UNMANNED AIRCRAFT PROVISIONS IN FAA REAUTHORIZATION BILL

Section 341 – **Comprehensive Plan -**Codifies in title 49 the requirement in the 2012 FAA reauthorization Act that a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system be developed.

Section 342 – **Update of Comprehensive Plan -** not later than 270 days after enactment, the comprehensive plan shall be updated to develop a concept of operations for the integration of unmanned aircraft into the national airspace system. FAA shall consult with the aviation industry in this process.

Section 343 – **Test Ranges -** requires the FAA to carry out and update a program for the use of test ranges to facilitate the integration of unmanned aircraft into the national airspace system. This program shall terminate on September 30, 2023.

Section 344 – **Artic -** requires the FAA to develop a plan and initiate a process to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

Section 345 – **safety standards -** the FAA shall establish a process for accepting risk-based consensus safety standards and authorizing the manufacturer to self-certify that its small unmanned aircraft complies with these safety standards. This can take the place of current airworthiness certification and type certification requirements. A person cannot sell a small unmanned aircraft unless that aircraft complies with the consensus safety standards and procedures in this section, has received design and production approval from the FAA, the FAA determines that the unmanned aircraft may be operated without an airworthiness certificate or compliance with the consensus safety standards under this section, or the small unmanned aircraft is not capable of flying beyond the visual line of sight of the operator and such operation would not pose a risk to safety.

Section 346 – **public aircraft -** directs the FAA to issue guidance to expedite the process of authorizing flights by government unmanned aircraft and to provide guidance on a public agency's responsibilities when operating such aircraft. Allows a public safety agency to operate a small (4.4 pounds or less) unmanned aircraft if the aircraft is operated at less than 400 feet, during daylight, within class G airspace, and more than 5 miles from an airport even if it is beyond visual line of sight. Within 180 days, the FAA shall permit the use of public actively tethered unmanned aircraft if they are operated at less than 150 feet, within class G airspace, below the ceiling of other airspace, not flown directly over people, operated within visual line of sight, and operated in a way that does not interfere with other aircraft. These tethered unmanned aircraft can be operated without obtaining any further certificate or further authority from the FAA but must comply with any regulations that the FAA may issue. Requires the FAA to help other Federal civilian agencies to deploy and integrate sense and avoid capabilities so that they can operate their unmanned aircraft safely within the national airspace system.

Section 347 – **risk-based approach to safety -** permits the FAA to use a risk-based approach to judge the safety of certain unmanned aircraft even before it has completed the comprehensive plan and guidance described above. The FAA shall decide which types of unmanned aircraft and which types of operations would qualify for this risk-based approach and whether they need to obtain a certificate of waiver or certificate of authorization. If the FAA determines that certain unmanned aircraft may operate safely under this section, the Secretary shall still establish requirements for them. This section shall terminate on September 30, 2023.

Section 348- **cargo -** Within one year, the FAA shall amend rules to allow commercial small unmanned aircraft to carry cargo. The rules shall use performance-based requirements, consider the different levels of risk to other aircraft and people on the ground from different types of unmanned aircraft, consider the unique characteristics of highly automated small unmanned aircraft, include requirements for the safe operation of such aircraft, and consider the views of state and local officials on the impact of such aircraft within their communities. DOT may amend its rules to establish economic authority for the carriage of cargo in small unmanned aircraft. Such rules shall require only registration with DOT, authorization from the FAA, and compliance with certain economic regulations. Prior to the completion of this rulemaking, a cargo carrier using small unmanned aircraft could seek operating authority under existing rules.

Section 349 – **model aircraft -** allows a person to operate a small unmanned aircraft without specific certification or operating authority from the FAA if the aircraft is flown only for recreation, the aircraft is operated in accordance with the guidelines of a model aircraft hobbyist organization developed in coordination with the FAA, the aircraft is flown within visual line of sight, the aircraft does not interfere with other aircraft, the operator obtains prior permission from the FAA for operating in class B, class C, class D, or class E airspace, the aircraft is flown below 400 feet in class G airspace, the operator has passed the required aeronautical test, and the aircraft is marked with the required registration. Persons and hobbyist organizations operating unmanned aircraft from a fixed site shall make that site known to the FAA and shall establish an agreed upon operating procedure with the air traffic control facility. A person may operate an unmanned aircraft weighing more than 55 pounds from a fixed site if the aircraft complies with requirements developed by a model aircraft hobbyist organization and approved by the FAA. These requirements shall be periodically updated. Within 180 days FAA in consultation with industry, shall develop an aeronautical knowledge safety test which can be administered electronically and that tests an operator's understanding of aeronautical safety and FAA regulations.

