

Administrator, shall be removed for inactivity from the public listings described in subsection (d)(1)(B), after informing the Secretary of Transportation and the Secretary of State.

(f) **CONSISTENCY.**—

(1) **IN GENERAL.**—The Administration shall use data, tools, and methods that ensure transparency and repeatability of assessments conducted under this section.

(2) **TRAINING.**—The Administrator shall ensure that Administration personnel are properly and adequately trained to carry out the assessments set forth in this section, including with respect to the standards, methodology, and material used to make determinations under this section.

(Added Pub. L. 118–63, title III, §369(a), May 16, 2024, 138 Stat. 1137.)

Editorial Notes

REFERENCES IN TEXT

The Convention on International Civil Aviation, referred to in subsec. (a)(2)(B)(1), was done at Chicago on Dec. 7, 1944, and entered into force for the United States on Apr. 4, 1947.

§ 44748. Aircraft dispatching

(a) **AIRCRAFT DISPATCHING CERTIFICATE.**—No person may serve as an aircraft dispatcher for an air carrier unless such person holds the appropriate aircraft dispatcher certificate issued by the Administrator of the Federal Aviation Administration.

(b) **PROOF OF CERTIFICATION.**—Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board, or other appropriate Federal agency, a person who holds such a certificate, and is performing dispatching, shall present the certificate for inspection.

(c) **DISPATCH CENTERS AND FLIGHT FOLLOWING CENTERS.**—

(1) **ESTABLISHMENT.**—Each air carrier shall establish and maintain sufficient dispatch centers and flight following centers necessary to maintain operational control of each flight of the air carrier at all times.

(2) **REQUIREMENTS.**—An air carrier shall ensure that each dispatch center and flight following center of the air carrier—

(A) has a sufficient number of aircraft dispatchers on duty at the dispatch center or flight following center to ensure proper operational control of each flight of the air carrier at all times;

(B) has the necessary equipment, in good repair, to maintain proper operational control of each flight of the air carrier at all times; and

(C) includes the presence of physical security and cybersecurity protections to prevent unauthorized access to the dispatch center or flight following center or to the operations of either such center.

(d) **PROHIBITION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an air carrier may not dispatch aircraft from any location other than the dispatch center or flight following center of the air carrier.

(2) **EMERGENCY AUTHORITY.**—In the event of an emergency or other event that renders a dispatch center or a flight following center inoperable, an air carrier may dispatch aircraft from a location other than the dispatch center or flight following center of the air carrier for a period of time not to exceed 14 consecutive days per location without approval of the Administrator.

(Added Pub. L. 118–63, title IV, § 420(b)(1), May 16, 2024, 138 Stat. 1164.)

CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.	
44801.	Definitions.
44802.	Integration of civil unmanned aircraft systems into national airspace system.
44803.	Unmanned aircraft system test ranges.
44804.	Unmanned aircraft in the Arctic.
44805.	Small unmanned aircraft safety standards.
44806.	Public unmanned aircraft systems and public safety use of tethered unmanned aircraft systems.
44807.	Special authority for certain unmanned aircraft systems.
44808.	Carriage of property by small unmanned aircraft systems for compensation or hire.
44809.	Exception for limited recreational operations of unmanned aircraft.
44810.	Airport safety and airspace hazard mitigation and enforcement.
44811.	Beyond visual line of sight operations for unmanned aircraft systems.
44812.	Temporary flight restrictions for unmanned aircraft.
44813.	Center of Excellence for Unmanned Aircraft Systems.
44814.	ASSUREd Safe credentialing authority.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–63, title IX, §§ 902(b), 925(b)(2), 926(b), 930(b), 935(b), title X, §§ 1006(b), 1007(b), May 16, 2024, 138 Stat. 1341, 1360, 1361, 1367, 1372, 1389, added items 44803, 44804, 44806, and 44811 to 44814 and struck out former items 44803 “Unmanned aircraft system test ranges”, 44804 “Small unmanned aircraft in the Arctic”, and 44806 “Public unmanned aircraft systems”.

