

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide NASA the authority to detect, identify, monitor, and track unmanned aircraft systems.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 933

To authorize programs for the National Aeronautics and Space Administration for fiscal year 2025, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PETERS

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . AUTHORITY WITH RESPECT TO UNMANNED AIR-**
- 3 **CRAFT SYSTEM IDENTIFICATION AND DETEC-**
- 4 **TION.**

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

1 **“§ 20150. Detecting, identifying, monitoring, and**
2 **tracking unmanned aircraft systems and**
3 **unmanned aircraft that threaten certain**
4 **facilities and assets**

5 “(a) IN GENERAL.—Notwithstanding sections 1030
6 and 1367 and chapters 119 and 206 of title 18, the Ad-
7 ministrator may take, and may authorize personnel with
8 assigned duties that include the security or protection of
9 people, facilities, or assets to take, the actions described
10 in subsection (b) that are necessary to detect, identify,
11 monitor, and track an unmanned aircraft system or un-
12 manned aircraft that poses a credible threat (as defined
13 by the Administrator, in consultation with the Secretary
14 of Transportation) to the safety or security of a covered
15 facility or asset.

16 “(b) ACTIONS DESCRIBED.—The actions described in
17 this subsection are limited to such actions to detect, iden-
18 tify, monitor, or track the unmanned aircraft systems or
19 unmanned aircraft, without prior consent, including by
20 means of intercept or other access of a wire communica-
21 tion, an oral communication, or an electronic communica-
22 tion used to control the unmanned aircraft system or un-
23 manned aircraft.

24 “(c) REQUIRED COORDINATION.—The Administrator
25 shall develop the actions described in subsection (b) in co-

1 ordination with the Administrator of the Federal Aviation
2 Administration.

3 “(d) TRAINING OF PERSONNEL.—The Administrator,
4 in coordination with the Administrator of the Federal
5 Aviation Administration, shall provide training on the ac-
6 tions described in subsection (b) to personnel authorized
7 to take such actions.

8 “(e) AVIATION SAFETY.—In carrying out any activity
9 under this section, the Administrator shall coordinate with
10 the Administrator of the Federal Aviation Administration
11 in the case of any action authorized under this section that
12 might affect aviation safety, civilian aviation and aero-
13 space operations, aircraft airworthiness, or the use of the
14 airspace.

15 “(f) IDENTIFICATION AND ASSESSMENT OF COV-
16 ERED FACILITIES OR ASSETS.—

17 “(1) INVENTORY.—The Administrator shall
18 identify each covered facility or asset (as defined in
19 subsection (o)(2)).

20 “(2) RISK-BASED ASSESSMENT.—The Adminis-
21 trator, in coordination with the Administrator of the
22 Federal Aviation Administration, shall conduct a
23 risk-based assessment of each covered facility or
24 asset identified as defined in subsection (o)(2) with
25 respect to the risk that a credible threat by an un-

1 manned aircraft system or unmanned aircraft poses
2 to the operation of each such covered facility or
3 asset, that includes an evaluation of the following:

4 “(A) Threat information specific to each
5 such covered facility or 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 minimizing any iden-
22 tified effect to the national airspace system
23 related to the use of any system or tech-
24 nology, including minimizing any effect to
25 civil aviation or air traffic control systems,

1 for carrying out the actions described in
2 subsection (b).

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

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

13 “(v) The setting and character of the
14 covered facility or asset at issue, including
15 the following:

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

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

21 “(III) Whether the covered facil-
22 ity or asset is used for nongovern-
23 mental functions.

24 “(IV) Any potential for inter-
25 ference with wireless communications

1 or for injury or damage to persons or
2 property.

3 “(vi) Potential consequences to na-
4 tional security, public safety, or law en-
5 forcement if a credible threat posed by an
6 unmanned aircraft system or unmanned
7 aircraft to the covered facility or asset at
8 issue is not detected, identified, monitored,
9 or tracked.

10 “(C) DISTRIBUTION.—Not later than 180
11 days after the date of the enactment of this sec-
12 tion, and annually thereafter, the Administrator
13 shall distribute to each relevant department or
14 agency (including the Department of Transpor-
15 tation) and the appropriate committees of Con-
16 gress, through appropriate means, a list of fa-
17 cilities and assets identified as covered facilities
18 or assets.

19 “(g) TECHNOLOGIES.—Technologies used by the Ad-
20 ministration to take actions described in subsection (b)
21 shall be limited to systems or technologies that are in-
22 cluded on a list of authorized technologies maintained
23 jointly by the Department of Justice, the Department of
24 Homeland Security, the Department of Defense, the De-
25 partment of Transportation, the Federal Communications

1 Commission, the National Aeronautics and Space Admin-
2 istration, and the National Telecommunications and Infor-
3 mation Administration.

4 “(h) GUIDANCE AND PROCEDURES.—The Adminis-
5 trator and the Administrator of the Federal Aviation Ad-
6 ministration—

7 “(1) shall issue guidance, and may prescribe
8 appropriate procedures as necessary, for the Admin-
9 istrator to carry out this section; and

10 “(2) in developing such guidance and proce-
11 dures, shall consult the Chairman of the Federal
12 Communications Commission, the Assistant Sec-
13 retary of Commerce for Communications and Infor-
14 mation, the Secretary of Transportation, and the
15 head of any other agency determined appropriate by
16 the Administrator.

