

118TH CONGRESS
2D SESSION

H. R. 7660

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2024

Ms. HAGEMAN (for herself, Mr. WEBER of Texas, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

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) REVISED REGULATIONS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Adminis-
8 trator of the Federal Aviation Administration shall
9 revise regulations as necessary to allow a properly
10 qualified pilot operating an aircraft to conduct, with-
11 out regard to the minimum altitudes set forth in
12 such sections—

13 (A) in the case of section 91.119 of title
14 14, Code of Federal Regulations, a go-around,
15 an inspection pass, a practice approach, or a
16 qualified instrument approach;

17 (B) in the case of section 91.177 of such
18 title 14, a qualified instrument approach; and

19 (C) in the case of section 91.515 of such
20 title 14, a go-around, a practice approach, or a
21 qualified instrument approach.

22 (2) LANDING CONFIGURATION REQUIRE-
23 MENT.—In revising regulations under paragraph (1),
24 the Administrator may require, through a codified
25 regulation, an aircraft to be in a landing configura-
26 tion when it conducts a go-around, a practice ap-

1 proach, or a qualified instrument approach and is
2 below the applicable minimum altitude.

3 (b) PROHIBITION ON FAA ENFORCEMENT AC-
4 TIONS.—Beginning on the date that is 1 year after the
5 date of enactment of this Act, the Administrator may not
6 take an enforcement action against a person under section
7 91.119 of title 14, Code of Federal Regulations, related
8 to a go-around, inspection pass, or practice approach un-
9 less the Administrator has published final regulations in
10 the Federal Register as required by subsection (a).

11 (c) CLARIFYING NO SHIFT IN BURDEN OF PROOF.—
12 In accordance with section 556(d) of title 5, United States
13 Code, in an enforcement action for a violation of section
14 91.119, 91.177, or 91.515 of title 14, Code of Federal
15 Regulations, the burden of proof shall be upon the Admin-
16 istrator to prove each element of the offense and the inap-
17 plicability of each exception to the offense, including take-
18 off, landing, go-around, inspection pass, practice ap-
19 proach, or qualified instrument approach maneuvers, as
20 applicable.

21 (d) SAVINGS CLAUSE.—Nothing in this section shall
22 impose a requirement on a person to complete a go-
23 around, inspection pass, or practice approach before a
24 landing.

25 (e) DEFINITIONS.—In this section:

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

2 (A) means an aborted landing which oc-
3 curs at any point prior to the aircraft coming
4 to a complete stop at a potential landing site;
5 and

6 (B) includes a maneuver—

7 (i) for flight safety purposes; or

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

10 (2) INSPECTION PASS.—The term “inspection
11 pass” means a maneuver conducted to evaluate, at
12 a low altitude, whether a potential landing site is
13 suitable for takeoff and landing.

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

19 (4) POTENTIAL LANDING SITE.—The term “po-
20 tential landing site” includes any place on the sur-
21 face of land or water where—

22 (A) the takeoff or landing of an aircraft is
23 not prohibited; and

24 (B) the person operating the aircraft be-
25 lieves that, considering the aircraft’s takeoff

1 and landing performance and the person’s skill
2 as a pilot, it is possible a landing and subse-
3 quent takeoff could safely occur in the area
4 such that it is objectively reasonable to evaluate
5 the area at a low altitude.

6 (5) PRACTICE APPROACH.—The term “practice
7 approach” means a maneuver conducted with or
8 without the intent to land for the purpose of prac-
9 ticing—

10 (A) an instrument approach procedure in
11 conditions other than IFR conditions, provided
12 that the pilot complies with—

13 (i) the published instrument approach
14 procedure; or

15 (ii) a clearance or instruction issued
16 by air traffic control; or

17 (B) a simulated engine failure or emer-
18 gency descent.

19 (6) QUALIFIED INSTRUMENT APPROACH.—The
20 term “qualified instrument approach” means an in-
21 strument approach procedure under actual IFR con-
22 ditions in which the pilot complies with—

23 (A) the published instrument approach
24 procedure; or

- 1 (B) a clearance or instruction issued by air
- 2 traffic control.

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