

AMENDMENT TO H.R. 7273

OFFERED BY MS. STEVENS OF MICHIGAN

At the end of title VIII, add the following:

1 **SEC. 8___. NASA AUTHORITY WITH RESPECT TO UN-**
2 **MANNED AIRCRAFT SYSTEM IDENTIFICATION**
3 **AND DETECTION.**

4 (a) IN GENERAL.—Subchapter III of chapter 201 of
5 title 51, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 20150. Detecting, identifying, monitoring, and**
8 **tracking unmanned aircraft systems and**
9 **unmanned aircraft that pose threats to**
10 **certain facilities and assets**

11 “(a) IN GENERAL.—Notwithstanding section 46502
12 of title 49, sections 32, 1030, and 1367 and chapters 119
13 and 206 of title 18, or section 705 of the Communications
14 Act of 1934, the Administrator may take, and may au-
15 thorize personnel with assigned duties that include the se-
16 curity or protection of people, facilities, or assets to take,
17 the actions described in subsection (b) that are necessary
18 to detect, identify, monitor, and track an unmanned air-
19 craft system or unmanned aircraft that poses a credible
20 threat (as defined by the Administrator, in consultation

1 with the Secretary) to the safety or security of a covered
2 facility or asset.

3 “(b) ACTIONS DESCRIBED.—The actions described in
4 this subsection are limited to such actions during the oper-
5 ation of an unmanned aircraft system or unmanned air-
6 craft to detect, identify, monitor, or track, as appropriate,
7 the unmanned aircraft system or unmanned aircraft, with-
8 out prior consent, including by means of intercept or other
9 access of a wire communication, an oral communication,
10 or an electronic communication used to control the un-
11 manned aircraft system or unmanned aircraft.

12 “(c) IDENTIFICATION AND ASSESSMENT OF COV-
13 ERED FACILITIES OR ASSETS.—

14 “(1) INVENTORY OF CERTAIN FACILITIES OR
15 ASSETS.—The Administrator shall identify each fa-
16 cility or asset located on or within the property of
17 the Administration that directly relates to one or
18 more missions of the Administration pertaining to
19 any of the following:

20 “(A) Launch services.

21 “(B) Reentry services.

22 “(C) The protection of space support vehi-
23 cles or payloads.

24 “(2) RISK-BASED ASSESSMENT.—The Adminis-
25 trator, in coordination with the Secretary, shall con-

1 duct a risk-based assessment of each facility and
2 asset identified under paragraph (1) that includes
3 an evaluation of the following:

4 “(A) Threat information specific to each
5 such facility and asset.

6 “(B) Each of the following factors, with
7 respect to potential impacts on the safety and
8 efficiency of the national airspace system and
9 law enforcement and national security needs
10 while carrying out the activities described in
11 subsection (b):

12 “(i) Potential effects to safety, effi-
13 ciency, or use of the national airspace sys-
14 tem, including potential effects on a
15 manned aircraft, an unmanned aircraft
16 system or unmanned aircraft, aviation
17 safety, airport operations, infrastructure,
18 or air navigation services related to the use
19 of any system or technology for carrying
20 out the actions described in subsection (b).

21 “(ii) Options for mitigating any iden-
22 tified effects to the national airspace sys-
23 tem related to the use of any system or
24 technology, including minimizing, when
25 possible, the use of any technology which

1 disrupts the transmission of radio or elec-
2 tronic signals, for carrying out the actions
3 described in subsection (b).

4 “(iii) Potential consequences of the
5 impacts of any actions described in sub-
6 section (b) to the national airspace system
7 or infrastructure if not detected, identified,
8 monitored, or tracked.

9 “(iv) The ability to provide reasonable
10 advance notice to aircraft operators con-
11 sistent with the safety of the national air-
12 space system and the needs of law enforce-
13 ment and national security.

14 “(v) The setting and character of the
15 facility or asset at issue, including the fol-
16 lowing:

17 “(I) Whether the facility or asset
18 is located in a populated area or near
19 other structures.

20 “(II) Whether the facility or
21 asset is open to the public.

22 “(III) Whether the facility or
23 asset is used for nongovernmental
24 functions.

1 “(IV) Any potential for inter-
2 ference with wireless communications
3 or for injury or damage to persons or
4 property.

5 “(vi) The setting, character, time-
6 frame, and national airspace system im-
7 pacts of launch services and reentry serv-
8 ices.

