



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
Aviation Rulemaking Committee Charter

Effective Date:  
August 1, 2019

**SUBJECT:** Flight Standards Transparency, Performance, Accountability, Efficiency  
Aviation Rulemaking Committee

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**1. PURPOSE.** This charter creates the Flight Standards Transparency, Performance, Accountability, Efficiency Aviation Rulemaking Committee (FST PAcE ARC) according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) § 106(p)(5). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.

**2. BACKGROUND.** The FAA Reauthorization Act of 2018 (Pub. L. 115-254), section 221, Flight Standards Performance Objectives And Metrics, requires the following:

*(a) IN GENERAL.—Not later than 120 days after the date on which the Advisory Committee is established under section 202, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to flight standards activities in accordance with this section.*

*(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee, and update agency performance objectives and metrics after considering the recommendations of the Advisory Committee under paragraphs (8) and (9) of section 202(c).*

*(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall establish performance objectives for the FAA and the aviation industry to ensure that, with respect to flight standards activities, progress is made toward, at a minimum—*

- (1) eliminating delays with respect to such activities;*
- (2) increasing accountability for both the FAA and the aviation industry;*
- (3) achieving full utilization of FAA delegation and designation authorities, including organizational designation authority;*
- (4) fully implementing risk management principles and a systems safety approach;*
- (5) reducing duplication of effort;*
- (6) eliminating inconsistent regulatory interpretations and inconsistent enforcement activities;*
- (7) improving and providing greater opportunities for training, including recurrent training, in auditing and a systems safety approach to oversight;*
- (8) developing and allowing utilization of a single master source for guidance;*
- (9) providing and utilizing a streamlined appeal process for the resolution of regulatory interpretation questions;*
- (10) maintaining and improving safety; and*
- (11) increasing transparency.*

*(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall apply and track performance metrics for the FAA and the regulated aviation industry established by the Advisory Committee.*

*(e) DATA GENERATION.—*

*(1) BASELINES.—Not later than 1 year after the date on which the Advisory Committee recommends initial performance metrics for the FAA and the regulated aviation industry under section 202, the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked under this section.*

*(2) BENCHMARKS TO MEASURE PROGRESS TOWARD GOALS.—*

*The Administrator shall use the metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the achievement of national goals recommended by the Advisory Committee.*

*(f) PUBLICATION.—The Administrator shall make data generated using the performance metrics applied and tracked under this section available to the public in a searchable, sortable, and downloadable format through the internet website of the FAA or other appropriate methods and shall ensure that the data are made available in a manner that—*

*(1) does not provide identifying information regarding an individual or entity; and*

*(2) prevents inappropriate disclosure of proprietary information.*

A related provision in the FAA Reauthorization Act of 2018, section 222, FAA Task Force on Flight Standards Reform, requires:

*(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish the FAA Task Force on Flight Standards Reform (in this section referred to as the ‘Task Force’).*

*(b) MEMBERSHIP.—*

*(1) APPOINTMENT.—The membership of the Task Force shall be appointed by the Administrator.*

*(2) NUMBER.—The Task Force shall be composed of not more than 20 members.*

*(3) REPRESENTATION REQUIREMENTS.—The membership of the Task Force shall include representatives, with knowledge of flight standards regulatory processes and requirements, of—*

*(A) air carriers;*

*(B) general aviation;*

*(C) business aviation;*

*(D) repair stations;*

*(E) unmanned aircraft systems operators;*

*(F) flight schools;*

*(G) labor unions, including those representing FAA aviation safety inspectors and those representing FAA aviation safety engineers;*

*(H) aviation and aerospace manufacturers; and*

*(I) aviation safety experts.*

(c) *DUTIES.*—The duties of the Task Force shall include, at a minimum, identifying best practices and providing recommendations, for current and anticipated budgetary environments, with respect to—

- (1) *simplifying and streamlining flight standards regulatory processes, including issuance and oversight of certificates;*
- (2) *reorganizing Flight Standards Services to establish an entity organized by function rather than geographic region, if appropriate;*
- (3) *FAA aviation safety inspector training opportunities;*
- (4) *ensuring adequate and timely provision of Flight Standards activities and responses necessary for type certification, operational evaluation, and entry into service of newly manufactured aircraft;*
- (5) *FAA aviation safety inspector standards and performance; and*
- (6) *achieving, across the FAA, consistent—*
  - (A) *regulatory interpretations; and*
  - (B) *application of oversight activities.*

(d) *REPORT.*—Not later than 1 year after the date of the establishment of the Task Force, the Task Force shall submit to the appropriate committees of Congress a report detailing—

- (1) *the best practices identified and recommendations provided by the Task Force under subsection (c); and*
- (2) *any recommendations of the Task Force for additional regulatory, policy, or cost-effective legislative action to improve the efficiency of agency activities.*

(e) *APPLICABLE LAW.*—Public Law 92–463 shall not apply to the Task Force.