2018—Pub. L. 115–254, div. B, title III, §§ 343(b), 344(b), 345(c), 346(b)(1), 347(b)(1), 348(b), 349(b)(1), 383(b)(1), Oct. 5, 2018, 132 Stat. 3290, 3291, 3293, 3295–3297, 3300, 3322, added items 44803 to 44810.

§ 44801. Definitions

In this chapter, the following definitions apply:

(1) **ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.**—The term “actively tethered unmanned aircraft system” means an unmanned aircraft system in which the unmanned aircraft component—

(A) weighs 55 pounds or less, including payload but not including the tether;

(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft;

(C) is controlled and retrieved by such ground station through physical manipulation of the tether;

(D) is able to maintain safe flight control in the event of a power or flight control failure during flight; and

(E) is programmed to initiate a controlled landing in the event of a tether separation.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

(4) 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.

(5) COUNTER-UAS SYSTEM.—The term “counter-UAS system” means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned aircraft or unmanned aircraft system.

(6) PERMANENT AREAS.—The term “permanent areas” means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(7) 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.

(8) 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, structures on the ground, and other objects.

(9) SMALL UNMANNED AIRCRAFT.—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

(10) TEST RANGE.—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, and includes the test ranges designated by the Administrator under section 44803.

(11) 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.

(12) 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 operator to operate safely and efficiently in the national airspace system.

(13) UTM.—The term “UTM” means an unmanned aircraft system traffic management system or service.”

(Added Pub. L. 115–254, div. B, title III, §341(a), Oct. 5, 2018, 132 Stat. 3284; amended Pub. L. 118–63, title IX, §§925(b)(1), 926(c), May 16, 2024, 138 Stat. 1360, 1361.)

Editorial Notes

AMENDMENTS

2024—Par. (1)(A). Pub. L. 118–63, §926(c)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “weighs 4.4 pounds or less, including payload but not including the tether;”.

Par. (1)(D), (E). Pub. L. 118–63, §926(c)(2)–(4), added subpars. (D) and (E).

Par. (10). Pub. L. 118–63, §925(b)(1), substituted “the test ranges designated by the Administrator under section 44803” for “any of the 6 test ranges established by the Administrator under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009”.

Statutory Notes and Related Subsidiaries

ENVIRONMENTAL REVIEW AND NOISE CERTIFICATION

Pub. L. 118–63, title IX, §909, May 16, 2024, 138 Stat. 1344, provided that:

“(a) NATIONAL ENVIRONMENTAL POLICY ACT GUIDANCE.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall publish unmanned aircraft system-specific environmental review guidance and implementation procedures and, thereafter, revise such guidance and procedures as appropriate to carry out the requirements of this section.

“(b) PRIORITIZATION.—The guidance and procedures established by the Administrator under subsection (a) shall include processes that allow for the prioritization of project applications and activities that—

“(1) offset or limit the impacts of non-zero emission activities;

“(2) offset or limit the release of environmental pollutants to soil or water; or

“(3) demonstrate other factors that benefit human safety or the environment, as determined by the Administrator.

“(c) PROGRAMMATIC LEVEL APPROACH TO NEPA REVIEW.—Not later than 180 days after the date of enactment of this Act, the Administrator shall examine and integrate programmatic-level approaches to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by which the Administrator can—

“(1) leverage an environmental review for unmanned aircraft operations within a defined geographic region, including within and over commercial sites, industrial sites, or other sites closed or restricted to the public; and

“(2) leverage an environmental assessment or environmental impact statement for nationwide programmatic approaches for large scale distributed unmanned aircraft operations.

“(d) DEVELOPING 1 OR MORE CATEGORICAL EXCLUSIONS.—

“(1) IN GENERAL.—The Administrator shall engage in periodic consultations with the Council on Environmental Quality to identify actions that are appropriate for a new categorical exclusion and shall incorporate such actions in FAA [Federal Aviation Administration] Order 1050.1F (or successor order) as considered appropriate by the Administrator to more easily allow for safe commercial operations of unmanned aircraft.

“(2) PRIOR OPERATIONS.—The Administrator shall review existing categorical exclusions for applicability to unmanned aircraft operations in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and subchapter A of chapter V of title 40, Code of Federal Regulations.

“(e) BRIEFING.—Not later than 90 days after the date of enactment of this Act [May 16, 2024], the Adminis-

trator shall brief 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] on the plan of the Administrator to implement subsection (a).

