

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-36**  
**OFFERED BY MR. ROBERT GARCIA OF**  
**CALIFORNIA**

At the end of subtitle A of title XVII, add the following:

1 **SEC. 17\_\_\_\_. UNIDENTIFIED ANOMALOUS PHENOMENA.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall—

5 (1) develop procedures to synchronize and  
6 standardize the collection, reporting, and analysis of  
7 incidents, including adverse physiological effects, or  
8 the disruption, interference, or interaction with  
9 flight instruments, potentially caused by an uniden-  
10 tified anomalous phenomena reported by civilian air-  
11 crew, air traffic controllers, flight attendants, avia-  
12 tion maintenance personnel, aviation dispatchers, air  
13 carriers or operators, and airports;

14 (2) develop processes and procedures to ensure  
15 that such incidents are reported and stored in an ap-  
16 propriate manner that allows for the integration of  
17 analysis of such information;

1           (3) establish procedures to provide employees of  
2           the Federal Aviation Administration the ability for  
3           timely and consistent reporting of such incidents  
4           that could reasonably be considered an unidentified  
5           anomalous phenomena;

6           (4) develop processes and procedures to ensure  
7           the timely investigations of such incidents, including  
8           immediately archiving information or data, including  
9           pilot-controller communications as well as air traffic  
10          management system and radar data, that could be  
11          used to aid in such investigations; and

12          (5) evaluate the threat that such incidents  
13          present to the safety of the national airspace system.

14          (b) COORDINATION.—In carrying out the require-  
15          ments of this section, the Administrator shall coordinate  
16          with the heads of other departments and agencies of the  
17          Federal Government, as appropriate, including the Sec-  
18          retary of Defense, the Director of National Intelligence,  
19          the Administrator of the National Aeronautics and Space  
20          Administration, the Secretary of Homeland Security, the  
21          Administrator of the National Oceanic and Atmospheric  
22          Administration, the Director of the National Science  
23          Foundation, and the Secretary of Energy.

24          (c) ALL-DOMAIN ANOMALY RESOLUTION OFFICE.—  
25          The Administrator shall share the reports and all incident

1 archived information and data submitted under this sec-  
2 tion with the All-domain Anomaly Resolution Office of the  
3 Department of Defense.

4 (d) PROHIBITION AGAINST USE OF REPORTS FOR  
5 ENFORCEMENT PURPOSES.—The Administrator may not  
6 use reports submitted under this section (or information  
7 derived therefrom) in any enforcement action except infor-  
8 mation concerning accidents or criminal offenses.

9 (e) COMMUNICATIONS STRATEGY.—Not later than  
10 180 days after the date of enactment of this Act, the Ad-  
11 ministrator shall produce and implement a communica-  
12 tions strategy to—

13 (1) engage the public and publicize the report-  
14 ing process described under subsection (a); and

15 (2) decrease stigma towards individuals submit-  
16 ting information to the Administrator under this  
17 section.

18 (f) REPORTING SYSTEM.—

19 (1) IN GENERAL.—Not later than 180 days  
20 after the date of enactment of this Act, the Adminis-  
21 trator shall select whether reports submitted under  
22 this section shall be received through—

23 (A) the Aviation Safety Reporting Pro-  
24 gram in effect as of the date of enactment of  
25 this Act; or

1           (B) a new and separate system similar to  
2           such Program that is established to exclusively  
3           receive report of potential unidentified anoma-  
4           lous phenomena.

5           (2) CONSIDERATION.—If the Administrator  
6           makes a selection under paragraph (1)(A), not later  
7           than 1 year after the date of enactment of this Act,  
8           the Administrator shall consider whether to update  
9           the Aviation Safety Reporting Program reporting in-  
10          take system to improve the capture information re-  
11          garding whether a reported event could involve an  
12          unidentified anomalous phenomenon, and, if so, a  
13          mechanism for including description of the object  
14          subject to such report and the apparent kinematics  
15          of such object.

