



DEPARTMENT OF DEFENSE
OFFICE OF THE SECRETARY OF DEFENSE/JOINT STAFF
FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

Ref: 22-F-1366
November 21, 2025

Mr. John Greenewald
The Black Vault
27305 West Live Oak Road Suite 1203
Castaic, California, 91384

Dear Mr. Greenewald:

This is a final response to your September 21, 2022 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. The Office of the Secretary of Defense/Joint Staff (OSD/JS) FOIA Requester Service Center received your request on September 21, 2022, and assigned it FOIA case number 22-F-1366. We ask that you use this number when referring to your request.

The Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), a component of OSD, conducted a search of their records systems and located 47 pages determined to be responsive to your request. The Initial Denial Authority (IDA) for I&S, has determined that portions of these records are exempt from mandatory disclosure pursuant to 5 U.S.C. § 552:

(b)(5), inter- and intra- agency memoranda which are deliberative in nature; this exemption is appropriate for internal documents which are part of the decision making process, and contain subjective evaluations, opinions and recommendations; and

(b)(6), information which, if disclosed, would constitute a clearly unwarranted invasion of the personal privacy of individuals.

Please note that we have considered the foreseeable harm standard when reviewing records and applying exemptions under the FOIA in the processing of this request. In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Virginia Burke, by email at osd.mc-alex.oatsd-pclt.mbx.foia-liaison@mail.mil or by phone at 571-372-0462. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer at: email at ogis@nara.gov, or phone at 202-741-5770 or 1-877-684-6448.

You have the right to appeal to the appellate authority, Mr. Michael Kremlacek, Acting Principal Deputy to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (PCLT), Office of the Secretary of Defense, at: 4800 Mark Center Drive, ATTN: PCLFD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90

calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference FOIA case number 22-F-1366 in any appeal correspondence.

If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Samuel Giovannucci, at 571-372-6692 or samuel.t.givoannucci.ctr@mail.mil. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Sincerely,

Adam Johnson

for Pamela Andrews
Chief, FOIA

Enclosures:
As stated

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: **<http://www.theblackvault.com>**

JOINT STAFF ACTION PROCESSING FORM

CLASSIFICATION UNCLASSIFIED

EXTERNAL SUSPENSE	10 Dec 21	STAFF SUSPENSE	3 Dec 21	ACTION NUMBER	JS-211124-C4DD
TO	DJ3	THRU	VDJ3	THRU	THRU
SUBJECT To establish the AOIMSG and appoint an initial Director					

EXECUTIVE SUMMARY

1. Purpose. Provide Joint Staff coordination on Under Secretary of Defense for Intelligence and Security (OUSD(I&S)) plan to establish the Airborne Object Identification and Management Synchronization Group (AOIMSG) and appoint (b)(6)
2. Background
 - a. On 23 November 2021, the Deputy Secretary of Defense (DSD) directed OUSD(I&S) to establish the AOIMSG within OUSD(I&S), and to establish the Airborne Object Identification and Management Executive Council (AOIMEXEC) to oversee the AOIMSG (TAB C). AIMEXEC currently consists of OUSD(I&S) and JS/J3.
 - b. The DSD memo tasks the AOIMEXEC to appoint a Director of AOIMSG within OUSD(IS&S).
 - c. The subject memorandum at TAB A officially establishes the AOIMSG, outlines support OUSD(I&S) will provide to AOIMSG, and appoints (b)(5)
3. Suspense. 10 Dec 2021. Task received in TMT 29 Nov.

4. Recommendation. Concur with subject memorandum (TAB A) and sign OUSD(I&S)'s Staff Summary Sheet (TAB B).

Approve JAMES J. MINGUS, LTG, USA Disapprove _____ See Me _____
Director for Operations, Joint Staff

ENDNOTE

COORDINATION					
NAME	AGENCY	DATE	NAME	AGENCY	DATE
Brig Gen Colin Connor	J36	3 Dec			
(b)(6)		3 Dec			
AO;J/DIV;EXT (b)(6)			Date Prepared: 3 Dec 21		
CLASSIFICATION AUTHORITY			CUI DESIGNATION INDICATOR		
WARNING STATEMENT:					

