

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To reform Federal Aviation Administration safety requirements for commercial air tour operators, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To reform Federal Aviation Administration safety requirements for commercial air tour operators, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Tour and Sport  
5 Parachuting Safety Improvement Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Federal  
10 Aviation Administration.

1           (2) AIR CARRIER.—The term “air carrier” has  
2 the meaning given that term in section 40102 of  
3 title 49, United States Code.

4           (3) COMMERCIAL AIR TOUR.—The term “com-  
5 mercial air tour” means a flight conducted for com-  
6 pensation or hire in an airplane or helicopter where  
7 a purpose of the flight is sightseeing.

8           (4) COMMERCIAL AIR TOUR OPERATOR.—The  
9 term “commercial air tour operator” means any per-  
10 son who conducts a commercial air tour.

11           (5) PARACHUTE OPERATION.—The term “para-  
12 chute operation” has the meaning given that term in  
13 section 105.3 of title 14, Code of Federal Regula-  
14 tions (or any successor regulation).

15 **SEC. 3. SAFETY MANAGEMENT SYSTEM REQUIREMENTS**  
16 **FOR CERTAIN OPERATORS.**

17           Not later than 24 months after the date of enactment  
18 of this Act, the Administrator shall issue a final rule re-  
19 quiring each person holding a certificate under part 119  
20 of title 14, Code of Federal Regulations, and authorized  
21 to conduct operations in accordance with the provisions  
22 of part 135 of title 14, Code of Federal Regulations, to  
23 implement a safety management system, as appropriate  
24 for the operations.

1 **SEC. 4. OTHER SAFETY REQUIREMENTS FOR COMMERCIAL**  
2 **OPERATORS.**

3 (a) SAFETY REFORMS.—

4 (1) AUTHORITY TO CONDUCT NONSTOP COM-  
5 MERCIAL AIR TOURS.—

6 (A) IN GENERAL.—Subject to subpara-  
7 graph (B), beginning on the date that is 3  
8 years after the date of enactment of this Act,  
9 no person may conduct commercial air tours  
10 unless that person—

11 (i) holds a certificate identifying the  
12 person as an air carrier or commercial op-  
13 erator under part 119 of title 14, Code of  
14 Federal Regulations; and

15 (ii) conducts all commercial air tours  
16 under the applicable provisions of part 121  
17 or part 135 of title 14, Code of Federal  
18 Regulations.

19 (B) TEMPORARY EXCEPTION.—Notwith-  
20 standing the requirements of subparagraph (A),  
21 for a period of 5 years after the date described  
22 in subparagraph (A), a person who holds a let-  
23 ter of authorization issued by the Administrator  
24 to conduct nonstop commercial air tours under  
25 section 91.147 of title 14, Code of Federal Reg-  
26 ulations, may continue to conduct nonstop com-

1           merchial air tours under such letter of authoriza-  
2           tion so long as the person—

3                   (i) as of the date of enactment of this  
4                   section, has submitted (or not later than  
5                   18 months after such date of enactment,  
6                   submits) an application to the Adminis-  
7                   trator for an air carrier certificate under  
8                   part 119, Code of Federal Regulations;  
9                   and

10                   (ii) has not been issued such part 119  
11                   certificate or received a denial of the appli-  
12                   cation submitted under clause (i).

13           (C) REPORTING REQUIRED.—Beginning on  
14           the date that is 3 years after the date of enact-  
15           ment, and every 12 months thereafter, each  
16           person that conducts commercial air tours (in-  
17           cluding any person excluded from the certificate  
18           requirement under subparagraph (B)) shall re-  
19           port to the Administrator the total number of  
20           commercial air tours that person conducted  
21           during the previous 12 months.

22           (D) OTHER TERMS.—The Administrator  
23           shall—

24                   (i) revise title 14, Code of Federal  
25                   Regulations, to include definitions for the

1 terms “aerial work” and “aerial photog-  
2 raphy” that are limited to aerial operations  
3 performed for compensation or hire with  
4 an approved operating certificate; and

5 (ii) to the extent necessary, revise sec-  
6 tion 119.1(e)(4)(iii) of title 14, Code of  
7 Federal Regulations, to conform with the  
8 requirements of such definitions.

