

118TH CONGRESS
1ST SESSION

S. _____

To prescribe zoning authority with respect to commercial unmanned aircraft systems and to preserve State, local, and Tribal authorities and private property with respect to unmanned aircraft systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prescribe zoning authority with respect to commercial unmanned aircraft systems and to preserve State, local, and Tribal authorities and private property with respect to unmanned aircraft systems, 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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Drone Integration and Zoning Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Definitions.
- Sec. 3. Federal Aviation Administration updates to navigable airspace.
- Sec. 4. Preservation of State, local, and Tribal authorities with respect to civil unmanned aircraft systems.
- Sec. 5. Preservation of local zoning authority for unmanned aircraft take-off and landing zones.
- Sec. 6. Rights to operate.
- Sec. 7. Updates to rules regarding the commercial carriage of property.
- Sec. 8. Designation of certain complex airspace.
- Sec. 9. Improvements to plan for full operational capability of unmanned aircraft systems traffic management.
- Sec. 10. Updates to rules regarding small unmanned aircraft safety standards.
- Sec. 11. Rules of construction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Federal
5 Aviation Administration.

6 (2) CIVIL.—The term “civil”, with respect to an
7 unmanned aircraft system, means that the un-
8 manned aircraft is not a public aircraft (as defined
9 in section 40102 of title 49, United States Code).

10 (3) COMMERCIAL OPERATOR.—The term “com-
11 mercial operator” means a person who operates a
12 civil unmanned aircraft system for commercial pur-
13 poses.

14 (4) IMMEDIATE REACHES OF AIRSPACE.—The
15 term “immediate reaches of airspace” means, with
16 respect to the operation of a civil unmanned aircraft
17 system, any area within 200 feet above ground level.

18 (5) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given that term in section 44801

1 of title 49, United States Code (as added by section
2 3(a)(1)).

3 (6) LOCAL GOVERNMENT.—The term “local
4 government” means the government of a subdivision
5 of a State.

6 (7) STATE.—The term “State” means each of
7 the 50 States, the District of Columbia, and the ter-
8 ritories and possessions of the United States.

9 (8) TRIBAL GOVERNMENT.—The term “Tribal
10 government” means the governing body of an Indian
11 Tribe.

12 (9) UNMANNED AIRCRAFT; UNMANNED AIR-
13 CRAFT SYSTEM.—The terms “unmanned aircraft”
14 and “unmanned aircraft system” have the meanings
15 given those terms in section 44801 of title 49,
16 United States Code. **[SLC Note: Changed to USC**
17 *definitions because those are more up to date. Only*
18 *difference in the two is that unmanned aircraft sys-*
19 *tem definition changed the term “pilot in command”*
20 *to “operator”.]*

21 (10) UNMANNED AIRCRAFT TAKE-OFF AND
22 LANDING ZONE.—The term “unmanned aircraft
23 take-off and landing zone” means a structure, area
24 of land or water, or other designation for use or in-
25 tended to be used for the take-off or landing of civil

1 unmanned aircraft systems operated by a commer-
2 cial operator.

3 **SEC. 3. FEDERAL AVIATION ADMINISTRATION UPDATES TO**
4 **NAVIGABLE AIRSPACE.**

5 (a) DEFINITION.—

6 (1) IMMEDIATE REACHES OF AIRSPACE DEFINI-
7 TION.—Section 44801 of title 49, United States
8 Code, is amended by adding at the end the following
9 new paragraph:

10 “(14) IMMEDIATE REACHES OF AIRSPACE.—
11 The term ‘immediate reaches of airspace’ means,
12 with respect to the operation of a civil unmanned
13 aircraft system, any area within 200 feet above
14 ground level.”.

15 (2) NAVIGABLE AIRSPACE DEFINITION.—Para-
16 graph (32) of section 40102 of title 49, United
17 States Code, is amended by adding at the end the
18 following new sentence: “In applying such term to
19 the regulation of civil unmanned aircraft systems,
20 such term shall not include the area within the im-
21 mediate reaches of airspace (as defined in section
22 44801).”.

