

118TH CONGRESS
1ST SESSION

S. 1996

To require the Administrator of the Federal Aviation Administration to allow a volunteer pilot organization to reimburse a volunteer pilot for certain aircraft operating expenses incurred by the pilot when making a flight in support of the volunteer pilot organization’s mission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2023

Mr. BUDD (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Administrator of the Federal Aviation Administration to allow a volunteer pilot organization to reimburse a volunteer pilot for certain aircraft operating expenses incurred by the pilot when making a flight in support of the volunteer pilot organization’s mission, 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 “Volunteer Pilot Sup-
5 port Act”.

1 **SEC. 2. REIMBURSEMENT OF CERTAIN OPERATIONAL**
2 **COSTS FOR CHARITABLE FLIGHTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator shall
5 issue or revise regulations as necessary to allow a volun-
6 teer pilot to accept reimbursement for a covered oper-
7 ational cost if—

8 (1) such pilot operates a covered flight; and

9 (2) such pilot or volunteer pilot organization
10 notifies each passenger that the flight is for chari-
11 table purposes and is not subject to the same safety
12 requirements as a flight operated by an air carrier
13 or a commercial operator certified by the Adminis-
14 trator.

15 (b) ADDITIONAL REQUIREMENTS.—

16 (1) VOLUNTEER PILOT ORGANIZATION.—A vol-
17 unteer pilot organization may impose eligibility re-
18 quirements that exceed the applicable eligibility re-
19 quirements described in under subsection (f)(6)(B)
20 and the general operating rules in part 91 of title
21 14, Code of Federal Regulations, without being con-
22 sidered an air carrier, a commercial operator, or
23 common carrier.

24 (2) REQUIREMENTS FOR REGULATIONS.—In
25 issuing or revising regulations under subsection (a),
26 the Administrator—

1 (A) shall create an exception for a volun-
2 teer pilot organization that arranges a covered
3 flight and a volunteer pilot who receives a cov-
4 ered operational cost for a covered flight
5 from—

6 (i) the certificate requirements under
7 parts 119 and 125 of title 14, Code of
8 Federal Regulations; and

9 (ii) the operating requirements under
10 parts 121, 125, and 135 of title 14, Code
11 of Federal Regulations; and

12 (B) may not impose on a volunteer pilot or
13 volunteer pilot organization any operating re-
14 quirements, aircraft qualifications, or pilot
15 qualifications to conduct a covered flight that
16 are in addition to the requirements under this
17 section and the requirements under the general
18 operating rules in part 91 of title 14, Code of
19 Federal Regulations.

20 (c) EFFECT ON EXISTING REGULATIONS.—For the
21 purposes of this section:

22 (1) A volunteer pilot receiving a covered oper-
23 ational cost for a covered flight—

24 (A) does not constitute common carriage
25 (as such term is used in title 49, United States

1 Code, and title 14, Code of Federal Regula-
2 tions); and

3 (B) does not constitute a flight operation
4 for compensation or hire (as such term is used
5 in title 49, United States Code, and title 14,
6 Code of Federal Regulations).

7 (2) A covered operational cost is not compensa-
8 tion (as such term is used in title 49, United States
9 Code, and title 14, Code of Federal Regulations).

10 (d) PROHIBITION ON FAA ENFORCEMENT AC-
11 TIONS.—Beginning on the date that is 1 year after the
12 date of enactment of this Act, the Administrator may not
13 take an enforcement action against a volunteer pilot or
14 a volunteer pilot organization if such pilot meets, through
15 a good faith effort, the applicable eligibility requirements
16 described in subsections (a)(2) and (f)(6)(B), unless the
17 Administrator has published final regulations in the Fed-
18 eral Register as required by subsection (a).

19 (e) EFFECT ON OTHER FAA AUTHORITY.—

20 (1) EFFECT ON EXISTING EXEMPTION AUTHOR-
21 ITY.—Except as provided in paragraph (2), nothing
22 in this section shall—

23 (A) affect the authority of the Adminis-
24 trator to exempt a pilot (exercising the privilege
25 of a private pilot certificate issued under part

1 61 of title 14, Code of Federal Regulations)
2 from a restriction on receiving reimbursement;
3 or

4 (B) affect any such exemptions existing be-
5 fore the date of enactment of this Act.

6 (2) NO CHANGES TO EXISTING FAA EXEMP-
7 TIONS; EXCEPTION.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (C), the Administrator may not
10 modify or revoke a covered exemption during
11 the period described in subparagraph (D) with-
12 out the consent of the person holding the cov-
13 ered exemption.

14 (B) EXPIRATION DATE.—The expiration
15 date of a covered exemption shall be extended
16 through the date that is 30 days after the end
17 of the period described in subparagraph (D).

18 (C) EXCEPTION.—The Administrator may
19 modify or revoke a covered exemption after the
20 Administrator brings an administrative or legal
21 enforcement action against a person operating a
22 flight under such exemption for—

23 (i) violating the terms of such exemp-
24 tion; or

1 (ii) in the course of a flight operating
2 under such exemption, violating any other
3 law or regulation.