UNCLASSIFIED

UNCLASSIFIED

¹ JS- 211124-C4DD

UNCLASSIFIED

UNCLASSIFIED

CATMS ID 23112021NY6UNX				STAFF SUMMARY SHEET				☐ SEQUENTIAL COORDINATION ☒ SIMULTANEOUS COORDINATION	
	TO	ACTION	SIGNATURE (Surname) AND DATE		TO	ACTION	SIGNATURE (Surname) AND DATE		
1	DDI/WS	Info	Maj Gen Aaron Prupas	6	OGCI&S	Coord	Mr. Renn Gade/Approved 23 Dec Atch'd		
2	DDI/CL&S	Info	REID GARRY PAUL 1072277860 Digitally signed by REID GARRY PAUL, DN: cn=REID GARRY PAUL, o=US, ou=DDI/CL&S, email=REID.GARRY@DHS.gov, c=US Mr. Garry Reid	7	PTDO DUSDI&S	Coord	Mr. Dave Taylor		
3	A/DDI/SP&R	Coord	Mr. Keving Sherman/Signed 29 Nov Atch'd	8	USDI&S	Sign	HON Moultrie		
4	DDI/C&SP	Coord	Mr. Neill Tipton/Signed 20 Dec Atch'd	9					
5	OUSDI&S/CA	Coord	Mr. David Kozik /Signed 24 Nov Atch'd	10	External Coord	Coord	Lt Gen Mingus/signed 3 Dec Atch'd		
SURNAME OF ACTION OFFICER			SYMBOL/MAIL STOP		PHONE	(b)(6)	TYPIST'S INITIALS	SUSPENSE DATE	
(b)(6)					SECURE	(b)(6)	(b)(6)	3 Dec 2021	
SUBJECT								DATE	
Establishment of Airborne Object Identification and Management Synchronization Group (AOIMSG)(Change Request on Dir)								23 Nov 2021	
SUMMARY									
1. Purpose. Establish the AOIMSG within OUSD(I&S) and appoint a Director. 2. Background. On 23 November 2021, DSD approved the establishment of AOIMSG within the Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)) to replace the Unidentified Aerial Phenomena Task Force (UAPTF) at TAB A. In the same memo, the DSD approved the establishment of the Airborne Object Identification and Management Executive Council (AOIMEXEC) to oversee the AOIMSG. The DSD memo tasks the AOIMEXEC (currently consisting of the USD(I&S) and JS/J3) to appoint a Director of AOIMSG within the OUSD(I&S). 3. Discussion. The memorandum at TAB B establishes the AOIMSG within OUSD(I&S) and outlines support OUSD(I&S) will provide to the AOIMSG. It also appoints (b)(5) Director of the AOIMSG, subject to JS/J3 concurrence. 3. Recommendation (b)(5)									
ELLIOTT.MARK. (b)(6) (b)(6) Mark Elliott Acting Director, Technical Collection									
Attachments: Facing: DepSecDef AOIMSG Memo TAB A: DSD Establishment Memo, Nov 23, 2021 TAB B: I&S AOIMSG Establishment, Resourcing, and Leadership Memo									

UNCLASSIFIED



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

NOV 23 2021

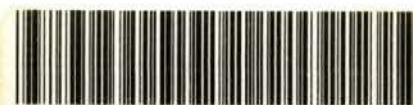
MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND FIELD ACTIVITY DIRECTORS

SUBJECT: Establishment of the Airborne Object Identification and Management
Synchronization Group

The presence of unidentified aerial phenomena (UAP) in Special Use Airspace (SUA), designated in accordance with 14 CFR Part 73, represents a potential safety of flight risk to aircrews and raises potential national security concerns. Accordingly, I direct the Under Secretary of Defense for Intelligence and Security (USD(I&S)) to establish the Airborne Object Identification and Management Synchronization Group (AOIMSG) to synchronize efforts across the Department and with other Federal departments and agencies to detect, identify and attribute objects of interests in SUA, and to assess, and as appropriate, mitigate any associated threats to safety of flight and national security. To provide oversight and direction to the AOIMSG, I establish the Airborne Object Identification and Management Executive Council (AOIMEXEC). The USD(I&S) will be the lead DoD official responsible for management of this process, will co-chair the AOIMEXEC along with the Director of Operations, Joint Staff, and will invite Principal-level participation from the Office of the Director of National Intelligence. Resourcing for this requirement will be addressed in the Program Budget Review process.

The Director, AOIMSG (hereafter referred to as "the Director") will synchronize the activities among the Office of the Secretary of Defense (OSD) and DoD Components, and with other U.S. Government departments and agencies, to minimize safety of flight and national security concerns associated with UAP or other airborne objects in SUA. The Director, with support from the OSD and DoD Components heads, will address this problem by standardizing UAP incident reporting across the Department; identifying and reducing gaps in operational and intelligence detection capabilities; collecting and analyzing operational, intelligence and counterintelligence data; recommending policy, regulatory or statutory changes, as appropriate; identifying approaches to prevent or mitigate any risks posed by airborne objects of interest; and other activities as deemed necessary by the Director. Additionally, the Director, in coordination with the OSD and DoD Component heads, will identify requirements and recommended changes in doctrine, organization, training, materiel, leadership, personnel, workforce, facilities, and resources to be brought to the AOIMEXEC for review, consideration and implementation, as appropriate, by the applicable DoD Component head.

Effective immediately, the AOIMEXEC, in coordination with the OSD and DoD component heads will manage the transition of the current UAP Task Force to the AOIMSG. The AOIMEXEC will designate an acting Director of the AOIMSG, and will



OSD071597-21/CMD013372-21

submit implementation guidance for my approval. This guidance will specify organizational membership, roles, responsibilities and authorities for the AOIMSG, AOIMEXEC, and OSD and DoD Components.

A handwritten signature in black ink, appearing to read "Latham", followed by a period.

cc:
Director of National Intelligence

UNCLASSIFIED

CATMS ID 23112021NY6UNX

STAFF SUMMARY SHEET

☐ SEQUENTIAL COORDINATION
☒ SIMULTANEOUS COORDINATION

	TO	ACTION	SIGNATURE (Surname) AND DATE		TO	ACTION	SIGNATURE (Surname) AND DATE
1	DDIWS	Info	Maj Gen Aaron Prupas - info only	6	OGCI&S	Coord	Mr. Renn Gade/Approved 23 Dec Atch'd
2	DDI/CL&S	Info	Mr. Garry Reid/ signed 22 Dec Atch'd	7	PTDO DUSDI&S	Coord	Mr. Dave Taylor/Signed 29 Dec Atch'd
3	A/DDI/ISP&R	Coord	Mr. Keving Sherman/Signed 29 Nov Atch'd	8	USDI&S ExecSec	Coord	(b)(6)
4	DDI/C&SP	Coord	Mr. Neill Tipton/Signed 20 Dec Atch'd	9		Sign	HON Moultrie
5	OUSDI&S/CA	Coord	Mr. David Kozik /Signed 24 Nov Atch'd	10	External Coord	Coord	Lt Gen Mingus/signed 3 Dec Atch'd

SURNAME OF ACTION OFFICER

SYMBOL/MAIL STOP

PHONE (b)(6)

