

118TH CONGRESS
1ST SESSION

S. 1093

To require the Administrator of the Federal Aviation Administration to establish an air tour management plan for certain areas of Hawaii, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 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

A BILL

To require the Administrator of the Federal Aviation Administration to establish an air tour management plan for certain areas of Hawaii, 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 “Hawaii Air Tour Man-
5 agement Act of 2023”.

6 **SEC. 2. AIR TOUR MANAGEMENT PLAN FOR CERTAIN**
7 **AREAS OF HAWAII.**

8 (a) AIR TOUR MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Notwithstanding section
2 40128 of title 49, United States Code, subject to
3 paragraph (2), not later than 2 years after the date
4 of enactment of this section, the Administrator of
5 the Federal Aviation Administration, in consultation
6 with the Governor of Hawaii, shall establish an air
7 tour management plan for any area within the State
8 of Hawaii that is not located within the National
9 Park System.

10 (2) REQUIREMENTS.—The Administrator of the
11 Federal Aviation Administration shall enter into an
12 agreement with the Governor of Hawaii to establish
13 the contents of the plan required by paragraph (1),
14 the procedure for establishing such plan (including
15 with respect to any amendments to the plan), and
16 the responsibilities of each party to such agreement
17 in carrying out the plan.

18 (b) INTERIM AUTHORITY.—Until the date on which
19 the air tour management plan is established under sub-
20 section (a), the Administrator of the Federal Aviation Ad-
21 ministration may grant an air tour operator operating in
22 an area within the State of Hawaii that is not located
23 within the National Park System interim operating au-
24 thority for that area.

1 (c) NON-APPLICATION OF THE APA.—The provisions
2 of subchapter II of chapter 5, and chapter 7, of title 5,
3 United States Code (commonly known as the “Administra-
4 tive Procedure Act”) shall not apply to the establishment
5 of an air tour management plan under this section.

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