“(f) NONAPPLICATION OF NOISE CERTIFICATION REQUIREMENTS PENDING STANDARDS DEVELOPMENT.—

“(1) IN GENERAL.—Notwithstanding the requirements of section 44715 of title 49, United States Code, the Administrator shall—

“(A) waive the determination of compliance with part 36 of title 14, Code of Federal Regulations, for an applicant seeking unmanned aircraft type and airworthiness certifications; and

“(B) not deny, withhold, or delay such certifications due to the absence of a noise certification basis under such part, if the Administrator has developed appropriate noise measurement procedures for unmanned aircraft and the Administrator has received from the applicant the noise measurement results based on such procedures.

“(2) DURATION.—The nonapplication of the noise certification requirements under paragraph (1) shall continue until the Administrator finalizes the noise certification requirements for unmanned aircraft in part 36 of title 14, Code of Federal Regulations, or another part of title 14 of such Code, as required under paragraph (3).

“(3) ASSOCIATED UAS CERTIFICATION STANDARDS.—

“(A) DEVELOPMENT OF CRITERIA.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop and establish substantive criteria and standard metrics to determine whether to approve an unmanned aircraft pursuant to part 36 of title 14, Code of Federal Regulations.

“(B) SUBSTANTIVE CRITERIA AND STANDARD METRICS.—In establishing the substantive criteria and standard metrics under subparagraph (A), the Administrator shall include criteria and metrics related to the noise impacts of an unmanned aircraft.

“(C) PUBLICATION.—The Administrator shall publish in the Federal Register and post on the website of the FAA the criteria and metrics established under subparagraph (A).

“(g) CONCURRENT REVIEWS.—If the Administrator determines that the design, construction, maintenance and operational sustainability, airworthiness approval, or operational approval of an unmanned aircraft require environmental assessments, including under the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Administrator shall, to the maximum extent practicable, conduct such reviews and analyses concurrently.

“(h) THIRD-PARTY SUPPORT.—In implementing subsection (a), the Administrator shall allow for the engagement of approved specialized third parties, as appropriate, to support an applicant’s preparation of, or the Administration’s preparation and review of, documentation relating to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to ensure streamlined timelines for complex reviews.

“(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting, restricting, or otherwise limiting the authority of the Administrator from implementing or complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any related requirements to ensure the protection of the environment and aviation safety.”

[For definition of “unmanned aircraft” as used in section 909 of Pub. L. 118–63, set out above, see this section, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

UNMANNED AND AUTONOMOUS FLIGHT ADVISORY COMMITTEE

Pub. L. 118–63, title IX, §916, May 16, 2024, 138 Stat. 1351, provided that:

“(a) IN GENERAL.—Not later than 1 year after the termination of the Advanced Aviation Advisory Committee pursuant to section 915 [138 Stat. 1351], the Administrator [of the Federal Aviation Administration] shall establish an Unmanned and Autonomous Flight Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(b) DUTIES.—The Advisory Committee shall provide the Administrator advice on policy- and technical-level issues related to unmanned and autonomous aviation operations and activities, including, at a minimum, the following:

“(1) The safe integration of unmanned aircraft systems and autonomous flight operations into the national airspace system, including feedback on—

“(A) the certification and operational standards of highly automated aircraft, unmanned aircraft, and associated elements of such aircraft;

“(B) coordination of procedures for operations in controlled and uncontrolled airspace; and

“(C) communication protocols.

“(2) The use cases of unmanned aircraft systems, including evaluating and assessing the potential benefits of using unmanned aircraft systems.

“(3) The development of processes and methodologies to address safety concerns related to the operation of unmanned aircraft systems, including risk assessments and mitigation strategies.

“(4) Unmanned aircraft system training, education, and workforce development programs, including evaluating aeronautical knowledge gaps in the unmanned aircraft system workforce, assessing the workforce needs of unmanned aircraft system operations, and establishing a strong pipeline to ensure a robust unmanned aircraft system workforce.

“(5) The analysis of unmanned aircraft system data and trends.

