

118TH CONGRESS  
1ST SESSION

# S. 1032

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

MARCH 29, 2023

Mr. SCHATZ (for himself and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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:

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

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

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

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

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

18 **SEC. 3. SAFETY MANAGEMENT SYSTEM REQUIREMENTS**

19 **FOR CERTAIN OPERATORS.**

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

1 implement a safety management system, as appropriate  
2 for the operations.

3 **SEC. 4. OTHER SAFETY REQUIREMENTS FOR COMMERCIAL**  
4 **OPERATORS.**

5 (a) SAFETY REFORMS.—

6 (1) AUTHORITY TO CONDUCT NONSTOP COM-  
7 Mercial AIR TOURS.—

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

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

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

21 (B) TEMPORARY EXCEPTION.—Notwith-  
22 standing the requirements of subparagraph (A),  
23 for a period of 5 years after the date described  
24 in subparagraph (A), a person who holds a let-  
25 ter of authorization issued by the Administrator

1 to conduct nonstop commercial air tours under  
2 section 91.147 of title 14, Code of Federal Reg-  
3 ulations, may continue to conduct nonstop com-  
4 mercial air tours under such letter of authoriza-  
5 tion so long as the person—

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

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

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

1 (D) OTHER TERMS.—The Administrator  
2 shall—

3 (i) revise title 14, Code of Federal  
4 Regulations, to include definitions for the  
5 terms “aerial work” and “aerial photog-  
6 raphy” that are limited to aerial operations  
7 performed for compensation or hire with  
8 an approved operating certificate; and

9 (ii) to the extent necessary, revise sec-  
10 tion 119.1(e)(4)(iii) of title 14, Code of  
11 Federal Regulations, to conform with the  
12 requirements of such definitions.

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

1 available as of the date of enactment of this Act on  
2 human factors issues involved in such accidents, in-  
3 cluding but not limited to—

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

8 (B) pilot decision-making relevant to the  
9 avoidance of instrument meteorological condi-  
10 tions while operating under visual flight rules;

11 (C) use of terrain awareness displays;

12 (D) spatial disorientation risk factors and  
13 countermeasures; and

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

16 (b) AVIATION RULEMAKING COMMITTEE.—

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

21 (A) establishing a performance-based  
22 standard for flight data monitoring for all com-  
23 mercial air tour operators that reviews all avail-  
24 able data sources to identify deviations from es-

1            established areas of operation and potential safety  
2            issues;

3            (B) requiring all commercial air tour oper-  
4            ators to install flight data recording devices ca-  
5            pable of supporting collection and dissemination  
6            of the data incorporated in the Flight Oper-  
7            ational Quality Assurance Program (or, if an  
8            aircraft cannot be retrofitted with such equip-  
9            ment, requiring the commercial air tour oper-  
10           ator for such aircraft to collect and maintain  
11           flight data through alternative methods);

12           (C) requiring all commercial air tour oper-  
13           ators to implement a flight data monitoring  
14           program, such as a Flight Operational Quality  
15           Assurance Program;

16           (D) establishing methods to provide effec-  
17           tive terrain awareness and warning; and

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

1 (i) includes both visual and aural  
2 alerts;

3 (ii) is driven by an algorithm designed  
4 to eliminate nuisance alerts; and

5 (iii) is operational during all flight op-  
6 erations.

7 (2) MEMBERSHIP.—The aviation rulemaking  
8 committee shall consist of members appointed by the  
9 Administrator, including—

10 (A) representatives of industry, including  
11 manufacturers of aircraft and aircraft tech-  
12 nologies;

13 (B) representatives of aviation operator or-  
14 ganizations; and

15 (C) aviation safety experts with specific  
16 knowledge of safety management systems and  
17 flight data monitoring programs under part 135  
18 of title 14, Code of Federal Regulations.

19 (3) DUTIES.—

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



1 (B) CONSIDERATIONS.—In carrying out its  
2 duties under subparagraph (A), the Adminis-  
3 trator shall direct the aviation rulemaking com-  
4 mittee to consider—

5 (i) recommendations of the National  
6 Transportation Safety Board;

7 (ii) recommendations of previous avia-  
8 tion rulemaking committees that reviewed  
9 flight data monitoring program require-  
10 ments on part 135 commercial operators;

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

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

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

1 (vi) the need to accommodate techno-  
2 logical advancements in flight data record-  
3 ing technology;

4 (vii) data gathered from aviation safe-  
5 ty reporting programs;

6 (viii) appropriate methods to provide  
7 effective terrain awareness and warning  
8 system (TAWS) protections while miti-  
9 gating nuisance alerts for aircraft;

10 (ix) the need to accommodate the di-  
11 versity of airworthiness standards under  
12 part 27 and part 29 of title 14, Code of  
13 Federal Regulations;

14 (x) the need to accommodate diversity  
15 of operations and mission sets;

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

18 (xii) accommodations necessary for  
19 small businesses; and

20 (xiii) other issues as necessary.