23 (b) RULEMAKING.—

1 (1) IN GENERAL.—The Administrator shall con-
2 duct a rulemaking proceeding to update the defini-
3 tion of “navigable airspace”.

4 (2) CONSULTATION.—In conducting the rule-
5 making proceeding under paragraph (1), the Admin-
6 istrator shall consult with appropriate State, local,
7 or Tribal **【government】** officials.

8 (c) DESIGNATION REQUIREMENT.—In conducting
9 the rulemaking proceeding under subsection (b), the Ad-
10 ministrator shall designate the area between 200 feet and
11 400 feet above ground level—

12 (1) for use of civil unmanned aircraft systems
13 under the exclusive authority of the Administrator;
14 and

15 (2) for use by both commercial operators or
16 hobbyists and recreational unmanned aircraft sys-
17 tems, under rules established by the Administrator.

18 (d) FINAL RULE.—Not later than 1 year after the
19 date of enactment of this Act, the Administrator shall
20 issue a final rule pursuant to the rulemaking conducted
21 under subsection (b).

22 (e) RULES OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to—

24 (1) prohibit the Administrator from promul-
25 gating regulations related to the operation of un-

1 manned aircraft systems at more than 400 feet
2 above ground level; or

3 (2) diminish or expand the preemptive effect of
4 the authority of the Federal Aviation Administration
5 with respect to manned aviation.

6 **SEC. 4. PRESERVATION OF STATE, LOCAL, AND TRIBAL AU-**
7 **THORITIES WITH RESPECT TO CIVIL UN-**
8 **MANNED AIRCRAFT SYSTEMS.**

9 (a) FINDINGS; SENSE OF CONGRESS.—

10 (1) FINDINGS.—Congress finds the following:

11 (A) Using its constitutional authority to
12 regulate commerce among the States, Congress
13 granted the Federal Government authority over
14 all of the navigable airspace in the United
15 States in order to foster air commerce.

16 (B) While the regulation of the navigable
17 airspace is within the Federal Government's do-
18 main, the Supreme Court recognized in *United*
19 *States v. Causby*, 328 U.S. 256 (1946), that
20 the Federal Government's regulatory authority
21 is limited by the property rights possessed by
22 landowners over the exclusive control of the im-
23 mediate reaches of their airspace.

24 (C) As a sovereign government, a State
25 possesses police powers, which include the

1 power to protect the property rights of its citi-
2 zens.

3 (D) The proliferation of low-altitude oper-
4 ations of unmanned aircraft systems has cre-
5 ated a conflict between the responsibility of the
6 Federal Government to regulate the navigable
7 airspace and the inherent sovereign police
8 power possessed by the States to protect the
9 property rights of their citizens.

10 (2) SENSE OF CONGRESS.—It is the sense of
11 Congress that—

12 (A) in order for landowners to have full en-
13 joyment and use of their land, they must have
14 exclusive control of the immediate reaches of
15 airspace over their property;

16 (B) the States possess sovereign police
17 powers, which include the power to regulate
18 land use, protect property rights, and exercise
19 zoning authority; and

20 (C) the Federal Government lacks the au-
21 thority to intrude upon a State's sovereign right
22 to issue reasonable time, manner, and place re-
23 strictions on the operation of unmanned air-
24 craft systems operating within the immediate
25 reaches of airspace.

1 (b) REQUIREMENTS RELATED TO REGULATIONS AND
2 STANDARDS.—

3 (1) IN GENERAL.—In prescribing regulations or
4 standards related to civil unmanned aircraft sys-
5 tems, the following shall apply:

6 (A) The Administrator shall not authorize
7 the operation of a civil unmanned aircraft in
8 the immediate reaches of airspace above prop-
9 erty without permission of the property owner.

10 (B) Subject to paragraph (2), in the case
11 of a structure that exceeds 200 feet above
12 ground level, the Administrator shall not au-
13 thorize the operation of a civil unmanned air-
14 craft—

15 (i) within 50 feet of the top of such
16 structure; or

17 (ii) within 200 feet laterally of such
18 structure or inside the property line of
19 such structure's owner, whichever is closer
20 to such structure.

