

“(1) the date of publication of a Notice of Proposed Rulemaking or guidance regarding remote identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 615 [629]) [49 U.S.C. 44802 note]; or

“(2) September 30, 2023.”

§ 44802. Integration of civil unmanned aircraft systems into national airspace system

(a) REQUIRED PLANNING FOR INTEGRATION.—

(1) COMPREHENSIVE PLAN.—Not later than November 10, 2012,¹ the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

(ii) ensure that any civil unmanned aircraft system includes a sense-and-avoid capability; and

(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

(D) a timeline for the phased-in approach described under subparagraph (C);

(E) creation of a safe airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

(F) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

(G) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

(H) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

(3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the

national airspace system as soon as practicable, but not later than September 30, 2015.¹

(4) REPORT TO CONGRESS.—Not later than February 14, 2013,¹ the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

(5) ROADMAP.—Not later than February 14, 2013,¹ the Secretary shall approve and make available in print and on the Administration's internet website a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update, in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia, the roadmap annually. The roadmap shall include, at a minimum—

(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA's Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and

(D) an update on the advancement of technologies needed to integrate unmanned aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.

(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 44807;

(2) a notice of proposed rulemaking to implement the recommendations of the plan re-

¹ See Prior Provisions note below.

quired under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

(3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA-2006-25714.

(Added Pub. L. 115-254, div. B, title III, §341(a), Oct. 5, 2018, 132 Stat. 3285.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(a) and (b) of Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The dates in subsec. (a)(1) and (3) to (5) reflect those enacted by Pub. L. 112-95, which all precede the date of the enactment of this section by Pub. L. 115-254. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out below.

Statutory Notes and Related Subsidiaries

DRONE ADVISORY COMMITTEE FOR THE 21ST CENTURY

Pub. L. 116-280, Dec. 31, 2020, 134 Stat. 3379, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Drone Advisory Committee for the 21st Century Act’.

“SEC. 2. SENSE OF CONGRESS.

“It is the Sense of Congress that:

“(1) Due to the ever-increasing use of Unmanned Aircraft Systems in the agriculture, forestry, and rangeland sectors, as well as the inherently different uses in less populated parts of the nation, membership of the Drone Advisory Committee established by the Federal Aviation Administration should, to the extent practicable, include direct representatives from county and tribal government, agriculture, forestry, and rangeland interests.

“(2) Full transparency in the work of the Drone Advisory Committee is vital to ensuring the public can effectively participate and contribute to the development of sound Federal policies. The Administrator of the Federal Aviation Administration should, to the maximum extent practicable, ensure the work of the Drone Advisory Committee is shared with and easily accessible to the public and shall ensure transparency and openness in the manner in which the affairs of the Committee are conducted.

“SEC. 3. DRONE ADVISORY COMMITTEE MEMBERSHIP.

“(1) IN GENERAL.—The Federal Aviation Administration shall take appropriate steps to encourage direct representation of county and tribal governments as well as agriculture, forestry, rangeland sectors, and other rural interests on the Drone Advisory Committee.

“(2) PUBLIC PARTICIPATION.—To the maximum extent practicable, the Administrator shall include public participation in the process of nominating individuals for membership on the Committee.”

UPDATE OF FAA COMPREHENSIVE PLAN

Pub. L. 115-254, div. B, title III, §342, Oct. 5, 2018, 132 Stat. 3287, provided that:

“(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall update the comprehensive plan described in section 44802 of title 49, United States Code, to develop a concept of operations for the integration of unmanned aircraft into the national airspace system.

“(b) CONSIDERATIONS.—In carrying out the update under subsection (a), the Secretary shall consider, at a minimum—

“(1) the potential use of UTM and other technologies to ensure the safe and lawful operation of unmanned aircraft in the national airspace system;

“(2) the appropriate roles, responsibilities, and authorities of government agencies and the private sector in identifying and reporting unlawful or harmful operations and operators of unmanned aircraft;

“(3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

“(4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.

“(c) CONSULTATION.—The Secretary shall carry out the update under subsection (a) in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry.

“(d) PROGRAM ALIGNMENT REPORT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives], a report that describes a strategy to—

“(1) avoid duplication;

“(2) leverage capabilities learned across programs;

“(3) support the safe integration of UAS into the national airspace; and

“(4) systematically and timely implement or execute—

“(A) commercially-operated Low Altitude Authorization and Notification Capability;

“(B) the Unmanned Aircraft System Integration Pilot Program; and

“(C) the Unmanned Traffic Management Pilot Program.”

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Pub. L. 115-254, div. B, title III, §351, Oct. 5, 2018, 132 Stat. 3301, provided that:

“(a) AUTHORITY.—The Secretary of Transportation may establish a pilot program to enable enhanced drone operations as required in the October 25, 2017 Presidential Memorandum entitled ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301 [set out below].

“(b) APPLICATIONS.—The Secretary shall accept applications from State, local, and Tribal governments, in partnership with unmanned aircraft system operators and other private-sector stakeholders, to test and evaluate the integration of civil and public UAS operations into the low-altitude national airspace system.

“(c) OBJECTIVES.—The purpose of the pilot program is to accelerate existing UAS integration plans by working to solve technical, regulatory, and policy challenges, while enabling advanced UAS operations in select areas subject to ongoing safety oversight and cooperation between the Federal Government and applicable State, local, or Tribal jurisdictions, in order to—

“(1) accelerate the safe integration of UAS into the NAS by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather, and human factors;

“(2) address ongoing concerns regarding the potential security and safety risks associated with UAS operating in close proximity to human beings and critical infrastructure by ensuring that operators communicate more effectively with Federal, State, local, and Tribal law enforcement to enable law enforce-

ment to determine if a UAS operation poses such a risk;

“(3) promote innovation in and development of the United States unmanned aviation industry, especially in sectors such as agriculture, emergency management, inspection, and transportation safety, in which there are significant public benefits to be gained from the deployment of UAS; and

“(4) identify the most effective models of balancing local and national interests in UAS integration.

“(d) APPLICATION SUBMISSION.—The Secretary shall establish application requirements and require applicants to include the following information:

“(1) Identification of the airspace to be used, including shape files and altitudes.

“(2) Description of the types of planned operations.

“(3) Identification of stakeholder partners to test and evaluate planned operations.

“(4) Identification of available infrastructure to support planned operations.

“(5) Description of experience with UAS operations and regulations.

“(6) Description of existing UAS operator and any other stakeholder partnerships and experience.

“(7) Description of plans to address safety, security, competition, privacy concerns, and community outreach.

“(e) MONITORING AND ENFORCEMENT OF LIMITATIONS.—

“(1) IN GENERAL.—Monitoring and enforcement of any limitations enacted pursuant to this pilot project shall be the responsibility of the jurisdiction.

“(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent the Secretary from enforcing Federal law.

