



Proposed UAS remote identification rule at White House for review

White House doors now open to meetings with stakeholders about drone remote ID

19 September 2019

In a much anticipated development, the U.S. Department of Transportation has just sent to the White House Office of Information and Regulatory Affairs (OIRA) the proposed rulemaking for remote identification (remote ID) of unmanned aircraft systems (UAS or so-called "drones"). This is big news and an important step in moving drone policymaking forward in the United States to enable expanded commercial UAS operations.

The commercial drone industry has grown to a level few could have imagined only a couple of years ago and technological advances continue to fuel new and innovative commercial use-cases. As drone technology has improved, we have also seen increasing numbers of headlines raising legitimate drone safety and security issues. We discussed many of these issues at our third-annual Domestic Drone Safety and Security Series event in Washington, D.C. in April of this year. There have been reported close encounters between drones and manned aircraft, and rogue drones flying where they should not lawfully fly – including at [airports](#), military bases, critical infrastructure, and [large outdoor sporting events](#).

Recognizing the potential safety and security benefits of a requirement that would allow public officials to remotely identify UAS, the Federal Aviation Administration (FAA) established the [UAS ID and Tracking Aviation Rulemaking Committee](#) (the ARC) in May 2017 to provide recommendations to the agency. The ARC provided its [report](#) to the FAA in September 2017. And while the FAA Extension, Safety, and Security Act of 2016 required FAA to issue regulations for remote identification by July 2018, the publication of a proposed rule has been [continually delayed](#).

Publication of a proposed remote identification rule has been a top priority for the commercial drone industry because broad authorization for expanded UAS operations, including flights at night, beyond visual line of sight, and over people, have essentially remained grounded until the law enforcement and national security communities are comfortable with their ability to identify unmanned aircraft.

This development means that a proposed rule for remote ID is closer to publication for public comment. It also means that the White House is open to meeting with interested stakeholders

during this time. NOW is the last realistic opportunity to influence this proposed rule before it is publicly released for comment.

OIRA is located within the Office of Management and Budget (OMB) within the Executive Office of the President. It is commonly said that OIRA is the most important agency in Washington, D.C. that nobody has ever heard of. OIRA reviews draft regulations before they are implemented and reviews and evaluates cost/benefit analyses to determine whether the benefits of a rule would justify the costs.

As part of OIRA's review process, any member of the public – including UAS manufacturers, operators, users, and other industry stakeholders – can request a meeting with the agency to discuss the proposed rule, what it should contain, and how the rule will impact them. The meetings are conducted by OIRA officials and staff, and a log of all meetings is publicly available. The proposed rule will not be released until after the OIRA review process is completed and therefore stakeholders have one last chance to influence the proposed rule prior to its publication.

A meeting with OIRA provides a golden opportunity for stakeholders to make their voices heard on this key policy and regulatory issue. The contours of the limitations and parameters for the remote ID rule will be largely shaped by the proposed rule. Thus, companies that want to provide input on this vitally important issue now have the chance to provide their ideas directly to the White House.

We have significant experience with such OIRA meetings on UAS issues. If you would like to communicate your views to the White House during this review period, let us know. We would be happy to help.

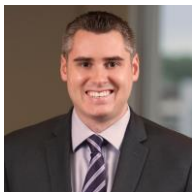
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