

114TH CONGRESS
2D SESSION

S. 2626

To authorize the operation of unmanned aircraft systems by institutions of higher education for educational and research purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2016

Mr. PETERS (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the operation of unmanned aircraft systems by institutions of higher education for educational and research purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Higher Education Un-
5 manned Aircraft Systems Modernization Act”.

1 **SEC. 2. OPERATION OF UNMANNED AIRCRAFT SYSTEMS**
2 **FOR EDUCATIONAL AND RESEARCH PUR-**
3 **POSES.**

4 (a) IN GENERAL.—Subtitle B of title III of the FAA
5 Modernization and Reform Act of 2012 (Public Law 112–
6 95; 49 U.S.C. 40101 note) is amended by adding at the
7 end the following:

8 **“SEC. 337. OPERATION OF UNMANNED AIRCRAFT SYSTEMS**
9 **FOR EDUCATIONAL AND RESEARCH PUR-**
10 **POSES.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of law relating to the incorporation of unmanned
13 aircraft systems into the plans and policies of the Federal
14 Aviation Administration, including this subtitle and any
15 regulations, policies, advisory circulars, or other materials
16 promulgated by the Federal Aviation Administration be-
17 fore, on, or after the date of the enactment of this section,
18 an institution of higher education may, within the United
19 States, operate an unmanned aircraft system without the
20 specific approval of the Federal Aviation Administration,
21 and without registering the unmanned aircraft system
22 with the Federal Aviation Administration, if the operation
23 of that unmanned aircraft system meets the requirements
24 of subsection (b).

1 “(b) REQUIREMENTS.—The operation of an un-
 2 manned aircraft system by an institution of higher edu-
 3 cation meets the requirements of this subsection if—

4 “(1) the institution has established and adopted
 5 a policy relating to unmanned aircraft systems to
 6 ensure safe operation of such systems, which may be
 7 a policy of more general applicability in effect before
 8 the date of the enactment of this section, but that
 9 shall include—

10 “(A) designation of a point of contact at
 11 the institution for review and approval of oper-
 12 ations of unmanned aircraft systems by the in-
 13 stitution; and

14 “(B) the requirement that operations of
 15 unmanned aircraft systems by the institution be
 16 conducted under the supervision of an operator
 17 in command;

18 “(2) the point of contact for the institution des-
 19 ignated pursuant to paragraph (1)(A) has—

20 “(A) been notified of the proposed oper-
 21 ation of the unmanned aircraft system;

22 “(B) confirmed that the proposed oper-
 23 ation is for educational or research purposes;

24 “(C) confirmed that the proposed oper-
 25 ation is in accordance with all applicable poli-

1 cies of the institution of higher education, in-
2 cluding any applicable policies regarding—

3 “(i) safety;

4 “(ii) training or supervision require-
5 ments;

6 “(iii) privacy; or

7 “(iv) any requirements to provide no-
8 tice to or obtain the permission of the in-
9 stitution before conducting the proposed
10 operation;

11 “(D) confirmed that the unmanned air-
12 craft system will be operated under the super-
13 vision of an operator in command, who—

14 “(i) is trained in the safe operation of
15 the unmanned aircraft system;

16 “(ii) will be present during the entire
17 operation of the unmanned aircraft system;

18 “(iii) is prepared and able to take im-
19 mediate control of the unmanned aircraft
20 system;

21 “(iv) has full authority over, and re-
22 sponsibility for, the safety of the operation
23 of the unmanned aircraft system; and

24 “(v) is responsible for ensuring that
25 the individuals who will operate the un-

1 manned aircraft system under the super-
2 vision of the operator in command have re-
3 ceived proper training in the safe operation
4 of the unmanned aircraft system;

5 “(3) the unmanned aircraft system—

6 “(A) is operated not higher than 400 feet
7 above ground level;

8 “(B) is operated in a manner that will not
9 create a hazard to persons or property;

10 “(C) is, if capable of sustained flight,
11 marked with the identification and contact in-
12 formation of the owner;

13 “(D) does not survey, create a nuisance
14 on, or overfly private property without the per-
15 mission of the owner of the private property;

16 “(E) gives right of way to, and avoids fly-
17 ing in the proximity of, full-scale aircraft;

18 “(F) is operated at a site that is of suffi-
19 cient distance from populated areas to protect
20 the safety of persons and property; and

21 “(4) the institution of higher education notifies
22 and obtains permission from air traffic control or,
23 for small facilities, the airport manager, when the
24 unmanned aircraft system will be operated within—

1 “(A) 5 statute miles of an airport around
2 which the airspace is designated as class B or
3 class C airspace under part 71 of title 14, Code
4 of Federal Regulations;

5 “(B) 2 statute miles of any other airport
6 or heliport; or

7 “(C) airspace designated as restricted or
8 prohibited under part 73 of such title.

9 “(c) FORM OF NOTIFICATIONS AND PERMISSION.—
10 The notifications and permission required under sub-
11 section (b)(4) may, if agreed to by the institution of higher
12 education and air traffic control or the airport or heliport
13 manager, as appropriate, be in the form of a written com-
14 munication, to occur not less frequently than annually, re-
15 garding the locations and conditions for any intended op-
16 eration of unmanned aircraft systems under this section.

17 “(d) REPORTING OF INCIDENTS INVOLVING PER-
18 SONAL INJURY OR PROPERTY DAMAGE.—If an unmanned
19 aircraft system operated by an institution of higher edu-
20 cation pursuant to this section is involved in any incident
21 resulting in personal injury or property damage (other
22 than to the unmanned aircraft system, to property of the
23 institution, or to individuals directly involved in the oper-
24 ation of the unmanned aircraft system), the point of con-
25 tact designated pursuant to subsection (b)(1)(A) shall re-

1 port the incident to the Federal Aviation Administration
 2 not later than 10 days after the incident.

3 “(e) DEFINITIONS.—In this section:

4 “(1) EDUCATIONAL OR RESEARCH PURPOSES.—

5 The term ‘educational or research purposes’, with
 6 respect to the operation of an unmanned aircraft
 7 system by an institution of higher education, in-
 8 cludes—

9 “(A) instruction of students at the institu-
 10 tion;

11 “(B) activities of student organizations
 12 recognized by or registered with the institution;
 13 and

14 “(C) activities undertaken by the institu-
 15 tion as part of research projects, including re-
 16 search projects sponsored by the Federal Gov-
 17 ernment.

18 “(2) INSTITUTION OF HIGHER EDUCATION.—

19 The term ‘institution of higher education’ has the
 20 meaning given that term in section 101(a) of the
 21 Higher Education Act of 1965 (20 U.S.C.
 22 1001(a)).”.

23 (b) CLERICAL AMENDMENT.—The table of contents
 24 for the FAA Modernization and Reform Act of 2012 is

- 1 amended by inserting after the item relating to section
- 2 336 the following:

“Sec. 337. Operation of unmanned aircraft systems for educational and research purposes.”.

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