“(3) EXAMPLES OF LIMITATIONS.—Limitations under this section may include—

“(A) prohibiting flight during specified morning and evening rush hours or only permitting flight during specified hours such as daylight hours, sufficient to ensure reasonable airspace access;

“(B) establishing designated take-off and landing zones, limiting operations over moving locations or fixed site public road[s] and parks, sidewalks or private property based on zoning density, or other land use considerations;

“(C) requiring notice to public safety or zoning or land use authorities before operating; and

“(D) prohibiting operations in connection with community or sporting events that do not remain in one place (for example, parades and running events).

“(f) SELECTION CRITERIA.—In making determinations, the Secretary shall evaluate whether applications meet or exceed the following criteria:

“(1) Overall economic, geographic, and climatic diversity of the selected jurisdictions.

“(2) Overall diversity of the proposed models of government involvement.

“(3) Overall diversity of the UAS operations to be conducted.

“(4) The location of critical infrastructure.

“(5) The involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS.

“(6) The involvement of affected communities in, and their support for, participating in the pilot program.

“(7) The commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety and to address competition, privacy, and civil liberties concerns.

“(8) The commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

“(A) Promoting innovation and economic development.

“(B) Enhancing transportation safety.

“(C) Enhancing workplace safety.

“(D) Improving emergency response and search and rescue functions.

“(E) Using radio spectrum efficiently and competitively.

“(g) IMPLEMENTATION.—The Secretary shall use the data collected and experience gained over the course of this pilot program to—

“(1) identify and resolve technical challenges to UAS integration;

“(2) address airspace use to safely and efficiently integrate all aircraft;

“(3) inform operational standards and procedures to improve safety (for example, detect and avoid capabilities, navigation and altitude performance, and command and control link);

“(4) inform FAA standards that reduce the need for waivers (for example, for operations over human beings, night operations, and beyond visual line of sight); and

“(5) address competing interests regarding UAS operational expansion, safety, security, roles and responsibilities of non-Federal Government entities, and privacy issues.

“(h) NOTIFICATION.—Prior to initiating any additional rounds of agreements with State, local, or Tribal governments as part of the pilot program established under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations in the Senate.

“(i) SUNSET.—The pilot program established under subsection (a) shall terminate 3 years after the date on which the memorandum referenced in subsection (a) is signed by the President [Oct. 25, 2017].

“(j) SAVINGS CLAUSE.—Nothing in this section shall affect any proposals, selections, imposition of conditions, operations, or other decisions made—

“(1) under the pilot program developed by the Secretary of Transportation pursuant to the Presidential memorandum titled ‘Unmanned Aircraft Systems Integration Pilot Program’, as published in the Federal Register on October 30, 2017 (82 Fed. Reg. 50301); and

“(2) prior to the date of enactment of this Act [Oct. 5, 2018].

“(k) DEFINITIONS.—In this section:

“(1) The term ‘Lead Applicant’ means an eligible State, local or Tribal government that has submitted a timely application.

“(2) The term ‘NAS’ means the low-altitude national airspace system.

“(3) The term ‘UAS’ means unmanned aircraft system.”

PART 107 TRANSPARENCY AND TECHNOLOGY IMPROVEMENTS

Pub. L. 115–254, div. B, title III, §352, Oct. 5, 2018, 132 Stat. 3304, provided that:

“(a) TRANSPARENCY.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall publish on the FAA [Federal Aviation Administration] website a representative sample of the safety justifications, offered by applicants for small unmanned aircraft system waivers and airspace authorizations, that have been approved by the Administration for each regulation waived or class of airspace authorized, except that any published justification shall not reveal proprietary or commercially sensitive information.

“(b) TECHNOLOGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the online waiver and certificates of authorization processes—

“(1) to provide real time confirmation that an application filed online has been received by the Administration; and

“(2) to provide an applicant with an opportunity to review the status of the applicant’s application.”

EMERGENCY EXEMPTION PROCESS

Pub. L. 115-254, div. B, title III, §353, Oct. 5, 2018, 132 Stat. 3304, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of unmanned aircraft systems by civil and public operators—

“(1) is an increasingly important tool in response to a catastrophe, disaster, or other emergency;

“(2) helps facilitate emergency response operations, such as firefighting and search and rescue; and

“(3) helps facilitate post-catastrophic response operations, such as utility and infrastructure restoration efforts and the safe and prompt processing, adjustment, and payment of insurance claims.

“(b) UPDATES.—The Administrator [of the Federal Aviation Administration] shall, as necessary, update and improve the Special Government Interest process described in chapter 7 of Federal Aviation Administration Order JO 7200.23A to ensure that civil and public operators, including local law enforcement agencies and first responders, continue to use unmanned aircraft system operations quickly and efficiently in response to a catastrophe, disaster, or other emergency.

“(c) BEST PRACTICES.—The Administrator shall develop best practices for the use of unmanned aircraft systems by States and localities to respond to a catastrophe, disaster, or other emergency response and recovery operation.”

TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND

Pub. L. 115-254, div. B, title III, §354, Oct. 5, 2018, 132 Stat. 3305, provided that: “An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by the FAA [Federal Aviation Administration] under title 49, United States Code.”

PROHIBITION REGARDING WEAPONS

Pub. L. 115-254, div. B, title III, §363, Oct. 5, 2018, 132 Stat. 3308, provided that:

“(a) IN GENERAL.—Unless authorized by the Administrator [of the Federal Aviation Administration], a person may not operate an unmanned aircraft or unmanned aircraft system that is equipped or armed with a dangerous weapon.

“(b) DANGEROUS WEAPON DEFINED.—In this section, the term ‘dangerous weapon’ has the meaning given that term in section 930(g)(2) of title 18, United States Code.

“(c) PENALTY.—A person who violates this section is liable to the United States Government for a civil penalty of not more than \$25,000 for each violation.”

PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT

Pub. L. 115-254, div. B, title III, §376, Oct. 5, 2018, 132 Stat. 3314, provided that:

“(a) IN GENERAL.—In conjunction with completing the requirements of section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), subject to subsection (b) of this section, the Administrator [of the Federal Aviation Administration], in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with unmanned aircraft systems industry stakeholders, shall develop a plan to allow for the implementation of unmanned aircraft systems traffic management (UTM) services that expand operations beyond visual line of sight, have full operational capability, and ensure the safety and security of all aircraft.

“(b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—The Administrator shall ensure that the UTM system pilot program, as established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), is conducted to meet the following objectives of a comprehensive UTM system by the conclusion of the pilot program:

“(1) In cooperation with the National Aeronautics and Space Administration and manned and unmanned aircraft industry stakeholders, allow testing of unmanned aircraft operations, of increasing volumes and density, in airspace above test ranges, as such term is defined in section 44801 of title 49, United States Code, as well as other sites determined by the Administrator to be suitable for UTM testing, including those locations selected under the pilot program required in the October 25, 2017, Presidential Memorandum entitled, ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301 [set out below].

