

AMENDMENT TO
RULES COMMITTEE PRINT 118–11
OFFERED BY MS. TOKUDA OF HAWAII

At the end of the bill, add the following:

1 **TITLE XIII—AIR TOUR AND**
2 **SPORT PARACHUTING SAFE-**
3 **TY IMPROVEMENT ACT**

4 **SECTION 1301. SHORT TITLE.**

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

7 **SEC. 1302. DEFINITIONS.**

8 In this title:

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

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

15 (3) **COMMERCIAL AIR TOUR.**—The term “com-
16 mercial air tour” means a flight conducted for com-
17 pensation or hire in an airplane or helicopter where
18 a purpose of the flight is sightseeing.

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

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

8 **SEC. 1303. SAFETY MANAGEMENT SYSTEM REQUIREMENTS**
9 **FOR CERTAIN OPERATORS.**

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

18 **SEC. 1304. OTHER SAFETY REQUIREMENTS FOR COMMER-**
19 **CIAL OPERATORS.**

20 (a) SAFETY REFORMS.—

21 (1) AUTHORITY TO CONDUCT NONSTOP COM-
22 MERCIAL AIR TOURS.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), beginning on the date that is 3
25 years after the date of enactment of this Act,

1 no person may conduct commercial air tours
2 unless that person—

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

7 (ii) conducts all commercial air tours
8 under the applicable provisions of part 121
9 or part 135 of title 14, Code of Federal
10 Regulations.

11 (B) TEMPORARY EXCEPTION.—Notwith-
12 standing the requirements of subparagraph (A),
13 for a period of 5 years after the date described
14 in subparagraph (A), a person who holds a let-
15 ter of authorization issued by the Administrator
16 to conduct nonstop commercial air tours under
17 section 91.147 of title 14, Code of Federal Reg-
18 ulations, may continue to conduct nonstop com-
19 mercial air tours under such letter of authoriza-
20 tion so long as the person—

21 (i) as of the date of enactment of this
22 section, has submitted (or not later than
23 18 months after such date of enactment,
24 submits) an application to the Adminis-
25 trator for an air carrier certificate under

1 part 119, Code of Federal Regulations;
2 and

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

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

15 (D) OTHER TERMS.—The Administrator
16 shall—

17 (i) revise title 14, Code of Federal
18 Regulations, to include definitions for the
19 terms “aerial work” and “aerial photog-
20 raphy” that are limited to aerial operations
21 performed for compensation or hire with
22 an approved operating certificate; and

23 (ii) to the extent necessary, revise sec-
24 tion 119.1(e)(4)(iii) of title 14, Code of

1 Federal Regulations, to conform with the
2 requirements of such definitions.

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

19 (A) specific terrain, weather, and infra-
20 structure challenges relevant in the local oper-
21 ating environment that increase the risk of such
22 accidents;

23 (B) pilot decision-making relevant to the
24 avoidance of instrument meteorological condi-
25 tions while operating under visual flight rules;

1 (C) use of terrain awareness displays;

2 (D) spatial disorientation risk factors and
3 countermeasures; and

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

6 (b) AVIATION RULEMAKING COMMITTEE.—

7 (1) IN GENERAL.—The Administrator, shall
8 convene an aviation rulemaking committee to review
9 and develop findings and recommendations to in-
10 form—

11 (A) establishing a performance-based
12 standard for flight data monitoring for all com-
13 mercial air tour operators that reviews all avail-
14 able data sources to identify deviations from es-
15 tablished areas of operation and potential safety
16 issues;

17 (B) requiring all commercial air tour oper-
18 ators to install flight data recording devices ca-
19 pable of supporting collection and dissemination
20 of the data incorporated in the Flight Oper-
21 ational Quality Assurance Program (or, if an
22 aircraft cannot be retrofitted with such equip-
23 ment, requiring the commercial air tour oper-
24 ator for such aircraft to collect and maintain
25 flight data through alternative methods);

1 (C) requiring all commercial air tour oper-
2 ators to implement a flight data monitoring
3 program, such as a Flight Operational Quality
4 Assurance Program;

5 (D) establishing methods to provide effec-
6 tive terrain awareness and warning; and

7 (E) establishing methods to provide effec-
8 tive traffic avoidance in identified high-traffic
9 tour areas, such as requiring air tour operators
10 that operate within those areas be equipped
11 with an Automatic Dependent Surveillance-
12 Broadcast Out- and In-supported traffic advi-
13 sory system that—

14 (i) includes both visual and aural
15 alerts;

16 (ii) is driven by an algorithm designed
17 to eliminate nuisance alerts; and

18 (iii) is operational during all flight op-
19 erations.

