

118TH CONGRESS
1ST SESSION

S. 2675

To clarify minimum altitudes for go-arounds, inspection passes, practice approaches, and qualified instrument approaches, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. BUDD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To clarify minimum altitudes for go-arounds, inspection passes, practice approaches, and qualified instrument approaches, 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 “Backcountry Aviation
5 Protection Act”.

1 **SEC. 2. CLARIFYING MINIMUM ALTITUDES FOR GO-**
2 **AROUNDS, INSPECTION PASSES, PRACTICE**
3 **APPROACHES, AND QUALIFIED INSTRUMENT**
4 **APPROACHES.**

5 (a) **IN GENERAL.**—Not later than 180 days after the
6 date of enactment of this Act, the Administrator shall re-
7 vise section 91.119 of title 14, Code of Federal Regula-
8 tions, to allow a properly qualified pilot operating an air-
9 craft to conduct a go-around, an inspection pass, a prac-
10 tice approach, or a qualified instrument approach without
11 regard to the minimum altitudes set forth in such section.

12 (b) **PROHIBITION ON FAA ENFORCEMENT AC-**
13 **TIONS.**—Beginning on the date that is 1 year after the
14 date of enactment of this Act, the Administrator may not
15 take an enforcement action against a person under section
16 91.119 of title 14, Code of Federal Regulations, related
17 to a go-around, inspection pass, or practice approach un-
18 less the Administrator has published final regulations in
19 the Federal Register as required by subsection (a).

20 (c) **BURDEN OF PROOF.**—In an enforcement action
21 for a violation of section 91.119 of title 14, Code of Fed-
22 eral Regulations, the burden of proof shall be upon the
23 Administrator to prove each element of the offense and
24 the inapplicability of each exception to the offense, includ-
25 ing takeoff, landing, go-around, inspection pass, practice
26 approach, or qualified instrument approach maneuvers.

1 (d) SAVINGS CLAUSE.—Nothing in this Act shall im-
2 pose a requirement on a person to complete a go-around,
3 inspection pass, or practice approach before a landing.

4 (e) DEFINITIONS.—In this Act:

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

8 (2) GO-AROUND.—The term “go-around”—

9 (A) means an aborted landing which oc-
10 curs at any point prior to the aircraft coming
11 to a complete stop at a potential landing site;
12 and

13 (B) includes a maneuver—

14 (i) for flight safety purposes; or

15 (ii) to practice or instruct the appro-
16 priate procedures for an aborted landing.

17 (3) IFR CONDITIONS; INSTRUMENT APPROACH
18 PROCEDURE.—The terms “IFR conditions”, and
19 “instrument approach procedure” have the meaning
20 given those terms in section 1.1 of title 14, Code of
21 Federal Regulations.

22 (4) INSPECTION PASS.—The term “inspection
23 pass” means a maneuver conducted to evaluate, at
24 a low altitude, whether a potential landing site is
25 suitable for takeoff and landing.

1 (5) POTENTIAL LANDING SITE.—The term “po-
2 tential landing site” includes any place on the sur-
3 face of land or water where—

4 (A) the takeoff or landing of an aircraft is
5 not prohibited; and

6 (B) the person operating the aircraft be-
7 lieves that it is possible a landing and subse-
8 quent takeoff could safely occur in the area
9 such that it is objectively reasonable to evaluate
10 the area at a low altitude.

11 (6) PRACTICE APPROACH.—The term “practice
12 approach” means a maneuver conducted with or
13 without the intent to land for the purpose of prac-
14 ticing—

15 (A) an instrument approach procedure in
16 conditions other than IFR conditions, provided
17 that the pilot complies with—

18 (i) the published instrument approach
19 procedure; or

20 (ii) a clearance or instruction issued
21 by air traffic control; or

22 (B) a simulated engine failure or emer-
23 gency descent.

24 (7) QUALIFIED INSTRUMENT APPROACH.—The
25 term “qualified instrument approach” means an in-

1 instrument approach procedure under actual IFR con-
2 ditions in which the pilot complies with—

3 (A) the published instrument approach
4 procedure; or

5 (B) a clearance or instruction issued by air
6 traffic control.

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