
4 with respect to the regulatory and policy changes nec-
5 essary to ensure an adequate number of designated pilot
6 examiners are deployed and available to perform their du-
7 ties. The Committee also shall make recommendations
8 with respect to the regulatory and policy changes nec-
9 essary to allow a designated pilot examiner perform a daily
10 limit of 3 new check rides with no limit for partial check
11 rides and to serve as a designed pilot examiner without
12 regard to any individual managing office.

13 (b) ACTION BASED ON RECOMMENDATIONS.—Not
14 later than 1 year after receiving recommendations under
15 subsection (a), the Administrator shall take such action
16 as the Administrator considers appropriate with respect
17 to those recommendations.

18 **SEC. 5. ACCOUNTABILITY FOR AIRCRAFT REGISTRATION**
19 **NUMBERS.**

20 The Administrator of the Federal Aviation Adminis-
21 tration shall review the process of reserving aircraft reg-
22 istration numbers and enact appropriate changes to en-
23 sure the fair participation by the general public, including
24 the implementation of readily available software to prevent

1 any computer auto-fill systems from reserving aircraft reg-
2 istration numbers in bulk.

3 **SEC. 6. MITIGATING THE SPREAD OF AQUATIC SPECIES BY**
4 **AIRCRAFT.**

5 (a) IN GENERAL.—Any person that holds a seaplane
6 rating from the Administrator of the Federal Aviation Ad-
7 ministration and successfully completes a free online edu-
8 cation course on aquatic species mitigation that is accept-
9 able to the Secretary of the Interior may hold themselves
10 out to the public as qualified to inspect aircraft for aquatic
11 invasive species and to take action to mitigate the spread
12 of aquatic invasive species.

13 (b) NO FURTHER REGULATORY OR ENFORCEMENT
14 ACTION.—Any person that is qualified under subsection
15 (a) or whose aircraft is inspected by a person qualified
16 under subsection (a) and subject to the mitigation de-
17 scribed in subsection (a) shall not be subject to any fur-
18 ther regulatory or enforcement action by any Federal,
19 State, local, or tribal government for any action related
20 to aquatic invasive species.

21 (c) COURSES.—The Secretary of the Interior, shall
22 publish, and periodically revise, a list of acceptable courses
23 on mitigating the spread of aquatic invasive species by air-
24 craft.

1 (d) AQUATIC INVASIVE SPECIES.—For the purposes
2 of this section, the term “aquatic invasive species” means
3 aquatic organisms that invade ecosystems beyond their
4 natural, historic range and whose presence may harm
5 human health, native ecosystems, or commercial, agricul-
6 tural, or recreational activities dependent on these eco-
7 systems.

8 **SEC. 7. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

9 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
10 LATED SUPPORT.—The Administrator of the Federal
11 Aviation Administration shall provide air traffic services
12 and aviation safety support for aviation events, including
13 airshows and fly-ins, without the imposition or collection
14 of any fee, tax, or other charge for that purpose. Amounts
15 for the provision of such services and support shall be de-
16 rived from amounts appropriated or otherwise available
17 for the Federal Aviation Administration.

18 (b) DETERMINATION OF SERVICES AND SUPPORT TO
19 BE PROVIDED.—In determining the services and support
20 to be provided for an aviation event for purposes of sub-
21 section (a), the Administrator shall take into account the
22 following:

23 (1) The services and support required to meet
24 levels of activity at prior events, if any, similar to
25 the event.

1 (2) The anticipated need for services and sup-
2 port at the event.

3 **SEC. 8. MODIFICATION OF FEDERAL AVIATION ADMINIS-**
4 **TRATION TOWER MARKING REQUIREMENTS.**

5 Section 2110(d)(1)(A)(ii) of the FAA Extension,
6 Safety, and Security Act of 2016 (Public Law 114–190;
7 130 Stat. 624) is amended—

8 (1) in subclause (IV), by striking “; or” and in-
9 serting a semicolon;

10 (2) in subclause (V), by striking the period at
11 the end and inserting “; or”; and

12 (3) by adding at the end the following:

13 “(VI) is located in a State that
14 has enacted tower marking require-
15 ments according to the Federal Avia-
16 tion Administration’s recommended
17 guidance for the voluntary marking of
18 Meteorological Evaluation Towers
19 (METs) erected in remote and rural
20 areas that are less than 200 feet
21 above ground level to enhance the
22 conspicuity of the towers for low level
23 agricultural operations in the vicinity
24 of those towers.”.

1 **SEC. 9. LIMITATION OF LIABILITY FOR CERTAIN INDIVID-**
2 **UALS DESIGNATED AS REPRESENTATIVES OF**
3 **THE FEDERAL AVIATION ADMINISTRATION.**

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

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

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

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

24 (c) ACTIVITY COVERED.—This section shall only
25 apply to those individuals carrying out their duties within
26 the United States or its territories.

1 **SEC. 10. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**
 2 **WHO FLY FOR THE PUBLIC BENEFIT.**

3 Section 4 of the Volunteer Protection Act of 1997
 4 (42 U.S.C. 14503) is amended—

5 (1) by redesignating subsections (b) through (f)
 6 as subsections (c) through (g), respectively;

7 (2) in subsection (a), by striking “subsections
 8 (b) and (d)” and inserting “subsections (b), (c), and
 9 (e)”;

10 (3) by inserting after subsection (a) the fol-
 11 lowing:

12 “(b) LIABILITY PROTECTION FOR PILOTS THAT FLY
 13 FOR PUBLIC BENEFIT.—Except as provided in sub-
 14 sections (c) and (e), no volunteer of a volunteer pilot non-
 15 profit organization that arranges flights for public benefit
 16 shall be liable for harm caused by an act or omission of
 17 the volunteer on behalf of the organization if, at the time
 18 of the act or omission, the volunteer—

19 “(1) was operating an aircraft in furtherance of
 20 the purpose of, and acting within the scope of the
 21 volunteer’s responsibilities on behalf of, the non-
 22 profit organization;

23 “(2) was properly licensed and insured for the
 24 operation of the aircraft;

1 “(3) was in compliance with all requirements of
2 the Federal Aviation Administration for recent flight
3 experience; and

4 “(4) did not cause the harm through willful or
5 criminal misconduct, gross negligence, reckless mis-
6 conduct, or a conscious, flagrant indifference to the
7 rights or safety of the individual harmed by the vol-
8 unteer.”; and

9 (4) in subsection (g)(2), as redesignated, by
10 striking “(e)” and inserting “(f)”.

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