

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 119–8**  
**OFFERED BY MR. PFLUGER OF TEXAS**

At the end of subtitle F of title X, add the following:

1 **SEC. 10\_\_\_\_. MODIFICATION OF PROTECTION OF CERTAIN**  
2 **FACILITIES AND ASSETS FROM INCURSIONS.**

3 Section 130i of title 10, United States Code, is  
4 amended—

5 (1) in subsection (a)—

6 (A) by striking “any provision of title 18”  
7 and inserting “sections 32, 1030, and 1367 and  
8 chapters 119 and 206 of title 18”; and

9 (B) by striking “officers and civilian em-  
10 ployees” and inserting “officers, civilian em-  
11 ployees, and contractors”;

12 (2) in subsection (b)(1)—

13 (A) in subparagraph (A), by striking “De-  
14 tect” and inserting “During the operation of  
15 the unmanned aircraft system or unmanned air-  
16 craft, detect”; and

17 (B) in subparagraph (B), by inserting be-  
18 fore the period at the end the following: “, in-

1 cluding through the use of remote identification  
2 broadcast or other means”;

3 (3) in subsection (c)—

4 (A) by striking “Any unmanned” and in-  
5 serting “(1) Any unmanned”; and

6 (B) by adding at the end the following new  
7 paragraph:

8 “(2) Any forfeiture conducted under paragraph (1)  
9 shall be made subject to the requirements for civil, crimi-  
10 nal, or administrative forfeiture, as the case may be, under  
11 applicable law or regulation.”;

12 (4) in subsection (d), by adding at the end the  
13 following:

14 “(3)(A) The Secretary of Defense shall ensure that  
15 the regulations prescribed or guidance issued under para-  
16 graph (1) require that, when taking an action described  
17 in subsection (a)(1), all due consideration is given to—

18 “(i) mitigating impacts on privacy and civil lib-  
19 erties under the First and Fourth Amendments to  
20 the Constitution of the United States;

21 “(ii) mitigating damage to, or loss of, real and  
22 personal property;

23 “(iii) mitigating any risk of personal injury or  
24 death; and

1           “(iv) when practicable, obtaining the identifica-  
2           tion of or issuing a warning to the operator of an  
3           unmanned aircraft system or unmanned aircraft  
4           prior to taking action under subparagraphs (C)  
5           through (F) of subsection (b)(1), unless doing so  
6           would—

7                   “(I) endanger the safety of members of the  
8                   armed forces or civilians;

9                   “(II) create a flight risk or result in the  
10                  destruction of evidence; or

11                  “(III) seriously jeopardize an investigation,  
12                  criminal proceeding, or legal proceeding pursu-  
13                  ant to subsection (c).

14           “(B) Nothing in this paragraph may be construed to  
15           limit the inherent right to self defense of a member of  
16           the armed forces.”;

17                  (5) in subsection (e)—

18                   (A) by striking paragraph (1) and insert-  
19                   ing the following:

20                  “(1) the interception, acquisition, maintenance,  
21                  or use of, or access to, communications to or from  
22                  an unmanned aircraft system under this section is  
23                  conducted in a manner consistent with the First and  
24                  Fourth Amendments to the Constitution of the

1 United States and applicable provisions of Federal  
2 law;”;

3 (B) in paragraph (2), by striking “a func-  
4 tion of the Department of Defense” and insert-  
5 ing “an action described in subsection (b)(1)”;

6 (C) by striking paragraph (3) and insert-  
7 ing the following:

8 “(3) records of such communications are main-  
9 tained only for as long as necessary, and in no event  
10 for more than 180 days unless the Secretary of De-  
11 fense determines that maintenance of such records—

12 “(A) is necessary to investigate or pros-  
13 ecute a violation of law or to directly support  
14 an ongoing security operation; or

15 “(B) is required under Federal law or for  
16 the purpose of any litigation;”; and

17 (D) in paragraph (4)—

18 (i) by striking subparagraph (A) and  
19 inserting the following:

20 “(A) is necessary to support an ongoing  
21 action described in subsection (b)(1);”;

22 (ii) in subparagraph (B), by striking  
23 “; or” and inserting a semicolon;

24 (iii) by redesignating subparagraph  
25 (C) as subparagraph (D);

1 (iv) by inserting after subparagraph

2 (B) the following new subparagraph:

3 “(C) is necessary to support the counter  
4 unmanned aircraft systems activities of another  
5 Federal agency with authority to mitigate the  
6 threat of unmanned aircraft systems or un-  
7 manned aircraft in mitigating such threats; or”;  
8 and

9 (v) in subparagraph (D), as redesign-  
10 nated by clause (iii), by striking the period  
11 at the end and inserting “; and”;

12 (6) by redesignating subsections (f), (g), (h),  
13 (i), and (j) as subsections (g), (h), (j), (k), (l), re-  
14 spectively;

