

Summary of UAS Provisions in H.R. 302

Association for Unmanned Vehicle Systems International

SEC. 343. UNMANNED AIRCRAFT TEST RANGES.

The Administrator is directed to carry out and update a program for the use of six test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace. The program will coordinate with the Next Generation Air Transportation System and test range operators to develop standards for UAS that support UAS capabilities specific to beyond visual line of sight operations, night time operations, operations over people, operation of multiple UAS, and unmanned aircraft system traffic management. The Administrator is directed to collaborate with the Center of Excellence for Unmanned Aircraft Systems to carry out research supporting the above operations. Waivers for operations at test sites to support the above research will be streamlined.

SEC. 344. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.

The Secretary of Transportation shall develop a plan to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day, for research and commercial purposes. These operations include UAS operations beyond visual line of sight and below 2,000 feet in altitude.

SEC. 345. SMALL UNMANNED AIRCRAFT SAFETY STANDARDS.

The Administrator shall establish risk-based safety standards related to design, production, and modification of small UAS. The geographic location, altitude, and sense and avoid capabilities shall be taken into consideration when establishing such standards using a set of performance-based requirements.

Manufacturers will be required to provide the FAA: aircraft operating instructions, maintenance procedures, be subject to inspections by FAA to ensure compliance of aircraft and be required to provide a statement of compliance to the FAA for UAS platforms. The Center of Excellence for Unmanned Aircraft will establish an UAS research facility to study appropriate safety standards.

SEC. 346. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

The Administrator shall create a streamlined process for issuance of a certificates of authorization to facilitate the capability of public agencies to develop and use test ranges. Government public safety agencies may operate a UAS under 4.4 pounds within visual line of sight, less than 400 feet above the ground, during daylight and at least 5 miles from an airport.

SEC. 347. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

The Secretary shall use a risk-based approach to determine if certain UAS may operate safely in the national airspace prior to the completion of certain rulemakings if operations do not create a hazard to users of the national airspace system or the public.

SEC. 348. CARRIAGE OF PROPERTY BY SMALL UNMANNED AIRCRAFT SYSTEMS FOR COMPENSATION FOR HIRE.

Within one year of bill passage, the FAA shall update existing regulations to authorize the carriage of property by operators of small UAS for compensation or hire, taking into account performance-based requirements and varying levels of risk to other aircraft and people or property on the ground. The FAA shall create a certification process pending a rulemaking for persons seeking the carriage of property for hire.

SEC. 349. EXCEPTION FOR LIMITED RECREATIONAL OPERATIONS OF UNMANNED AIRCRAFT.

This section states that a person may operate a small UAS without certification or operating authority from the FAA if: the aircraft is flown for recreational purposes, the aircraft is operated in accordance with a community-based organization's safety guidelines developed in coordination with the FAA, is flown within visual line of sight, does not interfere with manned aircraft, is flown below 400 feet above the ground, the operator passes an online aeronautical knowledge and safety test, and the aircraft is registered with the FAA. The FAA may periodically update the required community-based organization standards including the marking and remote identification requirements flying under these recreational parameters.

SEC. 350. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTITUTIONS OF HIGHER EDUCATION.

The Administrator shall update standards and procedures for the use of UAS at institutions of higher education for education and research purposes.

SEC. 351. UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM.

The Administrator shall improve the acceptance of applications from state, local, or tribal jurisdictions for the IPP to accelerate the safe integration of UAS in the national air space with the focus of testing and validating new concepts, including beyond visual line of sight operations, detect and avoid technologies, command and control links, navigation, weather, and human factors. IPP operations are limited to operation during daylight hours, and limited operations over public roads and sporting events. The data from IPP operations will be made available to the FAA to inform future rulemaking and standards.

SEC. 352. PART 107 TRANSPARENCY AND TECHNOLOGY IMPROVEMENTS.

No later than 30 days after bill passage the Administrator shall publish a sample of the safety justifications offered by applicants for small UAS waivers and airspace authorizations that have been approved by the Administrator. The Administrator shall review the authorization process to provide real time confirmation and review of application status capabilities.

