

erated under the FAA [Federal Aviation Administration] Contract Tower Program.

“(c) BRIEFING TO CONGRESS.—The Administrator shall provide an annual briefing 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] on the status of the partnership authorized under this section, including detailing any barriers to the commercialization of innovative technologies in the Gulf of Mexico.

“(d) DEFINITIONS.—In this section:

“(1) ELIGIBLE AIRPORT AUTHORITY.—The term ‘eligible airport authority’ means an AIP-eligible airport authority that is—

“(A) located in a state bordering the Gulf of Mexico which does not already contain a UAS Test Range;

“(B) has an air traffic control tower operated under the FAA Contract Tower Program;

“(C) is located within 60 miles of a port; and

“(D) does not have any scheduled passenger airline service as of the date of the enactment of this Act [May 16, 2024].

“(2) INNOVATIVE TECHNOLOGIES.—The term ‘innovative technologies’ means unmanned aircraft systems and powered-lift aircraft.

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

[For definition of “unmanned aircraft system” as used in section 937 of Pub. L. 118–63, set out above, see section 44801 of this title, as made applicable by section 901 of Pub. L. 118–63, which is set out as a note under section 44502 of this title.]

#### § 44804. Unmanned aircraft in the Arctic

(a) IN GENERAL.—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where unmanned aircraft may operate 24 hours per day for research and commercial purposes.

(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond the visual line of sight.

(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) AIRCRAFT APPROVAL.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) EXISTING PROCESS.—The Secretary may implement an existing process to meet the requirements under paragraph (1).

(Added Pub. L. 115–254, div. B, title III, §344(a), Oct. 5, 2018, 132 Stat. 3290; amended Pub. L. 118–63, title IX, §902(a), May 16, 2024, 138 Stat. 1341.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 332(d) 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 remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

##### AMENDMENTS

2024—Pub. L. 118–63, §902(a)(1), substituted “Unmanned” for “Small unmanned” in section catchline. Catchline was editorially conformed to the style used in this title.

Subsecs. (a), (b), (e)(1). Pub. L. 118–63, §902(a)(2), struck out “small” before “unmanned aircraft” wherever appearing.

#### § 44805. Small unmanned aircraft safety standards

(a) FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.—The Administrator of the Federal Aviation Administration shall establish a process for—

(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

(2) authorizing the operation of a small unmanned aircraft system make and model designed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (1).

(b) CONSIDERATIONS.—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

(2) Using performance-based requirements.

(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, includ-

ing a means to identify any tampering or modification that has been made.

(7) Consensus identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 615).

(8) To the extent not considered previously by the consensus body that crafted consensus safety standards, cost-benefit and risk analyses of consensus safety standards that may be accepted pursuant to subsection (a) for newly designed small unmanned aircraft systems.

(9) Applicability of consensus safety standards to small unmanned aircraft systems that are not manufactured commercially.

(10) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

(11) Any category of unmanned aircraft systems that should be exempt from the consensus safety standards based on risk factors.

(c) NONAPPLICABILITY OF OTHER LAWS.—The process for authorizing the operation of small unmanned aircraft systems under subsection (a) may allow for operation of any applicable small unmanned aircraft systems within the national airspace system without requiring—

(1) airworthiness certification requirements under section 44704 of this title; or

(2) type certification under part 21 of title 14, Code of Federal Regulations.

(d) REVOCATION.—The Administrator may suspend or revoke the authorizations in subsection (a) if the Administrator determines that the manufacturer or the small unmanned aircraft system is no longer in compliance with the standards accepted by the Administrator under subsection (a)(1) or with the manufacturer's statement of compliance under subsection (f).

(e) REQUIREMENTS.—With regard to an authorization under the processes in subsection (a), the Administrator may require a manufacturer of small unmanned aircraft systems to provide the Federal Aviation Administration with the following:

(1) The aircraft system's operating instructions.

(2) The aircraft system's recommended maintenance and inspection procedures.

(3) The manufacturer's statement of compliance described in subsection (f).

(4) Upon request, a sample aircraft to be inspected by the Federal Aviation Administration to ensure compliance with the consensus safety standards accepted by the Administrator under subsection (a).

(f) MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.—A manufacturer's statement of compliance shall—

(1) identify the aircraft make, model, range of serial numbers, and any applicable consensus safety standards used and accepted by the Administrator;

(2) state that the aircraft make and model meets the provisions of the consensus safety standards identified in paragraph (1);

(3) state that the aircraft make and model conforms to the manufacturer's design data and is manufactured in a way that ensures

consistency across units in the production process in order to meet the applicable consensus safety standards accepted by the Administrator;

(4) state that the manufacturer will make available to the Administrator, operators, or customers—

(A) the aircraft's operating instructions, which conform to the consensus safety standards identified in paragraph (1); and

(B) the aircraft's recommended maintenance and inspection procedures, which conform to the consensus safety standards identified in paragraph (1);

(5) state that the manufacturer will monitor safety-of-flight issues and take action to ensure it meets the consensus safety standards identified in paragraph (1) and report these issues and subsequent actions to the Administrator;

(6) state that at the request of the Administrator, the manufacturer will provide reasonable access for the Administrator to its facilities for the purposes of overseeing compliance with this section; and

(7) state that the manufacturer, in accordance with the consensus safety standards accepted by the Federal Aviation Administration, has—

(A) ground and flight tested random samples of the aircraft;

(B) found the sample aircraft performance acceptable; and

(C) determined that the make and model of aircraft is suitable for safe operation.

