

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

#### § 44803. Unmanned aircraft test ranges

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

(7) engage test range operators, as necessary and within available resources, in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

(C) sense and avoid capabilities;

(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what re-

search would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate;<sup>1</sup>

(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

(c) WAIVERS.—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

(d) REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.—The operator of each test range under subsection (a) shall—

(1) review the operations of unmanned aircraft systems conducted at the test range, including—

(A) ongoing or completed research; and

(B) data regarding operations by private and public operators; and

(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

(e) TESTING.—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

(f) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(l)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

(g) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

(h) TERMINATION.—The program under this section shall terminate on September 30, 2023.

<sup>1</sup> So in original. Probably should be followed by "and".

(Added Pub. L. 115-254, div. B, title III, §343(a), Oct. 5, 2018, 132 Stat. 3288.)

**§ 44804. Small unmanned aircraft in the Arctic**

(a) **IN GENERAL.**—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

(b) **PLAN CONTENTS.**—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of small unmanned aircraft beyond the visual line of sight.

(c) **REQUIREMENTS.**—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) **AGREEMENTS.**—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) **AIRCRAFT APPROVAL.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a small unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the small unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) **EXISTING PROCESS.**—The Secretary may implement an existing process to meet the requirements under paragraph (1).

(Added Pub. L. 115-254, div. B, title III, §344(a), Oct. 5, 2018, 132 Stat. 3290.)

**Editorial Notes**

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 332(d) of Pub. L. 112-95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115-254, div. B, title III, §341(b)(2), Oct. 5, 2018, 132 Stat. 3287. The remainder of the note comprised of subtitle B of title III of Pub. L. 112-95 was transferred and is set out under section 44802 of this title.

**§ 44805. Small Unmanned<sup>1</sup> aircraft safety standards**

(a) **FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.**—The Administrator of the Federal Aviation Administration shall establish a process for—

(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

(2) authorizing the operation of small<sup>2</sup> unmanned aircraft system make and model de-

signed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (1).

(b) **CONSIDERATIONS.**—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

(2) Using performance-based requirements.

(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

(7) Consensus identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 615).

(8) To the extent not considered previously by the consensus body that crafted consensus safety standards, cost-benefit and risk analyses of consensus safety standards that may be accepted pursuant to subsection (a) for newly designed small unmanned aircraft systems.

(9) Applicability of consensus safety standards to small unmanned aircraft systems that are not manufactured commercially.

(10) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

(11) Any category of unmanned aircraft systems that should be exempt from the consensus safety standards based on risk factors.

(e)<sup>3</sup> **NONAPPLICABILITY OF OTHER LAWS.**—The process for authorizing the operation of small unmanned aircraft systems under subsection (a) may allow for operation of any applicable small unmanned aircraft systems within the national airspace system without requiring—

(1) airworthiness certification requirements under section 44704 of this title; or

<sup>1</sup> So in original. Probably should not be capitalized.

<sup>2</sup> So in original. Probably should be preceded by “a”.

<sup>3</sup> So in original. There are no subsecs. (c) and (d).