16          (3) SYSTEM REQUIREMENT.—If the Adminis-  
17          trator makes a selection under paragraph (1)(B),  
18          the Administrator shall ensure the system includes  
19          the ability to provide a description of the object sub-  
20          ject to such report and the apparent kinematics of  
21          such object.

22          (4) MANNER OF SUBMISSION.—The Adminis-  
23          trator shall include in the reporting system selected  
24          under this subsection the ability to submit such a re-  
25          port via an electronic flight bag if the Administrator

1 determines that submitting via such flight bag can  
2 be done—

3 (A) safely; and

4 (B) without compromising pilots' ability to  
5 aviate, navigate and communicate.

6 (g) PROTECTION OF MEDICAL CERTIFICATES.—The  
7 spotting, visual witness, or reporting of unidentified anom-  
8 alous phenomena shall not be taken into account for the  
9 purposes of evaluation of mental standards for issuing  
10 medical certificates for airmen and for remaining eligible  
11 for a medical certificate under part 67 of title 14, Code  
12 of Federal Regulations.

13 (h) PROTECTION OF AIRMEN CERTIFICATES.—The  
14 spotting, visual witness, or reporting of unidentified anom-  
15 alous phenomena may not be taken into account for the  
16 purposes of evaluation of competency for issuing airmen  
17 certificates under section 44709 of title 49, United States  
18 Code.

19 (i) PROHIBITION ON REPRISALS FOR FEDERAL EM-  
20 PLOYEES AND CONTRACTORS.—An employee of a depart-  
21 ment or agency of the Federal Government, or of a con-  
22 tractor, subcontractor, grantee, subgrantee, or personal  
23 services contractor of such a department or agency, who  
24 has authority to take, direct others to take, recommend,  
25 or approve any personnel action, shall not, with respect

1 to such authority, take or fail to take, or threaten to take  
2 or fail to take, a personnel action, including the revocation  
3 or suspension of security clearances, or termination of em-  
4 ployment, with respect to any individual as a reprisal for  
5 spotting, visually witnessing or reporting of unidentified  
6 anomalous phenomena.

7 (j) PROHIBITION ON REPRISALS FOR EMPLOYEES OF  
8 AIR CARRIERS OR COMMERCIAL OPERATORS.—An air  
9 carrier or commercial operator under part 119 of title 14,  
10 Code of Federal Regulations shall not—

11 (1) take or fail to take, or threaten to take or  
12 fail to take, a personnel action, or termination of  
13 employment, with respect to any individual as a re-  
14 prisal for spotting, visually witnessing or reporting  
15 of unidentified anomalous phenomena to the Admin-  
16 istrator; or

17 (2) issue a cease and desist letter to any indi-  
18 vidual or organization for spotting, visually wit-  
19 nessing, or reporting of unidentified anomalous phe-  
20 nomena to the Administrator.

21 (k) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that—

23 (1) all unidentified anomalous phenomena en-  
24 counters by aviation personnel should be reported,

1 particularly when such encounters involve a potential  
2 safety or national security concern; and

3 (2) employers and governmental officials should  
4 take actions to reduce the stigma of reporting un-  
5 identified anomalous phenomena.

6 (l) DEFINITIONS.—In this section:

7 (1) UNIDENTIFIED ANOMALOUS PHENOMENA.—  
8 The term “unidentified anomalous phenomena”  
9 means—

10 (A) an airborne object that is not imme-  
11 diately identifiable;

12 (B) a transmedium object or device; and

13 (C) a submerged object or device that—

14 (i) is not immediately identifiable; and

15 (ii) displays behavior or performance  
16 characteristics suggesting that the object  
17 or device may be related to an object de-  
18 scribed in subparagraph (A).

19 (2) TRANSMEDIUM OBJECT OR DEVICE.—The  
20 term “transmedium object or device” means an ob-  
21 ject or device that is—

22 (A) observed to transition between space  
23 and the atmosphere, or between the atmosphere  
24 and a body of water; and

1

(B) not immediately identifiable.