21 (C) The Administrator shall not authorize
22 the physical contact of a civil unmanned air-
23 craft, including such aircraft's take-off or land-
24 ing, with a structure that exceeds 200 feet

1 above ground level without permission of the
2 structure's owner.

3 (D) The Administrator shall ensure that
4 the authority of a State, local, or Tribal govern-
5 ment to issue reasonable restrictions on the
6 time, manner, and place of operation of a civil
7 unmanned aircraft system that is operated
8 below 200 feet above ground level is not pre-
9 empted.

10 (2) EXCEPTION.—The limitation on the oper-
11 ation of a civil unmanned aircraft under paragraph
12 (1)(B) shall not apply if—

13 (A) the operator of such aircraft has the
14 permission of the structure's owner;

15 (B) such aircraft is being operated directly
16 within or above an authorized public right of
17 way; or

18 (C) such aircraft is being operated on an
19 authorized commercial route designated under
20 subsection (c).

21 (3) REASONABLE RESTRICTIONS.—For pur-
22 poses of paragraph (1)(D), reasonable restrictions
23 on the time, manner, and place of operation of a
24 civil unmanned aircraft system include the following:

1 (A) Specifying limitations on speed of
2 flight over specified areas.

3 (B) Prohibitions or limitations on oper-
4 ations in the vicinity of schools, parks, road-
5 ways, bridges, moving locations, or other public
6 or private property.

7 (C) Restrictions on operations at certain
8 times of the day or week or on specific occa-
9 sions such as parades or sporting events, in-
10 cluding sporting events that do not remain in
11 one location.

12 (D) Prohibitions on careless or reckless op-
13 erations, including operations while the operator
14 is under the influence of alcohol or drugs.

15 (E) Other prohibitions that protect public
16 safety, personal privacy, or property rights, or
17 that manage land use or restrict noise pollution.

18 (c) DESIGNATION OF AUTHORIZED COMMERCIAL
19 ROUTES.—

20 (1) IN GENERAL.—For purposes of subsection
21 (b)(2)(C), not later than 18 months after the date
22 of enactment of this Act, the Administrator shall es-
23 tablish a process for the designation of routes as au-
24 thorized commercial routes. No area within 200 feet

1 above ground level may be included in a designated
2 authorized commercial route.

3 (2) APPLICATION.—Under the process estab-
4 lished under paragraph (1), applicants shall submit
5 an application for such a designation in a form and
6 manner determined appropriate by the Adminis-
7 trator.

8 (3) TIMEFRAME FOR DECISION.—Under the
9 process established under paragraph (1), the Admin-
10 istrator shall approve or disapprove a complete ap-
11 plication for designation within 90 days of receiving
12 the application.

13 (4) CONSULTATION.—In reviewing an applica-
14 tion for the designation of an area under this sub-
15 section, the Administrator shall consult with and
16 heavily weigh the views of—

17 (A) the applicable State, local, or Tribal
18 government that has jurisdiction over the oper-
19 ation of unmanned aircraft in the area below
20 the area to be designated;

21 (B) owners of structures who would be af-
22 fected by the designation of a route as an au-
23 thorized commercial route; and

24 (C) commercial unmanned aircraft opera-
25 tors.

1 (5) DENIAL OF APPLICATION.—If the Adminis-
2 trator denies an application for a designation under
3 this subsection, the Administrator shall provide the
4 applicant with—

5 (A) a detailed description of the reasons
6 for the denial; and

7 (B) recommendations for changes that the
8 applicant can make to correct the deficiencies in
9 their application.

10 (6) APPROVAL OF APPLICATION.—If the Ad-
11 ministrator approves an application for a designation
12 under this subsection, the Administrator shall clearly
13 describe the boundaries of the designated authorized
14 commercial route and any applicable limitations for
15 operations on the route.

16 (7) DELEGATION.—The Administrator may del-
17 egate the authority to designate authorized commer-
18 cial routes under this subsection to a State, local, or
19 Tribal government that has entered into an agree-
20 ment with the Administrator under section 8 with
21 respect to an area designated as complex airspace.

