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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title 49, United States Code, to establish certain rules relating to unmanned aircraft systems and operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YAKYM introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 49, United States Code, to establish certain rules relating to unmanned aircraft systems and operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **§ 1. Short title**

4 This Act may be cited as the “Increasing Competi-
5 tiveness for American Drones Act of 2023”.

1 **§ 2. Beyond visual line of sight operations for un-**
2 **manned aircraft systems**

3 (a) IN GENERAL.—Chapter 448 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 44811. Beyond visual line of sight operations for**
7 **unmanned aircraft systems**

8 “(a) IN GENERAL.—Not later than 6 months after
9 the date of enactment of this section, the Administrator
10 of the Federal Aviation Administration (in this section re-
11 ferred to as the ‘Administrator’) shall issue a notice of
12 proposed rulemaking establishing a regulatory pathway
13 for certification or approval of unmanned aircraft systems
14 to enable commercial beyond visual line of sight (in this
15 section referred to as ‘BVLOS’) operations.

16 “(b) CONSULTATION.—

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 in promulgating the rule under subsection (a), the
19 Administrator shall implement the final report and
20 recommendations of the Beyond Visual Line of Sight
21 Aviation Rulemaking Committee which were sub-
22 mitted to the Administrator on March 10, 2022.

23 “(2) EXCEPTION.—If the Administrator deter-
24 mines not to implement 1 or more of the rec-
25 ommendations described in paragraph (1), the Ad-
26 ministrator shall provide to the appropriate commit-

1 tees of Congress a statement of explanation for such
2 determination.

3 “(c) FINAL RULE.—

4 “(1) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this section, the Ad-
6 ministrator shall issue a final rule establishing a reg-
7 ulatory pathway for certification or approval of un-
8 manned aircraft systems to enable commercial
9 BVLOS operations.

10 “(2) REQUIREMENTS.—The final rule described
11 in paragraph (1) shall, at a minimum, do the fol-
12 lowing:

13 “(A) Establish an applicable risk assess-
14 ment methodology for the authorization of
15 BVLOS unmanned aircraft system operations
16 that includes quantified measures of accept-
17 ability which sufficiently account for the total
18 air and ground risks associated with such oper-
19 ations and the means for mitigating such risks,
20 taking into account an aircraft’s size, weight,
21 speed, kinetic energy, operational capability,
22 proximity to airports and populated areas, oper-
23 ation over people, and operation beyond the vis-
24 ual line of sight, or operation during the day or
25 night, including consideration of unmanned air-

1 craft using an approved or accepted detect and
2 avoid system appropriate for the class and type
3 of airspace in which the operation is being con-
4 ducted.

5 “(B) Establish remote pilot certification
6 standards for remote pilots for BVLOS oper-
7 ations, taking into account varying levels of
8 automated control and management of un-
9 manned aircraft system flights.

10 “(C) Establish an airworthiness process for
11 small unmanned aircraft systems that requires
12 a manufacturer’s declaration of compliance to a
13 Federal Aviation Administration accepted
14 means of compliance, which shall not require
15 type or production certification or the issuance
16 of a special airworthiness certificate.

17 “(D) Establish a special airworthiness cer-
18 tificate to be issued upon a manufacturer’s dec-
19 laration of compliance to a Federal Aviation
20 Administration accepted means of compliance,
21 which—

22 “(i) shall not require type or produc-
23 tion certification;

1 “(ii) shall, at least, govern airworthi-
2 ness of any unmanned aircraft system
3 that—

4 “(I) is not—

5 “(aa) a small unmanned air-
6 craft system; and

7 “(bb) appropriate for the
8 process described in subpara-
9 graph (C), as determined by the
10 Administrator;

11 “(II) has a maximum gross
12 weight of not more than 1,320 lbs;
13 and

14 “(III) has a maximum speed of
15 100 miles per hour; and

16 “(iii) may require unmanned aircraft
17 systems subject to the certificate to oper-
18 ate in the national airspace system at alti-
19 tudes below at least—

20 “(I) 400 feet above ground level;

21 or

22 “(II) with respect to an un-
23 manned aircraft system flown within a
24 400-foot radius of a structure, 400

1 feet above the structure’s immediate
2 uppermost limit.

3 “(E) Amend the Code of Federal Regula-
4 tions to establish generally applicable standards
5 for the type certification of unmanned aircraft
6 systems that the Administrator determines pose
7 higher air or ground risks such that those un-
8 manned aircraft systems are not appropriate
9 for approvals under the processes described in
10 subparagraph (C) or (D).

11 “(F) Establish operating rules for—

12 “(i) the operation of the unmanned
13 aircraft systems described in subparagraph
14 (C), (D), or (E); and

15 “(ii) certain unmanned aircraft sys-
16 tems to enable lower-risk BVLOS oper-
17 ations without airworthiness requirements
18 in a manner consistent with the final re-
19 port and recommendations of the Beyond
20 Visual Line of Sight Aviation Rulemaking
21 Committee described in subsection (b)(1).