“(2) Permit the testing of various remote identification and tracking technologies evaluated by the Unmanned Aircraft Systems Identification and Tracking Aviation Rulemaking Committee.

“(3) Where the particular operational environment permits, permit blanket waiver authority to allow any unmanned aircraft approved by a UTM system pilot program selectee to be operated under conditions currently requiring a case-by-case waiver under part 107, title 14, Code of Federal Regulations, provided that any blanket waiver addresses risks to airborne objects as well as persons and property on the ground.

“(c) IMPLEMENTATION PLAN CONTENTS.—The plan required by subsection (a) shall—

“(1) include the development of safety standards to permit, authorize, or allow the use of UTM services, which may include the demonstration and validation of such services at the test ranges, as defined in section 44801 of title 49, United States Code, or other sites as authorized by the Administrator;

“(2) outline the roles and responsibilities of industry and government in establishing UTM services that allow applicants to conduct commercial and noncommercial operations, recognizing the primary private sector role in the development and implementation of the Low Altitude Authorization and Notification Capability and future expanded UTM services;

“(3) include an assessment of various components required for necessary risk reduction and mitigation in relation to the use of UTM services, including—

“(A) remote identification of both cooperative and non-cooperative unmanned aircraft systems in the national airspace system;

“(B) deconfliction of cooperative unmanned aircraft systems in the national airspace system by such services;

“(C) the manner in which the Federal Aviation Administration will conduct oversight of UTM systems, including interfaces between UTM service providers and air traffic control;

“(D) the need for additional technologies to detect cooperative and non-cooperative aircraft;

“(E) collaboration and coordination with air traffic control, or management services and technologies to ensure the safety oversight of manned and unmanned aircraft, including—

“(i) the Federal Aviation Administration responsibilities to collect and disseminate relevant data to UTM service providers; and

“(ii) data exchange protocols to share UAS operator intent, operational approvals, operational restraints, and other data necessary to ensure safety or security of the National Airspace System;

“(F) the potential for UTM services to manage unmanned aircraft systems carrying either cargo, payload, or passengers, weighing more than 55 pounds, and operating at altitudes higher than 400 feet above ground level; and

“(G) cybersecurity protections, data integrity, and national and homeland security benefits; and

“(4) establish a process for—

“(A) accepting applications for operation of UTM services in the national airspace system;

“(B) setting the standards for independent private sector validation and verification that the stand-

ards for UTM services established pursuant to paragraph (1) enabling operations beyond visual line of sight, have been met by applicants; and

“(C) notifying the applicant, not later than 120 days after the Administrator receives a complete application, with a written approval, disapproval, or request to modify the application.

“(d) SAFETY STANDARDS.—In developing the safety standards in subsection (c)(1), the Administrator—

“(1) shall require that UTM services help ensure the safety of unmanned aircraft and other aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below, including operations conducted under a waiver issued pursuant to subpart D of part 107 of title 14, Code of Federal Regulations;

“(2) shall consider, as appropriate—

“(A) protection of persons and property on the ground;

“(B) remote identification and tracking of aircraft;

“(C) collision avoidance with respect to obstacles and non-cooperative aircraft;

“(D) deconfliction of cooperative aircraft and integration of other relevant airspace considerations;

“(E) right of way rules, inclusive of UAS operations;

“(F) safe and reliable coordination between air traffic control and other systems operated in the national airspace system;

“(G) detection of non-cooperative aircraft;

“(H) geographic and local factors including but not limited to terrain, buildings and structures;

“(I) aircraft equipage; and

“(J) qualifications, if any, necessary to operate UTM services; and

“(3) may establish temporary flight restrictions or other means available such as a certificate of waiver or authorization (COA) for demonstration and validation of UTM services.

“(e) REVOCATION.—The Administrator may revoke the permission, authorization, or approval for the operation of UTM services if the Administrator determines that the services or its operator are no longer in compliance with applicable safety standards.

“(f) LOW-RISK AREAS.—The Administrator shall establish expedited procedures for approval of UTM services operated in—

“(1) airspace away from congested areas; or

“(2) other airspace above areas in which operations of unmanned aircraft pose low risk, as determined by the Administrator.

“(g) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

“(h) SENSE OF CONGRESS.—It is the sense of Congress that, in developing the safety standards for UTM services, the Federal Aviation Administration shall consider ongoing research and development efforts on UTM services conducted by—

“(1) the National Aeronautics and Space Administration in partnership with industry stakeholders;

“(2) the UTM System pilot program required by section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]); and

“(3) the participants in the pilot program required in the October 25, 2017, Presidential Memorandum entitled, ‘Unmanned Aircraft Systems Integration Pilot Program’ and described in 82 Federal Register 50301.

“(i) DEADLINE.—Not later than 1 year after the date of conclusion of the UTM pilot program established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114–190] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), the Administrator shall—

“(1) complete the plan required by subsection (a);

“(2) submit the plan to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(3) publish the plan on a publicly accessible Internet website of the Federal Aviation Administration.”

EARLY IMPLEMENTATION OF CERTAIN UTM SERVICES

Pub. L. 115–254, div. B, title III, §377, Oct. 5, 2018, 132 Stat. 3317, provided that:

“(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, upon request of a UTM service provider, determine if certain UTM services may operate safely in the national airspace system before completion of the implementation plan required by section 376 [set out above].

“(b) ASSESSMENT OF UTM SERVICES.—In making the determination under subsection (a), the Administrator shall assess, at a minimum, whether the proposed UTM services, as a result of their operational capabilities, reliability, intended use, areas of operation, and the characteristics of the aircraft involved, will maintain the safety and efficiency of the national airspace system and address any identified risks to manned or unmanned aircraft and persons and property on the ground.

“(c) REQUIREMENTS FOR SAFE OPERATION.—If the Administrator determines that certain UTM services may operate safely in the national airspace system, the Administrator shall establish requirements for their safe operation in the national airspace system.

“(d) EXPEDITED PROCEDURES.—The Administrator shall provide expedited procedures for making the assessment and determinations under this section where the UTM services will be provided primarily or exclusively in airspace above areas in which the operation of unmanned aircraft poses low risk, including but not limited to croplands and areas other than congested areas.

“(e) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

“(f) PREEXISTING UTM SERVICES APPROVALS.—Nothing in this Act [see Tables for classification] shall affect or delay approvals, waivers, or exemptions granted by the Administrator for UTM services already in existence or approved by the Administrator prior to the date of enactment of this Act [Oct. 5, 2018], including approvals under the Low Altitude Authorization and Notification Capability.”

