



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Peter A. DeFazio  
Chairman  
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Sam Graves  
Ranking Member  
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Katherine W. Dedrick, Staff Director

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July 2, 2019

The Honorable Elaine L. Chao  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

The Honorable Daniel K. Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

The Honorable Russell Vought  
Acting Director  
Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Secretary Chao, Acting Administrator Elwell, and Acting Director Vought:

We write to register our ongoing concerns regarding the continuing delay in the issuing of the Federal Aviation Administration's (FAA) rule requiring remote identification for unmanned aircraft systems (UAS)<sup>1</sup> and urge you to dedicate the necessary staff and resources for the rapid publication of a notice of proposed rulemaking (NPRM) on this subject. Based upon briefings by the Executive Branch over the last several years, we believe failure to complete this effort poses serious risks to the National Airspace System, its users, and the Nation's most critical and sensitive facilities and assets. Delays also stifle innovation, preventing the U.S. commercial UAS industry from reaching its full potential.

Section 2202 of the *FAA Extension, Safety, and Security Act of 2016* (Pub. L. 114-190) directed the FAA to convene an industry group to facilitate the development of consensus standards for remotely identifying operators and owners of UAS, including the consideration of requirements for the remote identification of UAS. Based on these standards, the Administrator of the FAA was

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<sup>1</sup> *Remote Identification of Unmanned Aircraft Systems*, RIN 2120-AL31.

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required to issue regulations or guidance by July 2018.<sup>2</sup> While the industry group completed its work on September 30, 2017,<sup>3</sup> which included recommendations to the Administrator for the identification and tracking of small UAS, the FAA has not met the rulemaking mandate enacted by Congress.

In fact, despite initiating a remote identification rulemaking on February 20, 2018,<sup>4</sup> the expected publishing date for an NPRM has slipped. The FAA committed to releasing an NPRM by May 1, 2019,<sup>5</sup> but the current projected date is now July 21, 2019.<sup>6</sup> Assuming the FAA holds to this timeline, the agency has informed stakeholders that a final rule will not be released for two years.<sup>7</sup> Our concerns are exacerbated by that fact that once a final rule is issued, the date by which UAS operators must comply with remote identification requirements may be months, or even years, after issuance.

According to briefings provided to this Committee by the UAS Executive Committee (ExCom), including the FAA, the Department of Defense, the Department of Homeland Security, the Department of Energy, and the Department of Justice, the safety and security of the National Airspace System and its users, and people and property on the ground, are at risk each day that UAS operators are not equipped with remote identification. While UAS offer countless applications, including inspecting infrastructure, responding to emergencies and natural disasters, and delivering medical supplies, recent safety and security events have highlighted the need for expedited action.

The delayed remote identification rule also prevents the commercial UAS industry from reaching its full potential. Although UAS technology and capabilities are developing at a rapid pace, the Federal regulatory framework needed for the commercial UAS industry to thrive, including the ability to routinely perform advanced and more complex operations, remains stalled. For example, the FAA issued an NPRM for the operation of small UAS over people in February 2019, but states unequivocally that it will not finalize that rule until *after* a remote identification policy is in place due to security concerns resulting from the inability to identify UAS in U.S. airspace.<sup>8</sup>

Additionally, in the months leading up to enactment of the *FAA Reauthorization Act of 2018* (Pub. L. 115-254) last year, the FAA and security agencies stressed to the Committee that the main impediment to the FAA's ability to promulgate a remote identification rule was a provision included in the *FAA Modernization and Reform Act of 2012* (Pub. L. 112-95) prohibiting the FAA from

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<sup>2</sup> Pub. L. 114-190, § 2202(d).

<sup>3</sup> UAS Identification and Tracking (UAS ID) Aviation Rulemaking Committee (ARC), *ARC Recommendations Final Report* (Sept. 30, 2017), available at [https://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/media/UAS%20ID%20ARC%20Final%20Report%20with%20Appendices.pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UAS%20ID%20ARC%20Final%20Report%20with%20Appendices.pdf).

<sup>4</sup> See DOT, *Report on Significant Rulemakings* (June 2018), available at <https://www.transportation.gov/regulations/significant-rulemaking-report-archive>.

<sup>5</sup> *Id.*

<sup>6</sup> See DOT, *Report on Significant Rulemakings* (Apr. 2019), available at <https://www.transportation.gov/regulations/significant-rulemaking-report-archive>.

<sup>7</sup> POLITICO, *FAA: Final Remote ID Rule Likely up to 2 Years Away* (June 6, 2019).

<sup>8</sup> See FAA, NPRM, *Operations of Small Unmanned Aircraft Systems Over People*, 84 Fed. Reg. 3856, 3861 (Feb. 13, 2019).

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regulating model UAS flown for hobby or recreational purposes.<sup>9</sup> Congress appropriately modified the 2012 exemption in last year's FAA Reauthorization law,<sup>10</sup> believing that would allow the rule to move forward unimpeded. It is distressing to learn that additional major obstacles remain in fulfilling the statutory mandate, which is nearly a year overdue.

Given the utmost importance of the remote identification rule and its pivotal role in UAS integration efforts, we respectfully request that you provide a written and detailed response that includes the steps and timeframes for issuing the NPRM and final rule, as well as projected timelines for Department of Transportation Office of the Secretary (OST) and Office of Management and Budget (OMB) reviews of those projects. We also request that your staff provide our staff with a briefing on progress made each quarter until the remote identification rule is finalized.

Thank you for your prompt attention to this important matter.

Sincerely,



PETER A. DeFAZIO  
Chair



SAM GRAVES  
Ranking Member



RICK LARSEN  
Chair  
Subcommittee on Aviation



GARRET GRAVES  
Ranking Member  
Subcommittee on Aviation

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<sup>9</sup> See Pub. L. 112-95, § 336(a).

<sup>10</sup> See Pub. L. 115-254, § 349.