

118TH CONGRESS  
1ST SESSION

# H. R. 3983

To direct the Administrator of the Federal Aviation Administration to adopt a performance- and risk-based approach in reviewing requests for certain certificates of waiver, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. MOLINARO (for himself, Mr. MANN, Mr. MENENDEZ, Mr. GOTTHEIMER, Mr. KEAN of New Jersey, and Mr. WILLIAMS of New York) 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 adopt a performance- and risk-based approach in reviewing requests for certain certificates of waiver, 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.**

4 This Act may be cited as the “Drone Safety and Effi-  
5 ciency Act”.

1 **SEC. 2. 14 CFR PART 107 WAIVER IMPROVEMENTS.**

2 (a) IN GENERAL.—The Administrator of the Federal  
3 Aviation Administration shall adopt a performance- and  
4 risk-based approach in reviewing requests for certificates  
5 of waiver under section 107.200 of title 14, Code of Fed-  
6 eral Regulations.

7 (b) STANDARDIZATION OF WAIVER APPLICATION.—

8 (1) IN GENERAL.—In carrying out subsection  
9 (a), the Administrator shall improve the the process  
10 established to submit requests for certificates of  
11 waiver described in subsection (a).

12 (2) FORMAT.—In carrying out paragraph (1),  
13 the Administrator may not require the use of open-  
14 ended descriptive prompts that are required to be  
15 filled out by an applicant, except to provide appli-  
16 cants the ability to provide the Administration with  
17 information for an unusual or irregular operation.

18 (3) DATA.—

19 (A) IN GENERAL.—In carrying out para-  
20 graph (1), the Administrator shall leverage data  
21 gathered from previous requests for certificates  
22 of waivers.

23 (B) CONSIDERATIONS.—In carrying out  
24 subparagraph (A), the Administrator shall safe-  
25 ly use—

26 (i) big data analytics; and

1 (ii) machine learning.

2 (c) CONSIDERATION OF PROPERTY OWNERSHIP IN-  
3 TEREST.—

4 (1) IN GENERAL.—In determining whether to  
5 issue a certificate of waiver under section 107.200 of  
6 title 14, Code of Federal Regulations, the Adminis-  
7 trator shall—

8 (A) consider whether the waiver applicant  
9 has control over access to all real property on  
10 the ground within the area of operation; and

11 (B) recognize and account for the safety  
12 enhancements of such controlled access.

13 (2) RULE OF CONSTRUCTION.—Nothing in this  
14 subsection shall be construed to direct the Adminis-  
15 trator to consider the lack of control over access to  
16 all real property on the ground within an area of op-  
17 eration, or a lack of property interest in such area  
18 of operation, as negatively affecting the safety of the  
19 operation intended to be conducted under such cer-  
20 tificate of waiver.

21 (d) PUBLIC AVAILABILITY OF WAIVERS.—

22 (1) IN GENERAL.—The Administrator shall  
23 publish all certificates of waiver issued under section  
24 107.200 of title 14, Code of Federal Regulations, on

1 the website of the Administration, including, with re-  
2 spect to each issued certificate of waiver—

3 (A) the terms, conditions, and limitations;

4 and

5 (B) the class of airspace and any restric-  
6 tions related to operating near airports or heli-  
7 ports.

8 (2) PUBLICATION.—In carrying out paragraph  
9 (1), the Administrator shall ensure that published  
10 information is made available in a manner that pre-  
11 vents inappropriate disclosure of proprietary infor-  
12 mation.

13 (e) PRECEDENTIAL USE OF PREVIOUSLY APPROVED  
14 WAIVERS.—

15 (1) WAIVER APPROVAL PRECEDENT.—Except  
16 as provided in paragraph (3), if the Administrator  
17 determines, using criteria for a particular waiver,  
18 that an application for a certificate of waiver issued  
19 under section 107.200 of title 14, Code of Federal  
20 Regulations, is substantially similar (or is comprised  
21 of elements that are substantially similar) to an ap-  
22 plication for a certificate of waiver that the Adminis-  
23 trator has previously approved, the Administrator  
24 may streamline, as appropriate, the approval of ap-

1       plications with substantially similar conditions and  
2       limitations as a previously approved application.

3           (2) RULE OF CONSTRUCTION.—Nothing in  
4       paragraph (1) shall be construed to preclude an ap-  
5       plicant for a certificate of waiver from applying to  
6       modify a condition, or remove a limitation of, such  
7       certificate.

8       (f) MODIFICATION OF WAIVERS.—

9           (1) IN GENERAL.—The Administrator shall es-  
10      tablish an expedited review process for a request to  
11      modify or renew certificates of waiver previously  
12      issued under section 107.200 of title 14, Code of  
13      Federal Regulations, as appropriate.

14          (2) USE OF REVIEW PROCESS.—The review  
15      process established under paragraph (1) shall be  
16      used to review certificates of waiver that cover oper-  
17      ations that are substantially similar in all material  
18      facts to operations covered under a subsequently  
19      issued certificate of waiver.

○