

under part 121 of title 14, Code of Federal Regulations.

(b) CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation of this section.

(Added Pub. L. 115–254, div. B, title IV, §417(a), Oct. 5, 2018, 132 Stat. 3334.)

§ 44737.1 Special rule for certain aircraft operations.²

(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in chapter³ 50902 of title 51); and

(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

(1) (1)⁴ The aircraft conducting the space support vehicle flight—

(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehicle licensed for operations pursuant to chapter 509 of title 51; and

(D) is used only to simulate space flight conditions in support of—

(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

(ii) the testing of hardware to be used in space flight; or

(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

(c) RULES OF CONSTRUCTION.—

(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the person is operating the space support vehicle prohibits the carriage of persons or property for compensation or hire.

(2) AUTHORITY OF ADMINISTRATOR.—Nothing in this section shall be construed to limit the authority of the Administrator of the Federal Aviation Administration to exempt a person from a regulatory prohibition on the carriage of persons or property for compensation or hire subject to terms and conditions other than those described in this section⁵

(Added Pub. L. 115–254, div. B, title V, §581(b)(1), Oct. 5, 2018, 132 Stat. 3398.)

RULE OF CONSTRUCTION RELATING TO ROLE OF NASA

Pub. L. 115–254, div. B, title V, §581(b)(3), Oct. 5, 2018, 132 Stat. 3399, provided that: “Nothing in this subsection [enacting this section] shall be construed as limiting the ability of [the] National Aeronautics and Space Administration (NASA) to place conditions on or otherwise qualify the operations of NASA contractors providing NASA services.”

CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.

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AMENDMENTS

2018—Pub. L. 115–254, div. B, title III, §§343(b), 344(b), 345(c), 346(b)(1), 347(b)(1), 348(b), 349(b)(1), 383(b)(1), Oct. 5, 2018, 132 Stat. 3290, 3291, 3293, 3295–3297, 3300, 3322, added items 44803 to 44810.

§ 44801. Definitions

In this chapter, the following definitions apply:

(1) ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.—The term “actively tethered unmanned aircraft system” means an unmanned aircraft system in which the unmanned aircraft component—

(A) weighs 4.4 pounds or less, including payload but not including the tether;

(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; and

(C) is controlled and retrieved by such ground station through physical manipulation of the tether.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

¹ Another section 44737 is set out following section 44736.

² So in original. The period probably should not appear.

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

⁴ So in original.

⁵ So in original. Probably should be followed by a period.

¹ So in original. Does not conform to section catchline.