TYPISTS
INITIALS

SUSPENSE DATE

(b)(6)

SECURE
FAX

(b)(6)

11 Feb 2022

SUBJECT

Establishment of Airborne Object Identification and Management Synchronization Group (AOIMSG)

DATE

2 Feb 2022

SUMMARY

1. Purpose. Establish the AOIMSG within OUSD(I&S).

2. Background. On 23 November 2021, DSD approved the establishment of AOIMSG within the Office of the Under Secretary of Defense for Intelligence and Security (OUSDI&S) to replace the Unidentified Aerial Phenomena Task Force (UAPTF) at TAB A. In the same memo, the DSD approved the establishment of the Airborne Object Identification and Management Executive Council (AOIMEXEC) to oversee the AOIMSG. The DSD memo tasks the AOIMEXEC (currently consisting of the USD(I&S) and JS/J3) to appoint a Director of AOIMSG within the OUSD(I&S).

3. Discussion. The memorandum at TAB B establishes the AOIMSG within OUSD(I&S) and outlines support OUSD(I&S) will provide to the AOIMSG. While the memorandum was originally staffed with the intent to appoint a Director, that decision has not yet been made, and can be accomplished in a separate action.

4. Recommendation. (b)(5)

(b)(6)

Attachments:

Facing: DepSecDef AOIMSG Memo

TAB A: DSD Establishment Memo, Nov 23, 2021

TAB B: I&S AOIMSG Establishment, Resourcing, and Leadership Memo

UNCLASSIFIED

Ref. a



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

JUN 25 2021

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Unidentified Aerial Phenomena Assessments

A recent report from the Office of the Director of National Intelligence (ODNI) highlights the current challenges associated with assessing Unidentified Aerial Phenomena (UAP) occurring on or near DoD training ranges and installations. It is critical that the United States maintain operations security and safety at DoD ranges. To this end, it is equally critical that all U.S. military aircrews or government personnel report whenever aircraft or other devices interfere with military training. This includes the observation and reporting of UAPs.

The report also confirmed that the scope of UAP activity expands significantly beyond the purview of the Secretary of the Navy, who heads the Unidentified Aerial Phenomena Task Force (UAPTF), and suggested process improvements to ensure timely collection of consistent data on UAP. Consistent with these recommendations and to improve partnership with the ODNI and other non-DoD organizations, I direct the Office of the Under Secretary of Defense for Intelligence and Security to develop a plan to formalize the mission currently performed by the UAPTF. The plan should:

1. Establish procedures to synchronize collection, reporting and analysis on the UAP problem set, and to establish recommendations for securing military test and training ranges.
2. Identify requirements for the establishment and operation of the new activity, to include the organizational alignment, resources and staffing required, as well as any necessary authorities and a timeline for implementation.
3. Be developed in coordination with the Principal Staff Assistants, the Chairman of the Joint Chiefs of Staff, the Secretaries of the Military Departments, and the Commanders of the Combatant Commands and with the DNI and other relevant interagency partners.

All members of the Department will utilize these processes to ensure that the UAPTF, or its follow-on activity, has reports of UAP observations within two weeks of an occurrence.

cc:
ODNI



OSD005820-21/CMD007819-21

Ref. b



**DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010**

NOV 23 2021

**MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND FIELD ACTIVITY DIRECTORS**

**SUBJECT: Establishment of the Airborne Object Identification and Management
Synchronization Group**

The presence of unidentified aerial phenomena (UAP) in Special Use Airspace (SUA), designated in accordance with 14 CFR Part 73, represents a potential safety of flight risk to aircrews and raises potential national security concerns. Accordingly, I direct the Under Secretary of Defense for Intelligence and Security (USD(I&S)) to establish the Airborne Object Identification and Management Synchronization Group (AOIMSG) to synchronize efforts across the Department and with other Federal departments and agencies to detect, identify and attribute objects of interests in SUA, and to assess, and as appropriate, mitigate any associated threats to safety of flight and national security. To provide oversight and direction to the AOIMSG, I establish the Airborne Object Identification and Management Executive Council (AOIMEXEC). The USD(I&S) will be the lead DoD official responsible for management of this process, will co-chair the AOIMEXEC along with the Director of Operations, Joint Staff, and will invite Principal-level participation from the Office of the Director of National Intelligence. Resourcing for this requirement will be addressed in the Program Budget Review process.

The Director, AOIMSG (hereafter referred to as "the Director") will synchronize the activities among the Office of the Secretary of Defense (OSD) and DoD Components, and with other U.S. Government departments and agencies, to minimize safety of flight and national security concerns associated with UAP or other airborne objects in SUA. The Director, with support from the OSD and DoD Components heads, will address this problem by standardizing UAP incident reporting across the Department; identifying and reducing gaps in operational and intelligence detection capabilities; collecting and analyzing operational, intelligence and counterintelligence data; recommending policy, regulatory or statutory changes, as appropriate; identifying approaches to prevent or mitigate any risks posed by airborne objects of interest; and other activities as deemed necessary by the Director. Additionally, the Director, in coordination with the OSD and DoD Component heads, will identify requirements and recommended changes in doctrine, organization, training, materiel, leadership, personnel, workforce, facilities, and resources to be brought to the AOIMEXEC for review, consideration and implementation, as appropriate, by the applicable DoD Component head.

Effective immediately, the AOIMEXEC, in coordination with the OSD and DoD component heads will manage the transition of the current UAP Task Force to the AOIMSG. The AOIMEXEC will designate an acting Director of the AOIMSG, and will

submit implementation guidance for my approval. This guidance will specify organizational membership, roles, responsibilities and authorities for the AOIMSG, AOIMEXEC, and OSD and DoD Components.

