AMENDMENT TO H.R. 4
OFFERED BY MR. SANFORD OF SOUTH CAROLINA

At the end of title III, add the following:

SEC. 3 SPECIAL RULES FOR MODEL AIRCRAFT.

(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft or an aircraft being developed as a model aircraft; except for—

(1) rules regarding the registration of certain model aircraft pursuant to section 44103; and

(2) rules regarding unmanned aircraft that by design provide advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond the visual line of sight of the operator, if—

(A) the aircraft is flown strictly for hobby or recreational use;

(B) the model aircraft operator is a current member of a community-based organiza-
tion and whose aircraft is operated in accordance with the organization’s safety rules;

(C) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

(D) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft;

(E) the aircraft is not operated over or within the property of a fixed site facility that operates amusement rides available for use by the general public or the property extending 500 lateral feet beyond the perimeter of such facility unless the operation is authorized by the owner of the amusement facility; and

(F) when flown within 3 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 3 miles of an airport should establish a mutually agreed upon oper-
ating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

(b) AUTOMATED INSTANT AUTHORIZATION.—When the FAA has established a fully operational and functional automated instant authorization and notification system, the model aircraft operator shall use this system for access to controlled airspace unless flown at a permanent location made known to the Administrator (model aircraft operators flying from a permanent location should establish a mutually agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

c) COMMERCIAL OPERATION FOR INSTRUCTIONAL OR EDUCATIONAL PURPOSES.—A flight of an unmanned aircraft shall be treated as a flight of a model aircraft for purposes of subsection (a) (regardless of any compensation, reimbursement, or other consideration exchanged or incidental economic benefit gained in the course of planning, operating, or supervising the flight), if the flight is—

    (1) conducted for instructional or educational purposes; and
(2) operated or supervised by a member of a community-based organization recognized pursuant to subsection (e).

(d) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

(e) **COMMUNITY-BASED ORGANIZATION DEFINED.**—In this section, the term “community-based organization” means a nationwide membership-based association that—

1. is described in section 501(c)(3) of the Internal Revenue Code of 1986;
2. is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;
3. the mission of which is demonstrably the furtherance of model aviation;
4. provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodeling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules.
and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;,

(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

(f) RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of enactment that identifies the criteria and process required for recognition of nationwide community-based organizations. This recognition shall be in the form of a memorandum of agreement between the FAA and each community-based organization and does not require regulatory action to implement.

(g) EFFECTIVE DATE.—Except for rules to implement remote identification for unmanned aircraft that by design provide advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond the visual line of sight of the operator and for rules regarding the registration of certain model aircraft pursuant
to section 44103, this section shall become effective when
the rule, referred to in section 532 of the FAA Reauthor-
ization Act of 2018, regarding revisions to part 107 of

SEC. 3. RECREATIONAL UAS.

(a) IN GENERAL.—Not later than 120 days after
the date of enactment of this Act, the Administrator of
the Federal Aviation Administration shall issue rules and
regulations relating to small UAS flown for recreational
or educational use, and that are not operated within all
of the criteria outlined in the special rule for model air-
craft in section 45505 of title 49, United States Code, or
the requirements of part 107 of title 14, Code of Federal
Regulations.

(b) REGULATORY AUTHORITY.—When issuing the
rules and regulation pursuant to this section, the Adminis-
trator shall—

(1) require the completion of an online or elec-
tronic educational tutorial that is focused on knowl-
edge of the primary rules necessary for the safe op-
eration of such UAS and whose completion time is
of reasonable length and limited duration;

(2) include provisions that enable the operation
of such UAS by individuals under the age of 16
without a certificated pilot;
(3) require UAS operators within Class B, C, D and E airspace to obtain authorization, as the Administrator may determine to be necessary within that airspace, but only after a near-instantaneous automated airspace authorization capability is available for the airspace in which the operator wants to operate; and

(4) include provisions that provide specific operational rules for UAS operating in close proximity to airports in class G airspace.

(e) MAINTAINING BROAD ACCESS TO UAS TECHNOLOGY.—When issuing rules or regulations for the operation of UAS under this section, the Administrator shall not—

(1) require the pilot or operator of the UAS to obtain or hold an airman certificate;

(2) require a practical flight examination, medical examination, or the completion of a flight training program;

(3) limit such UAS operations to pre-designated fixed locations or uncontrolled airspace; or

(4) require airworthiness certification of any UAS operated pursuant to this section.
(d) COLLABORATION.—The Administrator shall carry out this section in collaboration with industry and community-based organizations.