

AERIAL INCURSION REPERCUSSION SAFETY ACT OF 2020

DECEMBER 2, 2020.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 5040]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5040) to direct the Director of the Bureau of Land Management to study the effects of drone incursions on wildfire suppression, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Aerial Incursion Repercussion Safety Act of 2020” or the “AIR Safety Act of 2020”.

**SEC. 2. STUDY ON EFFECTS OF DRONE INCURSIONS ON WILDFIRE SUPPRESSION.**

(a) **STUDY REQUIRED.**—The Director of the Bureau of Land Management, in consultation with the Chief of the Forest Service and the National Association of State Foresters, shall conduct a study on the effects of drone incursions on the suppression of wildfires with respect to lands managed by the Department of the Interior or the Department of Agriculture.

(b) **STUDY CONTENTS.**—In conducting the study required under subsection (a), the Director shall—

(1) determine, for each of the five most recently completed calendar years, the number of occurrences in which a drone incursion interfered with wildfire suppression and the effect of each such occurrence on—

- (A) the length of time required to achieve complete suppression;
- (B) the effectiveness of aerial firefighting responses; and
- (C) the amounts expended by the Federal Government; and

(2) evaluate the feasibility and effectiveness of various actions to prevent drone incursions, including—

- (A) the use of reasonable force to disable, damage, or destroy a drone;
- (B) the seizure of a drone, including seizure with a net device; and
- (C) the dissemination of education materials relating to the effects of drone incursions on wildfire suppression.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Director shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings of the study required under subsection (a) and any recommendations of the Director relating to such findings.

(d) DEFINITIONS.—In this section:

(1) DRONE.—The term “drone” means an unmanned aircraft system owned by a private individual or entity.

(2) DRONE INCURSION.—The term “drone incursion” means the operation of a drone within any airspace for which the Administrator of the Federal Aviation Administration has issued a temporary flight restriction because of a wildfire.

(3) WILDFIRE SUPPRESSION.—The term “wildfire suppression” has the meaning given such term in section 46320(d) of title 49, United States Code.

#### PURPOSE OF THE BILL

The purpose of H.R. 5040 is to direct the Director of the Bureau of Land Management to study the effects of drone incursions on wildfire suppression, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

When people fly drones near wildfires, federal land management agencies engaging in wildland fire suppression activities often ground their aircraft to avoid potential midair collisions. These airborne response delays pose threats to firefighters on the ground and to nearby communities, and they may undermine suppression efforts and allow wildfires to grow larger. Although the Federal Aviation Administration (FAA) often implements Temporary Flight Restrictions (TFRs) around wildfires to protect aircraft involved in suppression operations, and although it is a federal crime to interfere with wildfire suppression efforts on public lands irrespective of a TFR, interferences from private drones have rapidly increased in recent years. According to the FAA, there are more than 100 documented cases of unauthorized drone incursions near wildfires.<sup>1</sup>

H.R. 5040 requires the Bureau of Land Management, in consultation with the U.S. Forest Service and the National Association of State Foresters, to conduct a study on the impacts and costs of unauthorized drone incursions on wildland fire suppression with respect to lands managed by the Department of the Interior or the Department of Agriculture. The bill raises awareness on the impacts of drone incursions on wildland fire suppression while examining ways to avoid future incursions.

#### COMMITTEE ACTION

H.R. 5040 was introduced on November 12, 2019, by Representative John Curtis (R-UT). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture. Within the Natural Resources Committee, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands. On June 18, 2020, the Subcommittee held a hearing on the bill. On July 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Curtis offered an amendment designated Curtis #1. The amendment was agreed to by unanimous consent. No additional amendments were offered, and the bill, as amended, was

<sup>1</sup>FAA, DRONES & WILDFIRES DIGITAL TOOLKIT: DRONES AND WILDFIRES ARE A TOXIC MIX (2019), [https://www.faa.gov/uas/media/FAA\\_drones\\_wildfires\\_toolkit.pdf](https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf).

adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 5040: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on June 18, 2020.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 30, 2020.*

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5040, the AIR Safety Act of 2020.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<b>H.R. 5040, AIR Safety Act of 2020</b>			
As ordered reported by the House Committee on Natural Resources on July 29, 2020			
By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5040 would direct the Bureau of Land Management (BLM) to study how drone incursions affect the suppression of wildfires on federal land. The agency would be required to submit that study and any recommendations to the Congress.

Based on the costs of similar tasks, CBO estimates that any costs incurred by BLM to implement H.R. 5040 would be insignificant over the 2021–2025 period; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to direct the Director of the Bureau of Land Management to study the effects of drone incursions on wildfire suppression.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

RAUL M. GRIJALVA OF ARIZONA  
CHAIRMAN

DAVID WATKINS  
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE  
**U.S. House of Representatives**  
Committee on Natural Resources  
Washington, DC 20515

ROB BISHOP OF UTAH  
RANKING REPUBLICAN

PARISH BRADEN  
REPUBLICAN STAFF DIRECTOR

September 1, 2020

The Honorable Collin Peterson  
Chair  
Committee on Agriculture  
U.S. House of Representatives  
1301 Longworth House Office Building  
Washington, D.C. 20515

Dear Chair Peterson:

I write to you concerning H.R. 5040, the "AIR Safety Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture. I acknowledge that your Committee will not formally consider H.R. 5040 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to working with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva  
Chair  
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member  
The Honorable Thomas J. Wickham Jr., Parliamentarian

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**U.S. House of Representatives**  
**Committee on Agriculture**  
Room 1301, Longworth House Office Building  
Washington, DC 20515-6001

(202) 225-2171

December 1, 2020

The Honorable Raul M. Grijalva  
Chairman, Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515


Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 5040, the *AIR Safety Incursion Act of 2020*. Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. We request that our Committee be consulted and involved as this bill moves forward so that we may address any remaining issues in our jurisdiction. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and ask that you support any such request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 5040, and request that a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,

  
Collin C. Peterson  
Chairman

cc: The Honorable K. Michael Conaway  
The Honorable Rob Bishop  
The Honorable Nancy Pelosi, Speaker  
The Honorable Jason Smith, Parliamentarian

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STAFF DIRECTOR  
MATTHEW S. SCHERTZ  
MINORITY STAFF DIRECTOR

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS  
None.