TRANSITION LANGUAGE

Pub. L. 115–254, div. B, title III, §380, Oct. 5, 2018, 132 Stat. 3319, provided that:

“(a) REGULATIONS.—Notwithstanding the repeals under sections 341, 348 [probably should be “346”], 347, and 383 of this Act [repealing the provisions listed in subsec. (b)(1) to (4) below], all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section before the effective date of this Act [probably means Oct. 5, 2018, the date of enactment of Pub. L. 115–254] shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act [see Tables for classification].

“(b) LAWS DESCRIBED.—The laws described under this subsection are as follows:

“(1) Section 332 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112–95] (49 U.S.C. 40101 note).

“(2) Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

“(3) Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

“(4) Section 2206 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

“(c) EFFECT ON PENDING PROCEEDINGS.—This Act shall not affect administrative or judicial proceedings pending on the effective date of this Act.”

UNMANNED AIRCRAFT SYSTEMS RESEARCH AND
DEVELOPMENT ROADMAP

Pub. L. 115-254, div. B, title VII, §721, Oct. 5, 2018, 132 Stat. 3411, provided that: “The Secretary [of Transportation] shall submit the unmanned aircraft systems roadmap to Congress on an annual basis as required under section 44802(a) [probably should be “44802(a)”] of title 49, United States Code, as added by this Act.”

COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115-91, div. A, title X, §1092, Dec. 12, 2017, 131 Stat. 1610, provided that:

“(a) COLLABORATION.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense may collaborate on sense-and-avoid capabilities for unmanned aircraft systems.

“(2) ELEMENTS.—The collaboration described in paragraph (1) may include, as appropriate, the following:

“(A) Sharing information on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

“(B) The development of civil standards, policies, and procedures for the Federal Aviation Administration for integrating unmanned aircraft systems in the national airspace system by leveraging the historical and current testing, training, and operational experiences of the Department of Defense, particularly the Air Force, of unmanned flight operations[.]

“(C) Informing stakeholders about—

“(i) the development of airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems; and

“(ii) research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

“(b) PARTICIPATION BY FAA IN DOD ACTIVITIES.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may participate, and provide assistance to the Secretary of Defense for activities during the test and evaluation efforts of the Department of Defense, including the Air Force, relating to airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems.

“(2) PARTICIPATION THROUGH TEST SITES.—Participation under paragraph (1) may include provision of assistance through Department of Defense unmanned aircraft systems test sites or a Federal Aviation Administration test range.

“(c) DEFINITIONS.—In this section, the terms ‘unmanned aircraft system’ and ‘test range’ have the meaning given such terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]).

“(d) RESTORATION OF RULES FOR REGISTRATION AND MARKING OF UNMANNED AIRCRAFT.—The rules adopted by the Administrator of the Federal Aviation Administration in the matter of registration and marking requirements for small unmanned aircraft (FAA-2015-7396; published on December 16, 2015) that were vacated by the United States Court of Appeals for the District of Columbia Circuit in *Taylor v. Huerta* (No. 15-1495; decided on May 19, 2017) shall be restored to effect on the date of enactment of this Act [Dec. 12, 2017].”

UAS SAFETY

Pub. L. 114-190, title II, subtitle B, July 15, 2016, 130 Stat. 628, as amended by Pub. L. 115-254, div. B, title III, §§346(b)(3), 369, 383(b)(2), Oct. 5, 2018, 132 Stat. 3295, 3311, 3322, provided that:

“SEC. 2201. DEFINITIONS.

“(a) DEFINITIONS APPLIED.—In this subtitle, the terms ‘unmanned aircraft’, ‘unmanned aircraft system’, and

‘small unmanned aircraft’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] (49 U.S.C. 40101 note [now 49 U.S.C. 44802 note]), as amended by this Act.

“(b) FAA MODERNIZATION AND REFORM ACT.—[Amended section 331 of Pub. L. 112-95, set out in a note below.]

“SEC. 2202. IDENTIFICATION STANDARDS.

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Director of the National Institute of Standards and Technology, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

“(b) CONSIDERATIONS.—As part of any standards developed under subsection (a), the Administrator shall ensure the consideration of—

“(1) requirements for remote identification of unmanned aircraft systems;

“(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil; and

“(3) the feasibility of the development and operation of a publicly accessible online database of unmanned aircraft and the operators thereof, and any criteria for exclusion from the database.

“(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on any standards developed under subsection (a).

“(d) GUIDANCE.—Not later than 1 year after the date on which the Administrator submits the report under subsection (c), the Administrator shall issue regulations or guidance, as appropriate, based on any standards developed under subsection (a).

“SEC. 2203. SAFETY STATEMENTS.

“(a) REQUIRED INFORMATION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), a manufacturer of a small unmanned aircraft shall make available to the owner at the time of delivery of the small unmanned aircraft the safety statement described in subsection (b)(2).

“(b) SAFETY STATEMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

“(2) REQUIREMENTS.—A safety statement required under subsection (a) shall include—

“(A) information about, and sources of, laws and regulations applicable to small unmanned aircraft;

“(B) recommendations for using small unmanned aircraft in a manner that promotes the safety of persons and property;

“(C) the date that the safety statement was created or last modified; and

“(D) language approved by the Administrator regarding the following:

“(i) A person may operate the small unmanned aircraft as a model aircraft (as defined in [former] section 336 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] ([former] 49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

“(ii) The definition of a model aircraft under [former] section 336 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

“(iii) The requirements regarding the operation of a model aircraft under [former] section 336 of

the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note).

“(iv) The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

“(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a) of title 49, United States Code.

“SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUPPORT OF FIREFIGHTING OPERATIONS AND UTILITY RESTORATION.

“(a) FIREFIGHTING OPERATIONS.—The Administrator of the Federal Aviation Administration shall enter into agreements with the Secretary of the Interior and the Secretary of Agriculture, as necessary, to continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations consistent with the requirements of section 44806 of title 49, United States Code.

“(b) UTILITY RESTORATION.—The Administrator shall enter into agreements with the Secretary of Energy and with such other agencies or parties, including the Federal Emergency Management Agency, as are necessary to facilitate the expeditious authorization of safe unmanned aircraft system operations in support of service restoration efforts of utilities.

“(c) DEFINITION OF UTILITY.—In this section, the term ‘utility’ shall at a minimum include the definition in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)).

“SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION, LAW ENFORCEMENT, OR EMERGENCY RESPONSE EFFORT BY OPERATION OF UNMANNED AIRCRAFT.

“(a) IN GENERAL.—[Enacted section 46320 of this title.]

“(b) FAA TO IMPOSE CIVIL PENALTY.—[Amended section 46301 of this title.]

“(c) CLERICAL AMENDMENT.—[Amended analysis of chapter 463 of this title.]

“[SEC. 2206. Repealed. Pub. L. 115-254, div. B, title III, § 383(b)(2), Oct. 5, 2018, 132 Stat. 3322.]

