

based organization” means a membership-based association entity that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

(3) the mission of which is demonstrably the furtherance of model aviation;

(4) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;

(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

(i) **RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.**—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of the date of enactment of this section that identifies the criteria and process required for recognition of community-based organizations.

(Added Pub. L. 115–254, div. B, title III, §349(a), Oct. 5, 2018, 132 Stat. 3298.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (g)(1) and (i), is the date of enactment of Pub. L. 115–254, which was approved Oct. 5, 2018.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (h)(1), (2), is classified to section 501 of Title 26, Internal Revenue Code.

##### PRIOR PROVISIONS

Provisions similar to those in subsecs. (a) and (e) of this section were contained in section 336(a) and (b) 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, §349(b)(2), Oct. 5, 2018, 132 Stat. 3300. 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.

#### Statutory Notes and Related Subsidiaries

##### USE OF UNMANNED AIRCRAFT SYSTEMS FOR EDUCATIONAL PURPOSES

Pub. L. 115–254, div. B, title III, §350, Oct. 5, 2018, 132 Stat. 3300, as amended by Pub. L. 116–283, div. H, title C, §10002, Jan. 1, 2021, 134 Stat. 4863, provided that:

“(a) **EDUCATIONAL AND RESEARCH PURPOSES.**—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a ‘recreational purpose’ as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system—

“(1) operated by an institution of higher education for educational or research purposes;

“(2) flown as part of an established Junior Reserve Officers’ Training Corps (JROTC) program for education or research purposes; or

“(3) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).

“(b) **UPDATES.**—In updating an operational parameter under subsection (d)(1) of such section for unmanned aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

“(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution’s curricula or research;

“(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

“(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

“(c) **DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.**—Not later than 270 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

“(d) **DEFINITIONS.**—In this section:

“(1) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) **EDUCATIONAL OR RESEARCH PURPOSES.**—The term ‘education or research purposes’, with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

“(A) instruction of students at the institution;

“(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

“(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

“(D) other academic activities approved by the institution.

“(e) **STATUTORY CONSTRUCTION.**—

“(1) **ENFORCEMENT.**—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

“(2) **REGULATIONS AND STANDARDS.**—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.”

#### § 44810. Airport safety and airspace hazard mitigation and enforcement

(a) **COORDINATION.**—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(b) **PLAN.**—

(1) **IN GENERAL.**—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

(2) **CONTENTS.**—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

(3) **AVIATION RULEMAKING COMMITTEE.**—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an aviation rulemaking committee chartered under this paragraph.

(4) **NON-DELEGATION.**—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

(c) **AIRSPACE HAZARD MITIGATION PROGRAM.**—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data.

(d) **AUTHORITY.**—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) **AIP FUNDING ELIGIBILITY.**—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) **BRIEFING.**—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary<sup>1</sup> of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) **APPLICABILITY OF OTHER LAWS.**—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),<sup>2</sup> sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection<sup>3</sup> (c) and (d).

(h) **SUNSET.**—This section ceases to be effective September 30, 2023.

(i) **NON-DELEGATION.**—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

(Added Pub. L. 115–254, div. B, title III, §383(a), Oct. 5, 2018, 132 Stat. 3321.)

### Editorial Notes

#### REFERENCES IN TEXT

The Aircraft Sabotage Act, referred to in subsec. (g), is part B (§§2011–2015) of chapter XX of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2187. Section 2013(b) of the Act generally amended section 32 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 31 of Title 18 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Computer Fraud and Abuse Act of 1986, referred to in subsec. (g), is Pub. L. 99–474, §1, Oct. 16, 1986, 100 Stat. 1213, which amended section 1030 of Title 18, Crimes and Criminal Procedure. Section 1031 of Title 18 was enacted by Pub. L. 100–700, known as the Major Fraud Act of 1988.

### Statutory Notes and Related Subsidiaries

#### COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY

Pub. L. 115–254, div. B, title III, §365, Oct. 5, 2018, 132 Stat. 3310, provided that: “In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.”

#### ENFORCEMENT

Pub. L. 115–254, div. B, title III, §372, Oct. 5, 2018, 132 Stat. 3312, provided that:

“(a) **UAS SAFETY ENFORCEMENT.**—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

“(b) **REPORTING.**—As part of the pilot program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law 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

<sup>1</sup> So in original. Probably should be preceded by “the”.

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be “subsections”.

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 September 30, 2023.

“(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.”

## CHAPTER 449—SECURITY

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## Editorial Notes

### AMENDMENTS

2018—Pub. L. 115-254, div. K, title I, §§1937(b)(2), 1943(b), 1955(a)(2), 1988(b), 1991(j)(2), 1992, Oct. 5, 2018, 132 Stat. 3579, 3584, 3596, 3623, 3646, added items 44929, 44931, 44932, 44942, 44943, 44947, and 44948 and substituted “PreCheck Program” for “Security screening pilot program” in item 44919 and “Deputization” for “Deputization” in item 44922.

2014—Pub. L. 113-238, §2(b), Dec. 18, 2014, 128 Stat. 2846, which directed amendment of analysis for subchapter II of chapter 449 of title 49 by adding item 44946 at the end, was executed by adding item 44946 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 113-221, §2(b), Dec. 16, 2014, 128 Stat. 2094, which directed amendment of analysis for title 49 by adding item 44928 after item 44927, was executed by adding item 44928 to analysis for this chapter, to reflect the probable intent of Congress.

2013—Pub. L. 113-27, §2(b), Aug. 9, 2013, 127 Stat. 504, which directed amendment of analysis for subchapter I of chapter 449 by adding item 44927 after item 44926, was executed by adding item 44927 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112-271, §2(b), Jan. 14, 2013, 126 Stat. 2447, substituted “Disposition of unclaimed money and clothing” for “Disposition of unclaimed money” in item 44945.

2007—Pub. L. 110-53, title XVI, §1606(b), Aug. 3, 2007, 121 Stat. 483, added item 44926.

2004—Pub. L. 108-458, title IV, §4013(b), Dec. 17, 2004, 118 Stat. 3720, added item 44925.

Pub. L. 108-334, title V, §515(c), Oct. 18, 2004, 118 Stat. 1318, added item 44945.

2003—Pub. L. 108-176, title VI, §§605(b)(3), 611(b)(2), Dec. 12, 2003, 117 Stat. 2568, 2572, added items 44923 and 44924.

Pub. L. 108-7, div. I, title III, §351(c), Feb. 20, 2003, 117 Stat. 420, added item 44922.

2002—Pub. L. 107-296, title XIV, §1402(b)(1), Nov. 25, 2002, 116 Stat. 2305, added item 44921.

2001—Pub. L. 107-71, title I, §§101(f)(6), 105(b), 107(b), 108(b), 113(b), 125(b), 131(b), Nov. 19, 2001, 115 Stat. 603, 607, 611, 613, 622, 632, 635, added items 44917 to 44920, 44939, 44941, and 44944 and struck out items 44931 “Director of Intelligence and Security” and 44932 “Assistant Administrator for Civil Aviation Security”.

Pub. L. 107-71, title I, §118(b), Nov. 19, 2001, 115 Stat. 627, which directed addition of item 44940 to the analysis for chapter 449 without specifying the Code title to be amended, was executed by adding item 44940 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104-264, title III, §312(b), Oct. 9, 1996, 110 Stat. 3254, added item 44916.

### SUBCHAPTER I—REQUIREMENTS

#### § 44901. Screening passengers and property

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall

<sup>1</sup>Section catchline amended by Pub. L. 115-254 without corresponding amendment of chapter analysis.