SEC. 353. EMERGENCY EXEMPTION PROCESS.

The Administrator shall update the Special Government Interest process for local law enforcement agencies and first responders to use UAS in response to catastrophe, disaster, or other emergency situations in addition to developing best practices for such uses.

SEC. 354. TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND.

An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by the FAA under relevant law.

SEC. 355. PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.

This section amends a section of the U.S. Code relating to public UAS operations by tribal governments.

SEC. 356. AUTHORIZATION OF APPROPRIATIONS FOR KNOW BEFORE YOU FLY CAMPAIGN.

The FAA is appropriated \$1,000,000 for each fiscal year 2019-2023 for the Know Before You Fly educational campaign to broaden UAS safety awareness.

SEC. 357. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.

UAS operations 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.

SEC. 358. UAS PRIVACY REVIEW.

The Comptroller General of the United States, National Telecommunication and Information Administration shall review privacy issues and concerns associated with UAS operations. Such a review will include analysis of the response to the Presidential memorandum titled "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems," dated February 15, 2015, as well as examine existing federal law related to personal privacy, identify specific issues and concerns that may limit the civil or criminal remedies regarding inappropriate operation of UAS, and identify deficiencies in federal, state, and local privacy protections. Such findings will be submitted in a report to Congress 180 days after passage of this bill.

SEC. 359. STUDY ON FIRE DEPARTMENT AND EMERGENCY SERVICE AGENCY USE OF UNMANNED AIRCRAFT SYSTEMS.

The Administrator shall conduct a study on the use of UAS by fire departments and emergency service agencies regarding how such entities currently use UAS, obstacles to greater use of UAS by these entities, ways to provide greater support of UAS use by these entities, analysis of laws or regulations that present a barrier to career, combination, and volunteer fire department use of UAS, airspace limitations of emergency use of UAS, roles of UAS in fire/emergency services, and technical challenges to greater adoption of UAS by fire departments and emergency agencies.

SEC. 360. STUDY ON FINANCING OF UNMANNED AIRCRAFT SERVICES.

The Comptroller General of the United States shall conduct a study within 60 days of passage of the bill that studies appropriate fee mechanisms to recover costs of regulation and safety oversight of UAS and air navigation services for UAS. The study shall consider any recommendations of the Drone Advisory Committee, the costs incurred by the FAA for regulation and safety oversight of UAS, general classes of UAS activity, the number of FAA employees dedicated to UAS programs, the use of privately operated UTM UAS, and the

projected growth of UAS, among other factors. A report of appropriate fee mechanisms will be provided to Congress 180 days after the passage of the bill.

SEC. 361. REPORT ON UAS AND CHEMICAL AERIAL APPLICATION.

No later than one year after passage of the bill the FAA shall submit to Congress a report evaluating which aviation safety requirements under Part 137 of title 14 of the Code of Federal Regulations should apply to UAS engaged in aerial spraying of chemicals for agriculture purposes.

SEC. 362. SENSE OF CONGRESS REGARDING UNMANNED AIRCRAFT SAFETY.

It is the sense of Congress that UAS operations near airports pose a significant safety concern. The Administrator should pursue remedies available, including referrals to other government agencies for criminal investigations, with respect to persons who operate unmanned aircraft in an unsafe manner. The Administrator should prioritize measures to educate the public about operating UAS over areas what have temporary flight restriction in place for the purposes of wildfires, should partner with state and local law enforcement to enforce laws so that UAS do not interfere with efforts of emergency responders, and manufacturers should take steps to educate consumers about safe and lawful UAS operations.

SEC. 363. PROHIBITION REGARDING WEAPONS.

Unless authorized by the Administrator a person may not operate an UAS that is equipped or armed with a dangerous weapon. Persons in violation are liable for a civil penalty not more than \$25,000 for each violation.

SEC. 364. U.S. COUNTER-UAS SYSTEM REVIEW OF INTERAGENCY COORDINATION PROCESSES.

