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2^D SESSION**S. 4687****[Report No. 117-277]**

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. PETERS (for himself, Mr. JOHNSON, Ms. SINEMA, Ms. HASSAN, Mr. PORTMAN, Mr. KELLY, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguarding the
3 Homeland from the Threats Posed by Unmanned Aircraft
4 Systems Act of 2022”.

5 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY UN-**
6 **MANNED AIRCRAFT SYSTEM DETECTION AND**
7 **MITIGATION ENFORCEMENT AUTHORITY.**

8 Subtitle A of title H of the Homeland Security Act
9 of 2002 (6 U.S.C. 121 et seq.) is amended by striking
10 section 210G (6 U.S.C. 124n) and inserting the following:

11 **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-**
12 **SETS FROM UNMANNED AIRCRAFT.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) The term ‘air navigation facility’ has the
15 meaning given the term in section 40102(a)(4) of
16 title 49, United States Code.

17 “(2) The term ‘airport’ has the meaning given
18 the term in section 47102(2) of title 49, United
19 States Code.

20 “(3) The term ‘appropriate committees of Con-
21 gress’ means—

22 “(A) the Committee on Homeland Security
23 and Governmental Affairs, the Committee on
24 Commerce, Science, and Transportation, and
25 the Committee on the Judiciary of the Senate;
26 and

1 “(B) the Committee on Homeland Secu-
2 rity, the Committee on Transportation and In-
3 frastructure, the Committee on Energy and
4 Commerce, and the Committee on the Judiciary
5 of the House of Representatives.

6 “(4) The term ‘budget’, with respect to a fiscal
7 year, means the budget for that fiscal year that is
8 submitted to Congress by the President under sec-
9 tion 1105(a) of title 31, United States Code.

10 “(5) The term ‘covered facility or asset’ means
11 any facility or asset that—

12 “(A) is identified as high-risk and a poten-
13 tial target for unlawful unmanned aircraft or
14 unmanned aircraft system activity by the Sec-
15 retary or the Attorney General, or by the chief
16 executive of the jurisdiction in which a State,
17 local, Tribal, or territorial law enforcement
18 agency designated pursuant to subsection (d)(2)
19 operates after review and approval of the Sec-
20 retary or the Attorney General, in coordination
21 with the Secretary of Transportation with re-
22 spect to potentially impacted airspace, through
23 a risk-based assessment for purposes of this
24 section (except that in the case of the missions
25 described in clauses (i)(II) and (iii)(I) of sub-

1 paragraph (C), such missions shall be presumed
2 to be for the protection of a facility or asset
3 that is assessed to be high-risk and a potential
4 target for unlawful unmanned aircraft or un-
5 manned aircraft system activity);

6 “(B) is located in the United States; and

7 “(C) directly relates to 1 or more—

8 “(i) missions authorized to be per-
9 formed by the Department, consistent with
10 governing statutes, regulations, and orders
11 issued by the Secretary, pertaining to—

12 “(I) security or protection func-
13 tions of the U.S. Customs and Border
14 Protection, including securing or pro-
15 tecting facilities, aircraft, and vessels,
16 whether moored or underway;

17 “(II) United States Secret Serv-
18 ice protection operations pursuant to
19 sections 3056(a) and 3056A(a) of title
20 18, United States Code, and the Pres-
21 idential Protection Assistance Act of
22 1976 (18 U.S.C. 3056 note);

23 “(III) protection of facilities pur-
24 suant to section 1315(a) of title 40,
25 United States Code; or

1 “(IV) transportation security
2 functions of the Transportation Secu-
3 rity Administration;

4 “(ii) missions authorized to be per-
5 formed by the Department of Justice, con-
6 sistent with governing statutes, regula-
7 tions, and orders issued by the Attorney
8 General, pertaining to—

9 “(I) personal protection oper-
10 ations by—

11 “(aa) the Federal Bureau of
12 Investigation as specified in sec-
13 tion 533 of title 28, United
14 States Code; or

15 “(bb) the United States
16 Marshals Service as specified in
17 section 566 of title 28, United
18 States Code;

19 “(H) protection of penal, deten-
20 tion, and correctional facilities and
21 operations conducted by the Federal
22 Bureau of Prisons and prisoner oper-
23 ations and transport conducted by the
24 United States Marshals Service;

1 ~~“(III) protection of the buildings~~
2 ~~and grounds leased, owned, or oper-~~
3 ~~ated by or for the Department of Jus-~~
4 ~~tice, and the provision of security for~~
5 ~~Federal courts, as specified in section~~
6 ~~566 of title 28, United States Code;~~
7 ~~or~~

