

115TH CONGRESS
1ST SESSION

H. R. 2930

To develop a civil unmanned aircraft policy framework, a pilot program,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2017

Mr. LEWIS of Minnesota (for himself, Ms. BROWNLEY of California, Mr. ROKITA, and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To develop a civil unmanned aircraft policy framework, a
pilot program, 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 Innovation Act
5 of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act the following definitions apply:

8 (1) **CIVIL AIRCRAFT.**—The term “civil air-
9 craft”, with respect to an unmanned aircraft system,
10 means that the unmanned aircraft is not a public

1 aircraft as defined in section 40102 of title 49,
2 United States Code.

3 (2) LOCAL GOVERNMENT.—The term “local
4 government” means a unit of government that is a
5 subdivision of a State, such as city, county, or par-
6 ish.

7 (3) LOCAL OPERATION.—The terms “local oper-
8 ation” and “local in nature” refer to flights or por-
9 tions of civil unmanned aircraft that occur in air-
10 space—

11 (A) up to 200 feet above ground level; and

12 (B) the lateral boundaries of a State, local,
13 or Tribal government’s jurisdiction.

14 (4) SMALL UNMANNED AIRCRAFT.—The term
15 “small unmanned aircraft” has the same meaning as
16 such term is defined in section 331(6) of the FAA
17 Reform and Modernization Act of 2012.

18 (5) STATE.—The term “State” means each of
19 the several States, the District of Columbia, and the
20 territories and possessions of the United States.

21 (6) TRIBAL GOVERNMENT.—The term “Tribal
22 Government” means the governing body of an In-
23 dian Tribe (as defined in section 4 of the Indian
24 Self-Determination and Education Assistance Act
25 (25 U.S.C. 5304)).

1 **SEC. 3. CIVIL UNMANNED AIRCRAFT POLICY FRAMEWORK.**

2 (a) IN GENERAL.—Not later than 6 months after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall, after consultation with State, local, and Trib-
5 al officials, and other appropriate stakeholders, publish a
6 civil unmanned aircraft local operation policy framework
7 in the Federal Register.

8 (b) CONTENTS.—The policy framework required pur-
9 suant to subsection (a) shall—

10 (1) provide guidelines to aid States, local, and
11 Tribal governments in harmonizing and, to the de-
12 gree possible, standardizing reasonable time, man-
13 ner, and place limitations and other restrictions on
14 operations of civil and small unmanned aircraft that
15 are local in nature;

16 (2) take into account the economic and non-eco-
17 nomic benefits, such as civic or educational uses, of
18 small or civil unmanned aircraft operations;

19 (3) provide guidelines to aid States, local, and
20 Tribal governments in creating an environment that
21 is hospitable to innovation and fosters the rapid in-
22 tegration of unmanned aircraft into the national air-
23 space system; and

24 (4) aid States, local, and Tribal governments in
25 adopting technologies, such as unmanned traffic
26 management systems, that will enable notification to

1 operators regarding reasonable time, manner, and
2 place limitations on operations of civil and small un-
3 manned aircraft that are local in nature.

4 (c) ANALYSIS.—In crafting the policy framework and
5 in prescribing any future regulations or standards related
6 to civil unmanned aircraft systems, the Secretary of
7 Transportation shall define the scope of the preemptive
8 effect of any civil unmanned aircraft regulations or stand-
9 ards pursuant to section 40103 or 41713 of title 49,
10 United States Code. Such regulations or standards shall
11 be limited to the extent necessary to ensure the safety and
12 efficiency of the national airspace system for interstate
13 commerce, and shall preserve the legitimate interests of
14 State, local, and Tribal governments, including—

- 15 (1) protecting public safety;
- 16 (2) protecting personal privacy;
- 17 (3) protecting property rights;
- 18 (4) managing land use; and
- 19 (5) restricting nuisances and noise pollution.

20 (d) LIMITATIONS.—In formulating and implementing
21 the policy framework required pursuant to subsection (a)
22 and any future regulations, policies or standards related
23 to civil unmanned aircraft systems, the Secretary shall
24 abide by and be guided by the following fundamental prin-
25 ciples:

1 (1) Any limitation on small or civil unmanned
2 aircraft should be consistent with maintaining the
3 safe use of the navigable airspace and the legitimate
4 interests of State, local, and Tribal governments.