9 “(vii) Potential consequences to na-
10 tional security, public safety, or law en-
11 forcement if a credible threat posed by an
12 unmanned aircraft system or unmanned
13 aircraft to the facility or asset at issue is
14 not detected, identified, monitored, or
15 tracked.

16 “(3) DESIGNATION OF COVERED FACILITIES OR
17 ASSETS.—The Administrator shall designate a facil-
18 ity or asset identified under paragraph (1) as a cov-
19 ered facility or asset if the Administrator deter-
20 mines, based on the risk-based assessment conducted
21 under paragraph (2) with respect to the facility or
22 asset, that the facility or asset is high-risk and a po-
23 tential target for unlawful unmanned aircraft system
24 or unmanned aircraft activity.

1 “(d) RESEARCH, TESTING, TRAINING, AND EVALUA-
2 TION.—

3 “(1) REQUIREMENT.—

4 “(A) IN GENERAL.—Notwithstanding sec-
5 tion 46502 of title 49, sections 32, 1030, and
6 1367 and chapters 119 and 206 of title 18, and
7 section 705 of the Communications Act of
8 1934, the Administrator is authorized to con-
9 duct research, testing, training on, and evalua-
10 tion of any equipment approved by the Federal
11 Government for the detection, identification,
12 monitoring, and tracking of unmanned aircraft
13 system or unmanned aircraft under subsections
14 (a) and (b), including any electronic equipment,
15 to determine the capability and utility of the
16 equipment prior to the use of the equipment for
17 any action described in subsection (b).

18 “(B) PERSONNEL AND CONTRACTORS.—
19 Personnel and contractors of the Administra-
20 tion who do not have duties that include the
21 safety, security, or protection of people, facili-
22 ties, or assets of the Administration may en-
23 gage in research, testing, training, and evalua-
24 tion activities pursuant to subparagraph (A).

1 “(2) TRAINING OF PERSONNEL.—The Adminis-
2 trator shall provide training on the actions described
3 in subsection (b) to personnel authorized to take
4 such actions.

5 “(3) AVIATION SAFETY.—In carrying out any
6 activity under this section, the Administrator shall
7 coordinate with the Secretary to ensure the contin-
8 ued, safe, and efficient operation of the national air-
9 space system.

10 “(e) REGULATIONS AND GUIDANCE.—The Adminis-
11 trator—

12 “(1) shall issue guidance and may prescribe
13 regulations as necessary for the Administrator to
14 carry out this section; and

15 “(2) in developing regulations and guidance re-
16 ferred to in paragraph (1), may consult the Chair-
17 man of the Federal Communications Commission,
18 the Assistant Secretary of Commerce for Commu-
19 nications and Information, the Secretary of Trans-
20 portation, the Administrator of the Federal Aviation
21 Administration, and the head of any other agency
22 determined appropriate by the Administrator.

23 “(f) COORDINATION.—The Administrator shall co-
24 ordinate with the Secretary and may coordinate with the
25 heads of other agencies, as determined relevant by the Ad-

1 administrator, to carry out any action authorized under this
2 section, including issuing such guidance as required to
3 carry out this section, in order that the Administrator is
4 able to ensure the action does not adversely impact, or
5 interfere with, any of the following:

6 “(1) Safe airport operations.

7 “(2) Navigation.

8 “(3) Air traffic services.

9 “(4) The safe and efficient operation of the na-
10 tional airspace system.

11 “(g) PRIVACY PROTECTION.—The regulations or
12 guidance issued to carry out an action described in sub-
13 section (b) by the Administrator shall ensure the fol-
14 lowing:

15 “(1) The interception or acquisition of, access
16 to, or maintenance or use of, any communication to
17 or from an unmanned aircraft system or unmanned
18 aircraft under this section is conducted in a manner
19 consistent with the First and Fourth Amendments
20 to the Constitution of the United States and any ap-
21 plicable provisions of Federal law.

22 “(2) Any communication to or from an un-
23 manned aircraft system or an unmanned aircraft is
24 intercepted or acquired only to the extent necessary
25 to support an action described in subsection (b).

1 “(3) Any record of such communication is
2 maintained only for as long as necessary, and in no
3 event for more than 180 days, unless the Adminis-
4 trator, in consultation with the Attorney General,
5 determines that maintenance of the records is—

6 “(A) required under Federal law;

7 “(B) necessary for the purpose of any liti-
8 gation; or

9 “(C) necessary to investigate or prosecute
10 a violation of law, including by—

11 “(i) directly supporting an ongoing se-
12 curity operation; or

13 “(ii) protecting against dangerous or
14 unauthorized activity by an unmanned air-
15 craft system or unmanned aircraft.