9 (2) ADDITIONAL SAFETY REQUIREMENTS.—Not  
10 later than 3 years after the date of enactment of  
11 this Act, the Administrator shall issue new or re-  
12 vised regulations that shall require all certificated  
13 commercial air tour operators to incorporate avoid-  
14 ance training for controlled flight into terrain and  
15 in-flight loss of control into the training program re-  
16 quired under part 121 or 135 of title 14, Code of  
17 Federal Regulations, as applicable. The training  
18 shall address reducing the risk of accidents involving  
19 unintentional flight into instrument meteorological  
20 conditions to address day, night, and low visibility  
21 environments with special attention paid to research  
22 available as of the date of enactment of this Act on  
23 human factors issues involved in such accidents, in-  
24 cluding but not limited to—

1 (A) specific terrain, weather, and infra-  
2 structure challenges relevant in the local oper-  
3 ating environment that increase the risk of such  
4 accidents;

5 (B) pilot decision-making relevant to the  
6 avoidance of instrument meteorological condi-  
7 tions while operating under visual flight rules;

8 (C) use of terrain awareness displays;

9 (D) spatial disorientation risk factors and  
10 countermeasures; and

11 (E) strategies for maintaining control, in-  
12 cluding the use of automated systems.

13 (b) AVIATION RULEMAKING COMMITTEE.—

14 (1) IN GENERAL.—The Administrator, shall  
15 convene an aviation rulemaking committee to review  
16 and develop findings and recommendations to in-  
17 form—

18 (A) establishing a performance-based  
19 standard for flight data monitoring for all com-  
20 mercial air tour operators that reviews all avail-  
21 able data sources to identify deviations from es-  
22 tablished areas of operation and potential safety  
23 issues;

24 (B) requiring all commercial air tour oper-  
25 ators to install flight data recording devices ca-

1 pable of supporting collection and dissemination  
2 of the data incorporated in the Flight Oper-  
3 ational Quality Assurance Program (or, if an  
4 aircraft cannot be retrofitted with such equip-  
5 ment, requiring the commercial air tour oper-  
6 ator for such aircraft to collect and maintain  
7 flight data through alternative methods);

8 (C) requiring all commercial air tour oper-  
9 ators to implement a flight data monitoring  
10 program, such as a Flight Operational Quality  
11 Assurance Program;

12 (D) establishing methods to provide effec-  
13 tive terrain awareness and warning; and

14 (E) establishing methods to provide effec-  
15 tive traffic avoidance in identified high-traffic  
16 tour areas, such as requiring air tour operators  
17 that operate within those areas be equipped  
18 with an Automatic Dependent Surveillance-  
19 Broadcast Out- and In-supported traffic advi-  
20 sory system that—

21 (i) includes both visual and aural  
22 alerts;

23 (ii) is driven by an algorithm designed  
24 to eliminate nuisance alerts; and

1 (iii) is operational during all flight op-  
2 erations.

3 (2) MEMBERSHIP.—The aviation rulemaking  
4 committee shall consist of members appointed by the  
5 Administrator, including—

6 (A) representatives of industry, including  
7 manufacturers of aircraft and aircraft tech-  
8 nologies;

9 (B) representatives of aviation operator or-  
10 ganizations; and

11 (C) aviation safety experts with specific  
12 knowledge of safety management systems and  
13 flight data monitoring programs under part 135  
14 of title 14, Code of Federal Regulations.

15 (3) DUTIES.—

16 (A) IN GENERAL.—The Administrator  
17 shall direct the aviation rulemaking committee  
18 to make findings and submit recommendations  
19 regarding each of the matters specified in sub-  
20 paragraphs (A) through (E) of paragraph (1).

21 (B) CONSIDERATIONS.—In carrying out its  
22 duties under subparagraph (A), the Adminis-  
23 trator shall direct the aviation rulemaking com-  
24 mittee to consider—



1 (i) recommendations of the National  
2 Transportation Safety Board;

3 (ii) recommendations of previous avia-  
4 tion rulemaking committees that reviewed  
5 flight data monitoring program require-  
6 ments on part 135 commercial operators;

7 (iii) recommendations from industry  
8 safety organizations, including but not lim-  
9 ited to the Vertical Aviation Safety Team  
10 (VAST), the General Aviation Joint Safety  
11 Committee, and the United States Heli-  
12 copter Safety Team (USHST);

13 (iv) scientific data derived from a  
14 broad range of flight data recording tech-  
15 nologies capable of continuously transmit-  
16 ting and that support a measurable and  
17 viable means of assessing data to identify  
18 and correct hazardous trends;

19 (v) appropriate use of data for modi-  
20 fying behavior to prevent accidents;

