



## Aviation Rulemaking Advisory Committee Task Notice June 20, 2019

**ACTION:** Notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC) and solicitation of members.

**SUMMARY:** The FAA assigned ARAC a new task to review all regulations and policies related to designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations. The FAA seeks advice and recommendations on regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties to meet the growing need of the public. This notice informs the public of the new ARAC activity and solicits membership for the new Designated Pilot Examiner Reforms Working Group.

**BACKGROUND:** ARAC is governed by the Federal Advisory Committee Act (5 U.S.C., Appendix 2). The FAA established ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

On October 5, 2018, Congress enacted the FAA Reauthorization Act of 2018 (P.L. 115-254). Section 319 (Designated Pilot Examiner Reforms) of P.L. 115-254 requires the following:

*(a) IN GENERAL.—The Administrator shall assign to the Aviation Rulemaking Advisory Committee (in this section referred to as the “Committee”) the task of reviewing all regulations and policies related to designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations. The Committee shall focus on the processes and requirements by which the FAA selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties. The Committee also shall make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designated pilot examiner without regard to any individual managing office.*

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

On June 20, 2019, the FAA assigned this task to ARAC, which ARAC designated to the Designated Pilot Examiner Reforms Working Group. The working group will provide advice and recommendations on the assigned task. ARAC must deliberate and discuss the report prior to voting on whether to submit the recommendation report to the FAA.

**THE TASK:** In response to P.L. 115-254, the Designated Pilot Examiner Reforms Working Group will provide advice and recommendations to the ARAC on the most effective ways to identify areas of needed reform with respect to regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties to meet the growing public need. The Group should review any relevant materials to assist in achieving their objective.

1. The working group will review all regulatory and policies related to designated pilot examiners appointed under 14 CFR 183.23. Specific areas include, but are not limited to, 14 CFR part 183, 14 CFR part 61, FAA Order 8900.1, FAA Order 8900.2, and FAA Order 8000.95.
2. The working group will focus on the processes and requirements by which the FAA selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties.
3. In response to P.L. 115-254, the working group will make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designed pilot examiner without regard to any individual managing office.
4. If the task could result in recommendations with substantive changes to policies and rulemaking, then the working group will consider the role of potential qualitative and quantitative costs and benefits, including impacts to resources, of these recommendations compared to their alternatives. If available, the working group should provide preliminary cost and benefit information in the report.
5. Develop a report containing recommendations on the findings and results of the tasks explained above.
  - a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.
  - b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.
6. The working group may be reinstated to assist the ARAC by responding to the FAA's questions or concerns after the recommendation report has been submitted.

**SCHEDULE:** The recommendation report should be submitted to the FAA no later than 12 months from the first working group meeting.

**WORKING GROUP ACTIVITY:** The working group must comply with the procedures adopted by the ARAC and as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.
3. Provide a status report at each ARAC meeting.
4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
5. Present the recommendation report at the ARAC meeting.
6. If the working group was reinstated to answer questions the FAA had regarding the recommendation report, present the findings in response to the FAA's questions or concerns about the recommendation report at ARAC meeting.

**PARTICIPATION IN THE WORKING GROUP:** The Designated Pilot Examiner Reforms Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of ARAC. The FAA would like a wide range of stakeholders to ensure all aspects of the tasks are considered in development of the recommendations.

The provisions of the August 13, 2014, Office of Management and Budget guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

**NOMINATION PROCESS:** Candidates are required to submit, in full, the following materials to be considered for membership. Failure to submit the required information may disqualify a candidate from the review process.

1. A résumé or curriculum vitae.
2. A statement describing the candidate's interest in the task and the expertise the candidate would bring to the working group.

Nominations must be submitted electronically (by E-mail) to the Regulatory Support Division at [AFS-600-General-Correspondence@faa.gov](mailto:AFS-600-General-Correspondence@faa.gov). The subject line should state "Designated Pilot Examiner Reforms Working Group Nomination." The FAA must receive all requests by

**Monday, July 22, 2019, at 5:00 PM Eastern Standard Time.** The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

### Roles and Responsibilities

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

### Confidential Information

All final work products submitted to the ARAC are public documents. Therefore, it should not contain any nonpublic proprietary, privileged, business, commercial, and other sensitive information (collectively, Confidential Information) that the working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share Commercial Information within the working group for purposes of completing an assigned task. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all Confidential Information disclosed to one party by the other party, without the prior written consent of the party whose Confidential information is being disclosed. All parties must treat the Confidential Information of the disclosing party as it would treat its own Confidential Information, but in no event shall it use less than a reasonable degree of care. If any Confidential Information is shared with the FAA representative on a working and/or task groups, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM-001-15.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

The ARAC meetings are open to the public. However, meetings of the Designated Pilot Examiner Reforms Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

**FOR FURTHER INFORMATION CONTACT:** Trey McClure, Federal Aviation Administration, DOT/FAA, MMAC ARB BLDG 3<sup>rd</sup> Floor, 6500 S. MacArthur Blvd. Oklahoma City, OK 73169. Telephone (405) 954-9510; [trey.mcclure@faa.gov](mailto:trey.mcclure@faa.gov).