8 ~~“(IV) protection of an airport or~~
9 ~~air navigation facility;~~

10 ~~“(iii) missions authorized to be per-~~
11 ~~formed by the Department or the Depart-~~
12 ~~ment of Justice, acting together or sepa-~~
13 ~~rately, consistent with governing statutes,~~
14 ~~regulations, and orders issued by the Sec-~~
15 ~~retary or the Attorney General, respec-~~
16 ~~tively, pertaining to—~~

17 ~~“(I) protection of a National~~
18 ~~Special Security Event and Special~~
19 ~~Event Assessment Rating event;~~

20 ~~“(II) the provision of support to~~
21 ~~a State, local, Tribal, or territorial law~~
22 ~~enforcement agency, upon request of~~
23 ~~the chief executive officer of the State~~
24 ~~or territory, to ensure protection of~~
25 ~~people and property at mass gath-~~

1 erings, that is limited to a specified
2 duration and location, within available
3 resources, and without delegating any
4 authority under this section to State,
5 local, Tribal, or territorial law en-
6 forcement;

7 “(III) protection of an active
8 Federal law enforcement investigation,
9 emergency response, or security func-
10 tion, that is limited to a specified du-
11 ration and location; or

12 “(IV) the provision of security or
13 protection support to critical infra-
14 structure owners or operators, for
15 static critical infrastructure facilities
16 and assets upon the request of the
17 owner or operator;

18 “(iv) missions authorized to be per-
19 formed by the United States Coast Guard,
20 including those described in clause (iii) as
21 directed by the Secretary, and as further
22 set forth in section 528 of title 14, United
23 States Code, and consistent with governing
24 statutes, regulations, and orders issued by

1 the Secretary of the Department in which
2 the Coast Guard is operating; and

3 “(v) responsibilities of State, local,
4 Tribal, and territorial law enforcement
5 agencies designated pursuant to subsection
6 (d)(2) pertaining to—

7 “(I) protection of National Spe-
8 cial Security Event and Special Event
9 Assessment Rating events or other
10 mass gatherings in the jurisdiction of
11 the State, local, Tribal, or territorial
12 law enforcement agency;

13 “(II) protection of critical infra-
14 structure assessed by the Secretary as
15 high-risk for unmanned aircraft sys-
16 tems or unmanned aircraft attack or
17 disruption, including airports in the
18 jurisdiction of the State, local, Tribal,
19 or territorial law enforcement agency;
20 or

21 “(III) protection of sensitive gov-
22 ernment buildings, assets, or facilities
23 in the jurisdiction of the State, local,
24 Tribal, or territorial law enforcement
25 agency.

1 “(6) The term ‘critical infrastructure’ has the
2 meaning given the term in section 1016(e) of the
3 Critical Infrastructure Protection Act of 2001 (42
4 U.S.C. 5195e(e)).

5 “(7) The terms ‘electronic communication’,
6 ‘intercept’, ‘oral communication’, and ‘wire commu-
7 nication’ have the meanings given those terms in
8 section 2510 of title 18, United States Code.

9 “(8) The term ‘homeland security or justice
10 budget materials’, with respect to a fiscal year,
11 means the materials submitted to Congress by the
12 Secretary and the Attorney General in support of
13 the budget for that fiscal year.

14 “(9)(A) The term ‘personnel’ means—

15 “(i) an officer, employee, or contractor of
16 the Department or the Department of Justice,
17 who is authorized to perform duties that include
18 safety, security, or protection of personnel, fa-
19 cilities, or assets; or

20 “(ii) an employee who—

21 “(I) is authorized to perform law en-
22 forcement and security functions on behalf
23 of a State, local, Tribal, or territorial law
24 enforcement agency designated under sub-
25 section (d)(2); and

1 “(H) is trained and certified to per-
2 form those duties, including training spe-
3 cific to countering unmanned aircraft
4 threats and mitigating risks in the national
5 airspace.

6 “(B) To qualify for use of the authorities de-
7 scribed in subsection (b) or (c), respectively, a con-
8 tractor conducting operations described in those sub-
9 sections must—

10 “(i) be directly contracted by the Depart-
11 ment or the Department of Justice;

12 “(ii) operate at a government-owned or
13 government-leased facility or asset;

14 “(iii) not conduct inherently governmental
15 functions; and

16 “(iv) be trained and certified by the De-
17 partment or the Department of Justice to meet
18 the established guidance and regulations of the
19 Department or the Department of Justice, re-
20 spectively.

