

116TH CONGRESS
2D SESSION

S. _____

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

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 _____

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 Sky-
5 diving Safety Improvement Act of 2020”.

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 OPERATOR.—The term “com-
5 mercial operator” has the meaning given that term
6 in section 1.1. of title 14, Code of Federal Regula-
7 tions.

8 (4) COMMERCIAL AIR TOUR OPERATOR.—The
9 term “commercial air tour operator” has the mean-
10 ing given that term for purposes of part 136 of title
11 14, Code of Federal Regulations.

12 (5) PARACHUTE OPERATION.—The term “para-
13 chute operation” has the meaning given that term
14 for purposes of part 105 and section 119.1(e)(6) of
15 title 14, Code of Federal Regulations.

16 **SEC. 3. SAFETY REQUIREMENTS FOR COMMERCIAL AIR**
17 **TOUR OPERATORS.**

18 (a) SAFETY REFORMS.—Not later than 180 days
19 after the date of the enactment of this Act, the Adminis-
20 trator shall issue new or revised regulations that provide
21 the following:

22 (1) PART 121 OR 135 CERTIFICATE RE-
23 QUIRED.—The regulations shall provide that—

24 (A) only persons who hold a certificate
25 identifying the person as an air carrier or com-

1 commercial operator, or both, under part 119 of
2 title 14, Code of Federal Regulations, and who
3 conduct all commercial air tour operations
4 under the applicable provisions of part 121 or
5 part 135 of title 14, Code of Federal Regula-
6 tions, shall be permitted to conduct business as
7 a commercial air tour operator; and

8 (B) beginning on the date that is 1 year
9 after the date of enactment of this Act, no per-
10 son shall be permitted to conduct business as a
11 commercial air tour operator under a certificate
12 issued in accordance with the exceptions speci-
13 fied in section 119.1(e)(2) of title 14, Code of
14 Federal Regulations.

15 (2) ADDITIONAL SAFETY REQUIREMENTS.—The
16 regulations also shall—

17 (A) eliminate and repeal all exceptions cur-
18 rently provided for under section 119.1(e)(2) of
19 title 14, Code of Federal Regulations;

20 (B) require all commercial air tour opera-
21 tors to establish safety management system
22 programs, including by—

23 (i) requiring all commercial air tour
24 operators to install crash-resistant flight
25 data recording devices capable of sup-

1 porting the requirements of the Flight
2 Operational Quality Assurance Program;

3 (ii) establishing and implementing a
4 performance-based standard for remote
5 flight data monitoring for all commercial
6 air tour operators; and

7 (iii) requiring all commercial air tour
8 operators to establish a structured flight
9 data monitoring program that reviews all
10 available data sources to identify deviations
11 from established norms and procedures
12 and other potential safety issues;

13 (C) require all commercial air tour opera-
14 tors to incorporate a controlled flight into ter-
15 rain (CFIT) avoidance training program that
16 addresses reducing the risk of CFIT accidents
17 involving continuation of flight under visual
18 flight rules (VFR) into instrument meteorolog-
19 ical conditions, with special attention paid to
20 human factors issues, including, but not limited
21 to—

22 (i) the specific terrain, weather, and
23 infrastructure challenges relevant to the
24 operational environment; and

1 (ii) operational influence on pilot deci-
2 sion-making relevant to the operational en-
3 vironment;

4 (D) require the implementation of methods
5 to provide effective terrain awareness and warn-
6 ing system (TAWS) protections while miti-
7 gating nuisance alerts for single-engine air-
8 planes operated under part 135 of title 14,
9 Code of Federal Regulations, that frequently
10 operate at altitudes below their respective
11 TAWS class design alerting threshold; and

12 (E) require the development and imple-
13 mentation of a single set of national standards
14 and operations specifications under part 135 of
15 title 14, Code of Federal Regulations (or any
16 successor regulations) applicable to all commer-
17 cial air tour operators conducting flights in
18 powered airplanes or rotorcraft.

