

DRONE INFRASTRUCTURE INSPECTION GRANT ACT

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SEPTEMBER 13, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5315]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5315) to direct the Secretary of Transportation to establish in the Department of Transportation a drone infrastructure inspection grant program and a drone education and training grant program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Drone Infrastructure Inspection Grant Act”.

**SEC. 2. DRONE INFRASTRUCTURE INSPECTION GRANT PROGRAM.**

(a) **AUTHORITY.**—The Secretary of Transportation shall establish a drone infrastructure inspection grant program to make grants to governmental entities to facilitate the use of eligible small unmanned aircraft systems to increase efficiency, reduce costs, improve worker and community safety, reduce carbon emissions, or meet other priorities (as determined by the Secretary) related to critical infrastructure projects.

(b) **USE OF GRANT AMOUNTS.**—A governmental entity may use a grant provided under this section to—

- (1) purchase or lease eligible small unmanned aircraft systems;
- (2) support operational capabilities of eligible small unmanned aircraft systems by the governmental entity;
- (3) contract for services performed with an eligible small unmanned aircraft system in circumstances in which the governmental entity does not have the resources or expertise to safely carry out or assist in carrying out the activities described under subsection (a); and
- (4) support the program management capability of the governmental entity to use an eligible small unmanned aircraft system.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, a governmental entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including an assurance that the governmental entity or its contractor will comply with relevant federal regulations.

(d) **SELECTION OF APPLICANTS.**—In selecting an applicant for a grant under this section, the Secretary shall prioritize projects that propose to—

- (1) carry out a critical infrastructure project in a historically disadvantaged community; or
- (2) address a safety risk in the inspection, operation, maintenance, repair, modernization, or construction of an element of critical infrastructure.

(e) **LIMITATION.**—Nothing in this section shall be construed as to interfere with an agreement between a governmental entity and a labor union.

(f) **REPORT TO CONGRESS.**—Not later than 1 year after the first grant is provided under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that evaluates the program carried out under this section, including—

- (1) a description of the number of grants awarded;
- (2) the amount of each grant;
- (3) the activities funded under this section; and
- (4) the effectiveness of such funded activities in meeting the objectives described in subsection (a).

(g) **FUNDING.**—

(1) **FEDERAL SHARE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out using a grant under this section shall not exceed 80 percent of the total project cost.

(B) **WAIVER.**—The Secretary may increase the Federal share requirement under subparagraph (A) to up to 100 percent for a project carried out using a grant under this section by a governmental entity if such entity—

- (i) submits a written application to the Secretary requesting an increase in the Federal share; and
- (ii) demonstrates that the additional assistance is necessary to facilitate the acceptance and full use of a grant under this section, such as alleviating economic hardship, meeting additional workforce needs, or such other uses that the Secretary determines to be appropriate.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (A) \$50,000,000 for fiscal year 2023; and
- (B) \$50,000,000 for fiscal year 2024.

**SEC. 3. DRONE EDUCATION AND WORKFORCE TRAINING GRANT PROGRAM.**

(a) **AUTHORITY.**—The Secretary of Transportation shall establish a drone education and training grant program to make grants to educational institutions for workforce training for eligible small unmanned aircraft system technology.

(b) **USE OF GRANT AMOUNTS.**—Amounts from a grant under this section shall be used in furtherance of activities authorized under sections 631 and 632 of the FAA Reauthorization Act 2018 (49 U.S.C. 40101 note).

(c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an educational institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$50,000,000 for fiscal year 2023; and
- (2) \$50,000,000 for fiscal year 2024.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given such term in section 1016(e) of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) **CRITICAL INFRASTRUCTURE PROJECT.**—The term “critical infrastructure project” means a project for the inspection, operation, maintenance, repair, modernization, or construction of an element of critical infrastructure, including mitigating environmental hazards to such infrastructure.

(3) **COVERED FOREIGN ENTITY.**—The term “covered foreign entity” means an entity—

- (A) included on the Consolidated Screening List or Entity List as designated by the Secretary of Commerce;
- (B) domiciled in the People’s Republic of China or the Russian Federation;
- (C) subject to influence or control by the government of the People’s Republic of China or by the Russian Federation; or
- (D) is a subsidiary or affiliate of an entity described in subparagraphs (A) through (C).