21 (4) REPORTS AND REGULATIONS.—The Admin-  
22 istrator shall—

23 (A) not later than 20 months after the  
24 date of enactment of this Act, submit to the  
25 Committee on Commerce, Science, and Trans-

1 portation of the Senate and the Committee on  
2 Transportation and Infrastructure of the House  
3 of Representatives a report based on the find-  
4 ings of the aviation rulemaking committee;

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

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

17 **SEC. 5. EXPEDITED PROCESS FOR OBTAINING OPERATING**  
18 **CERTIFICATES.**

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

23 (b) **CONSIDERATIONS.**—In carrying out subsection  
24 (a), beginning on the date that is 18 months after the  
25 date of enactment of this Act, the Administrator shall give

1 priority consideration to operators that must obtain a cer-  
2 tificate in accordance with section 4(a)(1) of this Act.

3 (c) REPORT REQUIRED.—Not later than 1 year after  
4 the date of enactment of this Act, the Administrator shall  
5 submit to the Committee on Commerce, Science, and  
6 Transportation of the Senate and the Committee on  
7 Transportation and Infrastructure of the House of Rep-  
8 resentatives a report describing—

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

15 (2) how considerations under subsection (b) will  
16 be incorporated into procedures implemented under  
17 subsection (a); and

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

20 (d) ADDITIONAL REPORTS REQUIRED.—Not later  
21 than 3 years after the date of enactment of this Act, and  
22 annually thereafter the Administrator shall submit a re-  
23 port to the Committee on Commerce, Science, and Trans-  
24 portation of the Senate and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives  
2 that—

3 (1) includes—

4 (A) data on certification approvals and de-  
5 nials; and

6 (B) data on duration of key phases of the  
7 certification process; and

8 (2) identifies certification policies in need of re-  
9 form or repeal.

10 **SEC. 6. SAFETY REQUIREMENTS FOR SPORT PARACHUTE**  
11 **OPERATIONS.**

12 (a) AVIATION RULEMAKING COMMITTEE.—The Ad-  
13 ministrator, shall convene an aviation rulemaking com-  
14 mittee to review and develop findings and recommenda-  
15 tions to inform—

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

20 (A) Federal Aviation Administration-ap-  
21 proved aircraft maintenance and inspection pro-  
22 grams that consider, at a minimum, require-  
23 ments for compliance with engine manufactur-  
24 ers' recommended maintenance instructions,  
25 such as service bulletins and service information

1 letters for time between overhauls and compo-  
2 nent life limits;

3 (B) initial and annual recurrent pilot pro-  
4 ficiency checking programs for pilots conducting  
5 parachute operations that address, at a min-  
6 imum, operation- and aircraft-specific weight  
7 and balance calculations, preflight inspections,  
8 emergency and recovery procedures, and para-  
9 chutist egress procedures for each type of air-  
10 craft flown; and

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

21 (2) the revision of guidance material contained  
22 in Advisory Circular 105-2E (relating to sport para-  
23 chute jumping), to include guidance for parachute  
24 operations in implementing the Federal Aviation Ad-  
25 ministration-approved aircraft maintenance and in-

1       specification program and the pilot training and pilot  
2       proficiency checking programs required under any  
3       new or revised regulations issued in accordance with  
4       paragraph (1); and

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

14      (b) MEMBERSHIP.—The aviation rulemaking com-  
15      mittee shall consist of members appointed by the Adminis-  
16      trator, including—

17             (1) representatives of industry, including manu-  
18      facturers of aircraft and aircraft technologies;

19             (2) representatives of parachute operator orga-  
20      nizations; and

21             (3) aviation safety experts with specific knowl-  
22      edge of safety management systems and flight data  
23      monitoring programs under part 135 and part 105  
24      of title 14, Code of Federal Regulations.

25      (c) DUTIES.—

1           (1) IN GENERAL.—The Administrator shall di-  
2           rect the aviation rulemaking committee to make  
3           findings and submit recommendations regarding  
4           each of the matters specified in paragraphs (1)  
5           through (3) of subsection (a).

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

10                   (A) findings and recommendations of the  
11                   National Transportation Safety Board generally  
12                   as relevant and specifically those related to  
13                   parachute operations, including the June 21,  
14                   2019, incident in Mokuleia, Hawaii;

15                   (B) recommendations of previous aviation  
16                   rulemaking committees that considered similar  
17                   issues;

18                   (C) recommendations from industry safety  
19                   organizations, including, but not limited to, the  
20                   United States Parachute Association;

21                   (D) appropriate use of data for modifying  
22                   behavior to prevent accidents;

23                   (E) data gathered from aviation safety re-  
24                   porting programs;



1 (F) the need to accommodate diversity of  
2 operations and mission sets;

3 (G) accommodations necessary for small  
4 businesses; and

5 (H) other issues as necessary.

6 (d) REPORTS AND REGULATIONS.—The Adminis-  
7 trator shall—

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

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

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

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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