A handwritten signature in black ink, appearing to read "Keith H.A.", followed by a period.

cc:
Director of National Intelligence

Ref. c

Ref. d

10 U.S. Code § 130i - Protection of certain facilities and assets from unmanned aircraft

(a) **AUTHORITY.**— Notwithstanding [section 46502 of title 49](#), or any provision of title 18, the Secretary of Defense may take, and may authorize members of the armed forces and officers and civilian employees of the Department of Defense with assigned duties that include safety, security, or protection of personnel, facilities, or assets, to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an [unmanned aircraft system](#) or [unmanned aircraft](#) poses to the safety or security of a [covered facility or asset](#).

(b) **ACTIONS DESCRIBED.**—

(1) The actions described in this paragraph are the following:

(A) Detect, identify, monitor, and track the [unmanned aircraft system](#) or [unmanned aircraft](#), without prior consent, including by means of [intercept](#) or other access of a [wire communication](#), an [oral communication](#), or an [electronic communication](#) used to control the [unmanned aircraft system](#) or [unmanned aircraft](#).

(B) Warn the operator of the [unmanned aircraft system](#) or [unmanned aircraft](#), including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupt control of the [unmanned aircraft system](#) or [unmanned aircraft](#), without prior consent, including by disabling the [unmanned aircraft system](#) or [unmanned aircraft](#) by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the [unmanned aircraft system](#) or [unmanned aircraft](#).

(D) Seize or exercise control of the [unmanned aircraft system](#) or [unmanned aircraft](#).

(E) Seize or otherwise confiscate the [unmanned aircraft system](#) or [unmanned aircraft](#).

(F) Use reasonable force to disable, damage, or destroy the [unmanned aircraft system](#) or [unmanned aircraft](#).

(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

(c) **FORFEITURE.**— Any [unmanned aircraft system](#) or [unmanned aircraft](#) described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

(d) **REGULATIONS AND GUIDANCE.**—

(1) The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

(2)

(A) The Secretary of Defense and the Secretary of Transportation shall coordinate in the development of guidance under paragraph (1).

(B) The Secretary of Defense shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance or otherwise implementing this section if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

(e) **PRIVACY PROTECTION.**—The regulations prescribed or guidance issued under subsection (d) shall ensure that—

(1) the interception or acquisition of, or access to, communications to or from an [unmanned aircraft system](#) under this section is conducted in a manner consistent with the fourth amendment to the Constitution and applicable provisions of Federal law;

(2) communications to or from an [unmanned aircraft system](#) are intercepted, acquired, or accessed only to the extent necessary to support a function of the Department of Defense;

(3) records of such communications are not maintained for more than 180 days unless the Secretary of Defense determines that maintenance of such records—

(A) is necessary to support one or more functions of the Department of Defense; or

(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

(4) such communications are not disclosed outside the Department of Defense unless the disclosure—

(A) would fulfill a function of the Department of Defense;

(B) would support a civilian law enforcement agency or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory action with regard to, an action described in subsection (b)(1); or

(C) is otherwise required by law or regulation.

(f) **BUDGET.**— The Secretary of Defense shall submit to Congress, as a part of the [defense budget materials](#) for each fiscal year after fiscal year 2018, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Defense. The funding display shall be in unclassified form, but may contain a classified annex.

(g) **SEMIANNUAL BRIEFINGS.**—

(1) On a semiannual basis during the five-year period beginning March 1, 2018, the Secretary of Defense and the Secretary of Transportation, shall jointly provide a briefing to the [appropriate congressional committees](#) on the activities carried out pursuant to this section. Such briefings shall include—

(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

(B) a description of instances where actions described in subsection (b)(1) have been taken;

(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and

(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49; and

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title.

(i) PARTIAL TERMINATION.—

(1) Except as provided by paragraph (2), the authority to carry out this section with respect to the covered facilities or assets specified in clauses (iv) through (viii) of subsection (j)(3)(C) shall terminate on December 31, 2023.

(2) The President may extend by 180 days the termination date specified in paragraph (1) if before November 15, 2023, the President certifies to Congress that such extension is in the national security interests of the United States.

(j) DEFINITIONS.—In this section:

(1) The term “[appropriate congressional committees](#)” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term “[budget](#)”, with respect to a fiscal year, means the [budget](#) for that fiscal year that is submitted to Congress by the President under [section 1105\(a\) of title 31](#).

(3) The term “[covered facility or asset](#)” means any facility or asset that—

(A) is identified by the Secretary of Defense, in consultation with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

(B) is located in the United States (including the territories and possessions of the United States); and

(C) directly relates to the missions of the Department of Defense pertaining to—

(i) nuclear deterrence, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

- (ii) missile defense;
- (iii) national security space;
- (iv) assistance in protecting the President or the Vice President (or other officer immediately next in order of succession to the office of the President) pursuant to the [Presidential Protection Assistance Act of 1976](#) ([18 U.S.C. 3056](#) note);
- (v) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system;
- (vi) combat support agencies (as defined in paragraphs (1) through (4) of [section 193\(f\) of this title](#));
- (vii) special operations activities specified in paragraphs (1) through (9) of [section 167\(k\) of this title](#);
- (viii) production, storage, transportation, or decommissioning of high-yield explosive munitions, by the Department; or
- (ix) a Major Range and Test Facility Base (as defined in [section 196\(i\) of this title](#)).

(4) The term “[defense budget materials](#)”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the [budget](#) for that fiscal year.

(5) The terms “[electronic communication](#)”, “[intercept](#)”, “[oral communication](#)”, and “[wire communication](#)” have the meanings given those terms in [section 2510 of title 18](#).