16 “(4) Such communication is not disclosed to
17 any person not employed or contracted by the Ad-
18 ministration for the purposes of carrying out this
19 section unless the disclosure—

20 “(A) is necessary to investigate or pros-
21 ecute a violation of law;

22 “(B) would support—

23 “(i) the Department of Defense;

1 “(ii) a Federal law enforcement agen-
2 cy, an element of the intelligence commu-
3 nity, or other relevant Federal agency; or

4 “(iii) a State or local law enforcement
5 entity or person, if the entity or person is
6 engaged in a security or protection oper-
7 ation;

8 “(C) is necessary to support a department
9 or agency specified in subparagraph (B) in the
10 investigation or prosecution of a violation of
11 law;

12 “(D) would support the enforcement activi-
13 ties of a Federal regulatory agency relating to
14 a criminal or civil investigation of, or any regu-
15 latory, statutory, or other enforcement action
16 relating to, an action described in subsection
17 (b);

18 “(E) is necessary to protect against dan-
19 gerous or unauthorized activity by an un-
20 manned aircraft system or unmanned aircraft;
21 or

22 “(F) is otherwise required by law.

23 “(h) ASSISTANCE AND SUPPORT.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Administrator is authorized to provide support

1 or assistance to a Federal agency or department, on
2 the request of the agency or department, with re-
3 spect to an action described in any of the following:

4 “(A) Section 130i of title 10.

5 “(B) Section 210G of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 124n).

7 “(C) Section 4510 of the Atomic Energy
8 Defense Act (50 U.S.C. 2661).

9 “(2) REQUIREMENTS.—The Administrator shall
10 provide the support or assistance described in para-
11 graph (1) only—

12 “(A) to support or assist the requesting
13 Federal agency or department in fulfilling the
14 roles and responsibilities of the agency or de-
15 partment carried out by an action referred to in
16 such paragraph;

17 “(B) for a specified duration and location;

18 “(C) within available resources of the Ad-
19 ministration;

20 “(D) on a non-reimbursable basis; and

21 “(E) in coordination with the Secretary.

22 “(i) SEMIANNUAL BRIEFINGS AND NOTIFICA-
23 TIONS.—

24 “(1) IN GENERAL.—On a semiannual basis be-
25 ginning 6 months after the date of the enactment of

1 this section, the Administrator shall provide a brief-
2 ing to the appropriate congressional committees on
3 the activities carried out pursuant to this section.

4 “(2) CONTENT.—Each briefing required under
5 paragraph (1) shall include the following:

6 “(A) Information relating to policies, pro-
7 grams, and procedures to mitigate or eliminate
8 impacts of the actions carried out pursuant to
9 subsection (b) to the national airspace system.

10 “(B) A description of the following:

11 “(i) Each instance that an action de-
12 scribed in subsection (b) was taken, includ-
13 ing any such instance that may have re-
14 sulted in harm, damage, or loss to a per-
15 son or to private property.

16 “(ii) The guidance, policies, or proce-
17 dures established by the Administrator to
18 address privacy, civil rights, and civil lib-
19 erties issues implicated by the actions per-
20 mitted under subsection (b), as well as any
21 changes or subsequent efforts by the Ad-
22 ministrator that would significantly affect
23 privacy, civil rights, or civil liberties.

24 “(iii) Options considered and steps
25 taken by the Administrator to mitigate any

1 identified impacts to the national airspace
2 system related to the use of any system or
3 technology, including the minimization of
4 the use of any technology that disrupts the
5 transmission of radio or electronic signals,
6 for carrying out the actions described in
7 subsection (b).

8 “(iv) Such consultation conducted by
9 the Administrator with other agencies with
10 respect to each action described under
11 clauses (ii) and (iii).

12 “(v) Each instance in which a commu-
13 nication intercepted or acquired as a result
14 of an action described in subsection (b)
15 taken during operations of an unmanned
16 aircraft system or unmanned aircraft
17 was—

18 “(I) held in the possession of the
19 Administration for more than 180
20 days; or

21 “(II) shared with any entity
22 other than the Administration.

23 “(C) An explanation of how the Adminis-
24 trator has—

1 “(i) informed the public with respect
2 to the authorities granted under this sec-
3 tion; and

4 “(ii) engaged with Federal, State,
5 local, Tribal, and territorial law enforce-
6 ment agencies to implement and use such
7 authorities.