17 “(i) COORDINATION.—

18 “(1) COORDINATION WITH FEDERAL AVIATION
19 ADMINISTRATION.—With respect to the development
20 of guidance under subsection (f), the Adminis-
21 trator—

22 “(A) shall coordinate with the Adminis-
23 trator of the Federal Aviation Administration;
24 and

1 “(B) may coordinate with the heads of
2 other agencies, as determined relevant by the
3 Administrator.

4 “(2) EFFECT ON AVIATION SAFETY.—The Ad-
5 ministrator shall coordinate with the Secretary of
6 Transportation and the Administrator of the Federal
7 Aviation Administration before issuing any guidance
8 or otherwise implementing this section, if such guid-
9 ance or implementation might affect aviation safety,
10 civilian aviation and aerospace operations, aircraft
11 airworthiness, or the use of airspace.

12 “(j) PRIVACY PROTECTION.—The guidance or proce-
13 dures issued to carry out an action described in subsection
14 (b) by the Administrator shall ensure the following:

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 such records is nec-
6 essary to investigate or prosecute a violation of law
7 or to directly support an ongoing security operation.

8 “(4) Such communications are not disclosed to
9 any person not employed or contracted by the Ad-
10 ministration for the purposes of carrying out this
11 section unless the disclosure—

12 “(A) is necessary to investigate or pros-
13 ecute a violation of law, including by the De-
14 partment of Defense or a Federal law enforce-
15 ment agency;

16 “(B) would support the enforcement activi-
17 ties of a regulatory agency of the Federal Gov-
18 ernment in connection with a criminal or civil
19 investigation of, or any regulatory, statutory, or
20 other enforcement action relating to, an action
21 described in subsection (b); or

22 “(C) is otherwise required by law.

23 “(k) SEMIANNUAL BRIEFINGS AND NOTIFICA-
24 TIONS.—

1 “(1) IN GENERAL.—On a semiannual basis be-
2 ginning 6 months after the date of the enactment of
3 this section, the Administrator shall provide a brief-
4 ing to the appropriate committees of Congress on
5 the activities carried out pursuant to this section.

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

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

12 “(B) A description of the following:

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

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

1 “(iii) Options considered and steps
2 taken by the Administrator to minimize
3 any identified impacts to the national air-
4 space system related to the use of any sys-
5 tem or technology, including minimizing
6 any effects to civil aviation or air traffic
7 control systems, for carrying out the ac-
8 tions described in subsection (b).

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

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

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

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

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

1 “(i) informed the public with respect
2 to the possible use of authorities granted
3 under this section; 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 “(l) 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) and (f).

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

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

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

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

13 “(3) to modify the spectrum management au-
14 thorities of the Assistant Secretary of Commerce for
15 Communications and Information under the Na-
16 tional Telecommunications and Information Admin-
17 istration Organization Act (47 U.S.C. 901 et seq.).

18 “(o) DEFINITIONS.—In this section:

19 “(1) APPROPRIATE COMMITTEES OF CON-
20 GRESS.—The term ‘appropriate committees of Con-
21 gress’ means—

22 “(A) the Committee on Commerce,
23 Science, and Transportation of the Senate; and

24 “(B) the Committee on Transportation
25 and Infrastructure and the Committee on

1 Science, Space, and Technology of the House of
2 Representatives.

3 “(2) COVERED FACILITY OR ASSET.—The term
4 ‘covered facility or asset’ means a facility or asset of
5 the Administration that—

6 “(A) is a NASA center; or

7 “(B) is located within the property of the
8 National Aeronautics and Space Administra-
9 tion.

10 “(3) ELECTRONIC COMMUNICATION; INTER-
11 CEPT; ORAL COMMUNICATION; WIRE COMMUNICA-
12 TION.—The terms ‘electronic communication’, ‘inter-
13 cept’, ‘oral communication’, and ‘wire communica-
14 tion’ have the meanings given those terms in section
15 2510 of title 18.

16 “(4) INTELLIGENCE COMMUNITY.—The term
17 ‘intelligence community’ has the meaning given the
18 term in section 3 of the National Security Act of
19 1947 (50 U.S.C. 3003).

20 “(5) PERSONNEL.—

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

1 “(B) USE OF AUTHORITY.—To qualify for
2 use of the authority under subsection (a), a
3 contractor conducting operations under such
4 subsection shall satisfy the following:

5 “(i) Be directly contracted by the Ad-
6 ministration.

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

10 “(iii) Operate at a Government-owned
11 or Government-leased facility.

12 “(iv) Not conduct inherently govern-
13 mental functions.

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

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

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

24 (b) CLERICAL AMENDMENT.—The table of contents
25 for chapter 201 of title 51, United States Code, is amend-

1 ed by inserting after the item relating to section 20149

2 the following new item:

20150. Detecting, identifying, monitoring, and tracking unmanned aircraft systems and unmanned aircraft that threaten certain facilities and assets.