5 (2) Innovation and competition are best served
6 by a diverse and competitive small and civil un-
7 manned aircraft systems industry.

8 (3) Any limitation on small or civil unmanned
9 aircraft should not create an unreasonable burden
10 on interstate or foreign commerce.

11 (4) The operation of small and civil unmanned
12 aircraft systems that are local in nature have more
13 in common with terrestrial transportation than tra-
14 ditional aviation.

15 (5) As it relates to the time, manner, and place
16 of unmanned aircraft local operations, and the need
17 to foster innovation, States, local, and Tribal govern-
18 ments uniquely possess the constitutional authority,
19 the resources, and the competence to discern the
20 sentiments of the people and to govern accordingly.

21 (6) Relying upon technology solutions, such as
22 unmanned traffic management, provided by private
23 industry, will effectively solve policy challenges.

24 (7) State, local and Tribal officials are best po-
25 sitioned to make judgments and issue dynamic limi-

1 tations around events, including, fires, accidents and
2 other first responder activity, public gatherings,
3 community events, pedestrian thoroughfares, rec-
4 reational activities, cultural activities, heritage sites,
5 schools, parks and other inherently local events and
6 locations, which may justify limiting unmanned air-
7 craft activity that is local in nature while balancing
8 the activities or events against the need for innova-
9 tion.

10 (8) The economic and non-economic benefits, of
11 small and civil unmanned aircraft operations may be
12 best achieved by empowering the State, local, and
13 Tribal governments to create a hospitable environ-
14 ment to welcome innovation.

15 (9) Innovation and competition in the un-
16 manned aircraft industry are best served enabling
17 State, local, and Tribal governments to experiment
18 with a variety of approaches to policies related to
19 unmanned aircraft.

20 (10) The Department of Transportation shall,
21 when making policy related to small or civil un-
22 manned aircraft systems, recognize that problems
23 that are merely common to the State, local, and
24 Tribal governments will not justify Federal action
25 because individual State, local, and Tribal govern-

1 ments, acting individually or together, can effectively
2 deal with such problems and may find and imple-
3 ment more innovation friendly policies than Federal
4 agencies.

5 (11) The Department shall, when making policy
6 related to small or civil unmanned aircraft systems,
7 provide timely information and assistance to State,
8 local, and Tribal governments that will ensure col-
9 laboration.

10 **SEC. 4. PILOT PROGRAM ON FEDERAL PARTNERSHIPS.**

11 (a) IN GENERAL.—Not later than 9 months after the
12 date of the enactment of this Act, the Secretary of Trans-
13 portation shall enter into agreements with not less than
14 20 and not more than 30 State, local, or Tribal govern-
15 ments to establish pilot programs under which the Sec-
16 retary shall provide technical assistance to such govern-
17 ments in regulating the operation of small and civil un-
18 manned aircraft systems, including through the use of the
19 latest available technologies for unmanned traffic manage-
20 ment, notice, authorization, and situational awareness
21 with respect to reasonable time, manner, and place limita-
22 tions and restrictions pursuant to section 3.

23 (b) SELECTION.—In selecting among State, local and
24 Tribal governments for purposes of establishing pilot pro-

1 grams under subsection (a), the Secretary shall seek to
2 enter into agreements with—

3 (1) governments that vary their size and in-
4 tended approach to regulation of small and civil un-
5 manned aircraft systems;

6 (2) governments that demonstrate a willingness
7 to partner with technology providers and small and
8 civil unmanned aircraft operators; and

9 (3) at least two of each of the following: State
10 governments, county governments, city governments,
11 and Tribal Governments.

12 (c) UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-
13 AGEMENT SYSTEM.—The Secretary shall coordinate with
14 the Administrator of the National Aeronautics and Space
15 Administration to ensure that participants in pilot pro-
16 grams established under subsection (a) are consulted in
17 the development of the unmanned aircraft systems traffic
18 management system under section 2208 of the FAA Ex-
19 tension, Safety, and Security Act of 2016 (Public Law
20 114–190, 49 U.S.C. 40101 note) and the pilot program
21 under section (b) of such section.

22 (d) REPORT REQUIRED.—Not later than 18 months
23 after establishment of the pilot programs required by sub-
24 section (a), the Secretary shall coordinate with pilot pro-
25 gram participants to submit to Congress, and make avail-

1 able to the public, a report identifying best practices for
2 State, local, and Tribal governments to regulate the oper-
3 ation of small and civil unmanned aircraft systems and
4 to collaborate with the Federal Aviation Administration
5 with respect to the regulation of such systems.

