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HOUSE OF REPRESENTATIVES
REPORT
104–683

CHILD PILOT SAFETY ACT

JULY 17, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

[To accompany H.R. 3267]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3267) to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

INTRODUCTION

On April 11, 1996, 7-year-old Jessica Dubroff, her father, Lloyd, and flight instructor, Joe Reid were killed in a plane crash in Cheyenne, Wyoming. At the time, Jessica was attempting to become the youngest person to fly an airplane across the country.

The excitement of aviation has historically been enhanced by the aviators who were brave enough to push the limits and establish new records. Charles Lindbergh was the first pilot to fly solo across the Atlantic Ocean, and Dick Rutan and Jeana Yeager were the first pilots to fly around the world without refueling. Most of the obvious aviation records have been set. Recently, however, some people have tried dangerous, publicity-driven stunts using children for so-called record breaking flights across the country. These types of flights are unsafe as was tragically demonstrated by Jessica's death. The reported bill (H.R. 3267) would prevent these sorts of tragedies from happening again.

BACKGROUND

From 1964–1981, the Department of Transportation (DOT) and the National Transportation Safety Board (NTSB) reported 151 aviation-related accidents and incidents involving children 16 years of age and younger who were injured or killed while flying an aircraft.

In order to receive a pilot certificate, one must be at least 17 years old and have demonstrated the prescribed aeronautical knowledge and skills as required by the Federal Aviation Administration (FAA). Under current FAA regulations (14 CFR Part 61, Subpart D), the minimum number of hours required for a private pilot certificate is 40 hours (20 dual, 20 solo); however, the average private pilot flies 72 hours before being certified. One can receive a student pilot certificate at 16 years of age (14 CFR 61.83).

While there is a minimum age to obtain a pilot's license, there is no such minimum age governing who can manipulate the controls of a plane as long as the person is accompanied by a licensed pilot. Since Jessica was only 7 years old and did not hold a pilot certificate, she could not pilot the aircraft. However, she could manipulate the controls under the supervision of a pilot. This is presumably what she was doing during her short tragic flight. The actual pilot in command was the person sitting next to Jessica who held a pilot certificate. This arrangement is possible since aircraft have a complete set of dual controls so that the plane can be flown from either of the front seats.

NEED FOR LEGISLATION

The reported bill (H.R. 3267) is narrowly drawn to prevent children from participating in dangerous record setting publicity stunts. However, it accomplishes this without over-regulating the aviation industry.

The bill would require the FAA Administrator to revoke an airman's certificate if the Administrator finds that while acting as a pilot in command of an aircraft, the airman permitted an individual without a pilot certificate to manipulate the controls of the aircraft while attempting to set a record. In this way, pilots will be discouraged from using children to generate publicity by setting so-called aviation records but will not be prevented from allowing children to experience the joys of flight by manipulating the controls of an aircraft in a safe manner. The Committee is confident that no pilots would risk their license to fly by participating in record setting attempts covered by this legislation.

In addition, the bill requires the FAA Administrator to conduct a study of the issues associated with children flying aircraft. The report, which is due 6 months after the bill is enacted, should contain the Administrator's recommendations on whether the restrictions in this bill should be modified and whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may choose to impose by regulation.

This bill is supported by most aviation groups because it would still allow children to be included in responsible aviation activities. There are many youth groups that responsibly encourage the inter-

est of children in aviation. Some of these programs include FAA Young Eagles, Aviation Explorer Scouts, Soaring Society (glider) activities and the Civil Air Patrol. These groups encourage young aviators, but discourage irresponsible aviation record-setting attempts.

SECTION-BY-SECTION SUMMARY

SECTION 1.—SHORT TITLE

This section provides that the Act may be cited as the "Child Pilot Safety Act."

SECTION 2.—MANIPULATION OF FLIGHT CONTROLS

This section states that a pilot in command of an aircraft may not allow an individual who does not hold a valid private pilots certificate and the appropriate medical certificate to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or feat. The Administrator is given the power to revoke an airman's certificate if the Administrator finds that a pilot has allowed a non-pilot to manipulate the controls while attempting to set a record or engage in an aeronautical competition or feat.

SECTION 3—CHILDREN FLYING AIRCRAFT

This Section requires the FAA Administrator to conduct a study of the impacts of children flying aircraft. The Administrator must consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation. The report is due 6 months after enactment, and should include recommendations on: (1) whether the restrictions established by the bill should be amended or repealed; and (2) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation. Finally, the bill allows the Administrator to issue regulations imposing age, altitude, or other restrictions on children flying aircraft as a result of the findings of the study.

HEARINGS AND LEGISLATIVE HISTORY

The Subcommittee on Aviation held a hearing on H.R. 3267 on May 1, 1996.

H.R. 3267 was introduced on April 18, 1996. On May 30, 1996 the Subcommittee reported the bill to the full Committee on Transportation and Infrastructure. On June 6, 1996, the Committee on Transportation and Infrastructure ordered the bill reported, with amendments by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of the rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3267 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COSTS OF THE LEGISLATION

Clause 7 of rule XIII of the rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under sections 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3267.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3267 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation, and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3267, a bill to prohibit individuals who do not hold a valid private pilot's certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, as ordered reported by the House Committee on Transportation and Infrastructure on June 6, 1996.

H.R. 3267 would prohibit a pilot from allowing an individual without a private pilot's certificate and medical certificate to manipulate the controls of an aircraft if the pilot knows or should have known that such an individual is attempting to set a record or engage in an aeronautical competition or feat. The Administrator of the Federal Aviation Administration (FAA) would have the authority to revoke the airman certificate from the pilot who allows an individual without the required certificates to manipulate the controls of an aircraft. This bill also would direct the FAA to conduct a study and issue a report on the effects of children flying

aircraft. Based on the findings of the study, the Administrator could issue regulations imposing restrictions on children.

Federal Budgetary Impact.—Based on information from the FAA, CBO estimates that the cost of conducting the study and issuing the report on the impacts of children flying aircraft would be less than $50,000. If the Administrator of the FAA decides to issue new regulations as a result of that study, the cost of issuing the regulations would be between $100,000 and $200,000. CBO cannot predict whether regulations would be issued under H.R. 3267 or what the costs of enforcing any such regulations would be, but such costs are unlikely to be substantial. Spending for the required study, any regulations that might be promulgated as a result of that study, and any enforcement actions would be subject to the appropriation of the necessary funds. Thus, enacting H.R. 3267 would not affect direct spending or receipts, and pay-as-you-go procedures would not apply to the bill.

Mandates Statement.—H.R. 3267 contains no intergovernmental mandates as defined in Public Law 104–4, and would have no impact on the budgets of state, local, or tribal governments. Because it would restrict who can operate the controls of an aircraft, the bill contains a private-sector mandate. This mandate would impose no direct cost on the private sector.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Clare Doherty (for federal costs), and Dan Lieberman (for the impact on the private sector).

Sincerely,

JUNE E. O'NEILL, *Director.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 447 OF TITLE 49, UNITED STATES CODE

CHAPTER 447—SAFETY REGULATION

Sec.
44701. General requirements.
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44724. Manipulation of flight controls.
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§ 44724. Manipulation of flight controls

(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or en-

gage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

(c) PILOT IN COMMAND DEFINED.—In this section, the term "pilot in command" has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.

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