(4) **EDUCATIONAL INSTITUTION.**—The term “educational institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that participates in a program authorized under sections 631 and 632 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

(5) **ELEMENT OF CRITICAL INFRASTRUCTURE.**—The term “element of critical infrastructure” means a critical infrastructure facility or asset, including public bridges, tunnels, roads, highways, dams, electric grid, water infrastructure, communication systems, pipelines, or other related facilities or assets, as defined by the Secretary.

(6) **ELIGIBLE SMALL UNMANNED AIRCRAFT SYSTEM.**—The term “eligible small unmanned aircraft system” means a small unmanned aircraft system manufactured or assembled by a company that is domiciled in the United States and is not a covered foreign entity.

(7) **GOVERNMENTAL ENTITY.**—The term “governmental entity” means—

- (A) a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory of the United States, or a political subdivision thereof;
- (B) a unit of local government;
- (C) a Tribal Government;
- (D) a metropolitan planning organization; or
- (E) a combination of the entities described in subparagraphs (A) through (D).

(8) **SMALL UNMANNED AIRCRAFT; UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.**—The terms “small unmanned aircraft”, “unmanned aircraft”, and “unmanned aircraft system” have the meanings given such terms in section 44801 of title 49, United States Code.

**PURPOSE OF LEGISLATION**

The purpose of H.R. 5315, as amended, is to direct the Secretary of Transportation to establish in the U.S. Department of Transportation a drone infrastructure inspection grant program and a drone education and training grant program.

**BACKGROUND AND NEED FOR LEGISLATION**

Unmanned aircraft systems (UAS) are proliferating in the National Airspace System. The Federal Aviation Administration (FAA) projects that the recreational UAS fleet will grow to nearly 1.5 million units by 2024, and the commercial UAS fleet will in-

crease to more than 800,000 units by that same year.<sup>1</sup> Simultaneously, as a result of evolving aviation technology, small UAS are being used today by state departments of transportation, local municipalities, and other stakeholders to enhance the traditional inspections of critical infrastructure, such as bridges, roads, and dams.<sup>2</sup> To help address the nation’s infrastructure backlog and improve worker safety, state and local governments should have the opportunity to leverage UAS technology to identify, assess, and rectify critical infrastructure needs.

H.R. 5315, as amended, would authorize \$200 million for a drone infrastructure inspection grant program and a drone education and workforce training grant program at the U.S. Department of Transportation (DOT) to support more efficient inspection, maintenance, and repair of the nation’s critical infrastructure. The bill will also help to equip current and future aviation workers with the skills necessary to capitalize on the emerging UAS sector and to cultivate the U.S. aviation workforce.

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearing was used to develop or consider H.R. 5315:

On April 27, 2021, the Subcommittee on Aviation held a hearing titled “The Leading Edge: Innovation in U.S. Aerospace.” The Subcommittee received testimony from Hon. Eric Garcetti, Mayor, City of Los Angeles, California, accompanied by Ms. Seleta J. Reynolds, General Manager, Los Angeles Department of Transportation, Los Angeles, California; Mr. James L. Grimsley, Executive Director, Advanced Technology Initiatives, Choctaw Nation of Oklahoma; Mr. Adam Bry, Chief Executive Officer, Skydio, Inc.; Mr. Pierre Frederick Harter, Director, Research and Development, National Institute for Aviation Research, AVP Industry and Defense Programs, Research Operations, Wichita State University; Mr. Roei Ganzarski, Chief Executive Officer, magniX; and Mr. Blake Scholl, Founder and Chief Executive Officer, Boom Supersonic.

This hearing examined emerging uses of U.S. airspace and emerging aviation technologies affecting the economy, transportation system, local communities, environment, and public good; visions for and possible barriers to deployment of new aerospace technologies in the United States; and the federal government’s role in ensuring the safe integration of these users and technologies into the National Airspace System.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5315, the “*Drone Infrastructure Inspection Grant Act*,” was introduced in the House on September 21, 2021, by Mr. Stanton and Mr. Graves of Louisiana and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 5315 was referred to the Subcommittee on Aviation.