Section 350 – **educational institutions -** allows educational institutions to be treated the same as hobbyist organizations when they use unmanned aircraft for educational or research purposes. Not later than 270 days after enactment, the FAA may establish regulations to facilitate the safe operation of unmanned aircraft by educational institutions.

Section 351 – **pilot program for integration into NAS -** authorizes the establishment of a pilot program to enable enhanced unmanned aircraft operations as required by the October 2017 presidential memorandum. The purpose of the pilot program is to accelerate integration of unmanned aircraft into the national airspace by testing beyond visual line of sight operations,

focusing on detect and avoid technologies, command-and-control links, navigation, weather, and human factors.

Section 352 – **waivers and authorizations website -** Within 30 days, the FAA shall publish on its website a representative sample of the safety justifications used to get small unmanned aircraft waivers and authorizations. In 90 days, the FAA shall revise the waiver and authorization process to provide real-time confirmation that an application has been received and the status of the application.

Section 353 – **UAS use in emergencies -** requires the FAA to ensure that unmanned aircraft can be used to quickly and efficiently respond to disasters or other emergencies.

Section 354 – **mining -** states that unmanned aircraft that are used underground for mining purposes shall not be covered by title 49 or regulated by the FAA.

Section 355 – **native American aircraft -** an unmanned aircraft that is owned and operated by an Indian tribal government, or leased by that government for at least 90 continuous days, shall be treated as a "public aircraft" unless it is used for commercial purposes.

Section 356 – **safety awareness -** authorizes $1 million per year for each of the next five years to fund informational efforts designed to broaden unmanned aircraft systems safety awareness.

Section 357 – **privacy -** states that it is the policy of the United States that operation of an unmanned aircraft shall be carried out in a way that respects personal privacy.

Section 358 – **GAO privacy study -**directs the GAO to review unmanned aircraft privacy issues and to provide recommendations to address any limitations or deficiencies in laws or similar privacy concerns. DOT, not GAO, shall submit the results of the report to Congress within 180 days.

Section 359 – **fire departments -** directs the FAA to study how fire departments and emergency service agencies use unmanned aircraft and obstacles to their greater use of unmanned aircraft. Report to Congress is due within 180 days.

Section 360 – **fees -** directs the GAO to study the appropriate fee mechanisms to recover the costs of the regulation and safety oversight of unmanned aircraft and the provision of air traffic control services to unmanned aircraft. The study is due to Congress in 180 days.

Section 361 – **agriculture -** directs the FAA, within one year, to submit to Congress a report evaluating which aviation safety requirements in part 137 should apply to unmanned aircraft engaged in aerial spraying for agricultural purposes.

Section 362 – **sense of Congress -** sense of Congress urging the FAA to pursue all available civil and administrative remedies against those who operate unmanned aircraft in an unauthorized manner and to place particular priority on educating the public about the dangers of operating unmanned aircraft near airports without appropriate approvals and interfering with the efforts of emergency responders.

Section 363 – **armed UAS -**prohibits a person from operating an unmanned aircraft that is equipped or armed with a dangerous weapon. Violators are subject to a civil penalty of not more than $25,000 for each violation.

Section 364 – **counter UAS operations -** directs the FAA, in consultation with the military and other agencies, to review the processes being used for interagency coordination of counter unmanned aircraft operations and the standards being used under existing laws for such operations. A report is due within 180 days.

Section 365 – **counter UAS technology -** directs the DOT to consult with the DOD on how to streamline deployment of counter – UAS technology to mitigate the threat posed by errant or hostile unmanned aircraft without endangering the safety of the national airspace system.

Section 366 – **state and local governments -** directs the FAA, within one year, to develop a strategy for working with state and local governments on how to identify and respond to public safety threats posed by unmanned aircraft and how to identify and take advantage of opportunities to use such aircraft to enhance the effectiveness of law enforcement and first responders. Within 180 days, the FAA shall establish a public Internet website that contains resources for state and local law enforcement agencies and first responders.

Section 367 – **veterans -** directs the FAA, in consultation with other agencies, to determine, within 180 days, whether occupations relating to unmanned aircraft can be incorporated into the veterans' employment program.

Section 368 – **access to special use airspace -** directs the FAA, within 180 days, to issue guidance for the expedited access to special use airspace for unmanned public aircraft in order to assist law enforcement organizations in conducting law enforcement, emergency response, and other activities.

Section 369 – **railroads -** adds railroad facilities to the list of fixed site facilities that can petition the FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to them. The FAA must issue a rule to implement this section.

