

118TH CONGRESS
1ST SESSION

H. R. 3958

To direct the Administrator of the Federal Aviation Administration to publish guidance and implementation procedures for unmanned aircraft systems with respect to environmental reviews, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. D'ESPOSITO (for himself and Mr. STANTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Aviation Administration to publish guidance and implementation procedures for unmanned aircraft systems with respect to environmental reviews, 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. ENVIRONMENTAL REVIEW RELATING TO UN-**
4 **MANNED AIRCRAFT SYSTEMS.**

5 (a) GUIDANCE UPDATES.—Not later than 180 days
6 after the date of enactment of this Act, the Administrator
7 of the Federal Aviation Administration shall publish un-
8 manned aircraft system-specific guidance and implementa-

1 tion procedures. Such guidance and implementation proce-
2 dures shall—

3 (1) provide guidance to streamline environ-
4 mental assessments at a programmatic level, as the
5 Administrator considers appropriate, for an un-
6 manned aircraft system operator’s network of oper-
7 ations within a defined geographical region, includ-
8 ing within and over approved commercial or indus-
9 trial sites closed or restricted to the public;

10 (2) provide guidance for nationwide pro-
11 grammatic approaches for large scale distributed un-
12 manned aircraft system operations whereby a Pro-
13 grammatic Environmental Assessment or Environ-
14 mental Impact Statement can be leveraged for sub-
15 sequent related actions to ensure efficient environ-
16 mental review;

17 (3) consider additional Categorical Exclusions
18 based on previously prepared and finalized Environ-
19 mental Assessments or in consultation with the
20 Council on Environmental Quality;

21 (4) prioritize proposed projects or activities that
22 can be shown to—

23 (A) offset or limit the impacts of non-zero
24 emission activities;

1 (B) offset or limit the release of environ-
2 mental pollutants to soil or water; or

3 (C) contain other factors to the benefit of
4 the environment as determined by the Adminis-
5 trator;

6 (5) contain intra-agency process improvements
7 to avoid providing conflicting safety and environ-
8 mental feedback to operators;

9 (6) contain standards and criteria for engaging
10 specialized third parties to support the Administra-
11 tion's preparation and review of documentation re-
12 lating to the requirements of the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
14 to ensure streamlined timelines for complex reviews;
15 and

16 (7) any other modifications the Administrator
17 considers necessary within the stated environmental
18 objectives of the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.) and the Federal
20 priority to maintain global leadership in aviation in-
21 novation.

22 (b) BRIEFING.—No later than 90 days after the date
23 of enactment of this Act, the Administrator shall brief the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate on the
2 plan of the Administration to implement subsection (b),
3 including each of the considerations specified in the sub-
4 section, and an explanation for any consideration the Ad-
5 ministrator does not intend to implement.

6 (c) CONCURRENT REVIEWS.—If the Administrator
7 determines that the review of an unmanned aircraft sys-
8 tem’s design, construction, maintenance and operational
9 sustainability, airworthiness approval, or operational ap-
10 proval requires environmental assessment, including re-
11 quirements under the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.), the Administrator shall,
13 to the maximum extent practicable, conduct such reviews
14 and analyses concurrent with one another.

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed as prohibiting, restricting or other-
17 wise limiting the authority of the Secretary of Transpor-
18 tation or the Administrator from implementing or com-
19 plying with the requirements of the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
21 any related requirements to ensure the protection of the
22 environment and aviation safety.

23 (e) ASSOCIATED UAS CERTIFICATION STAND-
24 ARDS.—

1 (1) IN GENERAL.—The Administrator shall de-
2 velop and establish substantive criteria and stand-
3 ards metrics used by the Administrator to determine
4 whether to approve or disapprove the airworthiness
5 of an unmanned aircraft pursuant to part 36 of title
6 14, Code of Federal Regulations.

7 (2) SUBSTANTIVE CRITERIA AND STANDARDS
8 METRICS.—In establishing the substantive criteria
9 and standards metrics as required under paragraph
10 (1), the Administrator shall include such criteria and
11 metrics related to the airworthiness of unmanned
12 aircraft for the following:

13 (A) Noise impacts.

14 (B) Visual impacts.

15 (3) PUBLICATION.—The Administrator shall
16 publish in the Federal Register and post on a
17 website of the Federal Aviation Administration the
18 criteria and metrics established pursuant to para-
19 graph (1).

20 (f) DEFINITION OF UNMANNED AIRCRAFT SYS-
21 TEM.—In this section, the term “unmanned aircraft sys-
22 tem” has the meaning given such term in section 44801
23 of title 49, United States Code.

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