<sup>1</sup> FAA, *FAA Aerospace Forecast Report Fiscal Years 2020 to 2040: Unmanned Aircraft Systems*, available at [https://www.faa.gov/data\\_research/aviation/aerospace\\_forecasts/media/Unmanned\\_Aircraft\\_Systems.pdf](https://www.faa.gov/data_research/aviation/aerospace_forecasts/media/Unmanned_Aircraft_Systems.pdf).

<sup>2</sup> AASHTO, *2019 AASHTO UAS/Drone Survey of All 50 State DOTs*, available at [https://www.transportation.org/wp-content/uploads/2019/05/MissionControl\\_Drones3.pdf](https://www.transportation.org/wp-content/uploads/2019/05/MissionControl_Drones3.pdf).

The Subcommittee on Aviation was discharged from further consideration of H.R. 5315 on April 28, 2022.

The Committee considered H.R. 5315 on April 28, 2022, and ordered the measure to be favorably reported to the House, as amended, by a record vote of 54 yeas and 4 nays (Roll Call Vote No. 87).

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 5315, offered by Mr. Stanton; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 5315 offered by Mr. Perry (#1); was NOT AGREED TO by voice vote.

Page 1, strike line 1 and all that follows through page 8, line 8 and insert “Sec 1. Exemption for Drone Inspections on Critical Infrastructure Requirements.”

An amendment to the Amendment in the Nature of a Substitute to H.R. 5315 offered by Mr. Perry (#2); was NOT AGREED TO by voice vote.

Page 4, strike lines 3 through 17

An amendment to the Amendment in the Nature of a Substitute to H.R. 5315 offered by Mr. Perry (#3); was NOT AGREED TO by voice vote.

Page 4, line 21, strike “\$50,000,000” and insert “\$12,500,000”; Page 4, line 22, strike “\$50,000,000” and insert “\$12,500,000”; Page 5, line 20, strike “\$50,000,000” and insert “\$12,500,000”; Page 5, line 21, strike “\$50,000,000” and insert “\$12,500,000.”

An amendment to the Amendment in the Nature of a Substitute to H.R. 5315 offered by Mr. Perry (#4); was NOT AGREED TO by voice vote.

Page 4, line 1, strike “80” and insert “25”

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

#### *Committee on Transportation and Infrastructure Roll Call No. 87*

On: Ordering H.R. 5315 to be favorably reported to the House, as amended.

Agreed to: 54 yeas and 4 nays.

Member	Vote	Member	Vote
Mr. DeFazio .....	Yea	Mr. Graves of MO .....	Yea
Ms. Norton .....	Yea	Mr. Crawford .....	.....
Ms. Johnson of TX .....	Yea	Mr. Gibbs .....	Yea
Mr. Larsen of WA .....	Yea	Mr. Webster .....	Yea
Mrs. Napolitano .....	Yea	Mr. Massie .....	.....
Mr. Cohen .....	Yea	Mr. Perry .....	Nay
Mr. Sires .....	.....	Mr. Rodney Davis of IL .....	Yea
Mr. Garamendi .....	.....	Mr. Katko .....	Yea
Mr. Johnson of GA .....	Yea	Mr. Babin .....	Yea
Mr. Carson .....	Yea	Mr. Graves of LA .....	Yea
Ms. Titus .....	Yea	Mr. Rouzer .....	Yea
Mr. Maloney of NY .....	Yea	Mr. Bost .....	.....
Mr. Huffman .....	Yea	Mr. Weber of TX .....	Yea
Ms. Brownley .....	Yea	Mr. LaMalfa .....	.....