(6) The terms “[unmanned aircraft](#)” and “[unmanned aircraft system](#)” have the meanings given those terms in [section 44801 of title 49](#).

(A) UNMANNED AIRCRAFT.— The term “[unmanned aircraft](#)” means an [aircraft](#) that is operated without the possibility of direct human intervention from within or on the [aircraft](#).

(B) UNMANNED AIRCRAFT SYSTEM.— The term “[unmanned aircraft system](#)” means an [unmanned aircraft](#) and associated elements (including communication links and the components that control the [unmanned aircraft](#)) that are required for the operator to operate safely and efficiently in the national airspace system.

(Added [Pub. L. 114–328, div. A, title XVI, § 1697\(a\)](#), Dec. 23, 2016, [130 Stat. 2639](#); amended [Pub. L. 115–91, div. A, title XVI, § 1692](#), Dec. 12, 2017, [131 Stat. 1788](#); [Pub. L. 116–92, div. A, title XVI, § 1694](#), title XVII, § 1731(a)(6), Dec. 20, 2019, [133 Stat. 1791](#), 1812; [Pub. L. 116–283, div. A, title X, § 1081\(a\)\(8\)](#), title XVIII, § 1845(c)(4), Jan. 1, 2021, [134 Stat. 3871](#), 4247.)

Ref. e

14 CFR Part 73 - SPECIAL USE AIRSPACE

1. [Subpart A - General \(§§ 73.1 - 73.5\)](#)
2. [Subpart B - Restricted Areas \(§§ 73.11 - 73.19\)](#)
3. [Subpart C - Prohibited Areas \(§§ 73.81 - 73.85\)](#)

AUTHORITY:

[49 U.S.C. 106\(f\)](#), [106\(g\)](#), [40103](#), [40113](#), [40120](#); [E.O. 10854](#), [24 FR 9565](#), [3 CFR](#), 1959-1963 Comp., p. 389.

SOURCE:

[46 FR 779](#), Jan. 2, 1981, unless otherwise noted.

§ 73.1 Applicability.

The airspace that is described in subpart B and [subpart C](#) of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon [aircraft operations](#) that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and [ceilings](#) expressed as [flight levels](#) or as feet above mean sea level. Unless otherwise specified, the word "to" (an altitude or flight level) means "to and including" (that altitude or flight level).

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

§ 73.11 Applicability.

This subpart designates [restricted areas](#) and prescribes limitations on the operation of [aircraft](#) within them

§ 73.13 Restrictions.

No [person](#) may operate an [aircraft](#) within a [restricted area](#) between the designated altitudes and during the time of designation, unless he has the advance permission of

- (a) The using agency described in [§ 73.15](#); or
- (b) The controlling agency described in [§ 73.17](#).

§ 73.15 Using agency.

- (a) For the purposes of this subpart, the following are using agencies;
 - (1) The agency, organization, or military command whose activity within a [restricted area](#) necessitated the area being so designated.
 - (b) Upon the request of the [FAA](#), the using agency shall execute a letter establishing procedures for joint use of a [restricted area](#) by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the [restricted area](#) in accordance with the terms of the letter.
- (c) The using agency shall -
 - (1) Schedule activities within the [restricted area](#);
 - (2) Authorize transit through, or flight within, the [restricted area](#) as feasible; and
 - (3) Contain within the [restricted area](#) all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the [FAA](#) facility that may authorize transit through or flight within a [restricted area](#) in accordance with a joint-use letter issued under [§ 73.15](#).

§ 73.19 Reports by using agency.

- (a) Each using agency shall prepare a report on the use of each [restricted area](#) assigned thereto during any part of the preceding 12-month period ended September 30, and transmit it by the following January 31 of each year to the Manager, [Air Traffic](#) Division in the regional office of the Federal Aviation Administration having jurisdiction over the area in which the [restricted area](#) is located, with a copy to the Program [Director](#) for [Air](#)

[Traffic](#) Airspace Management, Federal Aviation Administration, Washington, DC 20591.

(b) In the report under this section the using agency shall:

(1) State the name and number of the [restricted area](#) as published in this part, and the period covered by the report.

(2) State the activities (including average daily number of operations if appropriate) conducted in the area, and any other pertinent information concerning current and future electronic monitoring devices.

(3) State the number of hours daily, the days of the week, and the number of weeks during the year that the area was used.

(4) For [restricted areas](#) having a joint-use designation, also state the number of hours daily, the days of the week, and the number of weeks during the year that the [restricted area](#) was released to the controlling agency for public use.

(5) State the mean sea level altitudes or [flight levels](#) (whichever is appropriate) used in [aircraft](#) operations and the maximum and average ordinate of surface firing (expressed in feet, mean sea level altitude) used on a daily, weekly, and yearly basis.

(6) Include a chart of the area (of optional scale and design) depicting, if used, [aircraft](#) operating areas, flight patterns, ordnance delivery areas, surface firing points, and target, fan, and impact areas. After once submitting an appropriate chart, subsequent annual charts are not required unless there is a change in the area, activity or altitude (or flight levels) used, which might alter the depiction of the activities originally reported. If no change is to be submitted, a statement indicating "no change" shall be included in the report.

(7) Include any other information not otherwise required under this part which is considered pertinent to activities carried on in the [restricted area](#).

(c) If it is determined that the information submitted under [paragraph \(b\)](#) of this section is not sufficient to evaluate the nature and extent of the use of a [restricted area](#), the [FAA](#) may request the using agency to submit supplementary reports. Within 60 days after receiving a request for additional information, the using agency shall submit such information as the Program [Director](#) for [Air Traffic](#) Airspace Management considers appropriate. Supplementary reports must be sent to the [FAA](#) officials designated in [paragraph \(a\)](#) of this section.

