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BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION

"Counter-Unmanned Aircraft Systems"

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Committee Hearing Room, 2167 Rayburn House Office Building

Chairman Nehls, Ranking Member Cohen, and Members of the Subcommittee on Aviation:

On behalf of the Commercial Drone Alliance (CDA) and its members, thank you for the opportunity to testify on the subject of counter-unmanned aircraft systems (counter-UAS) technologies. The CDA is an independent non-profit organization made up of leading entrepreneurs and innovators in the commercial drone and Advanced Air Mobility (AAM) industries. The CDA brings together commercial drone end-users, manufacturers, service providers, advanced air mobility companies, drone security companies, and vertical markets including oil and gas, precision agriculture, construction, security, communications technology, infrastructure, newsgathering, filmmaking, and more. The CDA works with all levels of government to collaborate on policies for industry growth and educates the public on the safe and responsible use of commercial drones to achieve economic benefits and humanitarian gains.[1]

Drones have become increasingly commonplace in our country and around the world, enhancing safety and efficiency, reducing costs, and saving lives. Communities across the country use this technology every day to fight wildfires, respond to natural disasters, inspect critical infrastructure, bring aid to remote places, and even deliver food and medicine. The drone industry

[1] The CDA Board is comprised of Amazon Prime Air, the Choctaw Nation of Oklahoma, Florida Power & Light, Hidden Level, Honeywell, NUAIR, Ondas, Percepto Robotics, Skydio, SkySafe, Southern Company, Wing Aviation LLC, and Zipline International. Learn more about the CDA at www.commercialdronealliance.org.

is projected to contribute billions of dollars to the global economy over the next decade. Many of these economic benefits will flow directly to small businesses.[2]

All technology can be used for good and for bad and drones are not an exception. The commercial drone industry shares the Congress' and the public's desire to ensure that drones are operated safely and in compliance with applicable laws and regulations. As we have all seen in the news, careless, rogue, or unauthorized drones can present potential public safety and homeland security threats.

The CDA considers innovation and security as two sides of the same coin. Drones, like other aircraft, are permitted to operate in the airspace so long as they comply with applicable rules. Recently people all over the country have expressed concern as they have seen drones – or airplanes perceived to be drones – flying in the sky. President Trump recently reiterated reports from federal authorities indicating that many of the aircraft appear to be legally operated and are authorized by the FAA. His statement specifically said "the drones that were flying over New Jersey in large numbers were authorized to be flown by the FAA for research and various other reasons. Many of these drones were also hobbyists, recreational and private individuals that enjoy flying drones. And in time, it got worse due to curiosity. This was not the enemy."

Even with this being the case, we acknowledge and respect the real concern and frustration that people felt. The commercial drone industry is committed to operating transparently in accordance with applicable law and to preventing confusion. Our goal is for the public to trust that commercial drones are being operated safely and to understand the significant value this technology brings to the country.

We therefore encourage policymakers to take two important steps to mitigate issues like this in the future: establish a regulatory foundation that supports safe and secure drone operations, and take the necessary actions to expand existing authorities for dealing with non-compliant drones. Together, these steps will support lawful operators, promote American industry, create transparency in the airspace, and provide authorities with appropriate tools to address potentially nefarious drone operators.

A FOUNDATION FOR SAFE AND SECURE DRONE OPERATIONS

Beginning in 2016, in response to the strong demand from industry to use commercial drones, the Federal Aviation Administration (FAA) authorized limited commercial drone operations away from airports. As commercial operators demonstrated that these flights could be performed safely and securely, the FAA has expanded the scope of these approvals. For instance,

[2] See included addendum to this testimony for more economic information.

certain drones are now permitted to operate over people[3] and to operate at night with appropriate lighting.[4]

Importantly, the expansion of these authorized operations (over people and at night) coincided with the FAA's Remote Identification (Remote ID) rule, which went into effect this past year.[5] Remote ID requires drones to be equipped with a digital drone license plate to provide identification and location information that can be received via broadcast signal (using WiFi or Bluetooth technology). The public can now use several readily available smartphone apps (such as Drone Scanner) to identify a drone's license plate—much like we do with cars on the road. Remote ID helps both the public and public safety officials discern legitimate authorized drones from those that are not following the rules. In general, a drone broadcasting its digital license plate will be operating in accordance with FAA regulations.

The Remote ID requirement was an important step to increase transparency. Now, more work must be done to improve compliance with the rule. Additionally, more resources and information must be made available to the public and to state, local, tribal, and territorial governments to enhance the understanding of Remote ID technology. The CDA recognizes that we play a critical role in both efforts, and we are committed to helping improve compliance and public outreach. We also urge lawmakers and regulators alike to consider ideas to incentivize additional adoption of Remote ID. To truly harness the benefits of the Remote ID rule and increase the transparency in the airspace, we need a public education campaign to provide information on how to use Remote ID as an effective tool.