21 (vi) the need to accommodate techno-  
22 logical advancements in flight data record-  
23 ing technology;

24 (vii) data gathered from aviation safe-  
25 ty reporting programs;

1 (viii) appropriate methods to provide  
2 effective terrain awareness and warning  
3 system (TAWS) protections while miti-  
4 gating nuisance alerts for aircraft;

5 (ix) the need to accommodate the di-  
6 versity of airworthiness standards under  
7 part 27 and part 29 of title 14, Code of  
8 Federal Regulations;

9 (x) the need to accommodate diversity  
10 of operations and mission sets;

11 (xi) benefits of third-party data anal-  
12 ysis for large and small operations;

13 (xii) accommodations necessary for  
14 small businesses; and

15 (xiii) other issues as necessary.

16 (4) REPORTS AND REGULATIONS.—The Admin-  
17 istrator shall—

18 (A) not later than 20 months after the  
19 date of enactment of this Act, submit to the  
20 Committee on Commerce, Science, and Trans-  
21 portation of the Senate and the Committee on  
22 Transportation and Infrastructure of the House  
23 of Representatives a report based on the find-  
24 ings of the aviation rulemaking committee;

1 (B) not later than 12 months after the  
2 date of submission of the report under subpara-  
3 graph (A), and after consideration of the rec-  
4 ommendations of the aviation rulemaking com-  
5 mittee, issue an intent to proceed with proposed  
6 rulemakings regarding each of the matters  
7 specified in subparagraphs (A) through (E) of  
8 paragraph (1); and

9 (C) not later than 3 years after the date  
10 of enactment of this Act, issue a final rule with  
11 respect to each of the matters specified in such  
12 subparagraphs of paragraph (1).

13 **SEC. 5. EXPEDITED PROCESS FOR OBTAINING OPERATING**  
14 **CERTIFICATES.**

15 (a) **IN GENERAL.**—The Administrator shall imple-  
16 ment procedures to improve the process for obtaining op-  
17 erating certificates under part 119 of title 14, Code of  
18 Federal Regulations.

19 (b) **CONSIDERATIONS.**—In carrying out subsection  
20 (a), beginning on the date that is 18 months after the  
21 date of enactment of this Act, the Administrator shall give  
22 priority consideration to operators that must obtain a cer-  
23 tificate in accordance with section 4(a)(1) of this Act.

24 (c) **REPORT REQUIRED.**—Not later than 1 year after  
25 the date of enactment of this Act, the Administrator shall

1 submit to the Committee on Commerce, Science, and  
2 Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives a report describing—

5           (1) how the procedures implemented under sub-  
6           section (a) will increase the efficiency of the process  
7           for obtaining operating certificates under part 119  
8           of title 14, Code of Federal Regulations, and, if ap-  
9           plicable, certificates authorizing operations under  
10          part 135 of such title;

11          (2) how considerations under subsection (b) will  
12          be incorporated into procedures implemented under  
13          subsection (a); and

14          (3) any additional resources required to imple-  
15          ment procedures under subsection (a).

16          (d) **ADDITIONAL REPORTS REQUIRED.**—Not later  
17 than 3 years after the date of enactment of this Act, and  
18 annually thereafter the Administrator shall submit a re-  
19 port to the Committee on Commerce, Science, and Trans-  
20 portation of the Senate and the Committee on Transpor-  
21 tation and Infrastructure of the House of Representatives  
22 that—

23           (1) includes—

24           (A) data on certification approvals and de-  
25           nials; and

1 (B) data on duration of key phases of the  
2 certification process; and  
3 (2) identifies certification policies in need of re-  
4 form or repeal.

5 **SEC. 6. SAFETY REQUIREMENTS FOR SPORT PARACHUTE**  
6 **OPERATIONS.**

7 (a) AVIATION RULEMAKING COMMITTEE.—The Ad-  
8 ministrator, shall convene an aviation rulemaking com-  
9 mittee to review and develop findings and recommenda-  
10 tions to inform—

11 (1) rulemaking governing parachute operations  
12 conducted in the United States that are subject to  
13 the requirements of part 105 of title 14, Code of  
14 Federal Regulations, to address—

15 (A) Federal Aviation Administration-ap-  
16 proved aircraft maintenance and inspection pro-  
17 grams that consider, at a minimum, require-  
18 ments for compliance with engine manufactur-  
19 ers' recommended maintenance instructions,  
20 such as service bulletins and service information  
21 letters for time between overhauls and compo-  
22 nent life limits;

