

116TH CONGRESS
1ST SESSION

S. 2607

To prescribe zoning authority with respect to commercial unmanned aircraft systems and to preserve State, local, and Tribal authorities and private property with respect to unmanned aircraft systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2019

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prescribe zoning authority with respect to commercial unmanned aircraft systems and to preserve State, local, and Tribal authorities and private property with respect to unmanned aircraft systems, and for other 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Drone Integration and Zoning Act of 2019”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Definitions.
- Sec. 3. Federal Aviation Administration updates to navigable airspace.
- Sec. 4. Preservation of State, local, and Tribal authorities with respect to civil unmanned aircraft systems.
- Sec. 5. Preservation of local zoning authority for unmanned aircraft take-off and landing zones.
- Sec. 6. Rights to operate.
- Sec. 7. Updates to rules regarding the commercial carriage of property.
- Sec. 8. Designation of certain complex airspace.
- Sec. 9. Improvements to plan for full operational capability of unmanned aircraft systems traffic management.
- Sec. 10. Updates to rules regarding small unmanned aircraft safety standards.
- Sec. 11. Rules of construction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Federal
5 Aviation Administration.

6 (2) CIVIL.—The term “civil”, with respect to an
7 unmanned aircraft system, means that the un-
8 manned aircraft is not a public aircraft (as defined
9 in section 40102 of title 49, United States Code).

10 (3) COMMERCIAL OPERATOR.—The term “com-
11 mercial operator” means a person who operates a
12 civil unmanned aircraft system for commercial pur-
13 poses.

14 (4) IMMEDIATE REACHES OF AIRSPACE.—The
15 term “immediate reaches of airspace” means, with
16 respect to the operation of a civil unmanned aircraft
17 system, any area within 200 feet above ground level.

18 (5) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given that term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (6) LOCAL GOVERNMENT.—The term “local”,
4 with respect to a government, means the government
5 of a subdivision of a State.

6 (7) STATE.—The term “State” means each of
7 the 50 States, the District of Columbia, and the ter-
8 ritories and possessions of the United States.

9 (8) TRIBAL GOVERNMENT.—The term “Tribal”,
10 with respect to a government, means the governing
11 body of an Indian Tribe.

12 (9) UNMANNED AIRCRAFT; UNMANNED AIR-
13 CRAFT SYSTEM.—The terms “unmanned aircraft”
14 and “unmanned aircraft system” have the meanings
15 given those terms in section 331 of the FAA Mod-
16 ernization and Reform Act of 2012 (Public Law
17 112–95; 49 U.S.C. 40101 note).

18 (10) UNMANNED AIRCRAFT TAKE-OFF AND
19 LANDING ZONE.—The term “unmanned aircraft
20 take-off and landing zone” means a structure, area
21 of land or water, or other designation for use or in-
22 tended to be used for the take-off or landing of civil
23 unmanned aircraft systems operated by a commer-
24 cial operator.

1 **SEC. 3. FEDERAL AVIATION ADMINISTRATION UPDATES TO**
 2 **NAVIGABLE AIRSPACE.**

3 (a) DEFINITION.—Paragraph (32) of section 40102
 4 of title 49, United States Code, is amended by adding at
 5 the end the following new sentence: “In applying such
 6 term to the regulation of civil unmanned aircraft systems,
 7 such term shall not include the area within the immediate
 8 reaches of airspace (as defined in section 2(4) of Drone
 9 Integration and Zoning Act of 2019).”.

10 (b) RULEMAKING.—

11 (1) IN GENERAL.—The Administrator shall con-
 12 duct a rulemaking proceeding to update the defini-
 13 tion of “navigable airspace”.

14 (2) CONSULTATION.—In conducting the rule-
 15 making proceeding under subsection (b), the Admin-
 16 istrator shall consult with appropriate State, local,
 17 or Tribal officials.

