

114TH CONGRESS
2D SESSION

S. _____

To authorize the operation of unmanned aircraft systems by institutions of higher education for educational and research purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PETERS (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the operation of unmanned aircraft systems by institutions of higher education for educational and research 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 “Higher Education Un-
5 manned Aircraft Systems Modernization Act”.

6 **SEC. 2. OPERATION OF UNMANNED AIRCRAFT SYSTEMS**

7 **FOR EDUCATIONAL AND RESEARCH PUR-**
8 **POSES.**

9 (a) IN GENERAL.—Subtitle B of title III of the FAA
10 Modernization and Reform Act of 2012 (Public Law 112–

1 95; 49 U.S.C. 40101 note) is amended by adding at the
2 end the following:

3 **“SEC. 337. OPERATION OF UNMANNED AIRCRAFT SYSTEMS**
4 **FOR EDUCATIONAL AND RESEARCH PUR-**
5 **POSES.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-
7 vision of law relating to the incorporation of unmanned
8 aircraft systems into the plans and policies of the Federal
9 Aviation Administration, including this subtitle and any
10 regulations, policies, advisory circulars, or other materials
11 promulgated by the Federal Aviation Administration be-
12 fore, on, or after the date of the enactment of this section,
13 an institution of higher education may, within the United
14 States, operate an unmanned aircraft system without the
15 specific approval of the Federal Aviation Administration,
16 and without registering the unmanned aircraft system
17 with the Federal Aviation Administration, if the operation
18 of that unmanned aircraft system meets the requirements
19 of subsection (b).

20 “(b) REQUIREMENTS.—The operation of an un-
21 manned aircraft system by an institution of higher edu-
22 cation meets the requirements of this subsection if—

23 “(1) the institution has established and adopted
24 a policy relating to unmanned aircraft systems to
25 ensure safe operation of such systems, which may be

1 a policy of more general applicability in effect before
2 the date of the enactment of this section, but that
3 shall include—

4 “(A) designation of a point of contact at
5 the institution for review and approval of oper-
6 ations of unmanned aircraft systems by the in-
7 stitution; and

8 “(B) the requirement that operations of
9 unmanned aircraft systems by the institution be
10 conducted under the supervision of an operator
11 in command;

12 “(2) the point of contact for the institution des-
13 igned pursuant to paragraph (1)(A) has—

14 “(A) been notified of the proposed oper-
15 ation of the unmanned aircraft system;

16 “(B) confirmed that the proposed oper-
17 ation is for educational or research purposes;

18 “(C) confirmed that the proposed oper-
19 ation is in accordance with all applicable poli-
20 cies of the institution of higher education, in-
21 cluding any applicable policies regarding—

22 “(i) safety;

23 “(ii) training or supervision require-
24 ments;

25 “(iii) privacy; or

1 “(iv) any requirements to provide no-
2 tice to or obtain the permission of the in-
3 stitution before conducting the proposed
4 operation;

5 “(D) confirmed that the unmanned air-
6 craft system will be operated under the super-
7 vision of an operator in command, who—

8 “(i) is trained in the safe operation of
9 the unmanned aircraft system;

10 “(ii) will be present during the entire
11 operation of the unmanned aircraft system;

12 “(iii) is prepared and able to take im-
13 mediate control of the unmanned aircraft
14 system;

15 “(iv) has full authority over, and re-
16 sponsibility for, the safety of the operation
17 of the unmanned aircraft system; and

18 “(v) is responsible for ensuring that
19 the individuals who will operate the un-
20 manned aircraft system under the super-
21 vision of the operator in command have re-
22 ceived proper training in the safe operation
23 of the unmanned aircraft system;

24 “(3) the unmanned aircraft system—

1 “(A) is operated not higher than 400 feet
2 above ground level;

3 “(B) is operated in a manner that will not
4 create a hazard to persons or property;

5 “(C) is, if capable of sustained flight,
6 marked with the identification and contact in-
7 formation of the owner;

8 “(D) does not survey, create a nuisance
9 on, or overfly private property without the per-
10 mission of the owner of the private property;

11 “(E) gives right of way to, and avoids fly-
12 ing in the proximity of, full-scale aircraft;

13 “(F) is operated at a site that is of suffi-
14 cient distance from populated areas to protect
15 the safety of persons and property; and

16 “(4) the institution of higher education notifies
17 and obtains permission from air traffic control or,
18 for small facilities, the airport manager, when the
19 unmanned aircraft system will be operated within—

20 “(A) 5 statute miles of an airport around
21 which the airspace is designated as class B or
22 class C airspace under part 71 of title 14, Code
23 of Federal Regulations;

24 “(B) 2 statute miles of any other airport
25 or heliport; or

1 “(C) airspace designated as restricted or
2 prohibited under part 73 of such title.

3 “(c) FORM OF NOTIFICATIONS AND PERMISSION.—

4 The notifications and permission required under sub-
5 section (b)(4) may, if agreed to by the institution of higher
6 education and air traffic control or the airport or heliport
7 manager, as appropriate, be in the form of a written com-
8 munication, to occur not less frequently than annually, re-
9 garding the locations and conditions for any intended op-
10 eration of unmanned aircraft systems under this section.

11 “(d) REPORTING OF INCIDENTS INVOLVING PER-

12 SONAL INJURY OR PROPERTY DAMAGE.—If an unmanned

13 aircraft system operated by an institution of higher edu-

14 cation pursuant to this section is involved in any incident

15 resulting in personal injury or property damage (other

16 than to the unmanned aircraft system, to property of the

17 institution, or to individuals directly involved in the oper-

18 ation of the unmanned aircraft system), the point of con-

19 tact designated pursuant to subsection (b)(1)(A) shall re-

20 port the incident to the Federal Aviation Administration

21 not later than 10 days after the incident.

22 “(e) DEFINITIONS.—In this section:

23 “(1) EDUCATIONAL OR RESEARCH PURPOSES.—

24 The term ‘educational or research purposes’, with

25 respect to the operation of an unmanned aircraft

1 system by an institution of higher education, in-
2 cludes—

3 “(A) instruction of students at the institu-
4 tion;

5 “(B) activities of student organizations
6 recognized by or registered with the institution;
7 and

8 “(C) activities undertaken by the institu-
9 tion as part of research projects, including re-
10 search projects sponsored by the Federal Gov-
11 ernment.

12 “(2) INSTITUTION OF HIGHER EDUCATION.—
13 The term ‘institution of higher education’ has the
14 meaning given that term in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1001(a)).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for the FAA Modernization and Reform Act of 2012 is
19 amended by inserting after the item relating to section
20 336 the following:

“Sec. 337. Operation of unmanned aircraft systems for educational and re-
search purposes.”.