20 (2) MEMBERSHIP.—The aviation rulemaking
21 committee shall consist of members appointed by the
22 Administrator, including—

23 (A) representatives of industry, including
24 manufacturers of aircraft and aircraft tech-
25 nologies;

1 (B) representatives of aviation operator or-
2 ganizations; and

3 (C) aviation safety experts with specific
4 knowledge of safety management systems and
5 flight data monitoring programs under part 135
6 of title 14, Code of Federal Regulations.

7 (3) DUTIES.—

8 (A) IN GENERAL.—The Administrator
9 shall direct the aviation rulemaking committee
10 to make findings and submit recommendations
11 regarding each of the matters specified in sub-
12 paragraphs (A) through (E) of paragraph (1).

13 (B) CONSIDERATIONS.—In carrying out its
14 duties under subparagraph (A), the Adminis-
15 trator shall direct the aviation rulemaking com-
16 mittee to consider—

17 (i) recommendations of the National
18 Transportation Safety Board;

19 (ii) recommendations of previous avia-
20 tion rulemaking committees that reviewed
21 flight data monitoring program require-
22 ments on part 135 commercial operators;

23 (iii) recommendations from industry
24 safety organizations, including but not lim-
25 ited to the Vertical Aviation Safety Team

1 (VAST), the General Aviation Joint Safety
2 Committee, and the United States Heli-
3 copter Safety Team (USHST);

4 (iv) scientific data derived from a
5 broad range of flight data recording tech-
6 nologies capable of continuously transmit-
7 ting and that support a measurable and
8 viable means of assessing data to identify
9 and correct hazardous trends;

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

12 (vi) the need to accommodate techno-
13 logical advancements in flight data record-
14 ing technology;

15 (vii) data gathered from aviation safe-
16 ty reporting programs;

17 (viii) appropriate methods to provide
18 effective terrain awareness and warning
19 system (TAWS) protections while miti-
20 gating nuisance alerts for aircraft;

21 (ix) the need to accommodate the di-
22 versity of airworthiness standards under
23 part 27 and part 29 of title 14, Code of
24 Federal Regulations;

- 1 (x) the need to accommodate diversity
2 of operations and mission sets;
- 3 (xi) benefits of third-party data anal-
4 ysis for large and small operations;
- 5 (xii) accommodations necessary for
6 small businesses; and
- 7 (xiii) other issues as necessary.

8 (4) REPORTS AND REGULATIONS.—The Admin-
9 istrator shall—

10 (A) not later than 20 months after the
11 date of enactment of this Act, submit to the
12 Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on
14 Transportation and Infrastructure of the House
15 of Representatives a report based on the find-
16 ings of the aviation rulemaking committee;

17 (B) not later than 12 months after the
18 date of submission of the report under subpara-
19 graph (A), and after consideration of the rec-
20 ommendations of the aviation rulemaking com-
21 mittee, issue an intent to proceed with proposed
22 rulemakings regarding each of the matters
23 specified in subparagraphs (A) through (E) of
24 paragraph (1); and

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

5 **SEC. 1305. EXPEDITED PROCESS FOR OBTAINING OPER-**
6 **ATING CERTIFICATES.**

7 (a) IN GENERAL.—The Administrator shall imple-
8 ment procedures to improve the process for obtaining op-
9 erating certificates under part 119 of title 14, Code of
10 Federal Regulations.

11 (b) CONSIDERATIONS.—In carrying out subsection
12 (a), beginning on the date that is 18 months after the
13 date of enactment of this Act, the Administrator shall give
14 priority consideration to operators that must obtain a cer-
15 tificate in accordance with section 1304(a)(1) of this title.

16 (c) REPORT REQUIRED.—Not later than 1 year after
17 the date of enactment of this Act, the Administrator shall
18 submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives a report describing—

22 (1) how the procedures implemented under sub-
23 section (a) will increase the efficiency of the process
24 for obtaining operating certificates under part 119
25 of title 14, Code of Federal Regulations, and, if ap-

1 plicable, certificates authorizing operations under
2 part 135 of such title;

3 (2) how considerations under subsection (b) will
4 be incorporated into procedures implemented under
5 subsection (a); and

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

8 (d) **ADDITIONAL REPORTS REQUIRED.**—Not later
9 than 3 years after the date of enactment of this Act, and
10 annually thereafter the Administrator shall submit a re-
11 port to the Committee on Commerce, Science, and Trans-
12 portation of the Senate and the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 that—

15 (1) includes—

16 (A) data on certification approvals and de-
17 nials; and

18 (B) data on duration of key phases of the
19 certification process; and

20 (2) identifies certification policies in need of re-
21 form or repeal.