6 **SEC. 5. PRESERVATION.**

7 (a) RIGHTS TO PRIVACY.—In prescribing regulations
8 or standards related to civil or small unmanned aircraft
9 systems, the Secretary shall not authorize the operation
10 of a small or civil unmanned aircraft in airspace local in
11 nature above property where there is a reasonable expecta-
12 tion of privacy without permission of the property owner.

13 (b) CAUSES OF ACTION, CLAIMS, AND REMEDIES.—

14 (1) IN GENERAL.—Nothing in this section shall
15 be construed to preempt, displace, or supplant any
16 Federal, State, or Tribal common law rights or any
17 Federal, State, or Tribal statute or common law
18 right creating a remedy for civil relief, including
19 those for civil damages, or a penalty for a criminal
20 law.

21 (2) CAUSE OF ACTIONS UPHELD.—Nothing in
22 this section shall preempt or preclude any cause of
23 action for personal injury, wrongful death, property
24 damage, inverse condemnation, trespass, nuisance or
25 other injury based on negligence, strict liability,

1 products liability, failure to warn, or any other legal
2 theory of liability under any maritime law, or any
3 Federal, State, or Tribal common law or statutory
4 theory, except that no cause of action, claim or remedy
5 may be made solely because of the transit of an
6 unmanned aircraft through airspace local in nature
7 over private property in the absence of proof that
8 such transit substantially interfered with the owner
9 or lessee's use or enjoyment of the property or repeatedly
10 transited the airspace local in nature above
11 the owner's property.

12 (c) PRIVATE AIRSPACE.—Notwithstanding any other
13 provision of law, the Secretary shall not issue any rule or
14 regulation that impedes or operates contrary to the authority
15 of a State, local, or Tribal government to define
16 private property rights as it applies to unmanned aircraft
17 in the airspace above property that is local in nature.

18 (d) RIGHTS TO OPERATE.—A State or local government
19 may not unreasonably or substantially impede the
20 ability of a civil unmanned aircraft, from reaching the navigable
21 airspace. Unreasonable or substantial impeding of
22 a civil unmanned aircraft from reaching the navigable airspace
23 includes—

1 (1) outright bans on overflights of the entirety
2 of the lateral boundaries of a State or local govern-
3 ment’s jurisdiction;

4 (2) excessively large prohibitions on overflights
5 of areas of local significance such that access to air-
6 space is so impeded as to make flight within the lat-
7 eral boundaries of a State or local government’s ju-
8 risdiction nearly impossible; and

9 (3) a combination of restrictions intended to
10 unreasonably impede or having the practical effect of
11 unreasonably impeding the ability of a civil un-
12 manned aircraft from reaching the navigable air-
13 space.

14 (e) RIGHT-OF-WAY.—Nothing in this section shall be
15 construed to prevent an operator or pilot from operating
16 a small or civil unmanned aircraft over their own property,
17 right of way, easement, lands, or waters.

18 **SEC. 6. STATUTORY CONSTRUCTION.**

19 (a) JUDICIAL REVIEW.—An action taken by the Sec-
20 retary of Transportation under any of sections 4XXXW–
21 4XXXZ is subject to judicial review as provided under sec-
22 tion 46110 of title 49, United States Code.

23 (b) CIVIL AND CRIMINAL JURISDICTION.—Nothing in
24 this Act (including the amendments made by this Act)

1 may be construed to diminish or expand the civil or crimi-
2 nal jurisdiction of—

3 (1) any Tribal Government relative to any State
4 or local government; or

5 (2) any State or local government relative to
6 any Tribal Government.

7 (c) LIMITATION.—Nothing in this Act (including the
8 amendments made by this Act) may be construed to—

9 (1) affect manned aircraft operations or the au-
10 thority of the Federal Aviation Authority (in this
11 section referred to as “FAA”) with respect to
12 manned aviation;

13 (2) affect the right of the FAA to take emer-
14 gency action, including the right to issue temporary
15 flight restrictions;

16 (3) affect the right of the FAA to pursue en-
17 forcement action against unsafe unmanned aircraft
18 operators; and

19 (4) affect the right of first responders to access
20 airspace in the event of an emergency.

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