18 (c) DESIGNATION REQUIREMENT.—In conducting
 19 the rulemaking proceeding under subsection (b), the Ad-
 20 ministrator shall designate the area between 200 feet and
 21 400 feet above ground level—

22 (1) for use of civil unmanned aircraft systems
 23 under the exclusive authority of the Administrator;
 24 and

1 (2) for use by both commercial operators or
 2 hobbyists and recreational unmanned aircraft sys-
 3 tems, under rules established by the Administrator.

4 (d) FINAL RULE.—Not later than 1 year after the
 5 date of enactment of this Act, the Administrator shall
 6 issue a final rule pursuant to the rulemaking conducted
 7 under subsection (b).

8 (e) RULES OF CONSTRUCTION.—Nothing in this sec-
 9 tion may be construed to—

10 (1) prohibit the Administrator from promul-
 11 gating regulations related to the operation of un-
 12 manned aircraft systems at more than 400 feet
 13 above ground level; or

14 (2) diminish or expand the preemptive effect of
 15 the authority of the Federal Aviation Administration
 16 with respect to manned aviation.

17 **SEC. 4. PRESERVATION OF STATE, LOCAL, AND TRIBAL AU-**
 18 **THORITIES WITH RESPECT TO CIVIL UN-**
 19 **MANNED AIRCRAFT SYSTEMS.**

20 (a) FINDINGS; SENSE OF CONGRESS.—

21 (1) FINDINGS.—Congress finds the following:

22 (A) Using its constitutional authority to
 23 regulate commerce among the States, Congress
 24 granted the Federal Government authority over

1 all of the navigable airspace in the United
2 States in order to foster air commerce.

3 (B) While the regulation of the navigable
4 airspace is within the Federal Government's do-
5 main, the Supreme Court recognized in United
6 States v. Causby, 328 U.S. 256 (1946), that
7 the Federal Government's regulatory authority
8 is limited by the property rights possessed by
9 landowners over the exclusive control of the im-
10 mediate reaches of their airspace.

11 (C) As a sovereign government, a State
12 possesses police powers, which include the
13 power to protect the property rights of its citi-
14 zens.

15 (D) The proliferation of low-altitude oper-
16 ations of unmanned aircraft systems has cre-
17 ated a conflict between the responsibility of the
18 Federal Government to regulate the navigable
19 airspace and the inherent sovereign police
20 power possessed by the States to protect the
21 property rights of their citizens.

22 (2) SENSE OF CONGRESS.—It is the sense of
23 Congress that—

24 (A) in order for landowners to have full en-
25 joyment and use of their land, they must have

1 exclusive control of the immediate reaches of
2 airspace over their property;

3 (B) the States possess sovereign police
4 powers, which include the power to regulate
5 land use, protect property rights, and exercise
6 zoning authority; and

7 (C) the Federal Government lacks the au-
8 thority to intrude upon a State's sovereign right
9 to exercise reasonable time, manner, and place
10 of operations of unmanned aircraft systems op-
11 erating within the immediate reaches of air-
12 space.

13 (b) REQUIREMENTS RELATED TO REGULATIONS AND
14 STANDARDS.—

15 (1) IN GENERAL.—In prescribing regulations or
16 standards related to civil unmanned aircraft sys-
17 tems, the following shall apply:

18 (A) The Administrator shall not authorize
19 the operation of a civil unmanned aircraft in
20 the immediate reaches of airspace above prop-
21 erty without permission of the property owner.

22 (B) Subject to paragraph (2), in the case
23 of a structure that exceeds 200 feet above
24 ground level, the Administrator shall not au-

1 authorize the operation of a civil unmanned air-
2 craft—

3 (i) within 50 feet of the top of such
4 structure; or

5 (ii) within 200 feet laterally of such
6 structure or inside the property line of
7 such structure's owner, whichever is closer
8 to such structure.

9 (C) The Administrator shall not authorize
10 the physical contact of a civil unmanned air-
11 craft, including such aircraft's take-off or land-
12 ing, with a structure that exceeds 200 feet
13 above ground level without permission of the
14 structure's owner.

15 (D) The Administrator shall ensure that
16 the authority of a State, local, or Tribal govern-
17 ment to issue reasonable restrictions on the
18 time, manner, and place of operation of a civil
19 unmanned aircraft system that is operated
20 below 200 feet above ground level is not pre-
21 empted.

