

118TH CONGRESS  
1ST SESSION

# S. 905

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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.

17 (10) UNMANNED AIRCRAFT TAKE-OFF AND  
18 LANDING ZONE.—The term “unmanned aircraft  
19 take-off and landing zone” means a structure, area  
20 of land or water, or other designation for use or in-  
21 tended to be used for the take-off or landing of civil  
22 unmanned aircraft systems operated by a commer-  
23 cial operator.

1 **SEC. 3. FEDERAL AVIATION ADMINISTRATION UPDATES TO**  
2 **NAVIGABLE AIRSPACE.**

3 (a) DEFINITION.—

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

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

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

21 (b) RULEMAKING.—

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

25 (2) CONSULTATION.—In conducting the rule-  
26 making proceeding under paragraph (1), the Admin-

1        Administrator shall consult with appropriate State, local,  
2        or Tribal government officials.

3        (c) DESIGNATION REQUIREMENT.—In conducting  
4 the rulemaking proceeding under subsection (b), the Ad-  
5 ministrator shall designate the area between 200 feet and  
6 400 feet above ground level—

7            (1) for use of civil unmanned aircraft systems  
8        under the exclusive authority of the Administrator;  
9        and

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

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

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

19           (1) prohibit the Administrator from promul-  
20        gating regulations related to the operation of un-  
21        manned aircraft systems at more than 400 feet  
22        above ground level; or

23           (2) diminish or expand the preemptive effect of  
24        the authority of the Federal Aviation Administration  
25        with respect to manned aviation.

1 **SEC. 4. PRESERVATION OF STATE, LOCAL, AND TRIBAL AU-**  
2 **THORITIES WITH RESPECT TO CIVIL UN-**  
3 **MANNED AIRCRAFT SYSTEMS.**

4 (a) FINDINGS; SENSE OF CONGRESS.—

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

6 (A) Using its constitutional authority to  
7 regulate commerce among the States, Congress  
8 granted the Federal Government authority over  
9 all of the navigable airspace in the United  
10 States in order to foster air commerce.

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

19 (C) As a sovereign government, a State  
20 possesses police powers, which include the  
21 power to protect the property rights of its citi-  
22 zens.

23 (D) The proliferation of low-altitude oper-  
24 ations of unmanned aircraft systems has cre-  
25 ated a conflict between the responsibility of the  
26 Federal Government to regulate the navigable

1           airspace and the inherent sovereign police  
2           power possessed by the States to protect the  
3           property rights of their citizens.

4           (2) SENSE OF CONGRESS.—It is the sense of  
5           Congress that—

6                   (A) in order for landowners to have full en-  
7                   joyment and use of their land, they must have  
8                   exclusive control of the immediate reaches of  
9                   airspace over their property;

10                   (B) the States possess sovereign police  
11                   powers, which include the power to regulate  
12                   land use, protect property rights, and exercise  
13                   zoning authority; and

14                   (C) the Federal Government lacks the au-  
15                   thority to intrude upon a State’s sovereign right  
16                   to issue reasonable time, manner, and place re-  
17                   strictions on the operation of unmanned air-  
18                   craft systems operating within the immediate  
19                   reaches of airspace.

20           (b) REQUIREMENTS RELATED TO REGULATIONS AND  
21           STANDARDS.—

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

1 (A) The Administrator shall not authorize  
2 the operation of a civil unmanned aircraft in  
3 the immediate reaches of airspace above prop-  
4 erty without permission of the property owner.

5 (B) Subject to paragraph (2), in the case  
6 of a structure that exceeds 200 feet above  
7 ground level, the Administrator shall not au-  
8 thorize the operation of a civil unmanned air-  
9 craft—

10 (i) within 50 feet of the top of such  
11 structure; or

12 (ii) within 200 feet laterally of such  
13 structure or inside the property line of  
14 such structure's owner, whichever is closer  
15 to such structure.

16 (C) The Administrator shall not authorize  
17 the physical contact of a civil unmanned air-  
18 craft, including such aircraft's take-off or land-  
19 ing, with a structure that exceeds 200 feet  
20 above ground level without permission of the  
21 structure's owner.

22 (D) The Administrator shall ensure that  
23 the authority of a State, local, or Tribal govern-  
24 ment to issue reasonable restrictions on the  
25 time, manner, and place of operation of a civil



1           unmanned aircraft system that is operated  
2           below 200 feet above ground level is not pre-  
3           empted.

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

7                   (A) the operator of such aircraft has the  
8                   permission of the structure’s owner;

9                   (B) such aircraft is being operated directly  
10                  within or above an authorized public right of  
11                  way; or

12                  (C) such aircraft is being operated on an  
13                  authorized commercial route designated under  
14                  subsection (c).

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

19                   (A) Specifying limitations on speed of  
20                   flight over specified areas.