21 “(C) For purposes of subsection (c)(1), the
22 term ‘personnel’ includes any officer, employee, or
23 contractor who is authorized to perform duties that
24 include the safety, security, or protection of people,
25 facilities, or assets, of—

1 “(i) a State, local, Tribal, or territorial law
2 enforcement agency; and

3 “(ii) an owner or operator of an airport or
4 critical infrastructure.

5 “(10) The term ‘risk-based assessment’ means
6 an evaluation of threat information specific to a cov-
7 ered facility or asset and, with respect to potential
8 impacts on the safety and efficiency of the national
9 airspace system and the needs of law enforcement
10 and national security at each covered facility or
11 asset identified by the Secretary or the Attorney
12 General, respectively, of each of the following fac-
13 tors:

14 “(A) Potential impacts to safety, efficiency,
15 and use of the national airspace system, includ-
16 ing potential effects on manned aircraft and un-
17 manned aircraft systems or unmanned aircraft,
18 aviation safety, airport operations, infrastruc-
19 ture, and air navigation services relating to the
20 use of any system or technology for carrying
21 out the actions described in subsection (e)(2).

22 “(B) Options for mitigating any identified
23 impacts to the national airspace system relating
24 to the use of any system or technology, includ-
25 ing minimizing, when possible, the use of any

1 technology that disrupts the transmission of
2 radio or electronic signals, for carrying out the
3 actions described in subsection (c)(2).

4 “(C) Potential consequences of the impacts
5 of any actions taken under subsection (c)(1) to
6 the national airspace system and infrastructure
7 if not mitigated.

8 “(D) The ability to provide reasonable ad-
9 vance notice to aircraft operators consistent
10 with the safety of the national airspace system
11 and the needs of law enforcement and national
12 security.

13 “(E) The setting and character of any cov-
14 ered facility or asset, including—

15 “(i) whether the covered facility or
16 asset is located in a populated area or near
17 other structures;

18 “(ii) whether the covered facility or
19 asset is open to the public;

20 “(iii) whether the covered facility or
21 asset is used for nongovernmental func-
22 tions; and

23 “(iv) any potential for interference
24 with wireless communications or for injury
25 or damage to persons or property.

1 “(F) The setting, character, duration, and
2 national airspace system impacts of National
3 Special Security Event and Special Event As-
4 sessment Rating events, to the extent not al-
5 ready discussed in the National Special Security
6 Event and Special Event Assessment Rating
7 nomination process.

8 “(G) Potential consequences to national se-
9 curity, public safety, or law enforcement if
10 threats posed by unmanned aircraft systems or
11 unmanned aircraft are not mitigated or de-
12 feated.

13 “(11) The terms ‘unmanned aircraft’ and ‘un-
14 manned aircraft system’ have the meanings given
15 those terms in section 44801 of title 49, United
16 States Code.

17 “(b) AUTHORITY OF THE DEPARTMENT OF HOME-
18 LAND SECURITY AND DEPARTMENT OF JUSTICE.—Not-
19 withstanding section 46502 of title 49, United States
20 Code, or sections 32, 1030, 1367, and chapters 119 and
21 206 of title 18, United States Code, the Secretary and
22 the Attorney General may, for their respective Depart-
23 ments, take, and may authorize personnel with assigned
24 duties that include the safety, security, or protection of
25 people, facilities, or assets to take, actions described in

1 subsection (e)(2) that are necessary to detect, identify,
2 monitor, track, and mitigate a credible threat (as defined
3 by the Secretary and the Attorney General, in consultation
4 with the Secretary of Transportation through the Admin-
5 istrator of the Federal Aviation Administration) that an
6 unmanned aircraft system or unmanned aircraft poses to
7 the safety or security of a covered facility or asset.

8 “(e) ADDITIONAL LIMITED AUTHORITY FOR DETEC-
9 TION, IDENTIFICATION, MONITORING, AND TRACKING.—

10 “(1) IN GENERAL.—Subject to paragraphs (2)
11 and (3), and notwithstanding sections 1030 and
12 1367 and chapters 119 and 206 of title 18, United
13 States Code, any State, local, Tribal, or territorial
14 law enforcement agency, the Department of Justice,
15 the Department, and any owner or operator of an
16 airport or critical infrastructure may authorize per-
17 sonnel, with assigned duties that include the safety,
18 security, or protection of people, facilities, or assets,
19 to use equipment authorized under this subsection to
20 take actions described in subsection (e)(1) that are
21 necessary to detect, identify, monitor, or track an
22 unmanned aircraft system or unmanned aircraft
23 within the respective areas of responsibility or juris-
24 diction of the authorized personnel.

