

lows: “In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.”

Subsec. (c). Pub. L. 118–63, §928(a)(2), added subsec. (c) and struck out former subsec. (c) which related to operations at fixed sites.

Subsec. (d). Pub. L. 118–63, §928(a)(3), struck out “subsection (a) of” before “this section, prior to” in par. (3) and substituted subsec. (d) designation and heading for “(d) UPDATES”, pars. (1) and (2), and “(3) SAVINGS CLAUSE”. Prior to amendment, pars. (1) and (2) related to process to periodically update operational parameters and related considerations.

Subsec. (f)(1). Pub. L. 118–63, §928(a)(4), struck out “updates to” before “the operational parameters”.

Subsec. (g)(1). Pub. L. 118–63, §928(a)(5), added par. (1) and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be administered electronically by the Administrator, a community-based organization, or a person designated by the Administrator.”

Subsec. (h). Pub. L. 118–63, §928(a)(6), added par. (1) and redesignated former pars. (1) to (6) as (2) to (7), respectively.

Statutory Notes and Related Subsidiaries

USE OF UNMANNED AIRCRAFT SYSTEMS FOR EDUCATIONAL PURPOSES

Pub. L. 115–254, div. B, title III, §350, Oct. 5, 2018, 132 Stat. 3300, as amended by Pub. L. 116–283, div. H, title C, §10002, Jan. 1, 2021, 134 Stat. 4863; Pub. L. 118–63, title IX, §928(b), May 16, 2024, 138 Stat. 1365, provided that:

“(a) EDUCATIONAL AND RESEARCH PURPOSES.—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a ‘recreational purpose’ as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system—

“(1) operated by an institution of higher education for educational or research purposes;

“(2) operated by an elementary school, a secondary school, or an institution of higher education for educational or research purposes;

“(3) flown as part of an established Junior Reserve Officers’ Training Corps (JROTC) program for educational or research purposes; or

“(4) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).

“(b) UPDATES.—In updating an operational parameter under subsection (d)(1) of such section for unmanned aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

“(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution’s curricula or research;

“(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

“(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

“(c) DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

“(d) DEFINITIONS.—In this section:

“(1) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) EDUCATIONAL OR RESEARCH PURPOSES.—The term ‘education or research purposes’, with respect to the operation of an unmanned aircraft system by an institution of higher education, an elementary school, or a secondary school includes—

“(A) instruction of students at the institution;

“(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

“(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

“(D) other academic activities approved by the institution.

“(3) ELEMENTARY SCHOOL.—The term ‘elementary school’ has the meaning given to that term by section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(19)).

“(4) SECONDARY SCHOOL.—The term ‘secondary school’ has the meaning given to that term by section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(45)).

“(e) STATUTORY CONSTRUCTION.—

“(1) ENFORCEMENT.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

“(2) REGULATIONS AND STANDARDS.—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.”

§ 44810. Airport safety and airspace hazard mitigation and enforcement

(a) COORDINATION.—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(b) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

(2) CONTENTS.—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5

U.S.C. App.)¹ shall not apply to an aviation rulemaking committee chartered under this paragraph.

(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data, and any other location the Administrator determines appropriate.

(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary² of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),¹ sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection³ (c) and (d).

(h) SUNSET.—This section ceases to be effective September 30, 2028.

(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

(Added Pub. L. 115–254, div. B, title III, §383(a), Oct. 5, 2018, 132 Stat. 3321; amended Pub. L.

118–15, div. B, title II, §2202(d), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(d), Dec. 26, 2023, 137 Stat. 1113; Pub. L. 118–41, title I, §102(d), Mar. 8, 2024, 138 Stat. 21; Pub. L. 118–63, title IX, §904, May 16, 2024, 138 Stat. 1341.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

The Aircraft Sabotage Act, referred to in subsec. (g), is part B (§§2011–2015) of chapter XX of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2187. Section 2013(b) of the Act generally amended section 32 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 31 of Title 18 and Tables.

The Computer Fraud and Abuse Act of 1986, referred to in subsec. (g), is Pub. L. 99–474, §1, Oct. 16, 1986, 100 Stat. 1213, which amended section 1030 of Title 18, Crimes and Criminal Procedure. Section 1031 of Title 18 was enacted by Pub. L. 100–700, known as the Major Fraud Act of 1988.

AMENDMENTS

2024—Subsec. (c). Pub. L. 118–63, §904(1), inserted “, and any other location the Administrator determines appropriate” after “Data”.

Subsec. (h). Pub. L. 118–63, §904(2), substituted “September 30, 2028” for “May 10, 2024”.

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

2023—Subsec. (h). 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

COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY

Pub. L. 115–254, div. B, title III, §365, Oct. 5, 2018, 132 Stat. 3310, provided that: “In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.”