22 (d) RULES OF CONSTRUCTION.—

23 (1) SAFETY HAZARD.—Nothing in this section
24 may be construed to permit a State, local, or Tribal
25 government to issue restrictions, or a combination of

1 restrictions, that would create a significant safety
2 hazard in the navigable airspace, airport operations,
3 air navigation facilities, air traffic control systems,
4 or other components of the national airspace system
5 that facilitate the safe and efficient operation of
6 civil, commercial, or military aircraft within the
7 United States.

8 (2) CAUSE OF ACTION.—Nothing in this section
9 may be construed to prohibit a property owner or
10 the owner of a structure with a height that exceeds
11 200 feet above ground level from pursuing any avail-
12 able cause of action under State law related to un-
13 manned aircraft operations above 200 feet above
14 ground level.

15 **SEC. 5. PRESERVATION OF LOCAL ZONING AUTHORITY FOR**
16 **UNMANNED AIRCRAFT TAKE-OFF AND LAND-**
17 **ING ZONES.**

18 (a) GENERAL AUTHORITY.—Subject to the suc-
19 ceeding provisions of this section, nothing in this Act shall
20 limit or affect the authority of a State, local, or Tribal
21 government over decisions regarding the designation,
22 placement, construction, or modification of an unmanned
23 aircraft take-off and landing zone.

24 (b) NONDISCRIMINATION.—The regulation of the
25 designation, placement, construction, or modification of an

1 unmanned aircraft take-off and landing zone by any State,
2 local, or Tribal government may not—

3 (1) unreasonably discriminate among commer-
4 cial operators of unmanned aircraft systems; or

5 (2) prohibit, or have the effect of prohibiting, a
6 commercial operator from operating an unmanned
7 aircraft system.

8 (c) APPLICATIONS.—

9 (1) REQUIREMENT TO ACT.—

10 (A) IN GENERAL.—A State, local, or Trib-
11 al government shall act on any complete appli-
12 cation for authorization to designate, place,
13 construct, or modify an unmanned aircraft
14 take-off and landing zone within 60 days of re-
15 ceiving such application.

16 (B) DENIAL.—If a State, local, or Tribal
17 government denies an application for the des-
18 ignation, placement, construction, or modifica-
19 tion of an unmanned aircraft take-off and land-
20 ing zone, the State, local, or Tribal government
21 shall, not later than 30 days after denying the
22 application, submit to the commercial operator
23 a written record that details—

1 (i) the findings and substantial evi-
2 dence that serves as the basis for denying
3 the application; and

4 (ii) recommendations for how the
5 commercial operator can address the rea-
6 sons for the application's denial.

7 (2) FEES.—Notwithstanding any other provi-
8 sion of law, a State, local, or Tribal government may
9 charge a fee to consider an application for the des-
10 ignation, placement, construction, or modification of
11 an unmanned aircraft take-off and landing zone, or
12 to use a right-of-way or a facility in a right-of-way
13 owned or managed by the State, local, or Tribal gov-
14 ernment for the designation, placement, construc-
15 tion, or modification of an unmanned aircraft take-
16 off and landing zone, if the fee is—

17 (A) competitively neutral, technologically
18 neutral, and nondiscriminatory; and

19 (B) publicly disclosed.

20 (3) RULE OF CONSTRUCTION.—Nothing in this
21 subsection may be construed to prevent any State,
22 local, or Tribal government from imposing any addi-
23 tional limitation or requirement relating to consider-
24 ation by the State, local, or Tribal government of an
25 application for the designation, placement, construc-

1 tion, or modification of an unmanned aircraft take-
2 off and landing zone.

3 (d) **JUDICIAL REVIEW.**—Any person adversely af-
4 fected by any final action or failure to act by a State, local,
5 or Tribal government that is inconsistent with this section
6 may, within 30 days after the action or failure to act, com-
7 mence an action in any court of competent jurisdiction,
8 which shall hear and decide the action on an expedited
9 basis.

10 (e) **EFFECTIVE DATE.**—The provisions of this section
11 shall take effect on the day that is 180 days after the
12 final rule under section 3(d) is issued.

