

FAA H.R. 636 Section 2209
Application to Designate a Critical Infrastructure Location

SEC. 2209. APPLICATIONS FOR DESIGNATION.

- a) **APPLICATIONS FOR DESIGNATION.** — Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.
- b) **REVIEW PROCESS.** —

(1) APPLICATION PROCEDURES. —

- (A) IN GENERAL.** —The Administrator shall establish the procedures for the application for designation under subsection (a).
- (B) REQUIREMENTS.** —The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.
- (C) CONSIDERATIONS.** —Only the following may be considered fixed site facilities:
- (i) Critical infrastructure, such as energy production, transmission, and distribution facilities and equipment.
 - (ii) Oil refineries and chemical facilities.
 - (iii) Amusement parks.
 - (iv) Other locations that warrant such restrictions.

(2) DETERMINATION. —

- (A) IN GENERAL.** —The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.
- (B) AFFIRMATIVE DESIGNATIONS.** —An affirmative designation shall outline—
- (i) the boundaries for unmanned aircraft operation near the fixed site facility; and
 - (ii) such other limitations that the Administrator determines may be appropriate.
- (C) CONSIDERATIONS.** —In making a determination whether to grant or deny an application for a designation, the Administrator may consider—
- (i) aviation safety;
 - (ii) protection of persons and property on the ground;
 - (iii) national security; or
 - (iv) homeland security.
- (D) OPPORTUNITY FOR RESUBMISSION.** —If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

(c) PUBLIC INFORMATION. —Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

(d) SAVINGS CLAUSE. —Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).