“(6) Unmanned aircraft system infrastructure, including the use of existing aviation infrastructure and the development of necessary infrastructure.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Committee shall be composed of not more than 12 members.

“(2) REPRESENTATIVES.—The Advisory Committee shall include at least 1 representative of each of the following:

“(A) Commercial operators of unmanned aircraft systems.

“(B) Unmanned aircraft system manufacturers.

“(C) Counter-UAS manufacturers.

“(D) FAA [Federal Aviation Administration]-approved unmanned aircraft system service suppliers.

“(E) Unmanned aircraft system test ranges under section 44803 of title 49, United States Code.

“(F) An unmanned aircraft system physical infrastructure network provider.

“(G) Community advocates.

“(H) Certified labor organizations representing commercial airline pilots, air traffic control specialists employed by the Administration, certified aircraft maintenance technicians, certified aircraft dispatchers, or aviation safety inspectors.

“(I) Academia or a relevant research organization.

“(3) OBSERVERS.—The Administrator may invite appropriate representatives of other Federal agencies to observe or provide input on the work of the Advisory Committee, but shall not allow such representatives to participate in any decision-making of the Advisory Committee.

“(d) REPORTING.—

“(1) IN GENERAL.—The Advisory Committee shall submit to the Administrator an annual report of the activities, findings, and recommendations of the Committee.

“(2) CONGRESSIONAL REPORTING.—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] the reports required under paragraph (1).

“(e) PROHIBITION.—The Administrator may not task the Advisory Committee established under this section with a review or the development of recommendations relating to operations conducted under part 121 of title 14, Code of Federal Regulations.”

[For definitions of terms used in section 916 of Pub. L. 118–63, set out above, see this section, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

ACCEPTABLE LEVELS OF RISK AND RISK ASSESSMENT
METHODOLOGY

Pub. L. 118–63, title IX, §931, May 16, 2024, 138 Stat. 1367, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall develop a risk assessment methodology that allows for the determination of acceptable levels of risk for unmanned aircraft system operations, including operations beyond visual line of sight, conducted—

“(1) under waivers issued to part 107 of title 14, Code of Federal Regulations;

“(2) pursuant to section 44807 of title 49, United States Code; or

“(3) pursuant to other applicable regulations, as appropriate.

“(b) RISK ASSESSMENT METHODOLOGY CONSIDERATIONS.—In establishing the risk assessment methodology under this section, the Administrator shall ensure alignment with the considerations included in the order issued by the FAA [Federal Aviation Administration] titled ‘UAS Safety Risk Management Policy’ (FAA Order 8040.6A), and any subsequent amendments to such order, as the Administrator considers appropriate.

“(c) PUBLICATION.—The Administrator shall make the risk assessment methodology established under this section available to the public on an appropriate website of the Administration and update such methodology as necessary.”

[For definition of “unmanned aircraft system” as used in section 931 of Pub. L. 118–63, set out above, see this section, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

SPECIAL AUTHORITY FOR TRANSPORT OF HAZARDOUS
MATERIALS BY COMMERCIAL PACKAGE DELIVERY UN-
MANNED AIRCRAFT SYSTEMS

Pub. L. 118–63, title IX, §933, May 16, 2024, 138 Stat. 1368, provided that:

“(a) IN GENERAL.—Notwithstanding any other Federal requirement or restriction related to the transportation of hazardous materials on aircraft, the Secretary [of Transportation] shall, beginning not later than 180 days after enactment of this section [May 16, 2024], use a risk-based approach to establish the operational requirements, standards, or special permits necessary to approve or authorize an air carrier to transport hazardous materials by unmanned aircraft systems providing common carriage under part 135 of title 14, Code of Federal Regulations, or under successor authorities, as applicable, based on the weight, amount, and type of hazardous material being transported and the characteristics of the operations subject to such requirements, standards, or special purposes.

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

“(1) the safety of the public and users of the national airspace system;

“(2) efficiencies of allowing the safe transportation of hazardous materials by unmanned aircraft systems and whether such transportation complies with the hazardous materials regulations under subchapter C of chapter I of title 49, Code of Federal Regulations, including any changes to such regulations issued pursuant to this section;

“(3) the risk profile of the transportation of hazardous materials by unmanned aircraft systems, tak-

ing into consideration the risk associated with differing weights, quantities, and packing group classifications of hazardous materials;

“(4) mitigations to the risk of the hazardous materials being transported, based on the weight, amount, and type of materials being transported and the characteristics of the operation, including operational and aircraft-based mitigations; and

“(5) the altitude at which unmanned aircraft operations are conducted.

