

[118H6967]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require the Administrator of the Federal Aviation Administration to establish procedures and reporting requirements for incidents relating to unidentified anomalous phenomena, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GARCIA of California introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Administrator of the Federal Aviation Administration to establish procedures and reporting requirements for incidents relating to unidentified anomalous phenomena, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Airspace for
5 Americans Act”.

1 **SEC. 2. 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;

18 (3) establish procedures to provide employees of
19 the Federal Aviation Administration the ability for
20 timely and consistent reporting of such incidents
21 that could reasonably be considered an unidentified
22 anomalous phenomena;

23 (4) develop processes and procedures to ensure
24 the timely investigations of such incidents, including
25 immediately archiving information or data, including
26 pilot-controller communications as well as air traffic

1 management system and radar data, that could be
2 used to aid in such investigations; and

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

5 (b) COORDINATION.—In carrying out the require-
6 ments of this section, the Administrator shall coordinate
7 with the heads of other departments and agencies of the
8 Federal Government, as appropriate, including the Sec-
9 retary of Defense, the Director of National Intelligence,
10 the Administrator of the National Aeronautics and Space
11 Administration, the Secretary of Homeland Security, the
12 Administrator of the National Oceanic and Atmospheric
13 Administration, the Director of the National Science
14 Foundation, and the Secretary of Energy.

15 (c) ALL-DOMAIN ANOMALY RESOLUTION OFFICE.—
16 The Administrator shall share the reports and all incident
17 archived information and data submitted under this sec-
18 tion with the All-domain Anomaly Resolution Office of the
19 Department of Defense.

20 (d) PROHIBITION AGAINST USE OF REPORTS FOR
21 ENFORCEMENT PURPOSES.—The Administrator may not
22 use reports submitted under this section (or information
23 derived therefrom) in any enforcement action except infor-
24 mation concerning accidents or criminal offenses.

1 (e) COMMUNICATIONS STRATEGY.—Not later than
2 180 days after the date of enactment of this Act, the Ad-
3 ministrator shall produce and implement a communica-
4 tions strategy to—

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

7 (2) decrease stigma towards individuals submit-
8 ting information to the Administrator under this
9 section.

10 (f) REPORTING SYSTEM.—

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

15 (A) the Aviation Safety Reporting Pro-
16 gram in effect as of the date of enactment of
17 this Act; or

18 (B) a new and separate system similar to
19 such Program that is established to exclusively
20 receive report of potential unidentified anoma-
21 lous phenomena.

22 (2) CONSIDERATION.—If the Administrator
23 makes a selection under paragraph (1)(A), not later
24 than 1 year after the date of enactment of this Act,
25 the Administrator shall consider whether to update

1 the Aviation Safety Reporting Program reporting in-
2 take system to improve the capture information re-
3 garding whether a reported event could involve an
4 unidentified anomalous phenomenon, and, if so, a
5 mechanism for including description of the object
6 subject to such report and the apparent kinematics
7 of such object.

8 (3) SYSTEM REQUIREMENT.—If the Adminis-
9 trator makes a selection under paragraph (1)(B),
10 the Administrator shall ensure the system includes
11 the ability to provide a description of the object sub-
12 ject to such report and the apparent kinematics of
13 such object.

14 (4) MANNER OF SUBMISSION.—The Adminis-
15 trator shall include in the reporting system selected
16 under this subsection the ability to submit such a re-
17 port via an electronic flight bag if the Administrator
18 determines that submitting via such flight bag can
19 be done—

20 (A) safely; and

21 (B) without compromising pilots' ability to
22 aviate, navigate and communicate.

23 (g) PROTECTION OF MEDICAL CERTIFICATES.—The
24 spotting, visual witness, or reporting of unidentified anom-
25 alous phenomena shall not be taken into account for the

1 purposes of evaluation of mental standards for issuing
2 medical certificates for airmen and for remaining eligible
3 for a medical certificate under part 67 of title 14, Code
4 of Federal Regulations.

5 (h) PROTECTION OF AIRMEN CERTIFICATES.—The
6 spotting, visual witness, or reporting of unidentified anom-
7 alous phenomena may not be taken into account for the
8 purposes of evaluation of competency for issuing airmen
9 certificates under section 44709 of title 49, United States
10 Code.

11 (i) PROHIBITION ON REPRISALS FOR FEDERAL EM-
12 PLOYEES AND CONTRACTORS.—An employee of a depart-
13 ment or agency of the Federal Government, or of a con-
14 tractor, subcontractor, grantee, subgrantee, or personal
15 services contractor of such a department or agency, who
16 has authority to take, direct others to take, recommend,
17 or approve any personnel action, shall not, with respect
18 to such authority, take or fail to take, or threaten to take
19 or fail to take, a personnel action, including the revocation
20 or suspension of security clearances, or termination of em-
21 ployment, with respect to any individual as a reprisal for
22 spotting, visually witnessing or reporting of unidentified
23 anomalous phenomena.

24 (j) PROHIBITION ON REPRISALS FOR EMPLOYEES OF
25 AIR CARRIERS OR COMMERCIAL OPERATORS.—An air

1 carrier or commercial operator under part 119 of title 14,
2 Code of Federal Regulations shall not—

3 (1) take or fail to take, or threaten to take or
4 fail to take, a personnel action, or termination of
5 employment, with respect to any individual as a re-
6 prisal for spotting, visually witnessing or reporting
7 of unidentified anomalous phenomena to the Admin-
8 istrator; or

9 (2) issue a cease and desist letter to any indi-
10 vidual or organization for spotting, visually wit-
11 nessing, or reporting of unidentified anomalous phe-
12 nomena to the Administrator.

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

15 (1) all unidentified anomalous phenomena en-
16 counters by aviation personnel should be reported,
17 particularly when such encounters involve a potential
18 safety or national security concern; and

19 (2) employers and governmental officials should
20 take actions to reduce the stigma of reporting un-
21 identified anomalous phenomena.

22 (l) DEFINITIONS.—In this Act:

23 (1) UNIDENTIFIED ANOMALOUS PHENOMENA.—
24 The term “unidentified anomalous phenomena”
25 means—

1 (A) an airborne object that is not imme-
2 diately identifiable;

3 (B) a transmedium object or device; and

4 (C) a submerged object or device that—

5 (i) is not immediately identifiable; and

6 (ii) displays behavior or performance
7 characteristics suggesting that the object
8 or device may be related to an object de-
9 scribed in subparagraph (A).

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

13 (A) observed to transition between space
14 and the atmosphere, or between the atmosphere
15 and a body of water; and

16 (B) not immediately identifiable.