22 “(3) RULE OF CONSTRUCTION.—Nothing in
23 this section shall prohibit the use of the manufac-
24 turer declarations of compliance required under

1 paragraph (2)(C) for other unmanned aircraft sys-
2 tems.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 448 of title 49, United States Code, is amended by
5 inserting after the item relating to section 44810 the fol-
6 lowing:

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

7 **§ 3. Establishment of Associate Administrator of UAS**
8 **Integration**

9 Section 106 of title 49, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(u) OFFICE OF THE ASSOCIATE ADMINISTRATOR OF
13 UAS INTEGRATION.—

14 “(1) ESTABLISHMENT.—There is established in
15 the Federal Aviation Administration the Office of
16 Associate Administrator of UAS Integration (in this
17 subsection referred to as the ‘Office’).

18 “(2) ASSOCIATE ADMINISTRATOR.—The Office
19 shall be headed by an Associate Administrator, who
20 shall—

21 “(A) be appointed by the Administrator, in
22 consultation with the Secretary of Transpor-
23 tation; and

24 “(B) report directly to the Administrator.

1 “(3) PURPOSES.—The purposes of the Office
2 are to—

3 “(A) ensure and oversee the safe integra-
4 tion of UASs into the national airspace system;

5 “(B) encourage and facilitate a commer-
6 cially viable UAS industry and the leadership of
7 the United States in UAS;

8 “(C) increase overall safety of the trans-
9 portation system on a mode-neutral basis;

10 “(D) promote the global leadership of the
11 United States in advanced aviation; and

12 “(E) manage the UAS Integration Office.

13 “(4) DUTIES.—The Associate Administrator
14 shall—

15 “(A) conduct rulemaking proceedings with
16 respect to UASs;

17 “(B) review submissions under the proc-
18 esses established in subparagraphs (C) through
19 (E) of section 44811(c)(2) and, as appropriate,
20 grant certifications and other operational ap-
21 provals;

22 “(C) review, modify, accept, or approve in-
23 dustry-developed standards, means of compli-
24 ance, and declarations of compliance;

1 “(D) consult and coordinate with subject
2 matter experts from all relevant lines of busi-
3 ness and staff offices in carrying out the duties
4 described in this paragraph in a timely and effi-
5 cient manner;

6 “(E) hire full time equivalent employees,
7 as appropriate, to build expertise within the Of-
8 fice in assessing new technologies and novel risk
9 mitigations;

10 “(F) manage the UAS Certification Unit
11 (as described in subsection (v)); and

12 “(G) engage in any other activities deemed
13 necessary by the Associate Administrator to
14 carry out the purposes described in paragraph
15 (3).

16 “(5) DEFINITIONS.—In this subsection:

17 “(A) BEYOND VISUAL LINE OF SIGHT;
18 BVLOS.—The terms ‘beyond visual line of sight’
19 or ‘BVLOS’ mean the operation of a UAS be-
20 yond the capability of the flightcrew members
21 to see the UAS with vision unaided by any de-
22 vice other than corrective lenses (such as spec-
23 tacles or contact lenses).

1 “(B) UAS.—The term ‘UAS’ has the
2 meaning given the term ‘unmanned aircraft sys-
3 tem’ in section 44801.”.

4 **§ 4. Establishment of UAS Certification Unit**

5 Section 106 of title 49, United States Code, as
6 amended by section 3, is amended by adding at the end
7 the following new subsection:

8 “(v) UAS CERTIFICATION UNIT.—

9 “(1) ESTABLISHMENT.—There is established in
10 the Office of Associate Administrator of UAS Inte-
11 gration (as established in subsection (u)) the UAS
12 Certification Unit (in this subsection referred to as
13 the ‘Unit’).

14 “(2) MEMBERSHIP.—

15 “(A) EMPLOYEES.—The Unit shall include
16 not less than 1 employee from each relevant
17 line of business of the Federal Aviation Admin-
18 istration, including the UAS Integration Office,
19 the Aircraft Certification Service, the Flight
20 Standards Service, Air Traffic Control, the Of-
21 fice of Chief Counsel, the Office of Environment
22 and Energy, and any other office deemed ap-
23 propriate by the Associate Administrator.

24 “(B) LEADERSHIP.—Out of the employees
25 described in subparagraph (A), the Associate

1 Administrator of the Office of Associate Admin-
2 istrator of UAS Integration may designate a di-
3 rector and steering committee to lead the Unit,
4 which shall consist of not less than 1 employee
5 from each line of business participating in the
6 Unit.

