

**AMENDMENT TO RULES COMMITTEE PRINT 119–**

**8**

**OFFERED BY MR. CUELLAR OF TEXAS**

At the end of subtitle B of title XVII, insert the following:

**1 SEC. 17\_\_\_\_. ESTABLISHMENT OF UNMANNED AIRCRAFT**  
**2 EXCLUSION ZONE ALONG SOUTHERN BOR-**  
**3 DER OF UNITED STATES.**

**4** (a) PLAN REQUIRED.—Not later than 90 days after  
**5** the date of the enactment of this Act, the Secretary of  
**6** Defense, acting through the Commander of the United  
**7** States Northern Command and in coordination with the  
**8** Secretary of Homeland Security and the Secretary of  
**9** Transportation, shall submit to the congressional defense  
**10** committees and the Administrator of the Federal Aviation  
**11** Administration a plan that includes—

**12** (1) defined legal and operational parameters,  
**13** recommended lateral extent, sector adjustments, and  
**14** timetable for a proposed unmanned aircraft exclu-  
**15** sion zone along the land border between the United  
**16** States and Mexico;

1           (2) an identification of high-threat sectors and  
2           an interagency concept of operations consistent with  
3           applicable law; and

4           (3) expedited protocols for lawful authorizations  
5           within the proposed zone.

6           (b) ESTABLISHMENT OF ZONE.—

7           (1) IN GENERAL.—Upon receipt of the plan re-  
8           quired under subsection (a), the Administrator of  
9           the Federal Aviation Administration, in coordination  
10          with the Commander of the United States Northern  
11          Command and the Secretary of Homeland Security,  
12          shall publish notices to airmen and take necessary  
13          administrative steps to effectuate the exclusion zone  
14          consistent with the airspace authority of the Admin-  
15          istrator.

16          (2) LIMITATION ON OPERATION OF UNMANNED  
17          AERIAL SYSTEMS.—

18                 (A) IN GENERAL.—Except as provided in  
19                 subparagraph (B), no person may operate an  
20                 unmanned aerial system in the exclusion zone  
21                 without written authorization from the Admin-  
22                 istrator, the Secretary of Homeland Security, or  
23                 the Secretary of Defense.

24                 (B) EXCEPTION FOR LAW ENFORCE-  
25                 MENT.—The prohibition under subparagraph

1 (A) does not apply to an unmanned aerial sys-  
2 tem operated—

3 (i) by a Federal, State, Tribal, or  
4 local law-enforcement agency;

5 (ii) by an emergency response pro-  
6 vider;

7 (iii) pursuant to a certificate of au-  
8 thorization or waiver issued by the Federal  
9 Aviation Administration; or

10 (iv) pursuant to approval under the  
11 expedited protocols of the Federal Aviation  
12 Administration.

13 (c) DEPARTMENT OF DEFENSE SUPPORT.—

14 (1) DEPARTMENT OF DEFENSE SUPPORT.—The  
15 Secretary of Defense, in coordination with the Sec-  
16 retary of Homeland Security, may plan and provide  
17 detection, identification, tracking, mitigation, and re-  
18 lated support within the exclusion zone consistent  
19 with law and approved interagency protocols. The  
20 Secretary of Defense shall ensure that any airspace  
21 or mitigation actions are coordinated with the Fed-  
22 eral Aviation Administration.

23 (2) PRIVACY AND DATA PROTECTION.—Prior to  
24 conducting any persistent surveillance, mitigation, or  
25 landscape alteration in the exclusion zone, the Sec-

1       retary of Defense and the Secretary of Homeland  
2       Security shall adopt privacy and data-retention lim-  
3       its, complete required environmental reviews, and  
4       consult affected State, Tribal, and local landowners.

5           (3) LIMITATION.—

6               (A) IN GENERAL.—Support provided by  
7       the Department of Defense under this section is  
8       limited to testing, evaluation, training, technical  
9       assistance, and the provision of equipment.  
10       Nothing in this section authorizes Armed  
11       Forces to perform domestic law-enforcement  
12       functions.

13            (B) PROPERTY TRANSFER.—Any property  
14       transferred under this section shall be trans-  
15       ferred in accordance with section 2576a of title  
16       10, United States Code.

17       (d) REPORTING; RELATIONSHIP TO AUTHORITIES.—  
18       Not later than 180 days after the date of the enactment  
19       of this Act, and annually thereafter for each of the subse-  
20       quent three years, the Secretary of Defense, in coordina-  
21       tion with the Secretary of Homeland Security and the Ad-  
22       ministrators of the Federal Aviation Administration, shall  
23       submit to the congressional defense committees a report  
24       on the exclusion zone established under this section. Each

1 such report shall include, for the period covered by the  
2 report—

3 (1) a description of the exclusion zone and any  
4 sector adjustments made;

5 (2) authorizations issued or denied and enforce-  
6 ment actions;

7 (3) operational incidents and lessons learned;  
8 and

9 (4) recommended legislative, regulatory, or re-  
10 source actions.

11 (e) EXCEPTION.—The prohibitions in the plan re-  
12 quired under subsection (a) shall not apply to unmanned  
13 aerial systems operations by farmers, ranchers, land-  
14 owners, or their contractors when conducting routine agri-  
15 cultural, livestock, commercial, or property-management  
16 activities on or over their property, if such operations are  
17 conducted in accordance with authorizations issued by the  
18 Federal Aviation Administration, certificates of authoriza-  
19 tion, waivers, or other written approvals. The Adminis-  
20 trator of the Federal Aviation Administration shall estab-  
21 lish expedited procedures for routine agricultural and  
22 property-management authorizations to minimize delays  
23 for legitimate operations and shall coordinate such proce-  
24 dures with the Secretary of Homeland Security and the

- 1 Director of Customs and Border Protection for purposes
- 2 of situational awareness