22 (2) EXCEPTION.—The limitation on the oper-
23 ation of a civil unmanned aircraft under paragraph
24 (1)(B) shall not apply if—

1 (A) the operator of such aircraft has the
2 permission of the structure's owner;

3 (B) such aircraft is being operated directly
4 within or above an authorized public right of
5 way; or

6 (C) such aircraft is being operated on an
7 authorized commercial route designated under
8 subsection (c).

9 (3) REASONABLE RESTRICTIONS.—For pur-
10 poses of paragraph (1)(D), reasonable restrictions
11 on the time, manner, and place of operation of a
12 civil unmanned aircraft system include the following:

13 (A) Specifying limitations on speed of
14 flight over specified areas.

15 (B) Prohibitions or limitations on oper-
16 ations in the vicinity of schools, parks, road-
17 ways, bridges, moving locations, or other public
18 or private property.

19 (C) Restrictions on operations at certain
20 times of the day or week or on specific occa-
21 sions such as parades or sporting events, in-
22 cluding sporting events that do not remain in
23 one location.

1 (D) Prohibitions on careless or reckless op-
2 erations, including operations while the operator
3 is under the influence of alcohol or drugs.

4 (E) Other prohibitions that protect public
5 safety, personal privacy, or property rights, or
6 that manage land use or restrict noise pollution.

7 (c) DESIGNATION OF AUTHORIZED COMMERCIAL
8 ROUTES.—

9 (1) IN GENERAL.—For purposes of subsection
10 (b)(2)(C), not later than 18 months after the date
11 of enactment of this Act, the Administrator shall es-
12 tablish a process for the designation of routes as au-
13 thorized commercial routes. No area within 200 feet
14 above ground level may be included in a designated
15 authorized commercial route.

16 (2) APPLICATION.—Under the process under
17 paragraph (1), applicants shall submit an applica-
18 tion for such a designation in a form and manner
19 determined appropriate by the Administrator.

20 (3) TIMEFRAME FOR DECISION.—Under the
21 process under paragraph (1), the Administrator
22 shall approve or disapprove a complete application
23 for designation within 90 days of receiving the appli-
24 cation.

1 (4) CONSULTATION.—In reviewing a request for
2 the designation of an area under this subsection, the
3 Administrator shall consult with and heavily weigh
4 the views of—

5 (A) the applicable State, local, or Tribal
6 government that has jurisdiction over the oper-
7 ation of unmanned aircraft in the area below
8 the area to be designated;

9 (B) owners of structures who would be af-
10 fected by the designation of a route as an au-
11 thorized commercial route; and

12 (C) commercial unmanned aircraft opera-
13 tors.

14 (5) DENIAL OF APPLICATION.—If the Adminis-
15 trator denies a request for a designation under this
16 subsection, the Administrator shall provide the ap-
17 plicant with—

18 (A) a detailed description of the reasons
19 for the denial; and

20 (B) recommendations for changes that the
21 applicant can make to correct the deficiencies in
22 their application.

23 (6) APPROVAL OF APPLICATION.—If the Ad-
24 ministrator approves a request for a designation
25 under this subsection, the Administrator shall clearly

1 describe the boundaries of the designated authorized
2 commercial route and any applicable limitations for
3 operations on the route.

4 (7) DELEGATION.—The Administrator may del-
5 egate the authority to designate authorized commer-
6 cial routes under this subsection to a State, local, or
7 Tribal government that has entered into an agree-
8 ment with the Administrator under section 8 with
9 respect to an area designated as complex airspace.

10 (d) RULES OF CONSTRUCTION.—(1) Nothing in this
11 section may be construed to permit a State, local, or Trib-
12 al government to issue restrictions, or a combination of
13 restrictions, that would create a significant safety hazard
14 in the navigable airspace, airport operations, air naviga-
15 tion facilities, air traffic control systems, or other compo-
16 nents of the national airspace system that facilitate the
17 safe and efficient operation of civil, commercial, or mili-
18 tary aircraft within the United States.

