

118TH CONGRESS  
1ST SESSION

# H. R. 3969

To provide for a rulemaking on operation of unmanned aircraft beyond visual line of sight, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. GRAVES of Louisiana (for himself and Ms. TITUS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To provide for a rulemaking on operation of unmanned aircraft beyond visual line of sight, 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. BEYOND VISUAL LINE OF SIGHT RULEMAKING.**

4 (a) IN GENERAL.—Not later than 4 months after the  
5 date of enactment of this Act, the Administrator of the  
6 Federal Aviation Administration shall issue a notice of  
7 proposed rulemaking establishing airworthiness and oper-  
8 ational regulations for unmanned aircraft operated beyond  
9 visual line of sight that are intended to operate primarily

1 at or below 400 feet above ground level and the associated  
2 elements of such aircraft.

3 (b) CONTENTS.—In carrying out subsection (a), the  
4 Administrator shall—

5 (1) establish a means to accept proposed—

6 (A) airworthiness standards for unmanned  
7 aircraft;

8 (B) standards for associated elements of  
9 unmanned aircraft; and

10 (C) qualification standards for remote pi-  
11 lots operating unmanned aircraft;

12 (2) enable the ability for unmanned aircraft to  
13 be operated for agricultural purposes;

14 (3) establish a process by which the Adminis-  
15 trator may approve or accept third-party compliance  
16 services in support of the safe integration of un-  
17 manned aircraft systems into the national airspace  
18 system; and

19 (4) establish protocols, as appropriate, for  
20 networked information exchange, including network-  
21 based remote identification in support of beyond vis-  
22 ual line of sight operations.

23 (c) UNMANNED AIRCRAFT AIRWORTHINESS STAND-  
24 ARDS.—In carrying out subsection (b)(1)(A), the Adminis-  
25 trator shall—

1           (1) define the operational environments of  
2           which an airworthiness certification is needed to en-  
3           sure aviation safety;

4           (2) establish an airworthiness category or cat-  
5           egories for unmanned aircraft to be eligible for a  
6           special airworthiness certificate; and

7           (3) establish a process to approve standards,  
8           means of compliance, and declarations of compli-  
9           ance.

10          (d) UNMANNED AIRCRAFT ASSOCIATED ELEMENTS  
11          STANDARDS.—

12           (1) IN GENERAL.—In carrying out subsection  
13           (b)(1)(B), the Administrator shall establish a proc-  
14           ess to accept or approve the associated elements of  
15           an unmanned aircraft that, when considered collec-  
16           tively with other associated elements and an un-  
17           manned aircraft, meet an acceptable performance-  
18           based safety standard.

19           (2) CONSIDERATIONS.—In establishing the  
20           process under paragraph (1), the Administrator  
21           shall consider the ways associated elements of an  
22           unmanned aircraft system interact with other associ-  
23           ated elements and unmanned aircraft.

24          (e) REMOTE PILOT QUALIFICATIONS.—

1           (1) IN GENERAL.—In carrying out subsection  
2           (b)(1)(C), the Administrator shall establish quali-  
3           fications and standards, or a means to accept pro-  
4           posed qualifications and standards, for remote pilots  
5           operating unmanned aircraft systems.

6           (2) CONSIDERATIONS.—In carrying out sub-  
7           section (e)(1), the Administrator shall account for  
8           the varying levels of automation of unmanned air-  
9           craft systems.

10          (3) RULE OF CONSTRUCTION.—Nothing in this  
11          subsection may be construed to allow for the estab-  
12          lishment of type-ratings that apply specifically and  
13          exclusively to an aircraft manufactured by 1 manu-  
14          facturer.

15          (f) INTERIM APPROVALS.—Before the date on which  
16          the Administrator issues a final rule under this section,  
17          the Administrator shall use the process described in sec-  
18          tion 44807 of title 49, United States Code, to authorize  
19          unmanned aircraft system operations conducted beyond  
20          visual line of sight.

21          (g) FINAL RULE.—Not later than 16 months after  
22          the date of enactment of this Act, the Administrator shall  
23          issue a final rule establishing the regulations required  
24          under this section.

25          (h) DEFINITIONS.—In this section:

1           (1) ASSOCIATED ELEMENTS.—The term “asso-  
2           ciated elements” means any component of an un-  
3           manned aircraft system, not permanently affixed to  
4           the unmanned aircraft, required for the remote pilot  
5           to operate such aircraft safely and efficiently in the  
6           national airspace system.

7           (2) BEYOND VISUAL LINE OF SIGHT.—The  
8           term “beyond visual line of sight” means a distance  
9           at which the remote pilot in command of an un-  
10          manned aircraft system cannot see the unmanned  
11          aircraft with vision unaided by any device other than  
12          corrective lenses.

13          (3) UNMANNED AIRCRAFT; UNMANNED AIR-  
14          CRAFT SYSTEM.—The terms “unmanned aircraft”  
15          and “unmanned aircraft system” have the meaning  
16          given such terms in section 44801 of title 49, United  
17          States Code.

18 **SEC. 2. SPECIAL AUTHORITY FOR UNMANNED AIRCRAFT**  
19 **SYSTEMS.**

20          Section 44807 of title 49, United States Code, is  
21 amended—

22               (1) in subsection (a)—

23                       (A) by inserting “or chapter 447” after  
24                       “this chapter”;

1 (B) by striking “the Secretary of Trans-  
2 portation” and inserting “the Administrator of  
3 the Federal Aviation Administration”; and

4 (C) by striking “if certain” and inserting  
5 “how”;

6 (2) in subsection (b)—

7 (A) by striking “the Secretary” and insert-  
8 ing “the Administrator”; and

9 (B) in paragraph (1)—

10 (i) by striking “which types of un-  
11 manned aircraft systems, if any, as a re-  
12 sult of their size” and inserting “how the  
13 unmanned aircraft, as a result of such air-  
14 craft’s size”; and

15 (ii) by striking “do not create” and  
16 inserting “does not create”;

17 (3) in subsection (c) to read as follows:

18 “(c) REQUIREMENTS FOR SAFE OPERATION.—

19 “(1) IN GENERAL.—For unmanned aircraft sys-  
20 tems that the Administrator determines under this  
21 section may operate safely in the national airspace  
22 system, the Administrator shall establish require-  
23 ments, or a process to accept proposed requirements,  
24 for the safe operation of such aircraft systems in the

1 national airspace system, including operation related  
2 to testing and evaluation of proprietary systems.

3 “(2) TREATMENT OF MITIGATION MEASURES.—

4 To the extent that a proposed operation will be con-  
5 ducted exclusively within the airspace of a Mode C  
6 Veil during the entirety of the operation, such oper-  
7 ation shall be treated as satisfying the requirements  
8 of section 91.113(b) of title 14, Code of Federal  
9 Regulations, so long as the operation employs—

10 “(A) ADS-B In-based detect and avoid ca-  
11 pabilities;

12 “(B) air traffic control communication and  
13 coordination; and

14 “(C) aeronautical information management  
15 systems to notify other aircraft operators of  
16 such operations.

17 “(3) RULE OF CONSTRUCTION.—Nothing in  
18 this subsection shall be construed to give an un-  
19 manned aircraft operating pursuant to this section  
20 the right of way over a manned aircraft.”;

21 (4) in subsection (d) by striking “2023” and in-  
22 serting “2033”; and

23 (5) by adding at the end the following:

24 “(e) LIMITATION.—In making determinations under  
25 this section, the Administrator may not consider un-

1 manned aircraft systems to the extent that such systems  
2 may meet the requirements of established regulations ap-  
3 plicable to the proposed operation of a system.”.

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