(g) PROHIBITIONS.—

(1) FALSE STATEMENTS OF COMPLIANCE.—It shall be unlawful for any person to knowingly submit a statement of compliance described in subsection (f) that is fraudulent or intentionally false.

(2) INTRODUCTION INTO INTERSTATE COMMERCE.—Unless the Administrator determines operation of an unmanned aircraft system may be conducted without an airworthiness certificate or permission, authorization, or approval under subsection (a), it shall be unlawful for any person to knowingly introduce or deliver for introduction into interstate commerce any small unmanned aircraft system that is manufactured after the date that the Administrator accepts consensus safety standards under this section unless—

(A) the make and model has been authorized for operation under subsection (a); or

(B) the aircraft has alternatively received design and production approval issued by the Federal Aviation Administration.

(h) EXCLUSIONS.—The Administrator may exempt from the requirements of this section small unmanned aircraft systems that are not capable of navigating beyond the visual line of sight of the operator through advanced flight systems and technology, if the Administrator determines that such an exemption does not pose a risk to the safety of the national airspace system.

(Added Pub. L. 115-254, div. B, title III, §345(a), Oct. 5, 2018, 132 Stat. 3291; amended Pub. L. 118-63, title IX, §903, May 16, 2024, 138 Stat. 1341.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 2202 of the FAA Extension, Safety, and Security Act of 2016, referred to in subsec. (b)(7), is section 2202 of Pub. L. 114-190, which is set out in a note under section 44802 of this title.

## AMENDMENTS

2024—Pub. L. 118-63, §903(1), substituted “Small unmanned” for “Small Unmanned” in section catchline. Catchline was editorially conformed to the style used in this title.

Subsec. (a)(2). Pub. L. 118-63, §903(2), substituted “operation of a small” for “operation of small”.

Subsecs. (c) to (e). Pub. L. 118-63, §903(6), redesignated subsecs. (e) to (g) as (c) to (e), respectively.

Subsec. (f). Pub. L. 118-63, §903(6), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (d).

Pub. L. 118-63, §903(3), substituted “subsection (f)” for “subsection (h)”.

Subsec. (g). Pub. L. 118-63, §903(6), redesignated subsec. (i) as (g). Former subsec. (g) redesignated (e).

Subsec. (g)(3). Pub. L. 118-63, §903(4), substituted “subsection (f)” for “subsection (h)”.

Subsec. (h). Pub. L. 118-63, §903(6), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (f).

Subsec. (i). Pub. L. 118-63, §903(6), redesignated subsec. (i) as (g).

Subsec. (i)(1). Pub. L. 118-63, §903(5), substituted “subsection (f)” for “subsection (h)”.

Subsec. (j). Pub. L. 118-63, §903(6), redesignated subsec. (j) as (h).

**Statutory Notes and Related Subsidiaries**

## UNMANNED AIRCRAFT SYSTEMS RESEARCH FACILITY

Pub. L. 115-254, div. B, title III, §345(b), Oct. 5, 2018, 132 Stat. 3293, provided that: “The Center of Excellence for Unmanned Aircraft Systems shall establish an unmanned aircraft systems research facility to study appropriate safety standards for unmanned aircraft systems and to validate such standards, as directed by the Administrator of the Federal Aviation Administration, consistent with section 44805 of title 49, United States Code, as added by this section.”

**§ 44806. Public unmanned aircraft systems and public safety use of tethered unmanned aircraft systems**

(a) **GUIDANCE.**—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

(2) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

(3) to provide guidance on a public agency’s responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) **AGREEMENTS WITH GOVERNMENT AGENCIES.**—

(1) **IN GENERAL.**—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

(2) **CONTENTS.**—An agreement under paragraph (1) shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

(i) within or beyond the visual line of sight of the operator;

(ii) less than 400 feet above the ground;

(iii) during daylight conditions;

(iv) within Class G airspace; and

(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

(c) **PUBLIC SAFETY USE OF ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall permit, and may issue guidance regarding, the use of actively tethered unmanned aircraft systems by a public safety organization for such systems that are—

(A) operated—

(i) at or below an altitude of 150 feet above ground level within class B, C, D, E, or G airspace, but not at a greater altitude than the ceiling depicted on the UAS Facility Maps published by the Federal Aviation Administration, where applicable;

(ii) within zero-grid airspaces as depicted on such UAS Facility Maps, only if operated in life-saving or emergency situations and with prior notification to the Administration in a manner determined by the Administrator; or

(iii) above 150 feet above ground level within class B, C, D, E, or G airspace only with prior authorization from the Administrator;

(B) not flown directly over non-participating persons;

(C) operated within visual line of sight of the operator; and

(D) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) **REQUIREMENTS.**—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and