13 **SEC. 6. RIGHTS TO OPERATE.**

14 (a) **PROHIBITION.**—

15 (1) **IN GENERAL.**—Subject to subsection (b), a
16 State, local, or Tribal government may not adopt,
17 maintain, or enforce any law, rule, or standard that
18 unreasonably or substantially impedes—

19 (A) the ascent or descent of an unmanned
20 aircraft system, operated by a commercial oper-
21 ator, to or from the navigable airspace in the
22 furtherance of a commercial activity; or

23 (B) a civil unmanned aircraft from reach-
24 ing navigable airspace where operations are per-
25 mitted.

1 (2) UNREASONABLE OR SUBSTANTIAL IMPEDI-
2 MENT.—For purposes of paragraph (1), an unrea-
3 sonable or substantial impediment with respect to
4 civil unmanned aircraft includes—

5 (A) a complete and total ban on overflights
6 of civil unmanned aircraft over the entirety of
7 airspace within a State, local, or Tribal govern-
8 ment’s jurisdiction; and

9 (B) a combination of prohibitions or re-
10 strictions on overflights within airspace under a
11 State, local, or Tribal government’s jurisdiction
12 such that it is nearly impossible for civil un-
13 manned aircraft to reach the navigable air-
14 space.

15 (b) RULES OF CONSTRUCTION.—Nothing in sub-
16 section (a) may be construed to prohibit a State, local,
17 or Tribal government from—

18 (1) adopting, maintaining, or enforcing laws,
19 rules, or standards that regulate unmanned aircraft
20 systems below 200 feet above ground level; or

21 (2) prescribing emergency procedures for a civil
22 unmanned aircraft system descending into an area
23 200 feet above ground level.

1 **SEC. 7. UPDATES TO RULES REGARDING THE COMMERCIAL**
2 **CARRIAGE OF PROPERTY.**

3 (a) IMPROVING REGULATIONS.—Section 44808 of
4 title 49, United States Code, is amended—

5 (1) by redesignating subsection (b)(5) as sub-
6 section (c), and indenting appropriately;

7 (2) by redesignating subparagraphs (A), (B),
8 and (C) of subsection (c), as redesignated by para-
9 graph (1), as paragraphs (1), (2), and (3), respec-
10 tively, and indenting appropriately;

11 (3) by redesignating subsection (b)(6) as sub-
12 section (d), and indenting appropriately; and

13 (4) in subsection (b), as previously amended, by
14 adding at the end the following new paragraphs:

15 “(5) Ensure that the provision of section 41713
16 shall not apply to the carriage of property by opera-
17 tors of small unmanned aircraft systems.

18 “(6) Ensure that an operator of a small un-
19 manned aircraft system is not required to comply
20 with any rules approved under this section if the op-
21 erator is operating solely under a State authoriza-
22 tion for the intrastate carriage of property for com-
23 pensation or hire.

24 “(7) Ensure that the costs necessary to receive
25 such an authorization are minimal so as to protect
26 competition between market participants.

1 “(8) A streamlined application process that only
2 contains requirements minimally necessary for safe
3 operation and substantially outweigh the compliance
4 costs for an applicant.”.

5 (b) CLARIFICATION REGARDING PREEMPTION.—Sec-
6 tion 41713(b) of title 49, United States Code, is amended
7 by adding at the end the following new paragraph:

8 “(5) NOT APPLICABLE TO THE OPERATION OF A
9 CIVIL UNMANNED AIRCRAFT SYSTEM.—Paragraphs (1)
10 and (4) shall not apply to the operation of a civil un-
11 manned aircraft system.”.

12 (c) EXCLUSION FROM DEFINITION OF AIR CAR-
13 RIER.—Section 40102(2) of title 49, United States Code,
14 is amended by inserting “(but does not include an oper-
15 ator of civil unmanned aircraft systems)” before the pe-
16 riod at the end.

17 (d) STATE AUTHORIZATION FOR THE INTRASTATE
18 CARRIAGE OF PROPERTY.—A State may not be prohibited
19 from issuing an authorization (and the Federal Govern-
20 ment may not require a Federal authorization) for the car-
21 riage of property by a commercial operator of a civil un-
22 manned aircraft that is operating in intrastate commerce
23 if the civil unmanned aircraft is only authorized by the
24 State to operate—

- 1 (1) within the immediate reaches of airspace;
2 and
3 (2) within the lateral boundaries of the State.

