

111TH CONGRESS
2^D SESSION

S. 3048

To improve air safety by authorizing the limited use by air carriers of information collected through cockpit voice recorders and flight data recorders, to prohibit tampering with such devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2010

Mr. DEMINT introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve air safety by authorizing the limited use by air carriers of information collected through cockpit voice recorders and flight data recorders, to prohibit tampering with such devices, 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 Professionalism
5 Assurance Act”.

6 **SEC. 2. USE OF FLIGHT INFORMATION.**

7 (a) **AUTHORIZATION.**—Notwithstanding any other
8 provision of law, or any provision in a private contract,

1 air carriers may use information obtained from a cockpit
2 voice recorder or a flight data recorder—

3 (1) to discipline or discharge a pilot or flight
4 engineer for actions that endanger the safety or well
5 being of passengers;

6 (2) to defend itself in any discipline or dis-
7 charge grievance proceeding;

8 (3) to evaluate or monitor the judgment or per-
9 formance of an individual pilot or crew member;

10 (4) to justify or require a pilot's submission to
11 a proficiency check or line check; or

12 (5) for any other purpose relating to improving
13 the safety or well being of passengers.

14 (b) CONFIDENTIALITY.—Each air carrier that has
15 obtained information pursuant to subsection (a) shall keep
16 such information confidential and may only disclose such
17 information to the extent required in an administrative or
18 judicial proceeding.

19 **SEC. 3. TAMPERING WITH COCKPIT VOICE RECORDER OR**
20 **FLIGHT DATA RECORDER PROHIBITED.**

21 (a) IN GENERAL.—No person may tamper with, dis-
22 able, or destroy any cockpit voice recorder or flight data
23 recorder installed on a commercial aircraft.

24 (b) PENALTIES.—

1 (1) IN GENERAL.—Any person who violates the
2 prohibition described in subsection (a) may be fined
3 up to \$2,000 and imprisoned for not more than 5
4 years.

5 (2) COMMERCIAL PILOT.—If a commercial pilot
6 violates the prohibition described in subsection (a)—

7 (A) the air carrier employing such pilot
8 shall immediately terminate such employment;
9 and

10 (B) the Administrator of the Federal Avia-
11 tion Administration shall immediately revoke
12 the airman certificate issued to the pilot under
13 section 44703 of title 49, United States Code.

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