In addition to Remote ID, two new rules currently in development would contribute significantly to enhancing airspace transparency and preventing drones from flying where they should not. The first is a rule to enable beyond visual line-of-sight (BVLOS) and the second is a rule focused on drone security around critical infrastructure and sensitive airspace (commonly referred to as the "2209 rule"). The FAA Reauthorization Act of 2024 recognized the importance of these rules and established timelines for both.[6] We expect the BVLOS rule will improve electronic conspicuity for everyone in the airspace, and provide a framework for third parties to provide services that help the government more effectively link drones in flight to responsible parties on the ground. We expect the 2209 rule, which is approaching almost a decade of delay given that Congress first mandated the process in 2016, will enable critical infrastructure

[3] *See* 14 C.F.R. §§ 107.39, 107.100 *et seq.* (2021).

[4] *See* 14 C.F.R. § 107.29 (2021).

[5] *See* 14 C.F.R. § 89 *et seq.* (2021).

[6] FAA Reauthorization Act of 2024, Pub. L. No. 118-63, §§ 929, 930, 138 Stat. 1025, 1365–66 (2024).

proprietors and other sensitive fixed-site operators to request that drone operations be restricted over their facilities.

Unfortunately, despite calls by this Committee for action,[7] congressionally-mandated deadlines for both rules have been ignored at the expense of the drone industry and the American public. We therefore urge this Administration to publish these draft rules as soon as possible, and hope that Congress will continue to hold the FAA and other agencies accountable for finishing this critical regulatory work. This week, the CDA sent a letter to Secretary Duffy, which we ask be included in the record, urging swift action on new rules that will enable this industry to scale.

Finally, to establish a foundation of security and as recommended by the Counter-UAS ARC, the CDA supports incorporation of a "verified operator" program for drones, similar to other "verified" or "known" operator or user programs such as the Transportation Security Administration's (TSA) Pre-Check, Known Shipper, and Transportation Worker Identification Credential programs. The commercial drone industry would willingly participate in such a program to enable the government to maintain a database of authorized commercial UAS operations and help relevant agencies and public safety officials with threat discrimination. This framework could allow registered and legitimate drone operators to fly their aircraft with streamlined approval processes for purposes that benefit society, including package delivery, infrastructure inspections, and agriculture operations.

EXPANDING EXISTING COUNTER-UAS AUTHORITIES

The CDA has worked for years with federal government officials, industry stakeholders, and others to promote technology solutions that enable the safe and secure integration of UAS into our National Airspace System (NAS). The CDA was honored to help lead a working group of the FAA's UAS Detection and Mitigation Aviation Rulemaking Committee (known as the "Counter-UAS" ARC). As the Counter-UAS ARC recognized, drone security policy has lagged behind the pace of technology.[8] Current laws prevent the use of helpful technology that can increase transparency[9] – for example, if there is a rogue drone in the air, even just using the necessary

[7] Letter from Chair of House Committee on Transportation and Infrastructure Sam Graves (R-MO), Ranking Member Rick Larsen (D-WA), and other members of the Committee to Secretary of Transportation Pete Buttigieg and Federal Aviation Administration Administrator Michael Whitaker, Oct. 21, 2024 (noting concern that a "failure to comply with statutory instructions may result in the delay of a final [BVLOS] rule" and stating that "[t]he DOT and the FAA must work in a safe and expeditious manner to issue this critical rulemaking.") (found at https://transportation.house.gov/uploadedfiles/2024-10-21_--_bvlos_letter_to_dot_faa.pdf).

[8] *See generally* Federal Aviation Administration, *Unmanned Aircraft Systems Detection And Mitigation Systems Aviation Rulemaking Committee Final Report* (Jan. 9, 2024), https://www.faa.gov/sites/faa.gov/files/UAS-Detection-Mitigation-Systems-ARC_Final-Report_02052024.pdf.

[9] *See generally* Federal Aviation Administration, Department of Justice, Federal Communications Commission, and Department of Homeland Security, *Advisory on the Application of Federal Laws to the Acquisition and Use of Technology to Detect and Mitigate Unmanned Aircraft Systems* (Aug. 2020),

technology to detect it can violate laws meant to prevent hacking landline telephones or hijacking an aircraft. This stagnation has impacted the health of domestic drone security, risking both public safety and national security.