19 (2) Nothing in this section may be construed to pro-
20 hibit a property owner or the owner of a structure with
21 a height that exceeds 200 feet above ground level from
22 pursuing any available cause of action under State law re-
23 lated to unmanned aircraft operations above 200 feet
24 above ground level.

1 **SEC. 5. PRESERVATION OF LOCAL ZONING AUTHORITY FOR**
2 **UNMANNED AIRCRAFT TAKE-OFF AND LAND-**
3 **ING ZONES.**

4 (a) GENERAL AUTHORITY.—Subject to the suc-
5 ceeding provisions of this section, nothing in this Act shall
6 limit or affect the authority of a State, local, or Tribal
7 government over decisions regarding the designation,
8 placement, construction, or modification of an unmanned
9 aircraft take-off and landing zone.

10 (b) NONDISCRIMINATION.—The regulation of the
11 designation, placement, construction, or modification of an
12 unmanned aircraft take-off and landing zone by any State,
13 local, or Tribal government may not—

14 (1) unreasonably discriminate among commer-
15 cial operators of unmanned aircraft systems; or

16 (2) prohibit, or have the effect of prohibiting, a
17 commercial operator from operating an unmanned
18 aircraft system.

19 (c) APPLICATIONS.—

20 (1) REQUIREMENT TO ACT.—

21 (A) IN GENERAL.—A State, local, or Trib-
22 al government shall act on any complete appli-
23 cation for authorization to designate, place,
24 construct, or modify an unmanned aircraft
25 take-off and landing zone within 60 days.

1 (B) DENIAL.—If a State, local, or Tribal
2 government denies an application for the des-
3 ignation, placement, construction, or modifica-
4 tion of an unmanned aircraft take-off and land-
5 ing zone, the State, local, or Tribal government
6 shall, not later than 30 days after denying the
7 application, submit to the commercial operator
8 a written record that details—

9 (i) the findings and substantial evi-
10 dence that serves as the basis for denying
11 the application; and

12 (ii) recommendations for how the
13 commercial operator can address the rea-
14 sons for the application’s denial.

15 (2) FEES.—Notwithstanding any other provi-
16 sion of law, a State, local, or Tribal government may
17 charge a fee to consider an application for the des-
18 ignation, placement, construction, or modification of
19 an unmanned aircraft take-off and landing zone, or
20 to use a right-of-way or a facility in a right-of-way
21 owned or managed by the State, local, or Tribal gov-
22 ernment for the designation, placement, construc-
23 tion, or modification of an unmanned aircraft take-
24 off and landing zone, if the fee is—

1 (A) competitively neutral, technologically
2 neutral, and nondiscriminatory; and

3 (B) publicly disclosed.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 subsection may be construed to prevent any State,
6 local, or Tribal government from imposing any addi-
7 tional limitation or requirement relating to consider-
8 ation by the State, local, or Tribal government of an
9 application for the designation, placement, construc-
10 tion, or modification of an unmanned aircraft take-
11 off and landing zone.

12 (d) JUDICIAL REVIEW.—Any person adversely af-
13 fected by any final action or failure to act by a State, local,
14 or Tribal government that is inconsistent with this section
15 may, within 30 days after the action or failure to act, com-
16 mence an action in any court of competent jurisdiction,
17 which shall hear and decide the action on an expedited
18 basis.

19 (e) EFFECTIVE DATE.—The provisions of this section
20 shall take effect on the day that is 180 days after the
21 final rule under section 3(c) is issued.

22 **SEC. 6. RIGHTS TO OPERATE.**

23 (a) PROHIBITION.—

24 (1) IN GENERAL.—Subject to subsection (b), a
25 State, local, or Tribal government may not adopt,

1 maintain, or enforce any law, rule, or standard that
2 unreasonably or substantially impedes—

3 (A) the ascent or descent of an unmanned
4 aircraft system, operated by a commercial oper-
5 ator, to or from the navigable airspace in the
6 furtherance of a commercial activity; or

7 (B) a civil unmanned aircraft from reach-
8 ing navigable airspace where operations are per-
9 mitted.

