

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—Actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(e) DEFINITION.—In this section, the term “public safety organization” means an entity that primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security.

(Added Pub. L. 115-254, div. B, title III, §346(a), Oct. 5, 2018, 132 Stat. 3294; amended Pub. L. 118-63, title IX, §926(a), May 16, 2024, 138 Stat. 1360.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in subssecs. (a) and (b) of this section were contained in section 334(a) and (c) 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, §346(b)(2), Oct. 5, 2018, 132 Stat. 3295. 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, §926(a)(1), inserted “and public safety use of tethered unmanned aircraft systems” after “systems” in section catchline.

Subsec. (c). Pub. L. 118-63, §926(a)(2)(A), inserted “Safety Use of” after “Public” in heading. Text quoted in directory language of amendment was editorially conformed to the style of the heading.

Subsec. (c)(1). Pub. L. 118-63, §926(a)(2)(B)(i), in introductory provisions, substituted “The” for “Not later than 180 days after the date of enactment of this Act, the”, “permit” for “permit the use of”, struck out “public” before “actively tethered”, and inserted “by a public safety organization for such systems” after “unmanned aircraft systems”.

Subsec. (c)(1)(A). Pub. L. 118-63, §926(a)(2)(B)(ii), added subpar. (A) and struck out former subpar. (A) which read as follows: “operated at an altitude of less than 150 feet above ground level;”.

Subsec. (c)(1)(B) to (E). Pub. L. 118-63, §926(a)(2)(B)(iii), (iv), redesignated subpars. (C) to (E) as (B) to (D), respectively, and struck out former subpar. (B) which read as follows: “operated—

“(i) within class G airspace; or

“(ii) at or below the ceiling depicted on the Federal Aviation Administration’s published UAS facility maps for class B, C, D, or E surface area airspace;”.

Subsec. (c)(3). Pub. L. 118-63, §926(a)(2)(C), substituted “Actively” for “Public actively”.

Subsec. (e). Pub. L. 118-63, §926(a)(3), added subsec. (e).

Statutory Notes and Related Subsidiaries

PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE

Pub. L. 115-254, div. B, title III, §368, Oct. 5, 2018, 132 Stat. 3310, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities.”

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter or chapter 447, the Administrator of the Federal Aviation Administration shall use a risk-based approach to determine how unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Administrator shall determine, at a minimum—

(1) how such unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, operation over people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

(c) REQUIREMENTS FOR SAFE OPERATION.—

(1) IN GENERAL.—In carrying out this section, the Administrator shall establish requirements, or a process to accept proposed requirements, for the safe and efficient operation of unmanned aircraft systems in the national airspace system, including operations related to testing and evaluation of proprietary systems.

(2) EXPEDITED EXEMPTIONS AND APPROVALS.—The Administrator shall, taking into account the statutory mandate to ensure safe and efficient use of the national airspace system, issue approvals—

(A) to enable low-risk beyond visual line of sight operations, including, at a minimum, package delivery operations, extended visual line of sight operations, or shielded operations within 100 feet of the ground or a structure; or

(B) that are aligned with Administration exemptions or approvals that enable beyond

visual line of sight operations with the use of acoustics, ground based radar, automatic dependent surveillance–broadcast, and other technological solutions.

(3) TREATMENT OF MITIGATION MEASURES.—To the extent that an operation under this section will be conducted exclusively within the airspace of a Mode C Veil, such operation shall be treated as satisfying the requirements of section 91.113(b) of title 14, Code of Federal Regulations, if the operation employs—

(A) automatic dependent surveillance–broadcast in-based detect and avoid capabilities;

(B) air traffic control communication and coordination;

(C) aeronautical information management systems acceptable to the Administrator, such as notices to air missions, to notify other airspace users of such operations; or

(D) any other risk mitigations as set by the Administrator.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) provide an unmanned aircraft operating pursuant to this section the right of way over a manned aircraft; or

(B) limit the authority of the Administrator to impose requirements, conditions, or limitations on operations conducted under this section in order to address safety concerns.

(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2033.

(e) AUTHORITY.—The Administrator may exercise the authorities described in this section, including waiving applicable parts of title 14, Code of Federal Regulations, without initiating a rulemaking or imposing the requirements of part 11 of title 14, Code of Federal Regulations, to the extent consistent with aviation safety.

(Added Pub. L. 115–254, div. B, title III, §347(a), Oct. 5, 2018, 132 Stat. 3296; amended Pub. L. 118–15, div. B, title II, §2202(c), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(c), Dec. 26, 2023, 137 Stat. 1113; Pub. L. 118–41, title I, §102(c), Mar. 8, 2024, 138 Stat. 21; Pub. L. 118–63, title IX, §927(a), (b), May 16, 2024, 138 Stat. 1362.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 333 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, §347(b)(2), Oct. 5, 2018, 132 Stat. 3296. 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—Subsec. (a). Pub. L. 118–63, §927(b)(1), inserted “or chapter 447” after “Notwithstanding any other requirement of this chapter” and substituted “the Administrator of the Federal Aviation Administration” for “the Secretary of Transportation” and “how” for “if certain”.

Subsec. (b). Pub. L. 118–63, §927(b)(2)(A), substituted “Administrator” for “Secretary” in introductory provisions.

Subsec. (b)(1). Pub. L. 118–63, §927(b)(2)(B), substituted “how such” for “which types of”.

Subsec. (c). Pub. L. 118–63, §927(b)(3), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.”

Subsec. (d). Pub. L. 118–63, §927(a), substituted “September 30, 2033” for “May 10, 2024”.

Pub. L. 118–41 substituted “May 10, 2024” for “March 8, 2024”.

Subsec. (e). Pub. L. 118–63, §927(b)(4), added subsec. (e).

2023—Subsec. (d). Pub. L. 118–34 substituted “March 8, 2024” for “December 31, 2023”.

Pub. L. 118–15 substituted “December 31, 2023” for “September 30, 2023”.

Statutory Notes and Related Subsidiaries

CLARIFICATION OF STATUS OF PREVIOUSLY ISSUED RULEMAKINGS AND EXEMPTIONS

Pub. L. 118–63, title IX, §927(c), May 16, 2024, 138 Stat. 1363, provided that:

“(1) RULEMAKINGS.—Any rule issued pursuant to section 44807 of title 49, United States Code, shall continue to be in effect following the expiration of such authority.

“(2) EXEMPTIONS.—Any exemption granted under the authority described in section 44807 of title 49, United States Code, and in effect as of the expiration of such authority, shall continue to be in effect until the date that is 3 years after the date of termination described in such exemption, provided the Administrator [of the Federal Aviation Administration] does not determine there is a safety risk.

“(3) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Administrator’s—

“(A) authority to rescind or amend an exemption for reasons such as unsafe conditions or operator oversight; or

“(B) ability to grant an exemption based on a determination made pursuant to section 44807 of title 49, United States Code, prior to the date described in subsection (d) of such section.”

§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

(b) CONTENTS.—Any rulemaking conducted under subsection (a) shall provide for the following:

(1) Use performance-based requirements.

(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.