

Calendar No. 560

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-272

DRONE ADVISORY COMMITTEE FOR THE
21ST CENTURY ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2730



SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020.—Ordered
to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020.—Ordered to be printed

Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2730]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2730) to establish and ensure an inclusive and transparent Drone Advisory Committee, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

S. 2730, the Drone Advisory Committee for the 21st Century Act, is intended to ensure an inclusive and transparent Drone Advisory Committee.

BACKGROUND AND NEEDS

The Drone Advisory Committee (DAC) is a broad-based, long-term Federal advisory committee established by the Department of Transportation (DOT) in accordance with the provisions of the Federal Advisory Committee Act (FACA).¹ The objective of the DAC is to provide independent advice and recommendations to the Federal Aviation Administration (FAA) and to respond to the agency's taskings related to improving the efficiency and safety of integrating unmanned aircraft systems (UAS, or drones) into the National Airspace System (NAS). Membership is comprised of chief

¹ Federal Advisory Committee Act (Pub. L. 92-463).

executive officer-level or chief operating officer-level executives from a cross-section of stakeholders representing UAS interests, including industry, research and academia, retail, and technology. All DAC meetings are open to the public, unless otherwise provided for under the FACA. The DAC was initially established in September 2016 and was operated by RTCA, formerly known as the Radio Technical Commission for Aeronautics, until May 2018. The DAC was re-chartered for an additional 2 years in June 2018. As of October 16, 2019, the DAC was comprised of 34 members. Its charter limits membership to 35 members. In June 2020, the DAC was again rechartered, and a notice was published in the Federal Register on June 18, 2020, soliciting new members.²

On May 8, 2019, the Committee held a hearing entitled “New Entrants in the National Airspace: Policy, Technology, and Security Issues for Congress” in which the Executive Director of the FAA’s UAS Integration Office, Jay Merkle, testified. In response to a question about the composition of the DAC, Mr. Merkle stated, “[I]n the composition of the Drone Advisory Committee, we support having a wide range of users, manufacturers, and operators.”³

Drones currently enable a wide variety of applications, including assessing, monitoring, and managing farm and forestry activities. Surveys indicate that nearly three-quarters of farmers in the United States use or are considering using drone technology to assist with their agricultural activities. The needs for and perspectives on drone usage in rural America often differ significantly from urban and suburban parts of the country.

SUMMARY OF PROVISIONS

S. 2730 would do the following:

- Convey the sense of Congress that, due to the increased use of UAS in agriculture, forestry, and rangeland sectors, the FAA should, to the extent practicable, include such representation on the DAC and that full transparency in the work of the DAC is important to ensuring public participation.
- Direct the FAA to take appropriate steps to encourage direct representation of county and Tribal governments, as well as agriculture, forestry, and rangeland sectors on the DAC.

LEGISLATIVE HISTORY

S. 2730, the Drone Advisory Committee for the 21st Century Act, was introduced on October 29, 2019, by Senator Peters and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Thune and Roberts are cosponsors. On December 11, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2730 reported favorably with an amendment (in the nature of a substitute).

²Federal Aviation Administration, Solicitation of Nominations for Appointment to the Drone Advisory Committee, Jun. 18, 2020, 85 Fed. Reg. 36981 (<https://www.govinfo.gov/content/pkg/FR-2020-06-18/pdf/2020-13133.pdf>) (accessed Jul. 13, 2020).

³U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *New Entrants in the National Airspace: Policy, Technology, and Security Issues for Congress*, 116th Cong., 2019, testimony of Jay Merkle (<https://www.commerce.senate.gov/2019/5/new-entrants-in-the-national-airspace-policy-technology-and-security-issues-for-congress>) (accessed Jul. 13, 2020).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

| S. 2730, Drone Advisory Committee for the 21st Century Act | | | |
|---|------|-------------------------------------|---------------|
| As ordered reported by the Senate Committee on Commerce, Science, and Transportation on December 11, 2019 | | | |
| By Fiscal Year, Millions of Dollars | 2020 | 2020-2024 | 2020-2029 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | * | * | not estimated |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = between zero and \$500,000. | | | |

The Drone Advisory Committee of the Federal Aviation Administration (FAA) provides recommendations on improving the efficiency and safety of unmanned aircraft systems. S. 2730 would require the FAA to seek a broader membership on the committee and encourage public participation in the nomination of members.

Using information from the FAA, CBO estimates that implementing S. 2730 would have no significant effect on the federal budget because according to the agency, most of the bill's requirements are already planned or implemented.

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

REGULATORY IMPACT STATEMENT

Because S. 2730 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The bill will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Drone Advisory Committee for the 21st Century Act”.

Section 2. Sense of Congress.

This section would express the sense of Congress that, given the ever-increasing use of UAS in the agricultural, forestry, and rangeland sectors, the FAA, to the extent practicable, should include direct representatives from these interests on the DAC. Furthermore, it would express the sense of Congress that transparency in the work of the DAC is vital to ensuring the public can effectively participate and contribute to the development of sound Federal policies and thus FAA shall, to the maximum extent practicable, ensure the DAC operates in an open and transparent manner.

Section 3. Drone Advisory Committee membership.

This section would direct the FAA to take appropriate steps to encourage direct representation of county and Tribal governments, as well as the agriculture, forestry, and rangeland sectors and other rural interests on the DAC. Additionally, to the maximum extent practicable, the FAA is to include public participation in the process of nominating members for the DAC.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.