(f) *SUNSET.*—The Task Force shall terminate on the earlier of—

- (1) *the date on which the Task Force submits the report required under subsection (d); or*
- (2) *the date that is 18 months after the date on which the Task Force is established under subsection (a).*

Another related provision in the FAA Reauthorization Act of 2018, section 513, Part 91 Review, Reform, And Streamlining, requires:

(a) *ESTABLISHMENT OF TASK FORCE.*—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a task force comprised of representatives of the general aviation industry who regularly perform part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Government to—

- (1) *conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and*
- (2) *make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.*

(b) *CONTENTS.*—In conducting the assessment and making recommendations under subsection (a), the task force shall consider—

- (1) process reforms and improvements to allow the FAA to review and approve applications in a fair and timely fashion;*
- (2) the appropriateness of requiring an authorization for each experimental aircraft rather than using a broader all makes-and-models approach;*
- (3) ways to improve the timely response to letters of authorization applications for aircraft owners and operators who operate pursuant to part 91, including setting deadlines and granting temporary or automatic authorizations if deadlines are missed by the FAA;*
- (4) methods for enhancing the effective use of delegation systems;*
- (5) methods for training the FAA's field office employees in risk-based and safety management system oversight; and*
- (6) such other matters related to streamlining part 91 authorization and approval processes as the task force considers appropriate.*

*(c) REPORT TO CONGRESS.—*

- (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the task force's assessment.*
- (2) CONTENTS.—The report shall include an explanation of how the Administrator will—*
  - (A) implement the recommendations of the task force;*
  - (B) measure progress in implementing the recommendations; and*
  - (C) measure the effectiveness of the implemented recommendations.*

*(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall implement the recommendations made under this section.*

*(e) DEFINITION.—In this section, the term “part 91” means part 91 of title 14, Code of Federal Regulations. H. R. 302—173*

*(f) APPLICABLE LAW.—Public Law 92–463 shall not apply to the task force.*

*(g) SUNSET.—The task force shall terminate on the day the Administrator submits the report required under subsection (c).*

- 3. OBJECTIVES AND TASKS OF THE ARC.** The purpose of the FST PAcE ARC is to provide a venue for industry stakeholders to identify and recommend initiatives to improve the efficiency and effectiveness of Flight Standards via performance objectives and metrics.

**TASKS OF THE ARC.** The tasks of the FST PAcE ARC are to address the legislative requirements in sections 221, 222, and 513, and any additional related tasks drafted by the FAA.

Review materials and documents that are already in progress by the Flight Standards Service (AFS), which may support the objectives of this ARC activity such as:

- Draft performance objectives and metrics already in work
  - Future of Flight Standards Realignment, effective August 17, 2019
  - Plans for Dynamic Regulatory System (DRS), which is part of an agency effort to improve the consistency of how its regulations are interpreted.
- a. In response to P.L. 115-254 Section 221 paragraph (c), recommend performance objectives for the FAA and the aviation industry relating to flight standards activities.
- The recommendation report on metrics is due to the FAA within six months of the ARC's first meeting.
- b. In response to P.L. 115-254 Section 222 paragraph (c), identify best practices and provide recommendations, for current and anticipated budgetary environments
- The recommendation report is due to the FAA within nine months of the ARC's first meeting.
  - The task group assigned to address section 222 paragraph (c) will terminate when the ARC submits the recommendation report to the FAA and the appropriate committees of Congress or 18 months after the date on which the ARC is established, whichever is earlier.
- c. In response to P.L. 115-254, section 513 paragraph (a), conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.
- A work plan is due to the FAA within 30 days of the ARC's first meeting.
  - The ARC will provide a status update to the Associate Administrator for Aviation Safety within six months of the ARC's first meeting.
  - The final recommendation report is due to the FAA within one year of the ARC's first meeting.
  - The task group assigned to address section 513 paragraph (a) will terminate on the day the Administrator submits the final recommendation report to the appropriate committees of Congress.
- d. Other tasks assigned by the FAA within the stipulated timeline.

The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking. The sponsor determines when the recommendation report and records will be made available for public release.

The FST PAcE ARC Co-Chairs may establish task groups (temporary subgroups within the ARC) to solve individual issues and report back to the full ARC on findings.

## **ARC PROCEDURES.**

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks that fall within the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

- 4. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up a committee of members from the aviation community. Members will be selected based on their familiarity and experience with flight standards regulatory processes, analysis and regulatory compliance. Additionally, P.L. 115-254 prescribed the membership requirements under sections 222 and 513. Membership will be balanced in viewpoints, interests, and knowledge of the committee's objectives and scope.

The provisions of the August 13, 2014 Office of Management and Budget (OMB) 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 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, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

The ARC will consist of members from Industry, FAA and other Agency subject matter experts may be requested to participate as Observers and to provide technical support to the ARC members.

- a. The Sponsor will select the FAA Co-Chair, who will:
  - 1. Select and appoint industry and the FAA participants as members,
  - 2. Select the Industry Co-Chair from the membership of the ARC,
  - 3. Ensure FAA participation and support from all affected lines-of-business,
  - 4. Provide notification to the members of the time and place for each meeting, and
  - 5. Receive any status report and the recommendations report.

b. Once appointed, the Industry Co-Chair will:

1. Coordinate required ARC meetings in order to meet the objectives and timelines,
2. Establish and distribute meeting agendas in a timely manner,
3. Keep meeting notes, if deemed necessary,
4. Perform other responsibilities as required to ensure the objectives are met,
5. Provide status reports, as requested, in writing to the FAA Co-Chair, and
6. Submit the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.

**5. PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.

**6. AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., § 552, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the ARC will be available for public inspection and copying at the Office of Rulemaking, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at [http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

**7. DISTRIBUTION.** This charter is distributed to executive director-level management in the Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Aviation Policy and Plans, and the Office of Rulemaking.

**8. EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months, unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on



Daniel K. Elwell  
Acting Administrator