(Secs. 307 and 313(a), [Federal Aviation Act of 1958](#) ([49 U.S.C. 1348](#) and [1354\(a\)](#)))

[Doc. No. 15379, [42 FR 54798](#), Oct. 11, 1977, as amended by Amdt. 73-5, [54 FR 39292](#), Sept. 25, 1989; Amdt. 73-6, [58 FR 42001](#), Aug. 6, 1993; Amdt. 73-8, [61 FR 26435](#), May 28, 1996; Amdt. 73-8, [63 FR 16890](#), Apr. 7, 1998]

EDITORIAL NOTE:

The restricted areas formerly carried as §§ [608.21](#) to [608.72](#) of this title were transferred to part 73 as §§ 73.21 to 73.72 under subpart B but are not carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these restricted areas, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of [aircraft](#) therein.

§ 73.83 Restrictions.

No [person](#) may operate an [aircraft](#) within a [prohibited area](#) unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the [prohibited area](#).

EDITORIAL NOTE:

[Sections 73.87](#) through 73.99 are reserved for descriptions of designated prohibited areas. For FEDERAL REGISTER citations affecting these prohibited areas, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

Ref. f

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish and facilitate a process for any licensee (or any
3 future assignee, successor, or purchaser) subject to
4 the Order and Authorization described in subsection
5 (a) to provide reimbursement to the Department,
6 only to the extent provided in appropriation Acts, for
7 the covered costs and eligible reimbursable costs
8 submitted and certified to the congressional defense
9 committees under such subsection.

10 “(2) USE OF FUNDS.—The Secretary shall use
11 any funds received under this subsection, to the ex-
12 tent and in such amounts as are provided in advance
13 in appropriation Acts, for covered costs described in
14 subsection (b) and the range of eligible reimbursable
15 costs identified under subsection (a)(1).

16 “(3) REPORT.—Not later than 90 days after
17 the date on which the Secretary establishes the proc-
18 ess required by paragraph (1), the Secretary shall
19 submit to the congressional defense committees a re-
20 port on such process.”.

21 **SEC. 1683. ESTABLISHMENT OF OFFICE, ORGANIZATIONAL**
22 **STRUCTURE, AND AUTHORITIES TO ADDRESS**
23 **UNIDENTIFIED AERIAL PHENOMENA.**

24 (a) ESTABLISHMENT OF OFFICE.—Not later than
25 180 days after the date of the enactment of this Act, the

1 Secretary of Defense, in coordination with the Director of
2 National Intelligence, shall establish an office within a
3 component of the Office of the Secretary of Defense, or
4 within a joint organization of the Department of Defense
5 and the Office of the Director of National Intelligence, to
6 carry out the duties of the Unidentified Aerial Phenomena
7 Task Force, as in effect on the day before the date of
8 enactment of this Act, and such other duties as are re-
9 quired by this section.

10 (b) DUTIES.—The duties of the Office established
11 under subsection (a) shall include the following:

12 (1) Developing procedures to synchronize and
13 standardize the collection, reporting, and analysis of
14 incidents, including adverse physiological effects, re-
15 garding unidentified aerial phenomena across the
16 Department of Defense and the intelligence commu-
17 nity.

18 (2) Developing processes and procedures to en-
19 sure that such incidents from each component of the
20 Department and each element of the intelligence
21 community are reported and incorporated in a cen-
22 tralized repository.

23 (3) Establishing procedures to require the time-
24 ly and consistent reporting of such incidents.

1 (4) Evaluating links between unidentified aerial
2 phenomena and adversarial foreign governments,
3 other foreign governments, or nonstate actors.

4 (5) Evaluating the threat that such incidents
5 present to the United States.

6 (6) Coordinating with other departments and
7 agencies of the Federal Government, as appropriate,
8 including the Federal Aviation Administration, the
9 National Aeronautics and Space Administration, the
10 Department of Homeland Security, the National
11 Oceanic and Atmospheric Administration, and the
12 Department of Energy.

13 (7) Coordinating with allies and partners of the
14 United States, as appropriate, to better assess the
15 nature and extent of unidentified aerial phenomena.

16 (8) Preparing reports for Congress, in both
17 classified and unclassified form, including under
18 subsection (i).

19 (c) RESPONSE TO AND FIELD INVESTIGATIONS OF
20 UNIDENTIFIED AERIAL PHENOMENA.—

21 (1) DESIGNATION.—The Secretary, in coordina-
22 tion with the Director, shall designate one or more
23 line organizations within the Department of Defense
24 and the intelligence community that possess appro-
25 priate expertise, authorities, accesses, data, systems,

1 platforms, and capabilities to rapidly respond to, and
2 conduct field investigations of, incidents involving
3 unidentified aerial phenomena under the direction of
4 the head of the Office established under subsection
5 (a).

6 (2) ABILITY TO RESPOND.—The Secretary, in
7 coordination with the Director, shall ensure that
8 each line organization designated under paragraph
9 (1) has adequate personnel with the requisite exper-
10 tise, equipment, transportation, and other resources
11 necessary to respond rapidly to incidents or patterns
12 of observations involving unidentified aerial phe-
13 nomena of which the Office becomes aware.

14 (d) SCIENTIFIC, TECHNOLOGICAL, AND OPER-
15 ATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL
16 PHENOMENA.—

17 (1) DESIGNATION.—The Secretary, in coordina-
18 tion with the Director, shall designate one or more
19 line organizations that will be primarily responsible
20 for scientific, technical, and operational analysis of
21 data gathered by field investigations conducted pur-
22 suant to subsection (c) and data from other sources,
23 including with respect to the testing of materials,
24 medical studies, and development of theoretical mod-

1 els, to better understand and explain unidentified
2 aerial phenomena.

