

115TH CONGRESS
1ST SESSION

H. R. 1968

To amend title 10, United States Code, to improve the authority of the Secretary of Defense to protect certain military facilities, assets, and information from unmanned aircraft.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. DUNN introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to improve the authority of the Secretary of Defense to protect certain military facilities, assets, and information from unmanned aircraft.

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 “Military Asset Protec-
5 tion Act”.

1 **SEC. 2. PROTECTION OF CERTAIN FACILITIES, ASSETS, AND**
2 **INFORMATION FROM UNMANNED AIRCRAFT.**

3 (a) IN GENERAL.—Section 130i of title 10, United
4 States Code, is amended to read as follows:

5 **“§ 130i. Protection of certain facilities, assets, and in-**
6 **formation from unmanned aircraft**

7 “(a) AUTHORITY.—Notwithstanding any other provi-
8 sion of law, the Secretary of Defense may take, and may
9 authorize the armed forces or contractors of the Depart-
10 ment of Defense to take, such actions described in sub-
11 section (b)(1) that are necessary to mitigate the threat
12 (as defined by the Secretary of Defense) of an unmanned
13 aircraft system or unmanned aircraft to the safety or secu-
14 rity of a covered facility, asset, or classified information.

15 “(b) ACTIONS DESCRIBED.—(1) The actions de-
16 scribed in this paragraph are the following:

17 “(A) Disrupt control of the unmanned aircraft
18 system or unmanned aircraft.

19 “(B) Seize and exercise control of the un-
20 manned aircraft system or unmanned aircraft.

21 “(C) Seize or otherwise confiscate the un-
22 manned aircraft system or unmanned aircraft.

23 “(D) Use reasonable force to disable or destroy
24 the unmanned aircraft system or unmanned aircraft.

1 “(E) Disrupt, alter, or intercept any commu-
2 nications to or from the unmanned aircraft system
3 or unmanned aircraft.

4 “(2) The Secretary of Defense shall develop the ac-
5 tions described in paragraph (1) with the assistance of the
6 Secretary of Transportation, consistent with the protec-
7 tion of information regarding sensitive defense capabili-
8 ties.

9 “(c) FORFEITURE.—(1) Any unmanned aircraft sys-
10 tem or unmanned aircraft described in subsection (a) shall
11 be subject to seizure and forfeiture to the United States.

12 “(2) The Secretary may prescribe regulations to es-
13 tablish reasonable exceptions to paragraph (1), including
14 in cases where—

15 “(A) the operator of the unmanned aircraft sys-
16 tem or unmanned aircraft obtained the control and
17 possession of such system or aircraft illegally; or

18 “(B) the operator of the unmanned aircraft sys-
19 tem or unmanned aircraft is an employee of a com-
20 mon carrier acting in a manner described in sub-
21 section (a) without the knowledge of the common
22 carrier.

23 “(d) REGULATIONS.—The Secretary of Defense and
24 the Secretary of Transportation shall prescribe regulations

1 and issue guidance in the respective areas of each Sec-
2 retary to carry out this section.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘covered facility, asset, or classi-
5 fied information’ means any facility, asset, or classi-
6 fied information that is—

7 “(A) identified by the Secretary of Defense
8 for purposes of this section;

9 “(B) located in the United States (includ-
10 ing the territories and possessions of the United
11 States); and

12 “(C) relating to—

13 “(i) the nuclear deterrence mission of
14 the Department of Defense, including with
15 respect to nuclear command and control,
16 integrated tactical warning and attack as-
17 sessment, and continuity of government;

18 “(ii) the missile defense mission of the
19 Department;

20 “(iii) the national security space mis-
21 sion of the Department;

22 “(iv) the homeland defense mission of
23 the Department; or

24 “(v) other missions of the Department
25 involving assets or information designated

1 as vital to national security or as national
2 critical infrastructure.

3 “(2) The terms ‘unmanned aircraft’ and ‘un-
4 manned aircraft system’ have the meaning given
5 those terms in section 331 of the FAA Moderniza-
6 tion and Reform Act of 2012 (Public Law 112–95;
7 49 U.S.C. 40101 note).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 3 of such title is amended by
10 striking the item relating to section 130i and inserting the
11 following new item:

“130i. Protection of certain facilities, assets, and information from unmanned
aircraft.”.

○