We applaud the hard work by the Transportation and Infrastructure, Homeland Security, and Judiciary Committees in drafting H.R. 8610, "Counter-UAS Authority Security, Safety, and Reauthorization Act." We also appreciate the introduction of H.R. 4333, "Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2023," which demonstrates that there is strong Congressional motivation to solve this issue.

We appreciate this committee's willingness to collaborate with us on H.R. 8610. The current version of the bill is a significant step in the right direction and makes strides to improve the transparency, security, safety, and accountability of our NAS. We also support the House's approach to focusing use of counter-UAS mitigation technology in flight restricted areas, thus providing appropriate awareness to authorized drone operators. In this testimony, we offer additional improvements the Committee could make to this legislation, in line with the spirit of the Counter-UAS ARC final report, to further enable the safe and transparent use of counter-UAS technology while also preventing unnecessary burdens on legitimate drone activities.

The CDA recognizes that there are a variety of different counter-UAS technologies and systems available to authorized users. Different circumstances and environments may warrant different types of solutions, and policymakers should give operators the flexibility, with appropriate guardrails, to leverage the technology that works in their circumstances by being technology agnostic in their policy.

In addition to the suggestions offered below, the CDA urges both the executive and legislative branches to consider the various programs and initiatives that will be necessary to effectively and efficiently implement such legislation. Some areas of work, such as operator training, system testing, and standards development, can be started in advance of expanded authorities, and will need to be in place prior to use. We therefore urge executive branch officials to begin these critical efforts now to avoid implementation delays after legislation is enacted. We also urge Congress to ensure these agencies are appropriately resourced to implement this legislation once it is enacted.

Expand Advanced Detection Capabilities

The CDA supports the view of the Counter-UAS ARC that it is important to have direct, low-cost access to accurate information regarding low-altitude aviation within the vicinity of

https://www.dhs.gov/sites/default/files/publications/20_0817_ogc_interagency-legal-advisory-uas-detection-mitigation-technologies.pdf.

sensitive or highly vulnerable ground sites, including critical infrastructure, mass gatherings, active public safety, and emergency response incident scenes, as well as other locations that may require enhanced protection. With the implementation of the FAA's Remote ID rule, the vast majority of UAS are now required to broadcast their location. Additionally, use of built-in geofencing functions that help prevent careless or clueless drone flights is decreasing. These two factors combined make enabling broad use of detection technology more critical than ever. This authority should be expanded not only to state, local, tribal, or territorial (SLTT) law enforcement agencies, but also to certain appropriately trained private sector entities, such as critical infrastructure operators, in order to reduce the burden on law enforcement agencies.

Expand the Counter-UAS Pilot Program

The CDA supports the Counter-UAS ARC recommendation to more broadly enable the testing of detection and mitigation technologies in real-world environments. To that end, the CDA supports expanding the Pilot Program in the current version of the House legislation to enabling more SLTT law enforcement agencies to leverage approved mitigation technologies, and increasing the allowable number of sites. This expansion is critical to collecting enough data from a diversity of circumstances and geographies to inform future policy. Additionally, we support limiting the program to areas with a flight restriction, as legitimate operators already know to avoid operating in those areas. Moreover, this program should move forward immediately—Congress need not wait for rulemaking to take place. In addition, the federal government should be specific at the outset to define what a successful program will look like by providing clear metrics to measure success.

Streamline Interagency Approval Processes

The CDA supports a requirement for advanced detection and mitigation technologies to be approved by federal agencies prior to use, and also supports the use of training requirements for technology operators. However, the CDA also urges policymakers to streamline processes by including additional legislative timelines and leveraging other accountability mechanisms to ensure progress and avoid delay due to inaction.

Maximize Future Certainty For Government and Industry

The CDA believes that any comprehensive counter-UAS legislation must include a multi-year extension and enhancement of counter-UAS authorities to allow federal agencies, as well as SLTT governments, to appropriately plan and budget their counter-UAS activities. This certainty also will allow for industry stakeholders to invest in the future, which will foster innovation and competitiveness currently lacking in the marketplace. For the same reasons, it is important for the federal agencies implementing these authorities and approving the technology use to be appropriately resourced.

CONCLUSION

Our collective goal is to enable compliant, careful, commercial drone operators while addressing the challenges posed by careless, clueless, or criminal actors. As recent events have shown, there is more that policymakers can do to enable transparency and beneficial uses of counter-UAS technology to prevent misuse of drones. The commercial drone industry fully supports taking the steps outlined above – establishing a framework for safe and secure drone operations, and expanding existing counter-UAS authorities – to update our domestic drone security policy for the safety and security of all Americans. We appreciate the opportunity to inform the committee's exploration of the safe and responsible use of counter-UAS technologies in the United States, and look forward to continuing to collaborate with you and your staff on enacting this important legislation.