1 “(2) AUTHORIZED EQUIPMENT.—Equipment
2 authorized for unmanned aircraft system detection,
3 identification, monitoring, or tracking under this
4 subsection shall be limited to systems or tech-
5 nologies—

6 “(A) tested and evaluated by the Depart-
7 ment or the Department of Justice, including
8 evaluation of any potential counterintelligence
9 or cybersecurity risks;

10 “(B) that are annually reevaluated for any
11 changes in risks, including counterintelligence
12 and cybersecurity risks;

13 “(C) determined by the Federal Commu-
14 nications Commission and the National Tele-
15 communications and Information Administra-
16 tion not to adversely impact the use of the com-
17 munications spectrum;

18 “(D) determined by the Federal Aviation
19 Administration not to adversely impact the use
20 of the aviation spectrum or otherwise adversely
21 impact the national airspace system; and

22 “(E) that are included on a list of author-
23 ized equipment maintained by the Department,
24 in coordination with the Department of Justice,
25 the Federal Aviation Administration, the Fed-

1 eral Communications Commission, and the Na-
 2 tional Telecommunications and Information Ad-
 3 ministration.

4 ~~“(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL~~
 5 ~~COMPLIANCE.—~~Each State, local, Tribal, or terri-
 6 torial law enforcement agency or owner or operator
 7 of an airport or critical infrastructure acting pursu-
 8 ant to this subsection shall—

9 ~~“(A) prior to any such action, issue a writ-~~
 10 ~~ten policy certifying compliance with the privacy~~
 11 ~~protections of subparagraphs (A) through (D)~~
 12 ~~of subsection (j)(2); and~~

13 ~~“(B) comply with any additional guidance~~
 14 ~~issued by the Secretary or the Attorney General~~
 15 ~~relating to implementation of this subsection.~~

16 ~~“(4) PROHIBITION.—~~Nothing in this subsection
 17 shall be construed to authorize the taking of any ac-
 18 tion described in subsection (c) other than the ac-
 19 tions described in paragraph (1) of that subsection.

20 ~~“(d) PILOT PROGRAM FOR STATE, LOCAL, TRIBAL,~~
 21 ~~AND TERRITORIAL LAW ENFORCEMENT.—~~

22 ~~“(1) IN GENERAL.—~~The Secretary and the At-
 23 ~~torney General may carry out a pilot program to~~
 24 ~~evaluate the potential benefits of State, local, Tribal,~~
 25 ~~and territorial law enforcement agencies taking ac-~~

1 tions that are necessary to mitigate a credible threat
2 (as defined by the Secretary and the Attorney Gen-
3 eral; in consultation with the Secretary of Transpor-
4 tation through the Administrator of the Federal
5 Aviation Administration) that an unmanned aircraft
6 system or unmanned aircraft poses to the safety or
7 security of a covered facility or asset.

8 “(2) DESIGNATION.—

9 “(A) IN GENERAL.—The Secretary or the
10 Attorney General; with the concurrence of the
11 Secretary of Transportation (through the Ad-
12 ministrator of the Federal Aviation Administra-
13 tion); may, under the pilot program established
14 under paragraph (1), designate 1 or more
15 State, local, Tribal or territorial law enforce-
16 ment agencies approved by the respective chief
17 executive officer of the State, local, Tribal, or
18 territorial law enforcement agency to engage in
19 the activities authorized in paragraph (4) under
20 the direct oversight of the Department or the
21 Department of Justice, in carrying out the re-
22 sponsibilities authorized under subsection
23 (a)(5)(C)(v).

24 “(B) DESIGNATION PROCESS.—

1 “(i) NUMBER OF AGENCIES AND DU-
2 RATION.—On and after the date that is
3 180 days after the date of enactment of
4 the Safeguarding the Homeland from the
5 Threats Posed by Unmanned Aircraft Sys-
6 tems Act of 2022, the Secretary and the
7 Attorney General, pursuant to subpara-
8 graph (A), may designate not more than
9 12 State, local, Tribal, and territorial law
10 enforcement agencies for participation in
11 the pilot program, and may designate 12
12 additional State, local, Tribal, and terri-
13 torial law enforcement agencies each year
14 thereafter, provided that not more than 60
15 State, local, Tribal, and territorial law en-
16 forcement agencies in total may be des-
17 ignated during the 5-year period of the
18 pilot program.