8 “(D) An assessment of whether any gaps
9 or insufficiencies in laws, regulations, or policies
10 impede the ability of the Administration to de-
11 tect, identify, monitor, or track the credible
12 threat posed by malicious, inappropriate, or un-
13 authorized use of an unmanned aircraft system
14 or unmanned aircraft to the safety or security
15 of a covered facility or asset.

16 “(E) Recommendations to remedy any
17 such gaps or insufficiencies, including rec-
18 ommendations relating to the potential need for
19 changes in laws, regulations, or policies, as ap-
20 propriate.

21 “(3) UNCLASSIFIED FORM.—Each briefing re-
22 quired under paragraph (1) shall be unclassified but
23 may be accompanied by an additional classified
24 briefing.

1 “(j) SCOPE OF AUTHORITY.—This section may not
2 be interpreted to provide the Administrator with any addi-
3 tional authority other than the authorities described in
4 subsections (a), (c), and (d).

5 “(k) TERMINATION.—This section shall cease to have
6 effect on September 30, 2031.

7 “(l) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to—

9 “(1) vest in the Administrator any authority of
10 the head of any other Federal agency; or

11 “(2) vest in the head of any other Federal
12 agency any authority of the Administrator.

13 “(m) DEFINITIONS.—In this section:

14 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term ‘appropriate congressional com-
16 mittees’ means—

17 “(A) the Committee on Commerce,
18 Science, and Transportation of the Senate;

19 “(B) the Committee on Transportation
20 and Infrastructure of the House of Representa-
21 tives; and

22 “(C) the Committee on Science, Space, and
23 Technology of the House of Representatives.

24 “(2) COVERED FACILITY OR ASSET.—The term
25 ‘covered facility or asset’ means a facility or asset

1 designated as a covered facility or asset by the Ad-
2 ministrator under subsection (c)(3).

3 “(3) ELECTRONIC COMMUNICATION; INTER-
4 CEPT; ORAL COMMUNICATION; WIRE COMMUNICA-
5 TION.—The terms ‘electronic communication’, ‘inter-
6 cept’, ‘oral communication’, and ‘wire communica-
7 tion’ have the meanings given those terms in section
8 2510 of title 18.

9 “(4) INTELLIGENCE COMMUNITY.—The term
10 ‘intelligence community’ has the meaning given the
11 term in section 3 of the National Security Act of
12 1947 (50 U.S.C. 3003).

13 “(5) LAUNCH SERVICES; REENTRY SERVICES;
14 SPACE SUPPORT VEHICLE; PAYLOAD.—The terms
15 ‘launch services’, ‘reentry services’, ‘space support
16 vehicle’, and ‘payload’ have the meanings given those
17 terms in section 50902.

18 “(6) PERSONNEL.—

19 “(A) IN GENERAL.—The term ‘personnel’
20 means an officer, employee, or contractor of the
21 Administration authorized to perform duties
22 that include safety, security, or protection of
23 people, facilities, or assets.

24 “(B) USE OF AUTHORITY.—To qualify for
25 use of the authority under subsection (a), a

1 contractor conducting operations under such
2 subsection shall satisfy the following:

3 “(i) Be directly contracted by the Ad-
4 ministration.

5 “(ii) Be assigned to law enforcement
6 duties within the Office of Protective Serv-
7 ices of the Administration.

8 “(iii) Operate at a Government-owned
9 or Government-leased facility.

10 “(iv) Not conduct inherently govern-
11 mental functions.

12 “(v) Be trained and certified by the
13 Administration to meet the established
14 guidance and regulations of the Adminis-
15 tration.

16 “(vi) Be subject to the penalties speci-
17 fied in section 799 of title 18.

18 “(7) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Transportation (acting through the
20 Administrator of the Federal Aviation Administra-
21 tion).

22 “(8) UNMANNED AIRCRAFT; UNMANNED AIR-
23 CRAFT SYSTEM.—The terms ‘unmanned aircraft’
24 and ‘unmanned aircraft system’ have the meanings
25 given those terms in section 44801 of title 49.”

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for chapter 201 of title 51, United States Code, is amend-
3 ed by inserting after the item relating to section 20149
4 the following new item:

“20150. Detecting, identifying, monitoring, and tracking unmanned aircraft sys-
 tems and unmanned aircraft that threaten certain facilities and
 assets.”.