4 **SEC. 8. DESIGNATION OF CERTAIN COMPLEX AIRSPACE.**

5 (a) PROCESS FOR DESIGNATION.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date of enactment of this Act, the Sec-
8 retary of Transportation shall establish a process
9 under which a State, local, or Tribal government
10 may submit an application to the Administrator (in
11 a form and manner determined appropriate by the
12 Administrator) for the designation of an area as an
13 area of “complex airspace.” Such process shall allow
14 for individual or collective designations.

15 (2) TIMEFRAME FOR DECISION.—Under the
16 process established under paragraph (1), the Admin-
17 istrator shall approve or disapprove a complete ap-
18 plication for designation within 90 days of receiving
19 the application.

20 (3) REVIEW OF APPLICATION.—In reviewing an
21 application for a designation under this section, the
22 Administrator may deny the request if the State,
23 local, or Tribal government does not have—

1 (A) the financial resources to carry out the
2 authority to be granted under the designation;
3 or

4 (B) the technological capabilities necessary
5 to carry out the authority granted to the State
6 under the designation.

7 (4) DENIAL OF APPLICATION.—If the Adminis-
8 trator denies an application for a designation under
9 this section, the Administrator shall provide the
10 State, local, or Tribal government with—

11 (A) a detailed description of the reasons
12 for the denial; and

13 (B) recommendations for changes that the
14 State can make to correct the deficiencies in
15 their application.

16 (5) APPROVAL OF APPLICATION.—If the Ad-
17 ministrator approves an application for a designation
18 under this section, the Administrator shall, upon the
19 request of the State, local, or Tribal government,
20 enter into a written agreement with the State, local,
21 or Tribal government (which may be in the form of
22 a memorandum of understanding) under which the
23 Administrator may assign, and the State, local, or
24 Tribal government may assume, one or more of the
25 responsibilities of the Administrator with respect to

1 the management of civil unmanned aircraft oper-
2 ations within the area that has been so designated.

3 (b) AGREEMENTS.—

4 (1) STATE, LOCAL, OR TRIBAL GOVERNMENT
5 RESPONSIBILITIES UNDER AGREEMENT.—If a State,
6 local, or Tribal government enters into an agreement
7 with the Administrator under subsection (a)(5), the
8 State, local, or Tribal government shall be solely re-
9 sponsible, and solely liable, for carrying out the re-
10 sponsibilities assumed in the agreement until the
11 agreement is terminated.

12 (2) TERMINATION BY STATE, LOCAL, OR TRIB-
13 AL GOVERNMENT.—A State, local, or Tribal govern-
14 ment may terminate an agreement with the Admin-
15 istrator under subsection (a)(5) if the State, local, or
16 Tribal government provides the Administrator 90
17 days of notice.

18 (3) TERMINATION BY ADMINISTRATOR.—The
19 Administrator may terminate an agreement with a
20 State, local, or Tribal government under subsection
21 (a)(5) if—

22 (A) the Administrator determines that the
23 State, local, or Tribal government is not ade-
24 quately carrying out the responsibilities as-
25 signed under the agreement; and

1 (B) the Administrator provides the State,
2 local, or Tribal government with—

3 (i) written notification of a determina-
4 tion of noncompliance with the responsibil-
5 ities assigned under the agreement; and

6 (ii) a period of not less than 180 days
7 for the State, local, or Tribal government
8 to take such corrective actions as the Ad-
9 ministrator determines necessary to comply
10 with the responsibilities assigned under the
11 agreement.

12 (c) COMPLEX AIRSPACE DEFINED.—In this section,
13 the term “complex airspace” means an area of airspace
14 that—

15 (1) is at least 200 feet above ground level; and

16 (2) includes one or more structures that have a
17 height that exceeds 200 feet above ground level.

