

Calendar No. 187113TH CONGRESS
1ST SESSION**S. 1072****[Report No. 113-108]**

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.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Ms. KLOBUCHAR (for herself, Ms. MURKOWSKI, Mr. MORAN, Mr. ROBERTS, Mr. JOHANNES, Mr. BEGICH, Mr. RISCH, Mr. UDALL of New Mexico, Mr. TESTER, Mr. INHOFE, Ms. HEITKAMP, Ms. AYOTTE, Mr. BOOZMAN, Mr. FRANKEN, Mr. PRYOR, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 17, 2013

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Airplane Revital-
3 ization Act of 2013”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) A healthy small aircraft industry is integral
7 to economic growth and to maintaining an effective
8 transportation infrastructure for communities and
9 countries around the world.

10 (2) Small airplanes comprise nearly 90 percent
11 of general aviation aircraft certified by the Federal
12 Aviation Administration.

13 (3) General aviation provides for the cultivation
14 of a workforce of engineers, manufacturing and
15 maintenance professionals, and pilots who secure the
16 economic success and defense of the United States.

17 (4) General aviation contributes to well-paying
18 jobs in the manufacturing and technology sectors in
19 the United States and products produced by those
20 sectors are exported in great numbers.

21 (5) Technology developed and proven in general
22 aviation aids in the success and safety of all sectors
23 of aviation and scientific competence.

24 (6) The average small airplane in the United
25 States is now 40 years old and the regulatory bar-
26 riers to bringing new designs to the market are re-

1 sulting in a lack of innovation and investment in
2 small airplane design.

3 (7) Since 2003, the United States lost 10,000
4 active private pilots per year on average, partially
5 due to a lack of cost-effective, new small airplanes.

6 (8) General aviation safety can be improved by
7 modernizing and revamping the regulations relating
8 to small airplanes to clear the path for technology
9 adoption and cost-effective means to retrofit the ex-
10 isting fleet with new safety technologies.

11 **SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR**
12 **GENERAL AVIATION.**

13 (a) IN GENERAL.—Not later than December 15,
14 2015, the Administrator of the Federal Aviation Adminis-
15 tration shall issue a final rule—

16 (1) to advance the safety and continued devel-
17 opment of small airplanes by reorganizing the cer-
18 tification requirements for such airplanes under part
19 23 to streamline the approval of safety advance-
20 ments; and

21 (2) that meets the objectives described in sub-
22 section (b).

23 (b) OBJECTIVES DESCRIBED.—The objectives de-
24 scribed in this subsection are the following objectives of

1 the Part 23 Reorganization Aviation Rulemaking Com-
2 mittee:

3 (1) The establishment of a regulatory regime
4 for small airplanes that will improve safety and de-
5 crease certification costs.

6 (2) The establishment of broad, outcome-driven
7 safety objectives that will spur innovation and tech-
8 nology adoption.

9 (3) The replacement of current, prescriptive re-
10 quirements under part 23 with performance-based
11 regulations.

12 (4) The use of consensus standards accepted by
13 the Federal Aviation Administration to clarify how
14 the safety objectives of part 23 may be met using
15 specific designs and technologies.

16 (e) ~~CONSENSUS-BASED STANDARDS.~~—In prescribing
17 regulations under this section, the Administrator shall use
18 consensus standards, as described in section 12(d) of the
19 National Technology Transfer and Advancement Act of
20 1996 (15 U.S.C. 272 note), to the extent practicable while
21 continuing to evaluate traditional methods for meeting the
22 objectives of part 23.

23 (d) ~~SAFETY COOPERATION.~~—The Administrator shall
24 lead the effort to improve general aviation safety by work-
25 ing with leading aviation regulators to assist them in

1 adopting a complementary regulatory approach for small
2 airplanes.

3 (c) DEFINITIONS.—In this section:

4 (1) CONSENSUS STANDARDS.—

5 (A) IN GENERAL.—The term “consensus
6 standards” means standards developed by an
7 organization described in subparagraph (B)
8 that may include provisions requiring that own-
9 ers of relevant intellectual property have agreed
10 to make that intellectual property available on
11 a nondiscriminatory, royalty-free, or reasonable
12 royalty basis to all interested persons.

13 (B) ORGANIZATIONS DESCRIBED.—An or-
14 ganization described in this subparagraph is a
15 domestic or international organization that—

16 (i) plans, develops, establishes, or co-
17 ordinates, through a process based on con-
18 sensus and using agreed-upon procedures,
19 voluntary standards; and

20 (ii) operates in a transparent manner,
21 considers a balanced set of interests with
22 respect to such standards, and provides for
23 due process and an appeals process with
24 respect to such standards.

1 (2) GENERAL AVIATION.—The term “general
2 aviation” means all aviation activities other than
3 scheduled commercial air carrier operations and
4 military aviation.

5 (3) PART 23.—The term “part 23” means part
6 23 of title 14, Code of Federal Regulations.

7 (4) PART 23 REORGANIZATION AVIATION RULE-
8 MAKING COMMITTEE.—The term “Part 23 Reorga-
9 nization Aviation Rulemaking Committee” means
10 the aviation rulemaking committee established by
11 the Federal Aviation Administration in August 2011
12 to consider the reorganization of the regulations
13 under part 23.