23 (B) initial and annual recurrent pilot pro-  
24 ficiency checking programs for pilots conducting  
25 parachute operations that address, at a min-

1           imum, operation- and aircraft-specific weight  
2           and balance calculations, preflight inspections,  
3           emergency and recovery procedures, and para-  
4           chutist egress procedures for each type of air-  
5           craft flown; and

6                   (C) initial and annual recurrent pilot re-  
7           view programs for parachute operations pilots  
8           that address, at a minimum, operation- specific  
9           and aircraft-specific weight and balance calcula-  
10          tions, preflight inspections, emergency and re-  
11          covery procedures, and parachutist egress pro-  
12          cedures for each type of aircraft flown, as well  
13          as competency flight checks to determine pilot  
14          competence in practical skills and techniques in  
15          each type of aircraft;

16                   (2) the revision of guidance material contained  
17          in Advisory Circular 105-2E (relating to sport para-  
18          chute jumping), to include guidance for parachute  
19          operations in implementing the Federal Aviation Ad-  
20          ministration-approved aircraft maintenance and in-  
21          spection program and the pilot training and pilot  
22          proficiency checking programs required under any  
23          new or revised regulations issued in accordance with  
24          paragraph (1); and

1           (3) the revision of guidance materials issued in  
2           Order 8900.1 entitled “Flight Standards Informa-  
3           tion Management System”, to include guidance for  
4           Federal Aviation Administration inspectors who  
5           oversee part 91 of title 14 Code of Federal Regula-  
6           tions, operations conducted under any of the excep-  
7           tions specified in section 119.1(e) of title 14, Code  
8           of Federal Regulations, which include parachute op-  
9           erations.

10          (b) MEMBERSHIP.—The aviation rulemaking com-  
11         mittee shall consist of members appointed by the Adminis-  
12         trator, including—

13                 (1) representatives of industry, including manu-  
14                 facturers of aircraft and aircraft technologies;

15                 (2) representatives of parachute operator orga-  
16                 nizations; and

17                 (3) aviation safety experts with specific knowl-  
18                 edge of safety management systems and flight data  
19                 monitoring programs under part 135 and part 105  
20                 of title 14, Code of Federal Regulations.

21          (c) DUTIES.—

22                 (1) IN GENERAL.—The Administrator shall di-  
23                 rect the aviation rulemaking committee to make  
24                 findings and submit recommendations regarding

1 each of the matters specified in paragraphs (1)  
2 through (3) of subsection (a).

3 (2) CONSIDERATIONS.—In carrying out its du-  
4 ties under paragraph (1), the Administrator shall di-  
5 rect the aviation rulemaking committee to con-  
6 sider—

7 (A) findings and recommendations of the  
8 National Transportation Safety Board generally  
9 as relevant and specifically those related to  
10 parachute operations, including the June 21,  
11 2019, incident in Mokuleia, Hawaii;

12 (B) recommendations of previous aviation  
13 rulemaking committees that considered similar  
14 issues;

15 (C) recommendations from industry safety  
16 organizations, including, but not limited to, the  
17 United States Parachute Association;

18 (D) appropriate use of data for modifying  
19 behavior to prevent accidents;

20 (E) data gathered from aviation safety re-  
21 porting programs;

22 (F) the need to accommodate diversity of  
23 operations and mission sets;

24 (G) accommodations necessary for small  
25 businesses; and



1 (H) other issues as necessary.

2 (d) REPORTS AND REGULATIONS.—The Adminis-  
3 trator shall—

4 (1) not later than 20 months after the date of  
5 enactment of this Act, submit a report based on the  
6 findings of the aviation rulemaking committee to the  
7 Committee on Commerce, Science, and Transpor-  
8 tation of the Senate and to the Committee on Trans-  
9 portation and Infrastructure of the House of Rep-  
10 resentatives;

11 (2) not later than 12 months after the date of  
12 submission of the report under paragraph (1), and  
13 after consideration of the recommendations of the  
14 aviation rulemaking committee, issue an intent to  
15 proceed with proposed rulemakings regarding each  
16 of the matters specified in paragraphs (1) through  
17 (3) of subsection (a); and

18 (3) not later than 3 years after the date of en-  
19 actment of this Act, issue a final rule with respect  
20 to each of the matters specified in such paragraphs  
21 of subsection (a).

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Ad-  
24 ministrator, to remain available until expended, such sums  
25 as necessary to carry out this Act.