18 **SEC. 9. IMPROVEMENTS TO PLAN FOR FULL OPERATIONAL**
19 **CAPABILITY OF UNMANNED AIRCRAFT SYS-**
20 **TEMS TRAFFIC MANAGEMENT.**

21 Section 376 of the FAA Reauthorization Act of 2018
22 (Public Law 115–254) is amended—

23 (1) in subsection (b), by adding at the end the
24 following new paragraph:

1 “(4) Permit the testing of a State, local, or
2 Tribal government’s time, place, and manner restric-
3 tions within the immediate reaches of airspace (as
4 defined in section 44801).”;

5 (2) in subsection (c)—

6 (A) in paragraph (2), by striking “industry
7 and government” and inserting “industry, the
8 Federal Government, and State, local, or Tribal
9 governments”;

10 (B) in paragraph (3)(G), by striking “and”
11 at the end;

12 (C) in paragraph (4)(C), by striking the
13 period at the end and inserting a semicolon;
14 and

15 (D) by adding at the end the following new
16 paragraphs:

17 “(5) establish a plan for collaboration and co-
18 ordination with a State, local, or Tribal govern-
19 ment’s management of unmanned aircraft systems
20 within the immediate reaches of airspace (as defined
21 in section 44801); and

22 “(6) establish a process for the interoperability
23 and sharing of data between Federal Government,
24 State, local, or Tribal government, and private sec-
25 tor UTM services.”;

1 (3) in subsection (d)—

2 (A) in paragraph (2)(J), by striking “and”
3 at the end;

4 (B) in paragraph (3), by striking the pe-
5 riod at the end and inserting “; and”; and

6 (C) by adding at the end the following new
7 paragraph:

8 “(4) shall consult with State, local, and Tribal
9 governments.”; and

10 (4) in subsection (g), by inserting “and State,
11 local, and Tribal governments” after “Federal agen-
12 cies”.

13 **SEC. 10. UPDATES TO RULES REGARDING SMALL UN-**
14 **MANNED AIRCRAFT SAFETY STANDARDS.**

15 Section 44805 of title 49, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) in paragraph (3), by striking “and” at
19 the end;

20 (B) in paragraph (4), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(5) ensuring that no State is prohibited from
25 requiring additional equipment for a small unmanned

1 aircraft system so long as such small unmanned air-
2 craft system is solely authorized to operate in the
3 immediate reaches of airspace (as defined in section
4 44801) and the lateral boundaries of a State.”;

5 (2) in subsection (e), in the matter preceding
6 paragraph (1), by striking “may” and inserting
7 “shall”;

8 (3) in subsection (j), by striking “may” and in-
9 serting “shall”; and

10 (4) by adding at the end the following new sub-
11 section:

12 “(k) REQUIREMENTS FOR ACCEPTING RISK-BASED
13 CONSENSUS SAFETY STANDARDS.—

14 “(1) COST-BENEFIT ANALYSIS.—The Adminis-
15 trator shall not accept a risk-based consensus safety
16 standard under subsection (a)(1) unless the Admin-
17 istrator has first conducted a cost-benefit analysis
18 and certified that the benefit of the safety standard
19 substantially outweighs the costs to the manufac-
20 turer and consumer.

21 “(2) MUST BE ESSENTIAL.—The Administrator
22 shall not accept a risk-based consensus safety stand-
23 ard under subsection (a)(1) unless the Administrator
24 determines that the safety standard is essential for

1 small unmanned aircraft systems to operate safely in
2 the UTM.”.

3 **SEC. 11. RULES OF CONSTRUCTION.**

4 (a) IN GENERAL.—Subject to subsection (b), nothing
5 in this Act may be construed to—

6 (1) diminish or expand the preemptive effect of
7 the authority of the Federal Aviation Administration
8 with respect to manned aviation; or

9 (2) affect the civil or criminal jurisdiction of—

10 (A) any Indian Tribe relative to any State
11 or local government; or

12 (B) any State or local government relative
13 to any Indian Tribe.

14 (b) ENFORCEMENT ACTIONS.—Nothing in subsection
15 (a) may be construed to limit the authority of the Admin-
16 istrator to pursue enforcement actions against persons op-
17 erating civil unmanned aircraft systems who endanger the
18 safety of the navigable airspace, airport operations, air
19 navigation facilities, air traffic control systems, or other
20 components of the national airspace system that facilitate
21 the safe and efficient operation of civil, commercial, or
22 military aircraft within the United States.