7 “(3) DUTIES.—The Unit shall develop and im-
8 plement the unmanned aircraft system certification
9 or approval processes described in section 44811
10 by—

11 “(A) reviewing and accepting industry-
12 based airworthiness standards and means of
13 compliance;

14 “(B) engaging with applicants on the cer-
15 tification or approval process;

16 “(C) providing clear and consistent guid-
17 ance to industry standards organizations, in-
18 cluding setting either a target level of safety or
19 an acceptable level of risk;

20 “(D) promptly responding to questions
21 from any person seeking an approval described
22 in subparagraphs (C) through (D) of section
23 44811(c)(2); and

24 “(E) taking all necessary steps to move the
25 unmanned aircraft system certification and ac-

1 ceptance processes forward without avoidable
2 delay.

3 “(4) UAS SPECIAL AIRWORTHINESS CERTIFI-
4 CATE APPROVALS.—The Associate Administrator
5 shall have the authority to grant or deny an applica-
6 tion for any approval described in section 44811,
7 upon review of the recommendations of the Unit and
8 after consultation with the managers of the Aircraft
9 Certification Service and Flight Standards Service,
10 if either manager requests consultation.”.

11 **§5. Use of modeling and simulation tools in un-**
12 **manned aircraft test ranges; program ex-**
13 **tension**

14 (a) USE OF MODELING AND SIMULATION TOOLS.—
15 Section 44803(b) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (11), by striking the period at
18 the end and inserting “; and”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(12) use modeling and simulation tools to as-
22 sist in the testing, evaluation, verification, and vali-
23 dation of unmanned aircraft systems.”.

1 (b) PROGRAM EXTENSION.—Section 44803(h) of title
2 49, United States Code, is amended by striking “Sep-
3 tember 30, 2023” and inserting “September 30, 2028”.

4 **§ 6. Extension of special authority for unmanned air-**
5 **craft systems**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the lack of appropriate certification stand-
9 ards, rules, and processes set by the Federal Avia-
10 tion Administration for airworthiness determinations
11 and operational approvals of unmanned aircraft sys-
12 tems (as defined in section 44801 of title 49, United
13 States Code) puts the United States at a disadvan-
14 tage in global competitiveness and delays the inte-
15 gration of promising new technology into commu-
16 nities in the United States;

17 (2) this lack of progress on a standardized air-
18 worthiness and operational approvals approach com-
19 pels the extension of authority to issue exemptions
20 under section 44807 of such title 49; and

21 (3) such section 44807—

22 (A) should continue to use a risk-based ap-
23 proach to authorize operations that do not fit
24 within part 107 of title 14, Code of Federal
25 Regulations; and

1 (B) should not be limited to type certifi-
2 cate applicants.

3 (b) EXTENSION.—Section 44807(d) of title 49,
4 United States Code, is amended by striking “September
5 30, 2023” and inserting “on the date the rules described
6 in section 44811 take effect”.

7 (c) CLARIFICATION.—Section 44807(a) of title 49,
8 United States Code, is amended by inserting “or chapter
9 447” after “Notwithstanding any other requirement of
10 this chapter”.

11 (d) EXPEDITED EXEMPTIONS.—In exercising author-
12 ity under section 44807 of title 49, United States Code
13 (as amended by subsection (b)), the Administrator of the
14 Federal Aviation Administration shall, taking into account
15 the statutory mandate to ensure safe and efficient use of
16 the national airspace system and without requiring a rule-
17 making or imposing the requirements of part 11 of title
18 14, Code of Federal Regulations, grant exemptions to en-
19 able—

20 (1) low-risk beyond visual line of sight oper-
21 ations, such as certain package delivery operations
22 or shielded operations within 100 feet of the ground
23 or a structure; or

1 (2) extended visual line of sight operations that
2 rely on visual observers to keep the aircraft or air-
3 space within view.

4 (e) CLARIFICATION OF STATUS OF PREVIOUSLY
5 ISSUED RULEMAKINGS AND EXEMPTIONS.—

6 (1) RULEMAKINGS.—Any rulemaking published
7 prior to the date of enactment of this Act under the
8 authority described in section 44807 of title 49,
9 United States Code, shall continue to be in effect
10 following the expiration of such authority.

11 (2) EXEMPTIONS.—Any exemption granted
12 under the authority described in section 44807 of
13 title 49, United States Code, and in effect as of Sep-
14 tember 30, 2023, shall continue to be in effect until
15 the date that is 3 years after the date of termination
16 described in such exemption.

17 (3) DELEGATION.—The authority granted to
18 the Secretary of Transportation in such section
19 44807 may continue to be delegated to the Adminis-
20 trator of the Federal Aviation Administration in
21 whole or in part.

22 (4) RULES OF CONSTRUCTION.—Nothing in
23 this section shall be construed to interfere with the
24 Secretary of Transportation's—

1 (A) authority to rescind or amend the
2 granting of an exemption for reasons such as
3 unsafe conditions or operator oversight; or

4 (B) ability to grant an exemption based on
5 a determination made pursuant to such section
6 44807 before the expiration of that provision.