“SEC. 2207. EMERGENCY EXEMPTION PROCESS.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. In processing such applications, the Administrator shall give priority to applications for public unmanned aircraft systems engaged in emergency response activities.

“(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

“(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight or nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

“(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with other emergency response efforts.

“(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other

emergency, the Administrator shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

“SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

“(a) RESEARCH PLAN FOR UTM DEVELOPMENT AND DEPLOYMENT.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration (in this section referred to as the ‘Administrator’), in coordination with the Administrator of the National Aeronautics and Space Administration, shall continue development of a research plan for unmanned aircraft systems traffic management (in this section referred to as ‘UTM’) development and deployment.

“(2) REQUIREMENTS.—In developing the research plan, the Administrator shall—

“(A) identify research outcomes sought; and

“(B) ensure the plan is consistent with existing regulatory and operational frameworks, and considers potential future regulatory and operational frameworks, for unmanned aircraft systems in the national airspace system.

“(3) ASSESSMENT.—The research plan shall include an assessment of the interoperability of a UTM system with existing and potential future air traffic management systems and processes.

“(4) DEADLINES.—The Administrator shall—

“(A) initiate development of the research plan not later than 60 days after the date of enactment of this Act [July 15, 2016]; and

“(B) not later than 180 days after the date of enactment of this Act—

“(i) complete the research plan;

“(ii) submit the research plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(iii) publish the research plan on the Internet Web site of the Federal Aviation Administration.

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 90 days after the date of submission of the research plan under subsection (a)(4)(B), the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, the Drone Advisory Committee, the research advisory committee established by section 44508(a) of title 49, United States Code, and representatives of the unmanned aircraft industry, shall establish a UTM system pilot program.

“(2) SUNSET.—Not later than 2 years after the date of establishment of the pilot program, the Administrator shall conclude the pilot program.

“(c) UPDATES.—Not later than 180 days after the date of establishment of the pilot program, and every 180 days thereafter until the date of conclusion of the pilot program, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives an update on the status and progress of the pilot program.

“SEC. 2209. APPLICATIONS FOR DESIGNATION.

“(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

“(b) REVIEW PROCESS.—

“(1) APPLICATION PROCEDURES.—

“(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

“(B) REQUIREMENTS.—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

“(C) CONSIDERATIONS.—Only the following may be considered fixed site facilities:

“(i) Critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities.

“(ii) Oil refineries and chemical facilities.

“(iii) Amusement parks.

“(iv) Other locations that warrant such restrictions.

“(2) DETERMINATION.—

“(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

“(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

“(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

“(ii) such other limitations that the Administrator determines may be appropriate.

“(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

“(i) aviation safety;

“(ii) protection of persons and property on the ground;

“(iii) national security; or

“(iv) homeland security.

“(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

“(c) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

“(d) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

“(e) DEADLINES.—

“(1) Not later than March 31, 2019, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

“(2) Not later than 12 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.

“SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.

“(a) IN GENERAL.—Any application process established under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] ([former] 49 U.S.C. 40101 note) shall allow for a person to apply to the Administrator of the Federal Aviation Administration to operate an unmanned aircraft system, for purposes of conducting an activity described in subsection (b)—

“(1) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

“(2) during the day or at night.

“(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

“(1) activities for which manned aircraft may be used to comply with Federal, State, or local laws, including—

“(A) activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; and

“(B) activities relating to ensuring compliance with—

“(i) parts 192 and 195 of title 49, Code of Federal Regulations; and

“(ii) the requirements of any Federal, State, or local governmental or regulatory body, or industry best practice, pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities;

“(2) activities to inspect, repair, construct, maintain, or protect covered facilities, including for the purpose of responding to a pipeline, pipeline system, or electric energy infrastructure incident; and

“(3) activities in response to or in preparation for a natural disaster, manmade disaster, severe weather event, or other incident beyond the control of the applicant that may cause material damage to a covered facility.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED FACILITY.—The term ‘covered facility’ means—

“(A) a pipeline or pipeline system;

“(B) an electric energy generation, transmission, or distribution facility (including a renewable electric energy facility);

“(C) an oil or gas production, refining, or processing facility; or

“(D) any other critical infrastructure facility.

“(2) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given that term in section 2339D of title 18, United States Code.

“(d) DEADLINES.—

“(1) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a certification that a process has been established to facilitate applications for unmanned aircraft systems operations described in this section.

“(2) FAILURE TO MEET CERTIFICATION DEADLINE.—If the Administrator cannot provide a certification under paragraph (1), the Administrator, not later than 180 days after the deadline specified in paragraph (1), shall update the process under [former] section 333 of the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95] ([former] 49 U.S.C. 40101 note) to facilitate applications for unmanned aircraft systems operations described in this section.

“(e) EXEMPTIONS.—In addition to the operations described in this section, the Administrator may authorize, exempt, or otherwise allow other unmanned aircraft systems operations under [former] section 333 of the FAA Modernization and Reform Act of 2012 ([former] 49 U.S.C. 40101 note) that are conducted beyond the visual line of sight of the individual operating the unmanned aircraft system or during the day or at night.

“SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.

[Amended section 332 of Pub. L. 112-95, formerly set out in a note below.]

“SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIRCRAFT COLLISION RESEARCH.

“(a) RESEARCH.—The Administrator of the Federal Aviation Administration (in this section referred to as the ‘Administrator’), in continuation of ongoing work, shall coordinate with the Administrator of the National Aeronautics and Space Administration to develop a program to conduct comprehensive testing or modeling of unmanned aircraft systems colliding with various sized aircraft in various operational settings, as considered appropriate by the Administrator, including—

“(1) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and jet aircraft of various sizes, traveling at various speeds;

“(2) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and propeller-driven aircraft of various sizes, traveling at various speeds;

“(3) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and rotorcraft of various sizes, traveling at various speeds; and

“(4) collisions between unmanned aircraft systems and various parts of the aforementioned aircraft, including—

- “(A) windshields;
- “(B) noses;
- “(C) engines;
- “(D) radomes;
- “(E) propellers; and
- “(F) wings.

“(b) REPORT.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Administrator shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the costs and results of research under this section.

“SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVELOPMENT STUDY.

“(a) STUDY.—Not later than 30 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies to study the potential use of probabilistic assessments of risks by the Administration to streamline the integration of unmanned aircraft systems into the national airspace system, including any research and development necessary.

“(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

UNMANNED AIRCRAFT JOINT TRAINING AND USAGE PLAN

Pub. L. 113–66, div. A, title X, §1075(a), Dec. 26, 2013, 127 Stat. 870, provided that:

“(1) METHODS.—The Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly develop and implement plans and procedures to review the potential of joint testing and evaluation of unmanned aircraft equipment and systems with other appropriate departments and agencies of the Federal Government that may serve the dual purpose of providing capabilities to the Department of Defense to meet the future requirements of combatant commanders and domestically to strengthen international border security.