3 (2) AUTHORITY.—The Secretary and the Direc-
4 tor shall each issue such directives as are necessary
5 to ensure that the each line organization designated
6 under paragraph (1) has authority to draw on the
7 special expertise of persons outside the Federal Gov-
8 ernment with appropriate security clearances.

9 (e) DATA; INTELLIGENCE COLLECTION.—

10 (1) AVAILABILITY OF DATA AND REPORTING ON
11 UNIDENTIFIED AERIAL PHENOMENA.—The Director
12 and the Secretary shall each, in coordination with
13 one another, ensure that—

14 (A) each element of the intelligence com-
15 munity with data relating to unidentified aerial
16 phenomena makes such data available imme-
17 diately to the Office established under sub-
18 section (a) or to an entity designated by the
19 Secretary and the Director to receive such data;
20 and

21 (B) military and civilian personnel of the
22 Department of Defense or an element of the in-
23 telligence community, and contractor personnel
24 of the Department or such an element, have ac-
25 cess to procedures by which the personnel shall

1 report incidents or information, including ad-
2 verse physiological effects, involving or associ-
3 ated with unidentified aerial phenomena directly
4 to the Office or to an entity designated by the
5 Secretary and the Director to receive such in-
6 formation.

7 (2) INTELLIGENCE COLLECTION AND ANALYSIS
8 PLAN.—The head of the Office established under
9 subsection (a), acting on behalf of the Secretary of
10 Defense and the Director of National Intelligence,
11 shall supervise the development and execution of an
12 intelligence collection and analysis plan to gain as
13 much knowledge as possible regarding the technical
14 and operational characteristics, origins, and inten-
15 tions of unidentified aerial phenomena, including
16 with respect to the development, acquisition, deploy-
17 ment, and operation of technical collection capabili-
18 ties necessary to detect, identify, and scientifically
19 characterize unidentified aerial phenomena.

20 (3) USE OF RESOURCES AND CAPABILITIES.—
21 In developing the plan under paragraph (2), the
22 head of the Office established under subsection (a)
23 shall consider and propose, as the head determines
24 appropriate, the use of any resource, capability,

1 asset, or process of the Department and the intel-
2 ligence community.

3 (f) SCIENCE PLAN.—The head of the Office estab-
4 lished under subsection (a), on behalf of the Secretary and
5 the Director, shall supervise the development and execu-
6 tion of a science plan to develop and test, as practicable,
7 scientific theories to—

8 (1) account for characteristics and performance
9 of unidentified aerial phenomena that exceed the
10 known state of the art in science or technology, in-
11 cluding in the areas of propulsion, aerodynamic con-
12 trol, signatures, structures, materials, sensors, coun-
13 termeasures, weapons, electronics, and power gen-
14 eration; and

15 (2) provide the foundation for potential future
16 investments to replicate any such advanced charac-
17 teristics and performance.

18 (g) ASSIGNMENT OF PRIORITY.—The Director, in
19 consultation with, and with the recommendation of the
20 Secretary, shall assign an appropriate level of priority
21 within the National Intelligence Priorities Framework to
22 the requirement to understand, characterize, and respond
23 to unidentified aerial phenomena.

24 (h) ANNUAL REPORT.—

1 (1) REQUIREMENT.—Not later than October
2 31, 2022, and annually thereafter until October 31,
3 2026, the Director, in consultation with the Sec-
4 retary, shall submit to the appropriate congressional
5 committees a report on unidentified aerial phe-
6 nomena.

7 (2) ELEMENTS.—Each report under paragraph
8 (1) shall include, with respect to the year covered by
9 the report, the following information:

10 (A) All reported unidentified aerial phe-
11 nomena-related events that occurred during the
12 one-year period.

13 (B) All reported unidentified aerial phe-
14 nomena-related events that occurred during a
15 period other than that one-year period but were
16 not included in an earlier report.

17 (C) An analysis of data and intelligence re-
18 ceived through each reported unidentified aerial
19 phenomena-related event.

20 (D) An analysis of data relating to uniden-
21 tified aerial phenomena collected through—

22 (i) geospatial intelligence;

23 (ii) signals intelligence;

24 (iii) human intelligence; and

1 (iv) measurement and signature intel-
2 ligence.

3 (E) The number of reported incidents of
4 unidentified aerial phenomena over restricted
5 air space of the United States during the one-
6 year period.

7 (F) An analysis of such incidents identified
8 under subparagraph (E).

9 (G) Identification of potential aerospace or
10 other threats posed by unidentified aerial phe-
11 nomena to the national security of the United
12 States.

13 (H) An assessment of any activity regard-
14 ing unidentified aerial phenomena that can be
15 attributed to one or more adversarial foreign
16 governments.

17 (I) Identification of any incidents or pat-
18 terns regarding unidentified aerial phenomena
19 that indicate a potential adversarial foreign gov-
20 ernment may have achieved a breakthrough
21 aerospace capability.

22 (J) An update on the coordination by the
23 United States with allies and partners on ef-
24 forts to track, understand, and address uniden-
25 tified aerial phenomena.

1 (K) An update on any efforts underway on
2 the ability to capture or exploit discovered un-
3 identified aerial phenomena.

4 (L) An assessment of any health-related
5 effects for individuals that have encountered
6 unidentified aerial phenomena.

7 (M) The number of reported incidents, and
8 descriptions thereof, of unidentified aerial phe-
9 nomena associated with military nuclear assets,
10 including strategic nuclear weapons and nu-
11 clear-powered ships and submarines.

12 (N) In consultation with the Administrator
13 for Nuclear Security, the number of reported
14 incidents, and descriptions thereof, of unidenti-
15 fied aerial phenomena associated with facilities
16 or assets associated with the production, trans-
17 portation, or storage of nuclear weapons or
18 components thereof.