14 (5) SMALL AIRPLANE.—The term “small air-
15 plane” means an airplane to which part 23 applies.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Small Airplane Revital-*
18 *ization Act of 2013”.*

19 **SEC. 2. FINDINGS.**

20 *Congress makes the following findings:*

21 (1) *A healthy small aircraft industry is integral*
22 *to economic growth and to maintaining an effective*
23 *transportation infrastructure for communities and*
24 *countries around the world.*

1 (2) *Small airplanes comprise nearly 90 percent*
2 *of general aviation aircraft certified by the Federal*
3 *Aviation Administration.*

4 (3) *General aviation provides for the cultivation*
5 *of a workforce of engineers, manufacturing and main-*
6 *tenance professionals, and pilots who secure the eco-*
7 *nomie success and defense of the United States.*

8 (4) *General aviation contributes to well-paying*
9 *jobs in the manufacturing and technology sectors in*
10 *the United States and products produced by those sec-*
11 *tors are exported in great numbers.*

12 (5) *Technology developed and proven in general*
13 *aviation aids in the success and safety of all sectors*
14 *of aviation and scientific competence.*

15 (6) *The average small airplane in the United*
16 *States is now 40 years old and the regulatory barriers*
17 *to bringing new designs to the market are resulting*
18 *in a lack of innovation and investment in small air-*
19 *plane design.*

20 (7) *Since 2003, the United States lost 10,000 ac-*
21 *tive private pilots per year on average, partially due*
22 *to a lack of cost-effective, new small airplanes.*

23 (8) *General aviation safety can be improved by*
24 *modernizing and revamping the regulations relating*
25 *to small airplanes to clear the path for technology*

1 *adoption and cost-effective means to retrofit the exist-*
2 *ing fleet with new safety technologies.*

3 **SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR**
4 **GENERAL AVIATION.**

5 *(a) IN GENERAL.—Not later than December 15, 2015,*
6 *the Administrator of the Federal Aviation Administration*
7 *shall issue a final rule—*

8 *(1) to advance the safety and continued develop-*
9 *ment of small airplanes by reorganizing the certifi-*
10 *cation requirements for such airplanes under part 23*
11 *to streamline the approval of safety advancements;*
12 *and*

13 *(2) that meets the objectives described in sub-*
14 *section (b).*

15 *(b) OBJECTIVES DESCRIBED.—The objectives described*
16 *in this subsection are based on the recommendations of the*
17 *Part 23 Reorganization Aviation Rulemaking Committee:*

18 *(1) The establishment of a regulatory regime for*
19 *small airplanes that will improve safety and reduce*
20 *the regulatory cost burden for the Federal Aviation*
21 *Administration and the aviation industry.*

22 *(2) The establishment of broad, outcome-driven*
23 *safety objectives that will spur innovation and tech-*
24 *nology adoption.*

1 (3) *The replacement of current, prescriptive re-*
 2 *quirements under part 23 with performance-based*
 3 *regulations.*

4 (4) *The use of consensus standards accepted by*
 5 *the Federal Aviation Administration to clarify how*
 6 *the safety objectives of part 23 may be met using spe-*
 7 *cific designs and technologies.*

8 (c) *CONSENSUS-BASED STANDARDS.—In prescribing*
 9 *regulations under this section, the Administrator shall use*
 10 *consensus standards, as described in section 12(d) of the Na-*
 11 *tional Technology Transfer and Advancement Act of 1996*
 12 *(15 U.S.C. 272 note), to the extent practicable while con-*
 13 *tinuing traditional methods for meeting part 23.*

14 (d) *SAFETY COOPERATION.—The Administrator shall*
 15 *lead the effort to improve general aviation safety by work-*
 16 *ing with leading aviation regulators to assist them in*
 17 *adopting a complementary regulatory approach for small*
 18 *airplanes.*

19 (e) *DEFINITIONS.—In this section:*

20 (1) *CONSENSUS STANDARDS.—*

21 (A) *IN GENERAL.—The term “consensus*
 22 *standards” means standards developed by an or-*
 23 *ganization described in subparagraph (B) that*
 24 *may include provisions requiring that owners of*
 25 *relevant intellectual property have agreed to*

1 *make that intellectual property available on a*
2 *nondiscriminatory, royalty-free, or reasonable*
3 *royalty basis to all interested persons.*

4 (B) *ORGANIZATIONS DESCRIBED.*—*An orga-*
5 *nization described in this subparagraph is a do-*
6 *mestic or international organization that—*

7 (i) *plans, develops, establishes, or co-*
8 *ordinates, through a process based on con-*
9 *sensus and using agreed-upon procedures,*
10 *voluntary standards; and*

11 (ii) *operates in a transparent manner,*
12 *considers a balanced set of interests with re-*
13 *spect to such standards, and provides for*
14 *due process and an appeals process with re-*
15 *spect to such standards.*

16 (2) *PART 23.*—*The term “part 23” means part*
17 *23 of title 14, Code of Federal Regulations.*

18 (3) *PART 23 REORGANIZATION AVIATION RULE-*
19 *MAKING COMMITTEE.*—*The term “Part 23 Reorga-*
20 *nization Aviation Rulemaking Committee” means the*
21 *aviation rulemaking committee established by the*
22 *Federal Aviation Administration in August 2011 to*
23 *consider the reorganization of the regulations under*
24 *part 23.*

- 1 (4) *SMALL AIRPLANE.*—*The term “small air-*
2 *plane” means an airplane which is certified to part*
3 *23 standards.*

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