15 (7) by inserting after subsection (e) the fol-  
16 lowing:

17 “(f) CLAIMS.—Claims for loss of property, injury, or  
18 death pursuant to actions under subsection (b) may be  
19 made consistent with chapter 171 of title 28, and chapter  
20 163 of this title, as applicable.”;

21 (8) in subsection (h), as redesignated by para-  
22 graph (6), by striking “March 1, 2018” and insert-  
23 ing “March 1, 2026”;

24 (9) by inserting after subsection (h), as so re-  
25 designated, the following:

1       “(i) ANNUAL REPORT.—(1) Not later than 180 days  
2 after the date of the enactment of this subsection, and  
3 annually thereafter, the Secretary of Defense shall submit  
4 to the appropriate congressional committees and publish  
5 on a publicly available website a report summarizing all  
6 detection and mitigation activities conducted under this  
7 section during the previous year to counter unmanned air-  
8 craft systems.

9       “(2) Each report under paragraph (1) shall include—

10           “(A) information on any violation of, or failure  
11 to comply with, this section by personnel authorized  
12 to conduct detection and mitigation activities, in-  
13 cluding a description of any such violation or failure;

14           “(B) data on the number of detection activities  
15 conducted, the number of mitigation activities con-  
16 ducted, and the number of instances of communica-  
17 tions interception from an unmanned aircraft sys-  
18 tem;

19           “(C) whether any unmanned aircraft that expe-  
20 rienced mitigation was engaged in or attempting to  
21 engage in activities protected under the First  
22 Amendment to the Constitution of the United  
23 States;

24           “(D) whether any unmanned aircraft or un-  
25 manned aircraft system was properly or improperly

1 seized, disabled, damaged, or destroyed and an iden-  
2 tification of any methods used to seize, disable, dam-  
3 age, or destroy such aircraft or system; and

4 “(E) a description of the efforts of the Federal  
5 Government to protect privacy and civil liberties  
6 when carrying out detection and mitigation activities  
7 under this section to counter unmanned aircraft sys-  
8 tems.

9 “(3) Each report required under paragraph (1) shall  
10 be submitted and published in unclassified form, but may  
11 include a classified annex.”.

12 (10) by striking subsection (k), as so redesign-  
13 nated, and inserting the following:

14 “(k) SUNSET.—This section shall terminate on De-  
15 cember 31, 2030.”; and

16 (11) in subsection (l), as so redesignated—

17 (A) in paragraph (1)—

18 (i) in subparagraph (B), by inserting  
19 “the Committee on Homeland Security and  
20 Governmental Affairs,” after “the Com-  
21 mittee on the Judiciary,”; and

22 (ii) in subparagraph (C), by inserting  
23 “the Committee on Homeland Security,”  
24 after “the Committee on the Judiciary,”;  
25 and

1 (B) in paragraph (3)—

2 (i) in subparagraph (C), by redesignating clauses (i) through (ix) as subclauses (I) through (IX), respectively, and  
3 moving those subclauses, as so redesignated, two ems to the right;  
4

5 (ii) by redesignating subparagraphs  
6 (A) through (C) as clauses (i), (ii), and  
7 (iii), respectively, and moving those  
8 clauses, as so redesignated, two ems to the  
9 right; and  
10

11 (iii) in the matter preceding clause (i),  
12 as redesignated by clause (ii), by striking  
13 “means any facility or asset that—” and  
14 inserting “means—  
15 “(A) any facility or asset that—”;

16 (iv) in clause (iii), as redesignated by  
17 clause (ii)—  
18

19 (I) in subclause (VIII), as redesignated by clause (i), by striking “;  
20 or” and inserting a semicolon;  
21

22 (II) in subclause (IX), as so redesignated, by striking the period at  
23 the end and inserting a semicolon;  
24 and  
25



1 (III) by adding at the end the  
2 following new subclauses:

3 “(X) protection of the buildings,  
4 grounds, and property to which the  
5 public are not permitted regular, un-  
6 restricted access and that are under  
7 the jurisdiction, custody, or control of  
8 the Department of Defense and the  
9 persons on that property pursuant to  
10 section 2672 of this title;

11 “(XI) assistance to Federal,  
12 State, or local officials in responding  
13 to incidents involving nuclear, radio-  
14 logical, biological, or chemical weap-  
15 ons, high-yield explosives, or related  
16 materials or technologies, as well as  
17 support pursuant to section 282 of  
18 this title or the Robert T. Stafford  
19 Disaster Relief and Emergency Assist-  
20 ance Act (42 U.S.C. 5121 et seq); or

21 “(XII) activities listed in section  
22 2692(b) of this title; or”; and

23 (v) by adding at the end the following:

24 “(B) any personnel associated with a facil-  
25 ity or asset specified under subparagraph (A)

1 while engaged in direct support of a mission of  
2 the Department of Defense specified in clause  
3 (iii) of such subparagraph.”.