10 (2) UNREASONABLE OR SUBSTANTIAL IMPEDI-
11 MENT.—For purposes of paragraph (1), an unrea-
12 sonable or substantial impediment with respect to
13 civil unmanned aircraft includes—

14 (A) a complete and total ban on overflights
15 of civil unmanned aircraft over the entirety of
16 airspace within a State, local, or Tribal govern-
17 ment’s jurisdiction; and

18 (B) a combination of prohibitions or re-
19 strictions on overflights within airspace under a
20 State, local, or Tribal government’s jurisdiction
21 such that it is nearly impossible for civil un-
22 manned aircraft to reach the navigable air-
23 space.

1 (b) RULES OF CONSTRUCTION.—Nothing in sub-
 2 section (a) may be construed to prohibit a State, local,
 3 or Tribal government from—

4 (1) adopting, maintaining, or enforcing laws,
 5 rules, or standards that regulate unmanned aircraft
 6 systems below 200 feet above ground level; or

7 (2) prescribing emergency procedures for a civil
 8 unmanned aircraft system descending into an area
 9 200 feet above ground level.

10 **SEC. 7. UPDATES TO RULES REGARDING THE COMMERCIAL**
 11 **CARRIAGE OF PROPERTY.**

12 (a) IMPROVING REGULATIONS.—Section 44808 of
 13 title 49, United States Code, is amended—

14 (1) by redesignating paragraph (5) as sub-
 15 section (c), and indenting appropriately;

16 (2) by redesignating subparagraphs (A), (B),
 17 and (C) of subsection (c), as redesignated by para-
 18 graph (1), as paragraphs (1), (2), and (3), respec-
 19 tively, and indenting appropriately;

20 (3) by redesignating paragraph (6) as sub-
 21 section (d), and indenting appropriately; and

22 (4) in subsection (b), by adding at the end the
 23 following new paragraphs:

1 “(5) Ensure that the provision of section 41713
2 shall not apply to the carriage of property by opera-
3 tors of small unmanned aircraft systems.

4 “(6) Ensure that an operator of a small un-
5 manned aircraft system is not required to comply
6 with any rules approved under this section if the op-
7 erator is operating solely under a State authoriza-
8 tion for the intrastate carriage of property for com-
9 pensation or hire.

10 “(7) Ensure that the costs necessary to receive
11 such an authorization are minimal so as to protect
12 competition between market participants.

13 “(8) A streamlined application process that only
14 contains requirements minimally necessary for safe
15 operation and substantially outweigh the compliance
16 costs for an applicant.”.

17 (b) CLARIFICATION REGARDING PREEMPTION.—Sec-
18 tion 41713(b) of title 49, United States Code, is amended
19 by adding at the end the following new paragraph:

20 “(5) NOT APPLICABLE TO THE OPERATION OF A
21 CIVIL UNMANNED AIRCRAFT SYSTEM.—Paragraphs (1)
22 and (4) shall not apply to the operation of a civil un-
23 manned aircraft system.”.

24 (c) EXCLUSION FROM DEFINITION OF AIR CAR-
25 RIER.—Section 40102(2) of title 49, United States Code,

1 is amended by inserting “(but does not include an oper-
 2 ator of civil unmanned aircraft systems)” before the pe-
 3 riod at the end.

4 (d) STATE AUTHORIZATION FOR THE INTRASTATE
 5 CARRIAGE OF PROPERTY.—A State may not be prohibited
 6 from issuing an authorization (and the Federal Govern-
 7 ment may not require a Federal authorization) for the car-
 8 riage of property by a commercial operator of a civil un-
 9 manned aircraft that is operating in intrastate commerce
 10 if the civil unmanned aircraft is only authorized by the
 11 State to operate—

- 12 (1) within the immediate reaches of airspace;
 13 and
 14 (2) within the lateral boundaries of the State.