“(2) REPORT.—Not later than 270 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the Federal Aviation Administration shall jointly submit to Congress a report on the status of the development of the plans and procedures required under paragraph (1), including a cost-benefit analysis of the shared expenses between the Department of Defense and other appropriate departments and agencies of the Federal Government to support such plans.”

INTERAGENCY COLLABORATION

Pub. L. 112–239, div. A, title X, §1052(b), (c), Jan. 2, 2013, 126 Stat. 1935, 1936, provided that:

“(b) INTERAGENCY COLLABORATION.—

“(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72) [49 U.S.C. 44802 note].

“(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

“(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

“(4) REPORTS.—

“(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

“(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration;

“(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace; and

“(iii) progress in sharing with the Federal Aviation Administration safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the National Airspace System.

“(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act [Jan. 2, 2013].

“(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term ‘UAS Executive Committee’ means the National Aeronautics and Space and [sic] Administration and the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 [Pub. L. 110–417; 122 Stat. 4597] and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.”

UNMANNED AIRCRAFT SYSTEMS

Pub. L. 112–95, title III, subtitle B, Feb. 14, 2012, 126 Stat. 72, as amended by Pub. L. 114–190, title I, §1102(i), title II, §§2201(b), 2211, July 15, 2016, 130 Stat. 618, 628, 636; Pub. L. 115–254, div. B, title III, §§341(b)(2), 346(b)(2), 347(b)(2), 349(b)(2), Oct. 5, 2018, 132 Stat. 3287, 3295, 3296, 3300, provided that:

“SEC. 331. DEFINITIONS.

“In this subtitle, the following definitions apply:

“(1) ARCTIC.—The term ‘Arctic’ means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

“(2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms ‘certificate of waiver’ and ‘certificate of authorization’ mean a Federal Aviation Administration grant of approval for a specific flight operation.

“(3) PERMANENT AREAS.—The term ‘permanent areas’ means areas on land or water that provide for

launch, recovery, and operation of small unmanned aircraft.

“(4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ‘public unmanned aircraft system’ means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).

“(5) SENSE AND AVOID CAPABILITY.—The term ‘sense and avoid capability’ means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

“(6) SMALL UNMANNED AIRCRAFT.—The term ‘small unmanned aircraft’ means an unmanned aircraft weighing less than 55 pounds, including everything that is on board or otherwise attached to the aircraft.

“(7) TEST RANGE.—

“(A) IN GENERAL.—The term ‘test range’ means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

“(B) INCLUSIONS.—The term ‘test range’ includes any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c), as in effect on the day before the date of enactment of this subparagraph [July 15, 2016], and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.

“(8) UNMANNED AIRCRAFT.—The term ‘unmanned aircraft’ means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

“(9) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

“[SEC. 332. Repealed. Pub. L. 115-254, div. B, title III, § 341(b)(2), Oct. 5, 2018, 132 Stat. 3287.]

“[SEC. 333. Repealed. Pub. L. 115-254, div. B, title III, § 347(b)(2), Oct. 5, 2018, 132 Stat. 3296.]

“[SEC. 334. Repealed. Pub. L. 115-254, div. B, title III, § 346(b)(2), Oct. 5, 2018, 132 Stat. 3295.]

“SEC. 335. SAFETY STUDIES.

“The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

“[SEC. 336. Repealed. Pub. L. 115-254, div. B, title III, § 349(b)(2), Oct. 5, 2018, 132 Stat. 3300.]”

UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE

Pub. L. 112-81, div. A, title X, § 1097, Dec. 31, 2011, 125 Stat. 1608, provided that:

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011], the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

“(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

“(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

“(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

“(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

“(4) address both civil and public unmanned aircraft systems;

“(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

“(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

“(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

“(1) take into consideration geographic and climatic diversity;

“(2) take into consideration the location of ground infrastructure and research needs; and

“(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

“(d) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

“(e) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator’s findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

“(f) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act [Dec. 31, 2011].

“(g) DEFINITION.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) The term ‘test range’ means a defined geographic area where research and development are conducted.”

PROMOTING ECONOMIC COMPETITIVENESS WHILE SAFEGUARDING PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES IN DOMESTIC USE OF UNMANNED AIRCRAFT SYSTEMS

Memorandum of President of the United States, Feb. 15, 2015, 80 F.R. 9355, provided:

Memorandum for the Heads of Executive Departments and Agencies

Unmanned Aircraft Systems (UAS) technology continues to improve rapidly, and increasingly UAS are able to perform a variety of missions with greater operational flexibility and at a lower cost than comparable manned aircraft. A wide spectrum of domestic users—including industry, private citizens, and Federal, State, local, tribal, and territorial governments—are using or expect to use these systems, which may play a transformative role in fields as diverse as urban infrastructure management, farming, public safety, coastal security, military training, search and rescue, and disaster response.

The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Public Law 112-95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. As compared to manned aircraft, UAS may provide lower-cost operation and augment existing capabilities while reducing risks to human life. Estimates suggest the positive economic impact to U.S. industry of the integration of UAS into the NAS could be substantial and likely will grow for the foreseeable future.

As UAS are integrated into the NAS, the Federal Government will take steps to ensure that the integration takes into account not only our economic com-

petitiveness and public safety, but also the privacy, civil rights, and civil liberties concerns these systems may raise.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish transparent principles that govern the Federal Government's use of UAS in the NAS, and to promote the responsible use of this technology in the private and commercial sectors, it is hereby ordered as follows:

SECTION 1. UAS Policies and Procedures for Federal Government Use. The Federal Government currently operates UAS in the United States for several purposes, including to manage Federal lands, monitor wildfires, conduct scientific research, monitor our borders, support law enforcement, and effectively train our military. As with information collected by the Federal Government using any technology, where UAS is the platform for collection, information must be collected, used, retained, and disseminated consistent with the Constitution, Federal law, and other applicable regulations and policies. Agencies must, for example, comply with the Privacy Act of 1974 (5 U.S.C. 552a) (the "Privacy Act"), which, among other things, restricts the collection and dissemination of individuals' information that is maintained in systems of records, including personally identifiable information (PII), and permits individuals to seek access to and amendment of records.

(a) *Privacy Protections.* Particularly in light of the diverse potential uses of UAS in the NAS, expected advancements in UAS technologies, and the anticipated increase in UAS use in the future, the Federal Government shall take steps to ensure that privacy protections and policies relative to UAS continue to keep pace with these developments. Accordingly, agencies shall, prior to deployment of new UAS technology and at least every 3 years, examine their existing UAS policies and procedures relating to the collection, use, retention, and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected. Agencies shall update their policies and procedures, or issue new policies and procedures, as necessary. In addition to requiring compliance with the Privacy Act in applicable circumstances, agencies that collect information through UAS in the NAS shall ensure that their policies and procedures with respect to such information incorporate the following requirements:

(i) *Collection and Use.* Agencies shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.

