

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;