19 “(ii) REVOCATION.—The Secretary
20 and the Attorney General, in consultation
21 with the Secretary of Transportation
22 (through the Administrator of the Federal
23 Aviation Administration)—

24 “(I) may revoke a designation
25 under subparagraph (A) if the Sec-

1 retary, Attorney General, and Sec-
2 retary of Transportation (through the
3 Administrator of the Federal Aviation
4 Administration) concur in the revoca-
5 tion; and

6 “(H) shall revoke a designation
7 under subparagraph (A) if the Sec-
8 retary, the Attorney General, or the
9 Secretary of Transportation (through
10 the Administrator of the Federal
11 Aviation Administration) withdraws
12 concurrence.

13 “(3) TERMINATION OF PILOT PROGRAM.—

14 “(A) DESIGNATION.—The authority to
15 designate an agency for inclusion in the pilot
16 program established under this subsection shall
17 terminate after the 5-year period beginning on
18 the date that is 180 days after the date of en-
19 actment of the Safeguarding the Homeland
20 from the Threats Posed by Unmanned Aircraft
21 Systems Act of 2022.

22 “(B) AUTHORITY OF PILOT PROGRAM
23 AGENCIES.—The authority of an agency des-
24 ignated under the pilot program established
25 under this subsection to exercise any of the au-

1 thorities granted under the pilot program shall
2 terminate not later than 6 years after the date
3 that is 180 days after the date of enactment of
4 the Safeguarding the Homeland from the
5 Threats Posed by Unmanned Aircraft Systems
6 Act of 2022, or upon revocation pursuant to
7 paragraph (2)(B)(ii).

8 “(4) AUTHORIZATION.—Notwithstanding sec-
9 tion 46502 of title 49, United States Code, or sec-
10 tions 32, 1030, 1367, and chapters 119 and 206 of
11 title 18, United States Code, any State, local, Trib-
12 al, or territorial law enforcement agency designated
13 pursuant to paragraph (2) may authorize personnel
14 with assigned duties that include the safety, secu-
15 rity, or protection of people, facilities, or assets to
16 take such actions as are described in subsection
17 (e)(2) that are necessary to detect, identify, monitor,
18 track, or mitigate a credible threat (as defined by
19 the Secretary and the Attorney General, in consulta-
20 tion with the Secretary of Transportation, through
21 the Administrator of the Federal Aviation Adminis-
22 tration) that an unmanned aircraft system or un-
23 manned aircraft poses to the safety or security of a
24 covered facility or asset under subsection
25 (a)(5)(C)(v).

1 “(5) EXEMPTION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Chair of the Federal Commu-
4 nications Commission, in consultation with the
5 Administrator of the National Telecommuni-
6 cations and Information Administration, shall
7 implement a process for considering the exemp-
8 tion of 1 or more law enforcement agencies des-
9 ignated under paragraph (2), or any station op-
10 erated by the agency, from any provision of title
11 III of the Communications Act of 1934 (47
12 U.S.C. 151 et seq.) to the extent that the des-
13 ignated law enforcement agency takes such ac-
14 tions as are described in subsection (e)(2) and
15 may establish conditions or requirements for
16 such exemption.

17 “(B) REQUIREMENTS.—The Chair of the
18 Federal Communications Commission, in con-
19 sultation with the Administrator of the Na-
20 tional Telecommunications and Information Ad-
21 ministration, may grant an exemption under
22 subparagraph (A) only if the Chair of the Fed-
23 eral Communications Commission in consulta-
24 tion with the Administrator of the National

1 Telecommunications and Information Adminis-
2 tration finds that the grant of an exemption—

3 “(i) is necessary to achieve the pur-
4 poses of this subsection; and

5 “(ii) will serve the public interest.

6 “(C) REVOCATION.—Any exemption grant-
7 ed under subparagraph (A) shall terminate
8 automatically if the designation granted to the
9 law enforcement agency under paragraph
10 (2)(A) is revoked by the Secretary or the Attor-
11 ney General under paragraph (2)(B)(ii) or is
12 terminated under paragraph (3)(B).

13 “(6) REPORTING.—Not later than 2 years after
14 the date on which the first law enforcement agency
15 is designated under paragraph (2), the Secretary
16 and the Attorney General shall inform the appro-
17 priate committees of Congress in writing of the use
18 by any State, local, Tribal, or territorial law enforce-
19 ment agency of any authority granted pursuant to
20 paragraph (4).