21                   (B) Prohibitions or limitations on oper-  
22                   ations in the vicinity of schools, parks, road-  
23                   ways, bridges, moving locations, or other public  
24                   or private property.

1           (C) Restrictions on operations at certain  
2 times of the day or week or on specific occa-  
3 sions such as parades or sporting events, in-  
4 cluding sporting events that do not remain in  
5 one location.

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

9           (E) Other prohibitions that protect public  
10 safety, personal privacy, or property rights, or  
11 that manage land use or restrict noise pollution.

12       (c) DESIGNATION OF AUTHORIZED COMMERCIAL  
13 ROUTES.—

14           (1) IN GENERAL.—For purposes of subsection  
15 (b)(2)(C), not later than 18 months after the date  
16 of enactment of this Act, the Administrator shall es-  
17 tablish a process for the designation of routes as au-  
18 thorized commercial routes. No area within 200 feet  
19 above ground level may be included in a designated  
20 authorized commercial route.

21           (2) APPLICATION.—Under the process estab-  
22 lished under paragraph (1), applicants shall submit  
23 an application for such a designation in a form and  
24 manner determined appropriate by the Adminis-  
25 trator.

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

6           (4) CONSULTATION.—In reviewing an applica-  
7 tion for the designation of an area under this sub-  
8 section, the Administrator shall consult with and  
9 heavily weigh the views of—

10                   (A) the applicable State, local, or Tribal  
11 government that has jurisdiction over the oper-  
12 ation of unmanned aircraft in the area below  
13 the area to be designated;

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

17                   (C) commercial unmanned aircraft opera-  
18 tors.

19           (5) DENIAL OF APPLICATION.—If the Adminis-  
20 trator denies an application for a designation under  
21 this subsection, the Administrator shall provide the  
22 applicant with—

23                   (A) a detailed description of the reasons  
24 for the denial; and

1 (B) recommendations for changes that the  
2 applicant can make to correct the deficiencies in  
3 their application.

4 (6) APPROVAL OF APPLICATION.—If the Ad-  
5 ministrator approves an application for a designation  
6 under this subsection, the Administrator shall clearly  
7 describe the boundaries of the designated authorized  
8 commercial route and any applicable limitations for  
9 operations on the route.

10 (7) DELEGATION.—The Administrator may del-  
11 egate the authority to designate authorized commer-  
12 cial routes under this subsection to a State, local, or  
13 Tribal government that has entered into an agree-  
14 ment with the Administrator under section 8 with  
15 respect to an area designated as complex airspace.

16 (d) RULES OF CONSTRUCTION.—

17 (1) SAFETY HAZARD.—Nothing in this section  
18 may be construed to permit a State, local, or Tribal  
19 government to issue restrictions, or a combination of  
20 restrictions, that would create a significant safety  
21 hazard in the navigable airspace, airport operations,  
22 air navigation facilities, air traffic control systems,  
23 or other components of the national airspace system  
24 that facilitate the safe and efficient operation of

1 civil, commercial, or military aircraft within the  
2 United States.

3 (2) CAUSE OF ACTION.—Nothing in this section  
4 may be construed to prohibit a property owner or  
5 the owner of a structure with a height that exceeds  
6 200 feet above ground level from pursuing any avail-  
7 able cause of action under State law related to un-  
8 manned aircraft operations above 200 feet above  
9 ground level.

10 **SEC. 5. PRESERVATION OF LOCAL ZONING AUTHORITY FOR**  
11 **UNMANNED AIRCRAFT TAKE-OFF AND LAND-**  
12 **ING ZONES.**

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

19 (b) NONDISCRIMINATION.—The regulation of the  
20 designation, placement, construction, or modification of an  
21 unmanned aircraft take-off and landing zone by any State,  
22 local, or Tribal government may not—

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

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

4 (c) APPLICATIONS.—

5           (1) REQUIREMENT TO ACT.—

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

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

20           (i) the findings and substantial evi-  
21 dence that serves as the basis for denying  
22 the application; and

23           (ii) recommendations for how the  
24 commercial operator can address the rea-  
25 sons for the application's denial.

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

11                   (A) competitively neutral, technologically  
12                   neutral, and nondiscriminatory; and

13                   (B) publicly disclosed.

14           (3) RULE OF CONSTRUCTION.—Nothing in this  
15 subsection may be construed to prevent any State,  
16 local, or Tribal government from imposing any addi-  
17 tional limitation or requirement relating to consider-  
18 ation by the State, local, or Tribal government of an  
19 application for the designation, placement, construc-  
20 tion, or modification of an unmanned aircraft take-  
21 off and landing zone.