“(c) SAFETY RISK ASSESSMENTS.—The Secretary may require unmanned aircraft systems operators to submit a safety risk assessment acceptable to the Administrator [of the Federal Aviation Administration], as part of the operator certification process, in order for such operators to perform the carriage of hazardous materials as authorized under this section.

“(d) CONFORMITY OF HAZARDOUS MATERIALS REGULATIONS.—The Secretary shall make such changes as are necessary to conform the hazardous materials regulations under parts 173 and 175 of title 49, Code of Federal Regulations, to this section. Such changes shall be made concurrently with the activities described in subsection (a).

“(e) STAKEHOLDER INPUT ON CHANGES TO THE HAZARDOUS MATERIALS REGULATIONS.—

“(1) IMPLEMENTATION.—Not later than 180 days of the date of enactment of this Act [May 16, 2024], the Secretary shall hold a public meeting to obtain input on changes necessary to implement this section.

“(2) PERIODIC UPDATES.—The Secretary shall—

“(A) periodically review, as necessary, amounts of hazardous materials allowed to be carried by unmanned aircraft systems pursuant to this section; and

“(B) determine whether such amounts should be revised, based on operational and safety data, without negatively impacting overall aviation safety.

“(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to—

“(1) limit the authority of the Secretary, the Administrator, or the Administrator of the Pipeline and Hazardous Materials Safety Administration from implementing requirements to ensure the safe carriage of hazardous materials by aircraft; and

“(2) confer upon the Administrator the authorities of the Administrator of the Pipeline and Hazardous Materials Safety Administration under part 175 of title 49, Code of Federal Regulations, and chapter 51 of title 49, United States Code.

“(g) DEFINITION OF HAZARDOUS MATERIALS.—In this section, the term ‘hazardous materials’ has the meaning given such term in section 5102 of title 49, United States Code.”

[For definitions of “unmanned aircraft system” and “unmanned aircraft” as used in section 933 of Pub. L. 118–63, set out above, see this section, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

OPERATIONS OVER HIGH SEAS

Pub. L. 118–63, title IX, §934, May 16, 2024, 138 Stat. 1369, provided that:

“(a) IN GENERAL.—To the extent permitted by treaty obligations of the United States, including the Convention on International Civil Aviation (in this section referred to as ‘ICAO’), the Administrator [of the Federal Aviation Administration] shall work with other civil aviation authorities to establish and implement operational approval processes to permit unmanned aircraft systems to operate over the high seas within flight information regions for which the United States is responsible for operational control.

“(b) CONSULTATION.—In establishing and implementing the operational approval process under subsection (a), the Administrator shall consult with appropriate stakeholders, including industry stakeholders.

“(c) ICAO ACTIVITIES.—Not later than 6 months after the date of enactment of this Act [May 16, 2024], the Administrator shall engage ICAO through the submission

of a working paper, panel proposal, or other appropriate mechanism to clarify the permissibility of unmanned aircraft systems to operate over the high seas.

“(d) REVIEW.—Not later than 6 months after the date of enactment of this Act, the Administrator shall review whether, and to what extent, ICAO member states are approving the operation of unmanned aircraft systems over the high seas and brief 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] regarding the findings of such review.”

[For definition of “unmanned aircraft system” as used in section 934 of Pub. L. 118–63, set out above, see this section, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

COVERED DRONE PROHIBITION

Pub. L. 118–63, title IX, §936, May 16, 2024, 138 Stat. 1372, provided that:

“(a) PROHIBITIONS.—The Secretary [of Transportation] is prohibited from—

“(1) entering into, extending, or renewing a contract or awarding a grant—

“(A) for the operation, procurement, or contracting action with respect to a covered unmanned aircraft system; or

“(B) to an entity that operates (as determined by the Administrator [of the Federal Aviation Administration]) a covered unmanned aircraft system in the performance of such contract;

“(2) issuing a grant to a covered foreign entity for any project related to covered unmanned aircraft systems; and

“(3) operating a covered unmanned aircraft system.