15 **SEC. 8. DESIGNATION OF CERTAIN COMPLEX AIRSPACE.**

16 (a) PROCESS FOR DESIGNATION.—

- 17 (1) IN GENERAL.—Not later than 18 months
 18 after the date of enactment of this Act, the Sec-
 19 retary of Transportation shall establish a process
 20 under which a State, local, or Tribal government
 21 may submit an application to the Administrator (in
 22 a form and manner determined appropriate by the
 23 Administrator) for the designation of an area as an
 24 area of “complex airspace.” Such process shall allow
 25 for individual or collective designations.

1 (2) TIMEFRAME FOR DECISION.—Under the
2 process under paragraph (1), the Administrator
3 shall approve or disapprove a complete application
4 for designation within 90 days of receiving the appli-
5 cation.

6 (3) REVIEW OF APPLICATION.—In reviewing a
7 request for a designation under this section, the Ad-
8 ministrator may deny the request if the State, local,
9 or Tribal government does not have—

10 (A) the financial resources to carry out the
11 authority to be granted under the designation;
12 or

13 (B) the technological capabilities necessary
14 to carry out the authority granted to the State
15 under the designation.

16 (4) DENIAL OF APPLICATION.—If the Adminis-
17 trator denies a request for a designation under this
18 section, the Administrator shall provide the State,
19 local, or Tribal government with—

20 (A) a detailed description of the reasons
21 for the denial; and

22 (B) recommendations for changes that the
23 State can make to correct the deficiencies in
24 their application.

1 (5) APPROVAL OF APPLICATION.—If the Ad-
2 ministrator approves a request for a designation
3 under this section, the Administrator shall, upon the
4 request of the State, local, or Tribal government,
5 enter into a written agreement with the State, local,
6 or Tribal government (which may be in the form of
7 a memorandum of understanding) under which the
8 Administrator may assign, and the State, local, or
9 Tribal government may assume, one or more of the
10 responsibilities of the Administrator with respect to
11 the management of civil unmanned aircraft oper-
12 ations within the area that has been so designated.

13 (b) AGREEMENTS.—

14 (1) STATE, LOCAL, OR TRIBAL GOVERNMENT
15 RESPONSIBILITIES UNDER AGREEMENT.—If a State,
16 local, or Tribal government enters into an agreement
17 with the Administrator under subsection (a)(5), the
18 State, local, or Tribal government shall be solely re-
19 sponsible, and solely liable, for carrying out the re-
20 sponsibilities assumed in the agreement until the
21 agreement is terminated.

22 (2) TERMINATION BY STATE, LOCAL, OR TRIB-
23 AL GOVERNMENT.—A State, local, or Tribal govern-
24 ment may terminate an agreement with the Admin-
25 istrator under subsection (a)(5) if the State, local, or

1 Tribal government provides the Administrator 90
2 days of notice.

3 (3) TERMINATION BY ADMINISTRATOR.—The
4 Administrator may terminate an agreement with a
5 State, local, or Tribal government under subsection
6 (a)(5) if—

7 (A) the Administrator determines that the
8 State, local, or Tribal government is not ade-
9 quately carrying out the responsibilities as-
10 signed under the agreement; and

11 (B) the Administrator provides the State,
12 local, or Tribal government with—

13 (i) written notification of a determina-
14 tion of noncompliance with the responsibil-
15 ities assigned under the agreement; and

16 (ii) a period of not less than 180 days
17 for the State, local, or Tribal government
18 to take such corrective actions as the Ad-
19 ministrator determines necessary to comply
20 with the responsibilities assigned under the
21 agreement.

22 (c) COMPLEX AIRSPACE DEFINED.—In this section,
23 the term “complex airspace” means an area of airspace
24 that—

25 (1) is at least 200 feet above ground level; and

1 (2) includes one or more structures that have a
2 height that exceeds 200 feet above ground level.