19 **SEC. 4. IMPROVING DOT RESPONSES TO SAFETY REC-**
20 **COMMENDATIONS.**

21 (a) IN GENERAL.—Section 1135 of title 49, United
22 States Code, is amended—

23 (1) in subsection (b), by adding at the end the
24 following new sentence: “Each response under para-
25 graph (2) or (3) of subsection (a) shall include a de-

1 tailed explanation of how the Secretary’s proposed
2 action will meet or exceed the improvement to trans-
3 portation safety recommended by the Board that
4 was not adopted or refused.”;

5 (2) in subsection (d)—

6 (A) in paragraph (1), by striking “air car-
7 rier operations conducted under part 121” and
8 inserting “operations conducted under part 121
9 or 135”; and

10 (B) in paragraph (3)(B)—

11 (i) in clause (i), by striking “and”
12 after the semicolon;

13 (ii) in clause (ii), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (iii) by adding the end the following:

16 “(iii) with respect to any rec-
17 ommendation in the preceding year which
18 the Board has deemed the action of the
19 Secretary as ‘Unacceptable’, a detailed ex-
20 planation of how the Secretary’s action will
21 meet or exceed the improvement to trans-
22 portation safety recommended by the
23 Board.”; and

24 (3) in subsection (e)(2), by adding at the end
25 the following new sentence: “If on June 1 of each

1 year the Board has not received the Secretary's re-
2 port required by this subsection, the Secretary shall
3 be prohibited from issuing new certifications under
4 part 121 or part 135 of title 14, Code of Federal
5 Regulations (or any successor regulations) until the
6 report for such year is received by the Board.”.

7 (b) EFFECTIVE DATE; APPLICABILITY.—

8 (1) IN GENERAL.—The amendments made by
9 subsection (a) take effect on the date of enactment
10 of this Act.

11 (2) DOT COMMERCIAL AVIATION SAFETY REC-
12 OMMENDATIONS REPORTS.—The amendments made
13 by paragraph (2) of subsection (a) shall apply to re-
14 ports required under section 1135(d) of title 49,
15 United States Code, for—

16 (A) the calendar year immediately pre-
17 ceding the calendar year in which this Act is
18 enacted;

19 (B) the calendar year in which this Act is
20 enacted; and

21 (C) each calendar year thereafter.

22 **SEC. 5. REMOVAL OF REGULATORY BARRIERS TO SAFETY.**

23 Any rules or regulation promulgated by the Secretary
24 of Transportation in response to a safety recommendation
25 made by the National Transportation Safety Board—

1 (1) shall not be considered a regulation or rule
2 under Executive Order 13771 (5 U.S.C. 601 note;
3 relating to reducing regulation and controlling regu-
4 latory costs);

5 (2) shall not be subject to the requirements set
6 forth in that Executive Order; and

7 (3) shall be exempt from any other Executive
8 Order or action that prohibits the evaluation and in-
9 corporation of benefit as well as cost in accessing the
10 worthiness of a proposed rule or regulation.

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

13 Not later than 60 days after the date of the enact-
14 ment of this Act, the Administrator shall—

15 (1) issue new or revised regulations governing
16 parachute operations conducted in the United States
17 that are subject to the requirements of part 105 and
18 section 119.1(e)(6) of title 14, Code of Federal Reg-
19 ulations, so as to require that such operations de-
20 velop and implement—

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

1 such as service bulletins and service information
2 letters for time between overhauls and compo-
3 nent life limits;

4 (B) initial and annual recurrent pilot
5 training programs that address, at a minimum,
6 operation- and aircraft-specific weight and bal-
7 ance calculations, preflight inspections, emer-
8 gency and recovery procedures, and parachutist
9 egress procedures for each type of aircraft
10 flown; and

11 (C) initial and annual recurrent pilot test-
12 ing 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; and

21 (2) revise the guidance materials contained in
22 Advisory Circular 105 2C (relating to sport para-
23 chute jumping), to include guidance for parachute
24 operations in implementing the training and testing

- 1 programs required under the new and revised regu-
- 2 lations issued in accordance with paragraph (1).