Section 370 – **integrate UAS into NAS -** sense of Congress urging the FAA to integrate unmanned aircraft into the national airspace system.

Section 371 – **assessment of UAS registration -** directs the National Academy of Public Administration to assess compliance with and the effectiveness of the FAA's rule requiring registration of small unmanned aircraft. After the National Academy provides its assessment, the FAA shall develop metrics to measure compliance with that rule and any later final rule.

Section 372 – **technology to detect and identify UAS for enforcement purposes -** directs the FAA to establish a pilot program to use available remote detection or identification technologies for enforcement actions against unmanned aircraft operators who violate laws and regulations. FAA shall also establish and publicize a way for law enforcement to report suspected violators. Each year for the next five years, the FAA shall submit a report to Congress on the number of unmanned aircraft that violate restricted airspace or fly too close to airports and the number of

enforcement cases that it or other federal agencies bring. Establishes civil penalties for violations of chapter 448, the chapter governing unmanned aircraft that is being added by this Act.

Section 373 – **GAO study of UAS regulation -** directs the GAO to submit a report within 180 days on the regulation and oversight of low altitude operations by unmanned aircraft. The study shall focus on the current state of the law, potential gaps between federal authority and local authority, the degree of regulatory consistency that is needed between federal regulation and local regulation, and the infrastructure requirements necessary for monitoring low altitude operations by small unmanned aircraft.

Section 374 – **Radio spectrum -** directs the FAA to submit a report to Congress within 270 days on which radio spectrum unmanned aircraft should be permitted to use.

Section 375 – **privacy -** states that a violation of a privacy policy by a person using an unmanned aircraft for commercial purposes shall be an unfair and deceptive practice in violation of the Federal Trade Commission Act.

Section 376 – **BLOS -** directs the FAA and NASA to develop an implementation plan to allow traffic management services for unmanned aircraft that expand operations beyond visual line of sight and ensure safety.

Section 377 – **traffic management services -** directs the FAA, within 120 days, to determine whether certain unmanned aircraft traffic management services may operate safely before the completion of the implementation plan required by section 376 above. The FAA shall provide expedited procedures for making this determination where the traffic management services will be provided primarily in airspace above areas that are not congested such as farms. This section is not intended to affect traffic management services already approved by the FAA such as the Low Altitude Authorization and Notification Capability (LANC).

Section 378 – **written privacy policy -** sense of Congress that anyone, except the press, who uses an unmanned aircraft for commercial purposes should have a written privacy policy.

Section 379 –**list of authorizations for government agencies -** directs the FAA, within 270 days, to make available on its website a list of authorizations for government agencies to operate unmanned aircraft. Includes additional requirements for unmanned aircraft that will collect personally identifiable information about people including the use of facial recognition. This section will expire in five years.

Section 380 – **savings clause -** states that all orders, determinations, rules, permits, grants, and contracts, which were issued before the effective date of this Act shall continue in effect until modified or revoked by DOT, FAA, a court, or by operation of law.

Section 381 – **crime for operating in restrictive areas -** makes it a crime for person to operate an unmanned aircraft with the intent that such aircraft operate within or above a restricted building or grounds.

Section 382 – **crime for interfering with those fighting wildfires -** establishes criminal penalties for an operator of an unmanned aircraft who knowingly or recklessly interferes with efforts to suppress a wildfire.

Section 383-**techolgies to destroy hostile UAS -** directs the FAA to work with the Defense Department and the Department of Homeland Security to ensure that technologies or systems designed to detect and destroy errant or hostile unmanned aircraft do not adversely impact air safety. The FAA shall develop a plan for allowing the deployment of such technologies or systems. The FAA shall charter an aviation rulemaking committee to make recommendations for such a plan. The plan shall not delegate any of the FAA's authority to other agencies or to an airport. In order to test and evaluate technologies that detect and destroy unmanned aircraft, the FAA shall deploy such technologies at five airports including one airport that is in the top 10 in terms of passenger boardings. An airport may use AIP funds to purchase a technology that is approved under this section. This section shall terminate after five years.

Section 384 – **Criminal Penalties -** establishes penalties for any person who operates an unmanned aircraft and knowingly or recklessly interferes with or disrupts the operation of a manned aircraft or, without authorization, operates an unmanned aircraft too close to an active runway.

Section 631- **Community Colleges -** directs the Secretary of Transportation, in consultation with the Secretary of Education and the Secretary of Labor, to designate community colleges as centers of excellence in small unmanned aircraft system technology training.

Section 632 – **Colleges –** directs the FAA to establish a collegiate training initiative program for unmanned aircraft by making agreements with colleges.