22           (d) JUDICIAL REVIEW.—Any person adversely af-  
23 fected by any final action or failure to act by a State, local,  
24 or Tribal government that is inconsistent with this section  
25 may, within 30 days after the action or failure to act, com-

1 mence an action in any court of competent jurisdiction,  
2 which shall hear and decide the action on an expedited  
3 basis.

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

7 **SEC. 6. RIGHTS TO OPERATE.**

8 (a) PROHIBITION.—

9 (1) IN GENERAL.—Subject to subsection (b), a  
10 State, local, or Tribal government may not adopt,  
11 maintain, or enforce any law, rule, or standard that  
12 unreasonably or substantially impedes—

13 (A) the ascent or descent of an unmanned  
14 aircraft system, operated by a commercial oper-  
15 ator, to or from the navigable airspace in the  
16 furtherance of a commercial activity; or

17 (B) a civil unmanned aircraft from reach-  
18 ing navigable airspace where operations are per-  
19 mitted.

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

24 (A) a complete and total ban on overflights  
25 of civil unmanned aircraft over the entirety of



1           airspace within a State, local, or Tribal govern-  
2           ment’s jurisdiction; and

3                   (B) a combination of prohibitions or re-  
4           strictions on overflights within airspace under a  
5           State, local, or Tribal government’s jurisdiction  
6           such that it is nearly impossible for civil un-  
7           manned aircraft to reach the navigable air-  
8           space.

9           (b) **RULES OF CONSTRUCTION.**—Nothing in sub-  
10          section (a) may be construed to prohibit a State, local,  
11          or Tribal government from—

12                   (1) adopting, maintaining, or enforcing laws,  
13          rules, or standards that regulate unmanned aircraft  
14          systems below 200 feet above ground level; or

15                   (2) prescribing emergency procedures for a civil  
16          unmanned aircraft system descending into an area  
17          200 feet above ground level.

18          **SEC. 7. UPDATES TO RULES REGARDING THE COMMERCIAL**

19                                   **CARRIAGE OF PROPERTY.**

20           (a) **IMPROVING REGULATIONS.**—Section 44808 of  
21          title 49, United States Code, is amended—

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

24                   (2) by redesignating subparagraphs (A), (B),  
25          and (C) of subsection (c), as redesignated by para-

1 graph (1), as paragraphs (1), (2), and (3), respec-  
2 tively, and indenting appropriately;

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

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

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

10 “(6) Ensure that an operator of a small un-  
11 manned aircraft system is not required to comply  
12 with any rules approved under this section if the op-  
13 erator is operating solely under a State authoriza-  
14 tion for the intrastate carriage of property for com-  
15 pensation or hire.

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

19 “(8) A streamlined application process that only  
20 contains requirements minimally necessary for safe  
21 operation and substantially outweigh the compliance  
22 costs for an applicant.”.

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

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

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

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

18               (1) within the immediate reaches of airspace;

19       and

20               (2) within the lateral boundaries of the State.

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

22       (a) PROCESS FOR DESIGNATION.—

23               (1) IN GENERAL.—Not later than 18 months  
24 after the date of enactment of this Act, the Sec-  
25 retary of Transportation shall establish a process

1 under which a State, local, or Tribal government  
2 may submit an application to the Administrator (in  
3 a form and manner determined appropriate by the  
4 Administrator) for the designation of an area as an  
5 area of “complex airspace.” Such process shall allow  
6 for individual or collective designations.

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

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

16 (A) the financial resources to carry out the  
17 authority to be granted under the designation;  
18 or

19 (B) the technological capabilities necessary  
20 to carry out the authority granted to the State  
21 under the designation.

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

1 (A) a detailed description of the reasons  
2 for the denial; and

3 (B) recommendations for changes that the  
4 State can make to correct the deficiencies in  
5 their application.

6 (5) APPROVAL OF APPLICATION.—If the Ad-  
7 ministrator approves an application for a designation  
8 under this section, the Administrator shall, upon the  
9 request of the State, local, or Tribal government,  
10 enter into a written agreement with the State, local,  
11 or Tribal government (which may be in the form of  
12 a memorandum of understanding) under which the  
13 Administrator may assign, and the State, local, or  
14 Tribal government may assume, one or more of the  
15 responsibilities of the Administrator with respect to  
16 the management of civil unmanned aircraft oper-  
17 ations within the area that has been so designated.

18 (b) AGREEMENTS.—

19 (1) STATE, LOCAL, OR TRIBAL GOVERNMENT  
20 RESPONSIBILITIES UNDER AGREEMENT.—If a State,  
21 local, or Tribal government enters into an agreement  
22 with the Administrator under subsection (a)(5), the  
23 State, local, or Tribal government shall be solely re-  
24 sponsible, and solely liable, for carrying out the re-

1        responsibilities assumed in the agreement until the  
2        agreement is terminated.