19 (O) In consultation with the Chairman of
20 the Nuclear Regulatory Commission, the num-
21 ber of reported incidents, and descriptions
22 thereof, of unidentified aerial phenomena or
23 drones of unknown origin associated with nu-
24 clear power generating stations, nuclear fuel

1 storage sites, or other sites or facilities regu-
2 lated by the Nuclear Regulatory Commission.

3 (P) The names of the line organizations
4 that have been designated to perform the spe-
5 cific functions under subsections (c) and (d),
6 and the specific functions for which each such
7 line organization has been assigned primary re-
8 sponsibility.

9 (3) FORM.—Each report submitted under para-
10 graph (1) shall be submitted in unclassified form,
11 but may include a classified annex.

12 (i) SEMIANNUAL BRIEFINGS.—

13 (1) REQUIREMENT.—Not later than 90 days
14 after the date of the enactment of this Act and not
15 less frequently than semiannually thereafter until
16 December 31, 2026, the head of the Office estab-
17 lished under subsection (a) shall provide to the con-
18 gressional committees specified in subparagraphs
19 (A), (B), and (D) of subsection (l)(1) classified
20 briefings on unidentified aerial phenomena.

21 (2) FIRST BRIEFING.—The first briefing pro-
22 vided under paragraph (1) shall include all incidents
23 involving unidentified aerial phenomena that were
24 reported to the Unidentified Aerial Phenomena Task
25 Force or to the Office established under subsection

1 (a) after June 24, 2021, regardless of the date of
2 occurrence of the incident.

3 (3) SUBSEQUENT BRIEFINGS.—Each briefing
4 provided subsequent to the first briefing described in
5 paragraph (2) shall include, at a minimum, all
6 events relating to unidentified aerial phenomena that
7 occurred during the previous 180 days, and events
8 relating to unidentified aerial phenomena that were
9 not included in an earlier briefing.

10 (4) INSTANCES IN WHICH DATA WAS NOT
11 SHARED.—For each briefing period, the head of the
12 Office established under subsection (a) shall jointly
13 provide to the chairman and the ranking minority
14 member or vice chairman of the congressional com-
15 mittees specified in subparagraphs (A) and (D) of
16 subsection (k)(1) an enumeration of any instances in
17 which data relating to unidentified aerial phenomena
18 was not provided to the Office because of classifica-
19 tion restrictions on that data or for any other rea-
20 son.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated such sums as may be nec-
23 essary to carry out the work of the Office established
24 under subsection (a), including with respect to—

1 (1) general intelligence gathering and intel-
2 ligence analysis; and

3 (2) strategic defense, space defense, defense of
4 controlled air space, defense of ground, air, or naval
5 assets, and related purposes.

6 (k) TASK FORCE TERMINATION.—Not later than the
7 date on which the Secretary establishes the Office under
8 subsection (a), the Secretary shall terminate the Unidenti-
9 fied Aerial Phenomenon Task Force.

10 (l) DEFINITIONS.—In this section:

11 (1) The term “appropriate congressional com-
12 mittees” means the following:

13 (A) The Committees on Armed Services of
14 the House of Representatives and the Senate.

15 (B) The Committees on Appropriations of
16 the House of Representatives and the Senate.

17 (C) The Committee on Foreign Affairs of
18 the House of Representatives and the Com-
19 mittee on Foreign Relations of the Senate.

20 (D) The Permanent Select Committee on
21 Intelligence of the House of Representatives
22 and the Select Committee on Intelligence of the
23 Senate.

1 (2) The term “intelligence community” has the
2 meaning given such term in section 3 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3003).

4 (3) The term “line organization” means, with
5 respect to a department or agency of the Federal
6 Government, an organization that executes programs
7 and activities to directly advance the core functions
8 and missions of the department or agency to which
9 the organization is subordinate, but, with respect to
10 the Department of Defense, does not include a com-
11 ponent of the Office of the Secretary of Defense.

12 (4) The term “transmedium objects or devices”
13 means objects or devices that are observed to transi-
14 tion between space and the atmosphere, or between
15 the atmosphere and bodies of water, that are not im-
16 mediately identifiable.

17 (5) The term “unidentified aerial phenomena”
18 means—

19 (A) airborne objects that are not imme-
20 diately identifiable;

21 (B) transmedium objects or devices; and

22 (C) submerged objects or devices that are
23 not immediately identifiable and that display
24 behavior or performance characteristics sug-
25 gesting that the objects or devices may be re-

1 lated to the objects or devices described in sub-
2 paragraph (A) or (B).

3 **SEC. 1684. DETERMINATION ON CERTAIN ACTIVITIES WITH**
4 **UNUSUALLY HAZARDOUS RISKS.**

5 (a) REPORT REQUIRED.—For fiscal years 2022 and
6 2023, the Secretary concerned shall prepare a report for
7 each indemnification request made by a covered contractor
8 with respect to a contract. Such report shall include the
9 following elements:

10 (1) A determination of whether the performance
11 of the contract includes an unusually hazardous risk
12 (as defined in this section).

13 (2) An estimate of the maximum probable loss
14 for claims or losses arising out of the contract.

15 (3) Consideration of requiring the covered con-
16 tractor to obtain liability insurance to compensate
17 for claims or losses to the extent such insurance is
18 available under commercially reasonable terms and
19 pricing, including any limits, sub-limits, exclusions
20 and other coverage restrictions.

21 (4) Consideration of not requiring a covered
22 contractor to obtain liability insurance in amounts
23 greater than amounts available under commercially
24 reasonable terms and pricing or the maximum prob-
25 able loss, whichever is less.