(ii) *Retention.* Information collected using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

(iii) *Dissemination.* UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

(b) *Civil Rights and Civil Liberties Protections.* To protect civil rights and civil liberties, agencies shall:

(i) ensure that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

(ii) ensure that UAS activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

(iii) ensure that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.

(c) *Accountability.* To provide for effective oversight, agencies shall:

(i) ensure that oversight procedures for agencies' UAS use, including audits or assessments, comply with existing agency policies and regulations;

(ii) verify the existence of rules of conduct and training for Federal Government personnel and contractors who work on UAS programs, and procedures for reporting suspected cases of misuse or abuse of UAS technologies;

(iii) establish policies and procedures, or confirm that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information (including any PII) collected using UAS;

(iv) ensure that any data-sharing agreements or policies, data use policies, and record management policies applicable to UAS conform to applicable laws, regulations, and policies;

(v) establish policies and procedures, or confirm that policies and procedures are in place, to authorize the use of UAS in response to a request for UAS assistance in support of Federal, State, local, tribal, or territorial government operations; and

(vi) require that State, local, tribal, and territorial government recipients of Federal grant funding for the purchase or use of UAS for their own operations have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds.

(d) *Transparency.* To promote transparency about their UAS activities within the NAS, agencies that use UAS shall, while not revealing information that could reasonably be expected to compromise law enforcement or national security:

(i) provide notice to the public regarding where the agency's UAS are authorized to operate in the NAS;

(ii) keep the public informed about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties; and

(iii) make available to the public, on an annual basis, a general summary of the agency's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to State, local, tribal, or territorial governments.

(e) *Reports.* Within 180 days of the date of this memorandum, agencies shall provide the President with a status report on the implementation of this section. Within 1 year of the date of this memorandum, agencies shall publish information on how to access their publicly available policies and procedures implementing this section.

SEC. 2. Multi-stakeholder Engagement Process. In addition to the Federal uses of UAS described in section 1 of this memorandum, the combination of greater operational flexibility, lower capital requirements, and lower operating costs could allow UAS to be a transformative technology in the commercial and private sectors for fields as diverse as urban infrastructure management, farming, and disaster response. Although these opportunities will enhance American economic competitiveness, our Nation must be mindful of the potential implications for privacy, civil rights, and civil liberties. The Federal Government is committed to promoting the responsible use of this technology in a way that does not diminish rights and freedoms.

(a) There is hereby established a multi-stakeholder engagement process to develop and communicate best practices for privacy, accountability, and transparency issues regarding commercial and private UAS use in the NAS. The process will include stakeholders from the private sector.

(b) Within 90 days of the date of this memorandum, the Department of Commerce, through the National Telecommunications and Information Administration,

and in consultation with other interested agencies, will initiate this multi-stakeholder engagement process to develop a framework regarding privacy, accountability, and transparency for commercial and private UAS use. For this process, commercial and private use includes the use of UAS for commercial purposes as civil aircraft, even if the use would qualify a UAS as a public aircraft under 49 U.S.C. 40102(a)(41) and 40125. The process shall not focus on law enforcement or other non-commercial governmental use.

SEC. 3. *Definitions.* As used in this memorandum:

(a) “Agencies” means executive departments and agencies of the Federal Government that conduct UAS operations in the NAS.

(b) “Federal Government use” means operations in which agencies operate UAS in the NAS. Federal Government use includes agency UAS operations on behalf of another agency or on behalf of a State, local, tribal, or territorial government, or when a nongovernmental entity operates UAS on behalf of an agency.

(c) “National Airspace System” means the common network of U.S. airspace; air navigation facilities, equipment, and services; airports or landing areas; aeronautical charts, information, and services; related rules, regulations, and procedures; technical information; and manpower and material. Included in this definition are system components shared jointly by the Departments of Defense, Transportation, and Homeland Security.

(d) “Unmanned Aircraft System” means an unmanned aircraft (an aircraft that is operated without direct human intervention from within or on the aircraft) and associated elements (including communication links and components that control the unmanned aircraft) that are required for the pilot or system operator in command to operate safely and efficiently in the NAS.

(e) “Personally identifiable information” refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, as set forth in Office of Management and Budget Memorandum M-07-16 (May 22, 2007) and Office of Management and Budget Memorandum M-10-23 (June 25, 2010).

SEC. 4. *General Provisions.* (a) This memorandum complements and is not intended to supersede existing laws and policies for UAS operations in the NAS, including the National Strategy for Aviation Security and its supporting plans, the FAA Modernization and Reform Act of 2012, the Federal Aviation Administration’s (FAA’s) Integration of Civil UAS in the NAS Roadmap, and the FAA’s UAS Comprehensive Plan.

(b) This memorandum shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) Independent agencies are strongly encouraged to comply with this memorandum.

(e) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(f) The Secretary of Commerce is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM

Memorandum of President of the United States, Oct. 25, 2017, 82 F.R. 50301, provided:

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* It shall be the policy of the United States to promote the safe operation of unmanned aircraft systems (UAS) and enable the development of UAS technologies for use in agriculture, commerce, emergency management, human transportation, and other sectors. Compared to manned aircraft, UAS provide novel, low-cost capabilities for both public and private applications. UAS present opportunities to enhance the safety of the American public, increase the efficiency and productivity of American industry, and create tens of thousands of new American jobs.

The private sector has rapidly advanced UAS capabilities to address the needs of recreational, commercial, and public users. To promote continued technological innovation and to ensure the global leadership of the United States in this emerging industry, the regulatory framework for UAS operations must be sufficiently flexible to keep pace with the advancement of UAS technology, while balancing the vital Federal roles in protecting privacy and civil liberties; mitigating risks to national security and homeland security; and protecting the safety of the American public, critical infrastructure, and the Nation’s airspace. Well-coordinated integration of UAS into the national airspace system (NAS) alongside manned aircraft will increase the safety of the NAS and enable the authorization of more complex UAS operations.

The Federal Aviation Administration (FAA) has taken steps to integrate UAS into the NAS at specific test sites and has issued operational requirements for small UAS operations in the NAS. Further integration will require continued private-sector cooperation and the involvement of State, local, and tribal governments in Federal efforts to develop and enforce regulations on UAS operations in their jurisdictions. Input from State, local, tribal, and private-sector stakeholders will be necessary to craft an optimal strategy for the national management of UAS operations. A coordinated effort between the private sector and among these governments will provide certainty and stability to UAS owners and operators, maximize the benefits of UAS technologies for the public, and mitigate risks to public safety and security.

