AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 187

113TH CONGRESS *1st Session*	SENATE	REPORT 113–108

SMALL AIRPLANE REVITALIZATION ACT OF 2013

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1072



SEPTEMBER 17, 2013.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
29–010 WASHINGTON : 2013

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

BARBARA BOXER, California	JOHN THUNE, South Dakota
BILL NELSON, Florida	ROGER F. WICKER, Mississippi
MARIA CANTWELL, Washington	ROY BLUNT, Missouri
MARK PRYOR, Arkansas	MARCO RUBIO, Florida
CLAIRE MCCASKILL, Missouri	KELLY AYOTTE, New Hampshire
AMY KLOBUCHAR, Minnesota	DEAN HELLER, Nevada
MARK WARNER, Virginia	DAN COATS, Indiana
MARK BEGICH, Alaska	TIM SCOTT, South Carolina
RICHARD BLUMENTHAL, Connecticut	TED CRUZ, Texas
BRIAN SCHATZ, Hawaii	DEB FISCHER, Nebraska
MARTIN HEINRICH, New Mexico	RON JOHNSON, Wisconsin
ED MARKEY, Massachusetts	JEFF CHIESA, New Jersey

ELLEN DONESKI, *Staff Director*
JAMES REID, *Deputy Staff Director*
JOHN WILLIAMS, *General Counsel*
DAVID SCHWIETERT, *Republican Staff Director*
NICK ROSSI, *Republican Deputy Staff Director*
REBECCA SEIDEL, *Republican General Counsel*

Calendar No. 187

113TH CONGRESS *1st Session* | SENATE | REPORT 113–108

SMALL AIRPLANE REVITALIZATION ACT OF 2013

SEPTEMBER 17, 2013.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 1072]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1072) to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

S. 1072 advances the safety and continued development of small airplanes by directing the Administrator of the Federal Aviation Administration (FAA) to reorganize certification requirements in a manner that streamlines the approval of small aircraft and associated products, and modifications to their certified designs.

BACKGROUND AND NEEDS

The FAA is responsible for developing safety standards for civil aircraft and associated products, and for certifying that new aircraft designs, and changes to those designs, meet these standards. Part 23 refers to the FAA regulations that apply to general aviation aircraft with a maximum certified takeoff weight of 19,000 pounds or less. Part 23 covers both new aircraft designs as well as modifications to existing aircraft to improve safety or performance.

Part 23 is a large body of regulatory material that is complimented by a system of overlapping advisory circulars and industry standards from groups such as the SAE International and Radio Technical Commission for Aeronautics that establish the

standards and guidelines a manufacturer must use to show its products comply with safety requirements. Both the safety regulations within Part 23, as well as the advisory circulars produced by the FAA, have not been revised regularly, resulting in guidance and certification standards that have not kept pace with advances in technology. As a result, a significant portion of the Part 23 safety regulations prescribe design solutions that have not anticipated advances in technology, which have inhibited manufacturers' abilities to develop and adopt new designs.

Advisory circulars also typically provide a detailed description of a particular method manufacturers can use to comply with the regulations. In practice, the specific compliance method presented in a given advisory circular is often treated in the industry as the only acceptable way to comply with the regulations, and discourages manufacturers from developing alternative methods that would provide the same level of safety.

The aviation industry has advocated for Part 23 regulatory reforms, arguing that the current process inhibits innovations that would improve safety and increase economic output. Reforms could reduce the challenge of trying to prove the viability of new technologies against a framework of assumptions that can be outdated, while still maintaining the highest levels of safety. This could reduce both the time and resources consumed by the process for manufacturers and regulators alike.

The FAA initiated an on-going review process for Part 23 certification in 2008, and in 2011, commissioned an aviation rulemaking committee to review the work to date and develop recommendations. The committee issued its report, which forms the basis of this bill, in June 2013.

Summary of Provisions

S. 1072 would reorganize the certification requirements for general aviation under Part 23 in order to make it quicker and more cost-effective to bring safety and other technological improvements to market. The bill would require the FAA to pass a final rule updating Part 23 regulations by December 2015. The legislation would mandate the development of performance-based safety requirements for Part 23 and introduce consensus-based standards to clarify how to comply with these requirements. This would provide the FAA greater flexibility to keep standards in sync with technological advancements.

Legislative History

Senator Klobuchar introduced S. 1072 on May 23, 2013 along with eight cosponsors. On July 30, 2013, the Committee met in Executive Session during which S. 1072 was considered. One amendment, in the nature of a substitute, was offered by Senator Klobuchar that clarified aspects of the legislation and made technical corrections. The bill, as amended, was ordered reported by voice vote.

A companion bill, The Small Airplane Revitalization Act of 2013, H.R. 1848, was introduced by Representative Mike Pompeo and 31 cosponsors in the House of Representatives on May 7, 2013. H.R.

1848 passed the House of Representatives on July 16, 2013, by a roll call vote of 411–0.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1072—Small Airplane Revitalization Act of 2013

The Federal Aviation Administration (FAA) is responsible for regulating and overseeing civil air transportation. S. 1072 would require the agency to issue a final rule related to certification and safety requirements of small airplanes by December 31, 2015. According to the agency, the rule required under the bill would build on efforts already under way to develop a regulatory regime for small airplanes, and CBO does not expect that meeting the deadline specified under S. 1072 would significantly affect the agency's costs to complete those proceedings. As a result, CBO estimates that implementing S. 1072 would have no significant impact on the federal budget. The legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1072 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On July 15, 2013, CBO transmitted a cost estimate for H.R. 1848, the Small Airplane Revitalization Act of 2013, as ordered reported by the House Committee on Transportation and Infrastructure. The two bills are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The reported bill would be consistent with the current operation of the air transportation system, thus the number of persons covered should be consistent with the current levels of individuals impacted under the existing aviation system.

ECONOMIC IMPACT

S. 1072 is expected to have a positive impact on the U.S. economy. The transportation system is a key component of the Nation's economy. Provisions in this legislation aim to improve the competitiveness of U.S. aircraft manufacturers.

PRIVACY

The reported bill is not expected to have any impact on the privacy rights of individuals.

PAPERWORK

It is not anticipated that there will be a major increase in paperwork burdens resulting from the enactment of S. 1072.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section would provide that the Act be cited as the "Small Airplane Revitalization Act of 2013".

Section 2. Findings

This section would lay out a series of findings regarding the state of the general aviation segment of the industry that support the need for this Act. Among the findings is that a healthy small aircraft industry is integral to U.S. economic growth and includes products that are exported in great numbers. General aviation contributes to well-paying manufacturing and technology jobs, and cultivates a workforce of engineers, manufacturing and maintenance professionals, and pilots. Small airplanes comprise nearly 90 percent of the general aviation aircraft certified by the FAA, but the average age of these aircraft is now 40 years, due in part to regulatory barriers that make it difficult to bring new designs and technologies to market. Since 2003, the United States has lost 10,000 active private pilots per year on average, in part due to a lack of cost-effective, new small airplanes.

Section 3. Safety and Regulatory Improvements for General Aviation

This section would require the FAA to issue a final rule updating certification requirements for Part 23 aircraft by December 15, 2015. The final rule would be based on findings of the Part 23 Reorganization Aviation Rulemaking Committee, which issued its report in June 2013. The final rule would improve safety and reduce the regulatory costs of certification for both the FAA and industry. The rule would establish broad, outcome driven safety standards that can be met using performance-based requirements. The bill also would direct the FAA to work with aviation regulators in other countries to adopt similar standards.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

○