No later than 60 days after passage of this bill the Administrator shall review agencies currently authorized to operate Counter-Unmanned Aircraft Systems (C-UAS). The review should include the process of interagency coordination of C-UAS activity, standards for operation of C-UAS, safety of the NAS, protecting individuals' property on the ground, non-interference with avionics of manned aircraft and traffic control systems, operational procedures and protocols during C-UAS operations, adequate training for persons using C-UAS systems, best practices of C-UAS systems, and current airspace authorization information from LAANC. 180 days after passage of the bill the Administrator shall report to congress on the above described review.

SEC. 365. COOPERATION RELATED TO CERTAIN COUNTER UAS TECHNOLOGY.

The Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of C-UAS in the national airspace.

SEC. 366. STRATEGY FOR RESPONDING TO PUBLIC SAFETY THREATS AND ENFORCEMENT UTILITY OF UNMANNED AIRCRAFT SYSTEMS.

Within one year of passage of the bill, the FAA shall develop a comprehensive strategy to provide outreach to state and local governments, local law enforcement agencies, and first responders on how to identify and respond to public safety threats posed by UAS, in addition to opportunities to use UAS to enhance effectiveness of local law enforcement and emergency responders. The FAA shall establish a website for the above entities that provide guidance on these topics.

SEC. 367. INCORPORATION OF FEDERAL AVIATION ADMINISTRATION OCCUPATIONS RELATING TO UNMANNED AIRCRAFT INTO VETERANS EMPLOYMENT PROGRAMS OF THE ADMINISTRATION.

The FAA will work with the Veterans Affairs Department to determine whether occupations in the Administration relating to UAS can be incorporated into the Veterans' Employment Program.

SEC. 368. PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE.

The Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public UAS to assist federal, state, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or other activities.

SEC. 369. APPLICATIONS FOR DESIGNATION.

This section makes corrections to now consider railroad facilities as critical infrastructure that could potentially restrict the nearby operation of UAS. It also mandates that by 31 March the Administrator will publish an NPRM regarding how to carry out the requirements outlined in this section.

SEC. 370. SENSE OF CONGRESS ON ADDITIONAL RULE-MAKING AUTHORITY.

It is the sense of Congress that UAS beyond visual line of sight operations, operations at night, and operations over people have tremendous potential to enhance commercial and academic use, spur economic growth, improve emergency response as it relates to critical infrastructure like roads, bridges, utilities, water and power, ultimately speeding response times. Integrating UAS safely into the national air space including the above operations should be a top priority of the FAA as it pursues additional rulemakings.

SEC. 371. ASSESSMENT OF AIRCRAFT REGISTRATION FOR SMALL UNMANNED AIRCRAFT.

The Secretary of Transportation and the National Academy of Public Administration will estimate and assess compliance of small UAS registrations pursuant to the FAA rule "Registration and Marking Requirements for Small Unmanned Aircraft." The Secretary shall report to Congress the findings of the assessment one year after passage of this bill.

SEC. 372. ENFORCEMENT.

The Administrator shall establish a pilot program to utilize available remote identification technologies for purposes of safety and enforcement of UAS operators not in compliance with applicable federal laws and regulations. The pilot program will establish a mechanism for the public and law enforcement to report UAS operations that violate federal laws and regulations. The data from that reporting shall be reported to Congress one year after passage of the bill.

SEC. 373. FEDERAL AND LOCAL AUTHORITIES.

A study will be conducted on the roles of federal, state, local, and tribal governments in regulating low-altitude operations of UAS. The study shall include the state of law federally and locally as it pertains to UAS, potential gaps in authority, analysis of regulatory consistency, and infrastructure requirements necessary to monitor low-altitude UAS operations.

SEC. 374. SPECTRUM.

The FAA shall provide the relevant Congressional Committees of Jurisdiction a report on UAS allocation of AM(R)S and control links for UAS by the World Radio Conferences in 2007 (L-band, 960-1164 MHz) and 2012 (C-band, 5030-5091 MHz) for operations within the UTM system or outside of such system. The report will address operation barriers to using the spectrum and determine if some spectrum frequencies are not suitable for UAS use.