3 **SEC. 9. IMPROVEMENTS TO PLAN FOR FULL OPERATIONAL**
4 **CAPABILITY OF UNMANNED AIRCRAFT SYS-**
5 **TEMS TRAFFIC MANAGEMENT.**

6 Section 376 of the FAA Reauthorization Act of 2018
7 (Public Law 115–254) is amended—

8 (1) in subsection (b), by adding at the end the
9 following new paragraph:

10 “(4) Permit the testing of a State, local, or
11 Tribal government’s time, place, and manner restric-
12 tions within the immediate reaches of airspace (as
13 defined in section 2 of the Drone Integration and
14 Zoning Act of 2019).”;

15 (2) in subsection (c)—

16 (A) in paragraph (2), by striking “industry
17 and government” and inserting “industry, the
18 Federal Government, and State, local, or Tribal
19 governments”;

20 (B) in paragraph (3)(G), by striking “and”
21 at the end;

22 (C) in paragraph (4)(C), by striking the
23 period at the end and inserting a semicolon;
24 and

1 (D) by adding at the end the following new
2 paragraphs:

3 “(5) establish a plan for collaboration and co-
4 ordination with a State, local, or Tribal govern-
5 ment’s management of unmanned aircraft systems
6 within the immediate reaches of airspace (as defined
7 in section 2 of the Drone Integration and Zoning
8 Act of 2019); and

9 “(6) establish a process for the interoperability
10 and sharing of data between Federal Government,
11 State, local, or Tribal government, and private sec-
12 tor UTM services.”;

13 (3) in subsection (d)—

14 (A) in paragraph (2)(J), by striking “and”
15 at the end;

16 (B) in paragraph (3), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(4) shall consult with State, local, and Tribal
21 governments.”; and

22 (4) in subsection (g), by inserting “and State,
23 local, and Tribal governments” after “Federal agen-
24 cies”.

1 **SEC. 10. UPDATES TO RULES REGARDING SMALL UN-**
2 **MANNED AIRCRAFT SAFETY STANDARDS.**

3 Section 44805 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3), by striking “and” at
7 the end;

8 (B) in paragraph (4), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(5) ensuring that no State is prohibited from
13 requiring additional equipage for a small unmanned
14 aircraft system so long as such drone is solely au-
15 thorized to operate in the immediate reaches of air-
16 space (as defined in section 2 of the Drone Integra-
17 tion and Zoning Act of 2019) and the lateral bound-
18 aries of a State.”;

19 (2) in subsection (e), in the matter preceding
20 paragraph (1), by striking “may” and inserting
21 “shall”;

22 (3) in subsection (j), by striking “may” and in-
23 serting “shall”; and

24 (4) by adding at the end the following new sub-
25 section:

1 “(k) REQUIREMENTS FOR ACCEPTING RISK-BASED
2 CONSENSUS SAFETY STANDARDS.—

3 “(1) COST-BENEFIT ANALYSIS.—The Adminis-
4 trator shall not accept a risk-based consensus safety
5 standard under subsection (a)(1) unless the Admin-
6 istrator has first conducted a cost-benefit analysis
7 and certified that the benefit of the safety standard
8 substantially outweighs the costs to the manufac-
9 turer and consumer.

10 “(2) MUST BE ESSENTIAL.—The Administrator
11 shall not accept a risk-based consensus safety stand-
12 ard under subsection (a)(1) unless the Administrator
13 determines that the safety standard is essential for
14 small unmanned aircraft systems to operate safely in
15 the Unmanned Traffic Management (UTM) Sys-
16 tem.”.

17 **SEC. 11. RULES OF CONSTRUCTION.**

18 (a) IN GENERAL.—Subject to subsection (b), nothing
19 in this Act may be construed to—

20 (1) diminish or expand the preemptive effect of
21 the authority of the Federal Aviation Administration
22 with respect to manned aviation; or

23 (2) affect the civil or criminal jurisdiction of—
24 (A) any Indian Tribe relative to any State
25 or local government; or

1 (B) any State or local government relative
2 to any Indian Tribe.

3 (b) ENFORCEMENT ACTIONS.—Nothing in subsection
4 (a) may be construed to limit the authority of the Admin-
5 istrator to pursue enforcement actions against persons op-
6 erating civil unmanned aircraft systems who endanger the
7 safety of the navigable airspace, airport operations, air
8 navigation facilities, air traffic control systems, or other
9 components of the national airspace system that facilitate
10 the safe and efficient operation of civil, commercial, or
11 military aircraft within the United States.

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