“(b) EXEMPTIONS.—The Secretary is exempt from any prohibitions under subsection (a) if the grant, operation, procurement, or contracting action is for the purposes of testing, researching, evaluating, analyzing, or training related to—

“(1) unmanned aircraft detection systems and counter-UAS systems, including activities conducted—

“(A) under the Alliance for System Safety of UAS through Research Excellence Center of Excellence of the FAA [Federal Aviation Administration]; or

“(B) by the unmanned aircraft system test ranges designated under section 44803 of title 49, United States Code;

“(2) the safe, secure, or efficient operation of the national airspace system or maintenance of public safety;

“(3) the safe integration of advanced aviation technologies into the national airspace system, including activities carried out under the Alliance for System Safety of UAS through Research Excellence Center of Excellence of the FAA;

“(4) in coordination with other relevant Federal agencies, determining security threats of covered unmanned aircraft systems; and

“(5) intelligence, electronic warfare, and information warfare operations.

“(c) WAIVERS.—The Secretary may waive any restrictions under subsection (a) on a case-by-case basis by notifying 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] in writing, not later than 15 days after waiving such restrictions, that the procurement or other activity is in the public interest.

“(d) REPLACEMENT OF CERTAIN UNMANNED AIRCRAFT SYSTEMS.—

“(1) IN GENERAL.—The Secretary shall take such actions as are necessary to replace any covered unmanned aircraft system that is owned or operated by the Department of Transportation as of the date of enactment of this Act [May 16, 2024] with an unmanned aircraft system manufactured in the United

States or an allied country (as such term is defined in section 2350f(d)(1) of title 10, United States Code) if the capabilities of such covered unmanned aircraft system are consequential to the work of the Department or the mission of the Department.

“(2) FUNDING.—There is authorized to be appropriated to the Secretary \$5,000,000 to carry out this subsection.

“(e) EFFECTIVE DATES.—

“(1) OPERATIONS.—The prohibitions under paragraphs (1) and (3) of subsection (a) shall be in effect on the date of enactment of this Act.

“(2) GRANTS.—The prohibitions under paragraphs (1) and (2) of subsection (a) shall—

“(A) not apply to grants awarded before the date of enactment of this Act; and

“(B) apply to grants awarded after the date of enactment of this Act.

“(f) APPLICATION OF PROHIBITIONS.—The prohibitions under subsection (a) are applicable to all offices and programs of the Department of Transportation, including—

“(1) aviation research grant programs;

“(2) aviation workforce development programs established under section 625 of the FAA Reauthorization Act of 2018 [Pub. L. 115–254] (49 U.S.C. 40101 note);

“(3) FAA Air Transportation Centers of Excellence;

“(4) programs established under sections 631 and 632 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note); and

“(5) the airport improvement program under subchapter I of chapter 471 of title 49, United States Code.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall prevent a State, local, Tribal, or territorial governmental agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal funding.

“(h) DEFINITIONS.—In this section:

“(1) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ means any of the following:

“(A) The People’s Republic of China.

“(B) The Russian Federation.

“(C) The Islamic Republic of Iran.

“(D) The Democratic People’s Republic of Korea.

“(E) The Bolivarian Republic of Venezuela.

“(F) The Republic of Cuba.

“(G) Any other country the Secretary determines necessary.

“(2) COVERED FOREIGN ENTITY.—The term ‘covered foreign entity’ means—

“(A) an entity included on the list developed and maintained by the Federal Acquisition Security Council and published in the System for Award Management;

“(B) an entity included on the Consolidated Screening List or Entity List as designated by the Secretary of Commerce;

“(C) an entity that is domiciled in, or under the influence or control of, a covered foreign country; or

“(D) an entity that is a subsidiary or affiliate of an entity described under subparagraphs (A) through (C).