ENFORCEMENT

Pub. L. 115–254, div. B, title III, §372, Oct. 5, 2018, 132 Stat. 3312, as amended by Pub. L. 118–15, div. B, title II, §2202(q), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118–34, title I, §102(q), Dec. 26, 2023, 137 Stat. 1114; Pub. L. 118–41, title I, §102(q), Mar. 8, 2024, 138 Stat. 22, provided that:

“(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

“(b) REPORTING.—As part of the pilot program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law

¹ See References in Text note below.

² So in original. Probably should be preceded by “the”.

³ So in original. Probably should be “subsections”.

enforcement to report suspected operation of unmanned aircraft in violation of applicable Federal laws and regulations.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018], and annually thereafter through the duration of the pilot program established in subsection (a), 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] a report on the following:

“(1) The number of unauthorized unmanned aircraft operations detected in restricted airspace, including in and around airports, together with a description of such operations.

“(2) The number of enforcement cases brought by the Federal Aviation Administration or other Federal agencies for unauthorized operation of unmanned aircraft detected through the program, together with a description of such cases.

“(3) Recommendations for safety and operational standards for unmanned aircraft detection and mitigation systems.

“(4) Recommendations for any legislative or regulatory changes related to mitigation or detection or identification of unmanned aircraft systems.

“(d) SUNSET.—The pilot program established in subsection (a) shall terminate on May 10, 2024.

“(e) CIVIL PENALTIES.—[Amended section 46301 of this title.]

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this subtitle or any other applicable provision of aviation safety law or regulation using remote detection or identification or other technology following the sunset of the pilot program.”

§ 44811. Beyond visual line of sight operations for unmanned aircraft systems

(a) PROPOSED RULE.—Not later than 4 months after the date of enactment of the FAA Reauthorization Act of 2024, the Administrator shall issue a notice of proposed rulemaking establishing a performance-based regulatory pathway for unmanned aircraft systems (in this section referred to as “UAS”) to operate beyond visual line of sight (in this section referred to as “BVLOS”).

(b) REQUIREMENTS.—The proposed rule required under subsection (a) shall, at a minimum, establish the following:

(1) Acceptable levels of risk for BVLOS UAS operations, including the levels developed pursuant to section 931 of the FAA Reauthorization Act of 2024.

(2) Standards for remote pilots or UAS operators for BVLOS operations, taking into account varying levels of automated control and management of UAS flights.

(3) An approval or acceptance process for UAS and associated elements (as defined by the Administrator), which may leverage the creation of a special airworthiness certificate or a manufacturer’s declaration of compliance to a Federal Aviation Administration accepted means of compliance. Such process—

(A) shall not require, but may allow for, the use of type or production certification;

(B) shall consider the airworthiness of any UAS that—

(i) is within a maximum gross weight or kinetic energy, as determined by the Administrator; and

(ii) operates within a maximum speed limit as determined by the Administrator;

(C) may require such systems to operate in the national airspace system at altitude limits determined by the Administrator; and

(D) may require such systems to operate at standoff distances from the radius of a structure or the structure’s immediate uppermost limit, as determined by the Administrator.

(4) Operating rules for UAS that have been approved or accepted as described in paragraph (3).

(5) Protocols, if appropriate, for networked information exchange, such as network-based remote identification, in support of BVLOS operations.

(6) The safety of manned aircraft operating in the national airspace system and consider the maneuverability and technology limitations of certain aircraft, including hot air balloons.

(c) FINAL RULE.—Not later than 16 months after publishing the proposed rule under subsection (a), the Administrator shall issue a final rule based on such proposed rule.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require the agency to rescop any rulemaking efforts related to UAS BVLOS operations that are ongoing as of the date of enactment of the FAA Reauthorization Act of 2024.

(Added Pub. L. 118–63, title IX, §930(a), May 16, 2024, 138 Stat. 1366.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2024, referred to in subsecs. (a) and (d), is the date of enactment of Pub. L. 118–63, which was approved May 16, 2024.

Section 931 of the FAA Reauthorization Act of 2024, referred to in subsec. (b)(1), is section 931 of Pub. L. 118–63, which is set out as a note under section 44801 of this title.

§ 44812. Temporary flight restrictions for unmanned aircraft

(a) IN GENERAL.—

(1) TEMPORARY FLIGHT RESTRICTIONS.—The Administrator of the Federal Aviation Administration shall, upon the request by an eligible entity, temporarily restrict unmanned aircraft operations over eligible large public gatherings.

(2) DENIAL.—Notwithstanding paragraph (1), the Administrator may deny a request for a temporary flight restriction sought under paragraph (1) if—

(A) the temporary flight restriction would be inconsistent with aviation safety or security, would create a hazard to people or property on the ground, or would unnecessarily interfere with the efficient use of the airspace;

(B) the entity seeking the temporary flight restriction does not comply with the requirements in subsection (b);

(C) the eligibility requirements in subsections (c) and (d) have not been met;