Member	Vote	Member	Vote
Ms. Wilson of FL .....	Yea	Mr. Westerman .....	Yea
Mr. Payne .....	Yea	Mr. Mast .....	Yea
Mr. Lowenthal .....	Yea	Mr. Gallagher .....	Yea
Mr. DeSaulnier .....	Yea	Mr. Fitzpatrick .....	Yea
Mr. Lynch .....	Yea	Miss González-Colón .....	Yea
Mr. Carbajal .....	Yea	Mr. Balderson .....	Yea
Mr. Brown .....	Yea	Mr. Stauber .....	Yea
Mr. Malinowski .....	Yea	Mr. Burchett .....	Yea
Mr. Stanton .....	Yea	Mr. Johnson of SD .....	Yea
Mr. Allred .....	Yea	Mr. Van Drew .....	Yea
Ms. Davids of KS .....	Yea	Mr. Guest .....	Yea
Mr. Garcia of IL .....	Yea	Mr. Nehls .....	Yea
Mr. Delgado .....	Yea	Ms. Mace .....	Nay
Mr. Pappas .....	Yea	Ms. Malliotakis .....	Yea
Mr. Lamb .....	Yea	Ms. Van Duyne .....	Nay
Mr. Moulton .....	Yea	Mr. Gimenez .....	Yea
Mr. Auchincloss .....	Yea	Mrs. Steel .....	Nay
Ms. Bourdeaux .....	Yea		
Mr. Kahele .....	Yea		
Ms. Strickland .....	Yea		
Ms. Williams of GA .....	Yea		
Ms. Newman .....	Yea		
Mr. Carter .....	Yea		

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal

and objective of this legislation is to establish a drone infrastructure inspection grant program and a drone education and workforce training grant program at the U.S. Department of Transportation to support more efficient inspection, maintenance, and repair of the nation’s critical infrastructure.

#### DUPLICATION OF FEDERAL PROGRAMS

The Committee finds that H.R. 5315, as amended, contains provisions that establish or reauthorize the following programs which are (or may be) duplicative of another Federal program. Section 3 of H.R. 5315 authorizes funding to be used for the activities authorized under sections 631 and 632 of the FAA Reauthorization Act of 2018 (Public Law 115–254).

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 5315, as amended, does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Title*

This section provides that this bill may be cited as the “Drone Infrastructure Inspection Grant Act”.

*Sec. 2. Drone infrastructure inspection grant program*

This section directs the Secretary of Transportation to establish a drone infrastructure inspection grant program to make grants available to governmental entities to use eligible small UAS to increase efficiency, reduce costs, improve worker safety, and reduce carbon emissions related to the inspection, repair, modernization, and construction of critical infrastructure. The funds may be used for purchasing or leasing small UAS; contracting for services performed with an eligible small UAS in circumstances in which the governmental entity does not have the resources or expertise to safely carry out or assist in the eligible activities; and support the program management capability of the governmental entity to use an eligible small UAS.

In selecting grant applicants, the Secretary of Transportation is directed to prioritize projects in historically disadvantaged communities and address a safety risk in the inspection, operation, maintenance, repair, modernization, or construction of an element of critical infrastructure. This section also limits potential interference that the drone infrastructure inspection grant program may have with an agreement between a government entity and a labor union.

This section also requires that the Secretary of Transportation submit a report, no later than one year after the first grant awards are made, to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that evaluates the program including the number of grants awarded, the amount of each grant, a description of the activities funded and the effectiveness of the funded activities in meeting the objectives described in the grant application.

Under this section, \$50 million in appropriated funds will be authorized for fiscal year 2022 and an additional \$50 million for fiscal year 2023 for this grant program. The federal share of the cost of a project carried out using a grant under this section shall not exceed 80 percent of the total project cost. However, if a waiver is granted for a governmental entity—that submits a written request to the Secretary and demonstrates that additional assistance is necessary to alleviate economic hardship, meet additional workforce needs, or other purposes determined by the Secretary—the Secretary may increase the federal share requirement to up to 100 percent.

This section also provides definitions for the following terms: critical infrastructure; critical infrastructure project; covered foreign entity; educational institution; element of critical infrastructure; eligible small UAS; governmental entity; and small UAS.

*Sec. 3. Drone education and workforce training grant program*

This section directs the Secretary of Transportation to establish a drone education and training grant program to make grants available to educational institutions for workforce training for small UAS technology. This section also authorizes an appropriation of \$50 million for fiscal year 2022 and an additional \$50 million for fiscal year 2023 for this grant program.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 5315, as amended, makes no changes in existing law.