3            (2) TERMINATION BY STATE, LOCAL, OR TRIB-  
4        AL GOVERNMENT.—A State, local, or Tribal govern-  
5        ment may terminate an agreement with the Admin-  
6        istrator under subsection (a)(5) if the State, local, or  
7        Tribal government provides the Administrator 90  
8        days of notice.

9            (3) TERMINATION BY ADMINISTRATOR.—The  
10       Administrator may terminate an agreement with a  
11       State, local, or Tribal government under subsection  
12       (a)(5) if—

13            (A) the Administrator determines that the  
14       State, local, or Tribal government is not ade-  
15       quately carrying out the responsibilities as-  
16       signed under the agreement; and

17            (B) the Administrator provides the State,  
18       local, or Tribal government with—

19            (i) written notification of a determina-  
20       tion of noncompliance with the responsibil-  
21       ities assigned under the agreement; and

22            (ii) a period of not less than 180 days  
23       for the State, local, or Tribal government  
24       to take such corrective actions as the Ad-  
25       ministrator determines necessary to comply

1 with the responsibilities assigned under the  
2 agreement.

3 (c) COMPLEX AIRSPACE DEFINED.—In this section,  
4 the term “complex airspace” means an area of airspace  
5 that—

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

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

9 **SEC. 9. IMPROVEMENTS TO PLAN FOR FULL OPERATIONAL**  
10 **CAPABILITY OF UNMANNED AIRCRAFT SYS-**  
11 **TEMS TRAFFIC MANAGEMENT.**

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

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

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

20 (2) in subsection (c)—

21 (A) in paragraph (2), by striking “industry  
22 and government” and inserting “industry, the  
23 Federal Government, and State, local, or Tribal  
24 governments”;

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

3 (C) in paragraph (4)(C), by striking the  
4 period at the end and inserting a semicolon;  
5 and

6 (D) by adding at the end the following new  
7 paragraphs:

8 “(5) establish a plan for collaboration and co-  
9 ordination with a State, local, or Tribal govern-  
10 ment’s management of unmanned aircraft systems  
11 within the immediate reaches of airspace (as defined  
12 in section 44801); and

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

17 (3) in subsection (d)—

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

20 (B) in paragraph (3), 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 “(4) shall consult with State, local, and Tribal  
25 governments.”; and



1           (4) in subsection (g), by inserting “and State,  
2           local, and Tribal governments” after “Federal agen-  
3           cies”.

4 **SEC. 10. UPDATES TO RULES REGARDING SMALL UN-**  
5 **MANNED AIRCRAFT SAFETY STANDARDS.**

6           Section 44805 of title 49, United States Code, is  
7 amended—

8           (1) in subsection (a)—

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

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

13                (C) by adding at the end the following new  
14           paragraph:

15                “(5) ensuring that no State is prohibited from  
16           requiring additional equipage for a small unmanned  
17           aircraft system so long as such small unmanned air-  
18           craft system is solely authorized to operate in the  
19           immediate reaches of airspace (as defined in section  
20           44801) and the lateral boundaries of a State.”;

21           (2) in subsection (e), in the matter preceding  
22           paragraph (1), by striking “may” and inserting  
23           “shall”;

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

1           (4) by adding at the end the following new sub-  
2           section:

3           “(k) REQUIREMENTS FOR ACCEPTING RISK-BASED  
4           CONSENSUS SAFETY STANDARDS.—

5           “(1) COST-BENEFIT ANALYSIS.—The Adminis-  
6           trator shall not accept a risk-based consensus safety  
7           standard under subsection (a)(1) unless the Admin-  
8           istrator has first conducted a cost-benefit analysis  
9           and certified that the benefit of the safety standard  
10          substantially outweighs the costs to the manufac-  
11          turer and consumer.

12          “(2) MUST BE ESSENTIAL.—The Administrator  
13          shall not accept a risk-based consensus safety stand-  
14          ard under subsection (a)(1) unless the Administrator  
15          determines that the safety standard is essential for  
16          small unmanned aircraft systems to operate safely in  
17          the UTM.”.

18       **SEC. 11. RULES OF CONSTRUCTION.**

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

21               (1) diminish or expand the preemptive effect of  
22               the authority of the Federal Aviation Administration  
23               with respect to manned aviation; or

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

1 (A) any Indian Tribe relative to any State  
2 or local government; or

3 (B) any State or local government relative  
4 to any Indian Tribe.

5 (b) ENFORCEMENT ACTIONS.—Nothing in subsection  
6 (a) may be construed to limit the authority of the Admin-  
7 istrator to pursue enforcement actions against persons op-  
8 erating civil unmanned aircraft systems who endanger the  
9 safety of the navigable airspace, airport operations, air  
10 navigation facilities, air traffic control systems, or other  
11 components of the national airspace system that facilitate  
12 the safe and efficient operation of civil, commercial, or  
13 military aircraft within the United States.

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