SEC. 2. *UAS Integration Pilot Program.* (a) Within 90 days of the date of this memorandum, the Secretary of Transportation (Secretary), in consultation with the Administrator of the FAA (Administrator), shall establish a UAS Integration Pilot Program (Program) to test the further integration of UAS into the NAS in a select number of State, local, and tribal jurisdictions.

(b) The objectives of the Program shall be to:

(i) test and evaluate various models of State, local, and tribal government involvement in the development and enforcement of Federal regulations for UAS operations;

(ii) encourage UAS owners and operators to develop and safely test new and innovative UAS concepts of operations; and

(iii) inform the development of future Federal guidelines and regulatory decisions on UAS operations nationwide.

SEC. 3. *Implementation.* (a) To implement the Program, the Secretary or the Administrator, as appropriate, shall:

(i) solicit proposals from State, local, and tribal governments to test within their jurisdictions the integration of civil and public UAS operations into the NAS below 200 feet above ground level, or up to 400 feet above ground level if the Secretary determines that such an adjustment would be appropriate;

(ii) select proposals by State, local, and tribal governments for participation in the Program according to the criteria listed in subsection (b) of this section;

(iii) enter into agreements with the selected governments to establish the terms of their involvement in UAS operations within their jurisdictions, including

their support for Federal enforcement responsibilities; describe the proposed UAS operations to be conducted; and identify the entities that will conduct such operations, including, if applicable, the governments themselves; and

(iv) as necessary, use existing authorities to grant exceptions, exemptions, authorizations, and waivers from FAA regulations to the entities identified in the agreements described in subsection (iii) of this section [sic], including through the issuance of waivers under 14 CFR Part 107 and Certificates of Waiver or Authorization under [former] section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) (Public Law 112–95) [see note above].

(b) In selecting proposals for participation in the Program under subsection (a) of this section, the Secretary shall consider:

(i) overall economic, geographic, and climatic diversity of the selected jurisdictions;

(ii) overall diversity of the proposed models of government involvement;

(iii) overall diversity of the UAS operations to be conducted;

(iv) the location of critical infrastructure;

(v) the involvement of commercial entities in the proposal, and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS;

(vi) the involvement of affected communities in, and their support for, participating in the Program;

(vii) the commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety, and to address competition, privacy, and civil liberties concerns; and

(viii) the commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

(A) promoting innovation and economic development;

(B) enhancing transportation safety;

(C) enhancing workplace safety;

(D) improving emergency response and search and rescue functions; and

(E) using radio spectrum efficiently and competitively.

(c) Within 180 days of the establishment of the Program, the Secretary shall enter into agreements with State, local, or tribal governments to participate in the Program, with the goal of entering into at least 5 such agreements by that time.

(d) In carrying out subsection (c) of this section, the Secretary shall select State, local, or tribal governments that plan to begin integration of UAS into the NAS in their jurisdictions within 90 days after the date on which the agreement is established.

(e) The Secretary shall consider new proposals for participation in the Program up to 1 year before the Program is scheduled to terminate.

(f) The Secretary shall apply best practices from existing FAA test sites, waivers granted under 14 CFR part 107, exemptions granted under [former] section 333 of the FMRA, the FAA Focus Area Pathfinder Program, and any other relevant programs in order to expedite the consideration of exceptions, exemptions, authorizations, and waivers from FAA regulations to be granted under the Program, as described in subsection (a)(iv) of this section.

(g) The Secretary shall address any non-compliance with the terms of exceptions, exemptions, authorizations, waivers granted, or agreements made with UAS users or participating jurisdictions in a timely and appropriate manner, including by revoking or modifying the relevant terms.

SEC. 4. Coordination. (a) The Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, shall apply relevant information collected during the Program and preliminary findings to inform the development of the UAS Traffic Management System under section 2208 of the

FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190) [set out in a note above].

(b) The Secretary, in coordination with the Secretaries of Defense and Homeland Security and the Attorney General, shall take necessary and appropriate steps to:

(i) mitigate risks to public safety and homeland and national security when selecting proposals and implementing the Program; and

(ii) monitor compliance with relevant laws and regulations to ensure that Program activities do not interfere with national defense, homeland security, or law enforcement operations and missions.

(c) The heads of executive departments and agencies with relevant law enforcement responsibilities (Federal law enforcement agencies), including the Attorney General and the Secretary of Homeland Security, shall develop and implement best practices to enforce the laws and regulations governing UAS operations conducted under the Program.

(d) In carrying out the responsibilities set forth in subsection (c) of this section, the heads of Federal law enforcement agencies shall coordinate with the Secretaries of Defense and Transportation, as well as with the relevant State, local, or tribal law enforcement agencies.

(e) In implementing the Program, the Secretary shall coordinate with the Secretaries of Defense and Homeland Security and the Attorney General to test counter-UAS capabilities, as well as platform and system-wide cybersecurity, to the extent appropriate and consistent with law.

SEC. 5. Evaluation and Termination of UAS Integration Pilot Program. (a) The Program shall terminate 3 years from the date of this memorandum, unless extended by the Secretary.

(b) Before and after the termination of the Program, the Secretary shall use the information and experience yielded by the Program to inform the development of regulations, initiatives, and plans to enable safer and more complex UAS operations, and shall, as appropriate, share information with the Secretaries of Defense and Homeland Security, the Attorney General, and the heads of other executive departments and agencies.

(c) After the date of this memorandum and until the Program is terminated, the Secretary, in consultation with the Secretaries of Defense and Homeland Security and the Attorney General, shall submit an annual report to the President setting forth the Secretary's interim findings and conclusions concerning the Program. Not later than 90 days after the Program is terminated, the Secretary shall submit a final report to the President setting forth the Secretary's findings and conclusions concerning the Program.

SEC. 6. Definitions. As used in this memorandum, the next stated terms, in singular and plural, are defined as follows:

(a) The term “unmanned aircraft system” has the meaning given that term in section 331 of the FMRA [Pub. L. 112–95, set out in a note above].

(b) The term “public unmanned aircraft system” has the meaning given that term in section 331 of the FMRA.

(c) The term “civil unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a civil aircraft, as defined in 49 U.S.C. 40102.

SEC. 7. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) the conduct of public aircraft operations, as defined in 49 U.S.C. 40102(a)(41) and 40125, by executive departments and agencies, consistent with applicable Federal law.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 44803. Unmanned aircraft test ranges

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

(7) engage test range operators, as necessary and within available resources, in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

(C) sense and avoid capabilities;

(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what re-

search would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate;¹

(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

(c) WAIVERS.—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

(d) REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.—The operator of each test range under subsection (a) shall—

(1) review the operations of unmanned aircraft systems conducted at the test range, including—

(A) ongoing or completed research; and

(B) data regarding operations by private and public operators; and

(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

(e) TESTING.—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

(f) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(l)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

(g) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

(h) TERMINATION.—The program under this section shall terminate on September 30, 2023.

¹ So in original. Probably should be followed by "and".