22 **SEC. 1306. SAFETY REQUIREMENTS FOR SPORT PARA-**
23 **CHUTE OPERATIONS.**

24 (a) **AVIATION RULEMAKING COMMITTEE.**—The Ad-
25 ministrator, shall convene an aviation rulemaking com-

1 mittee to review and develop findings and recommenda-
2 tions to inform—

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

7 (A) Federal Aviation Administration-ap-
8 proved aircraft maintenance and inspection pro-
9 grams that consider, at a minimum, require-
10 ments for compliance with engine manufactur-
11 ers' recommended maintenance instructions,
12 such as service bulletins and service information
13 letters for time between overhauls and compo-
14 nent life limits;

15 (B) initial and annual recurrent pilot pro-
16 ficiency checking programs for pilots conducting
17 parachute operations that address, at a min-
18 imum, operation- and aircraft-specific weight
19 and balance calculations, preflight inspections,
20 emergency and recovery procedures, and para-
21 chutist egress procedures for each type of air-
22 craft flown; and

23 (C) initial and annual recurrent pilot re-
24 view programs for parachute operations pilots
25 that address, at a minimum, operation- specific

1 and aircraft-specific weight and balance calcula-
2 tions, preflight inspections, emergency and re-
3 covery procedures, and parachutist egress pro-
4 cedures for each type of aircraft flown, as well
5 as competency flight checks to determine pilot
6 competence in practical skills and techniques in
7 each type of aircraft;

8 (2) the revision of guidance material contained
9 in Advisory Circular 105-2E (relating to sport para-
10 chute jumping), to include guidance for parachute
11 operations in implementing the Federal Aviation Ad-
12 ministration-approved aircraft maintenance and in-
13 spection program and the pilot training and pilot
14 proficiency checking programs required under any
15 new or revised regulations issued in accordance with
16 paragraph (1); and

17 (3) the revision of guidance materials issued in
18 Order 8900.1 entitled “Flight Standards Informa-
19 tion Management System”, to include guidance for
20 Federal Aviation Administration inspectors who
21 oversee part 91 of title 14 Code of Federal Regula-
22 tions, operations conducted under any of the excep-
23 tions specified in section 119.1(e) of title 14, Code
24 of Federal Regulations, which include parachute op-
25 erations.

1 (b) MEMBERSHIP.—The aviation rulemaking com-
2 mittee shall consist of members appointed by the Adminis-
3 trator, including—

4 (1) representatives of industry, including manu-
5 facturers of aircraft and aircraft technologies;

6 (2) representatives of parachute operator orga-
7 nizations; and

8 (3) aviation safety experts with specific knowl-
9 edge of safety management systems and flight data
10 monitoring programs under part 135 and part 105
11 of title 14, Code of Federal Regulations.

12 (c) DUTIES.—

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

18 (2) CONSIDERATIONS.—In carrying out its du-
19 ties under paragraph (1), the Administrator shall di-
20 rect the aviation rulemaking committee to con-
21 sider—

22 (A) findings and recommendations of the
23 National Transportation Safety Board generally
24 as relevant and specifically those related to

1 parachute operations, including the June 21,
2 2019, incident in Mokuleia, Hawaii;

3 (B) recommendations of previous aviation
4 rulemaking committees that considered similar
5 issues;

6 (C) recommendations from industry safety
7 organizations, including, but not limited to, the
8 United States Parachute Association;

9 (D) appropriate use of data for modifying
10 behavior to prevent accidents;

11 (E) data gathered from aviation safety re-
12 porting programs;

13 (F) the need to accommodate diversity of
14 operations and mission sets;

15 (G) accommodations necessary for small
16 businesses; and

17 (H) other issues as necessary.

18 (d) REPORTS AND REGULATIONS.—The Adminis-
19 trator shall—

20 (1) not later than 20 months after the date of
21 enactment of this Act, submit a report based on the
22 findings of the aviation rulemaking committee to the
23 Committee on Commerce, Science, and Transpor-
24 tation of the Senate and to the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives;

3 (2) not later than 12 months after the date of
4 submission of the report under paragraph (1), and
5 after consideration of the recommendations of the
6 aviation rulemaking committee, issue an intent to
7 proceed with proposed rulemakings regarding each
8 of the matters specified in paragraphs (1) through
9 (3) of subsection (a); and

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

14 **SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to the Ad-
16 ministrator, to remain available until expended, such sums
17 as necessary to carry out this title.