SEC. 375. FEDERAL TRADE COMMISSION AUTHORITY.

A violation of privacy policy by a person that uses an UAS for compensation or hire in the national airspace shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15U.S.C. 45(a)).

SEC. 376. PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

FAA and NASA shall develop a plan to allow the implementation of UTM services that expand operations beyond visual line of sight and ensure the safety and security of all aircraft as established in the FAA Extension, Safety, and Security Act of 2016. The UTM system pilot program will work with industry stakeholders to allow testing of UAS operations in airspace above test ranges including IPP sites. Testing of remote identification and tracking technologies is permitted and will be evaluated by the Unmanned Aircraft Systems Identification and Tracking Aviation Rulemaking Committee. Under this pilot program, blanket waiver authority will be granted to UAS operators by a UTM pilot program selectee that otherwise would fall under a case-by-case approval basis. The UTM pilot program will develop safety standards and outline roles and responsibilities of industry and government in establishing UTM services that allows commercial and noncommercial operations. This section outlines a number of additional logistical details to be considered in the implementation of the UTM pilot program that are more appropriate to be described in a separate forum.

SEC. 377. EARLY IMPLEMENTATION OF CERTAIN UTM SERVICES.

No later than 120 from passage of this bill the FAA will determine if certain UTM services may operate safely in the national airspace system. If the FAA determines that certain UTM services may operate safely in the national airspace, then requirements for safe operations will be established. The Administrator will provide expedited procedures for making the assessment and determinations where the UTM services will be provided primarily or exclusively in airspace above areas in which UAS operations pose low risk, such as crop-lands and areas that are not congested.

SEC. 378. SENSE OF CONGRESS.

It is the sense of Congress that any person that uses UAS for compensation or hire should have a written privacy policy consistent with section 357 that is appropriate in nature and scope of the activities regarding collection, use, retention, dissemination, and deletion of any data collected during operation of UAS. Such privacy policy should be publicly available.

SEC. 379. COMMERCIAL AND GOVERNMENTAL OPERATORS.

The FAA should make available by website any certification of waiver or authorization, a spreadsheet of UAS registrations with relevant details, description of UAS operations in general locations and expirations of those operations, links to any applicable privacy laws associated with those operations, a list of any operations that collect personally identifiable information and relevant details of the collection of data, and details of the operations of the UAS including location, date, time, etc.

SEC. 380. TRANSITION LANGUAGE.

This section ensures that certain orders, determinations, rules and other actions based on authority from the FAA Modernization and Reform Act of 2012 continue to have legal effect after their appeal or recodification.

SEC. 381. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED BUILDINGS OR GROUNDS.

This section amends the United States Code to make it a crime to knowingly operate UAS with the intent to enter or operate within or above restricted areas.

SEC. 382. PROHIBITION. § 40A. Operation of unauthorized unmanned aircraft over wildfires

Any person who operates an UAS and knowingly or recklessly interferes with a wildfire suppression or emergency response efforts related to wildfire suppression shall be fined or imprisoned for not more than two years.

SEC. 383. AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION AND ENFORCEMENT.

The FAA shall work with DHS to ensure that technologies that are used for UAS mitigation do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the national air space. The FAA shall develop a plan to authorize, permit, and certify UAS mitigation systems and charter an Aviation Rulemaking Committee to provide recommendations on the matter. The FAA shall test UAS mitigation technology at five airports through year 2023. These activities are exempt from laws that previously restrict such activity like the Aircraft Sabotage Act, the Computer Fraud and Abuse Act of 1986, and the Wiretap Act.

SEC. 384. UNSAFE OPERATION OF UNMANNED AIRCRAFT.

Any person that operate an UAS and knowingly interferes with a manned aircraft or an airport, including the runway exclusion zone, shall be fined or face up to one year in jail. If serious bodily harm occurs, then UAS operators face a fine and up to 10 years of jail time.

SEC. 534. NEXTGEN DELIVERY STUDY.

The DOT shall initiate a study on potential impacts of delays to and failed delivery of the NEXT Generation Air Transportation System modernization initiative.