“(3) COVERED UNMANNED AIRCRAFT SYSTEM.—The term ‘covered unmanned aircraft system’ means—

“(A) a small unmanned aircraft, an unmanned aircraft, and unmanned aircraft system, or the associated elements of such aircraft and aircraft systems related to the collection and transmission of sensitive information (consisting of communication links and the components that control the unmanned aircraft) that enable the operator to operate the aircraft in the National Airspace System which is manufactured or assembled by a covered foreign entity; and

“(B) an unmanned aircraft detection system or counter-UAS system that is manufactured or assembled by a covered foreign entity.”

[For definitions of terms used in section 936 of Pub. L. 118–63, set out above, see this section, as made appli-

cable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY

Pub. L. 115–254, div. B, title III, §357, Oct. 5, 2018, 132 Stat. 3305, provided that: “It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.”

STRATEGY FOR RESPONDING TO PUBLIC SAFETY THREATS AND ENFORCEMENT UTILITY OF UNMANNED AIRCRAFT SYSTEMS

Pub. L. 115–254, div. B, title III, §366, Oct. 5, 2018, 132 Stat. 3310, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall develop a comprehensive strategy to provide outreach to State and local governments and provide guidance for local law enforcement agencies and first responders with respect to—

“(1) how to identify and respond to public safety threats posed by unmanned aircraft systems; and

“(2) how to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and first responders.

“(b) RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a publicly available Internet website that contains resources for State and local law enforcement agencies and first responders seeking—

“(1) to respond to public safety threats posed by unmanned aircraft systems; and

“(2) to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and public safety response efforts.

“(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ‘unmanned aircraft system’ has the meaning given that term in section 44801 of title 49, United States Code, as added by this Act.”

FEDERAL TRADE COMMISSION AUTHORITY

Pub. L. 115–254, div. B, title III, §375, Oct. 5, 2018, 132 Stat. 3314, provided that:

“(a) IN GENERAL.—A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

“(b) DEFINITIONS.—In this section, the terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 44801 of title 49, United States Code.”

COMMERCIAL AND GOVERNMENTAL OPERATORS

Pub. L. 115–254, div. B, title III, §379, Oct. 5, 2018, 132 Stat. 3318, provided that:

“(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall, to the extent practicable and consistent with applicable law, make available in a single location on the website of the Department of Transportation:

“(1) Any certificate of waiver or authorization issued by the Administration to Federal, State, tribal or local governments for the operation of unmanned aircraft systems within 30 days of issuance of such certificate of waiver or authorization.

“(2) A spreadsheet of UAS registrations, including the city, state [probably should be “State”], and zip code of each registered drone owner, on its website that is updated once per quarter each calendar year.

“(3) Summary descriptions and general purposes of public unmanned aircraft operations, including the locations where such unmanned aircraft may generally operate.

“(4) Summary descriptions of common civil unmanned aircraft operations.

“(5) The expiration date of any authorization of public or civil unmanned aircraft operations.

“(6) Links to websites of State agencies that enforce any applicable privacy laws.

“(7) For any unmanned aircraft system, except with respect to any operation protected by the First Amendment to the Constitution of the United States, that will collect personally identifiable information about individuals, including the use of facial recognition—

“(A) the circumstance under which the system will be used;

“(B) the specific kinds of personally identifiable information that the system will collect about individuals; and

“(C) how the information referred to in subparagraph (B), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

“(i) how the collection or retention of such information that is unrelated to the specific use will be minimized;

“(ii) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

“(iii) the period during which such information will be retained;

“(iv) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

“(v) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

“(8) With respect to public unmanned aircraft systems—

“(A) the locations where the unmanned aircraft system will operate;

“(B) the time during which the unmanned aircraft system will operate;

“(C) the general purpose of the flight; and

“(D) the technical capabilities that the unmanned aircraft system possesses.

“(b) EXCEPTIONS.—The Administrator shall not disclose information pursuant to subsection (a) if the Administrator determines that the release of such information—

“(1) is not applicable;

“(2) is not practicable, including when the information is not available to the Administrator;

“(3) is not in compliance with applicable law;

“(4) would compromise national defense, homeland security or law enforcement activity;

“(5) would be withheld pursuant to an exception of the [sic] section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); or

“(6) is otherwise contrary to the public interest.

“(c) SUNSET.—This section will cease to be effective on the date that is the earlier of—

“(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 Transport-

¹ See Prior Provisions note below.