4 (D) PERIOD DESCRIBED.—The period de-
5 scribed in this subparagraph is the period be-
6 ginning on the date of enactment of this Act
7 and ending on the date the Administrator pub-
8 lishes final regulations in the Federal Register
9 as required by subsection (a).

10 (E) COVERED EXEMPTION DEFINED.—In
11 this paragraph, the term “covered exemption”
12 means an exemption issued before the date of
13 enactment of this Act by the Administrator to
14 a volunteer pilot organization that provides an
15 exemption from the applicability of section
16 61.113(c) of title 14, Code of Federal Regula-
17 tions, and expressly includes an exemption de-
18 scribed on page 12233 of volume 78 of the Fed-
19 eral Register and published on February 22,
20 2013.

21 (3) EFFECT ON OTHER VOLUNTEER
22 FLIGHTS.—Nothing in this section shall impose or
23 authorize the imposition of any additional require-
24 ments on a flight that is arranged by a volunteer
25 pilot organization in which the pilot in command is

1 not reimbursed or the pilot in command pays a pro
2 rata share of expenses as described under section
3 61.113(c) of title 14, Code of Federal Regulations.

4 (f) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Federal
7 Aviation Administration.

8 (2) AIR CARRIER; AIRCRAFT; AIRPORT.—The
9 terms “air carrier”, “aircraft”, and “airport” have
10 the meanings given those terms in section 40102 of
11 title 49, United States Code.

12 (3) COMMERCIAL OPERATOR.—The term “com-
13 mercial operator” has the meaning given such term
14 in section 1.1 of title 14, Code of Federal Regula-
15 tions.

16 (4) COVERED FLIGHT.—The term “covered
17 flight”—

18 (A) means a flight that is operated by a
19 volunteer pilot in any airworthy aircraft in sup-
20 port of the mission of a volunteer pilot organi-
21 zation; and

22 (B) includes any flight or flight segment
23 that is between the airport in which the aircraft
24 for the covered flight is based and the airport

1 the passengers of a flight described in subpara-
2 graph (A) board or disembark.

3 (5) COVERED OPERATIONAL COST.—The term
4 “covered operational cost” means the following:

5 (A) A cost that is actually incurred in con-
6 nection with a covered flight, including the fol-
7 lowing:

8 (i) In the case of a volunteer pilot who
9 rents the aircraft used for a covered flight,
10 the cost of rental fees and other operating
11 expenses not included in the rental fees
12 that are incurred by such pilot for a cov-
13 ered flight, except that such costs may not
14 unreasonably exceed the cost of owning
15 and operating the aircraft, which includes
16 maintenance costs, storage fees, airport ex-
17 penditures, and, for an owner that is in the
18 business of renting aircraft, the cost of
19 doing business and making a reasonable
20 profit.

21 (ii) In the case of a volunteer pilot
22 who does not rent the aircraft used for a
23 covered flight, the cost of fuel, oil, and air-
24 port expenditures incurred by such pilot
25 for a covered flight.

1 (iii) Meals, lodging, and related ex-
2 penses.

3 (B) Any nonmonetary benefit that may be
4 considered compensation (as such term is used
5 in title 49, United States Code, and title 14,
6 Code of Federal Regulations), including logged
7 flight hours, goodwill, any applicable tax deduc-
8 tion permitted under the Internal Revenue Code
9 of 1986, and any other indirect economic ben-
10 efit.

11 (6) VOLUNTEER PILOT.—

12 (A) IN GENERAL.—The term “volunteer
13 pilot” means a person who—

14 (i) acts as pilot in command of a cov-
15 ered flight; and

16 (ii) meets each applicable eligibility
17 requirement described in subparagraph
18 (B).

19 (B) ELIGIBILITY REQUIREMENTS DE-
20 SCRIBED.—The applicable eligibility require-
21 ments described in this subparagraph are the
22 following:

23 (i) The volunteer pilot holds at least a
24 private pilot certificate with appropriate
25 category, class, and type rating (if a type

1 rating is applicable) issued under part 61
2 of title 14, Code of Federal Regulations.

3 (ii) The volunteer pilot holds an in-
4 strument rating or airline transport pilot
5 certificate for the category of aircraft used
6 for a covered flight issued under such part
7 61.

8 (iii) The volunteer pilot logged at least
9 500 hours as pilot in command in the cat-
10 egory of aircraft used for a covered flight.

11 (iv) The volunteer pilot—

12 (I) holds a valid medical certifi-
13 cate issued under part 67 of title 14,
14 Code of Federal Regulations; or

15 (II) complies with the require-
16 ments of section 61.113(i) of title 14,
17 Code of Federal Regulations.

18 (7) VOLUNTEER PILOT ORGANIZATION.—The
19 term “volunteer pilot organization” means an orga-
20 nization that—

21 (A) is described in section 501(c)(3) of the
22 Internal Revenue Code of 1986 (26 U.S.C.
23 501(c)(3)) and is exempt from taxation under
24 section 501(a) of such Code; and

1 (B) arranges or coordinates flights by vol-
2 unteer pilots for purposes described in such sec-
3 tion 501(e)(3).

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