21 “(7) RESTRICTIONS.—Any entity acting pursu-
22 ant to the authorities granted under this sub-
23 section—

24 “(A) may do so only using equipment au-
25 thorized by the Department, in coordination

1 with the Department of Justice, the Federal
2 Communications Commission, the National
3 Telecommunications and Information Adminis-
4 tration, and the Department of Transportation
5 (through the Federal Aviation Administration)
6 according to the criteria described in subsection
7 (e)(2);

8 “(B) shall, prior to any such action, issue
9 a written policy certifying compliance with the
10 privacy protections of subparagraphs (A)
11 through (D) of subsection (j)(2);

12 “(C) shall ensure that all personnel under-
13 taking any actions listed under this subsection
14 are properly trained in accordance with the cri-
15 teria that the Secretary and Attorney General
16 shall collectively establish, in consultation with
17 the Secretary of Transportation, the Adminis-
18 trator of the Federal Aviation Administration,
19 the Chair of the Federal Communications Com-
20 mission, and the Assistant Secretary of Com-
21 merce for Communications and Information of
22 the National Telecommunications and Informa-
23 tion Administration; and

24 “(D) shall comply with any additional
25 guidance relating to compliance with this sub-

1 section issued by the Secretary or Attorney
2 General.

3 “(e) ACTIONS DESCRIBED.—

4 “(1) IN GENERAL.—The actions authorized
5 under subsection (e) that may be taken by a State,
6 local, Tribal, or territorial law enforcement agency,
7 the Department, the Department of Justice, and any
8 owner or operator of an airport or critical infrastruc-
9 ture, are limited to actions during the operation of
10 an unmanned aircraft system, to detect, identify,
11 monitor, and track the unmanned aircraft system or
12 unmanned aircraft, without prior consent, including
13 by means of intercept or other access of a wire com-
14 munication, an oral communication, or an electronic
15 communication used to control the unmanned air-
16 craft system or unmanned aircraft.

17 “(2) CLARIFICATION.—The actions authorized
18 in subsections (b) and (d)(4) are the following:

19 “(A) During the operation of the un-
20 manned aircraft system or unmanned aircraft,
21 detect, identify, monitor, and track the un-
22 manned aircraft system or unmanned aircraft,
23 without prior consent, including by means of
24 intercept or other access of a wire communica-
25 tion, an oral communication, or an electronic

1 communication used to control the unmanned
2 aircraft system or unmanned aircraft.

3 “(B) Warn the operator of the unmanned
4 aircraft system or unmanned aircraft, including
5 by passive or active, and direct or indirect,
6 physical, electronic, radio, and electromagnetic
7 means.

8 “(C) Disrupt control of the unmanned air-
9 craft system or unmanned aircraft, without
10 prior consent of the operator of the unmanned
11 aircraft system or unmanned aircraft, including
12 by disabling the unmanned aircraft system or
13 unmanned aircraft by intercepting, interfering,
14 or causing interference with wire, oral, elec-
15 tronic, or radio communications used to control
16 the unmanned aircraft system or unmanned air-
17 craft.

18 “(D) Seize or exercise control of the un-
19 manned aircraft system or unmanned aircraft.

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

22 “(F) Use reasonable force, if necessary, to
23 disable, damage, or destroy the unmanned air-
24 craft system or unmanned aircraft.

1 “(f) RESEARCH, TESTING, TRAINING, AND EVALUA-
2 TION.—

3 “(1) REQUIREMENT.—

4 “(A) IN GENERAL.—Notwithstanding sec-
5 tion 46502 of title 49, United States Code, or
6 any provision of title 18, United States Code,
7 the Secretary, the Attorney General, and the
8 heads of the State, local, Tribal, or territorial
9 law enforcement agencies designated pursuant
10 to subsection (d)(2) shall conduct research,
11 testing, training on, and evaluation of any
12 equipment, including any electronic equipment,
13 to determine the capability and utility of the
14 equipment prior to the use of the equipment in
15 carrying out any action described in subsection
16 (e).

17 “(B) COORDINATION.—Personnel and con-
18 tractors who do not have duties that include the
19 safety, security, or protection of people, facili-
20 ties, or assets may engage in research, testing,
21 training, and evaluation activities pursuant to
22 subparagraph (A).

23 “(2) TRAINING OF FEDERAL, STATE, LOCAL,
24 TERRITORIAL, AND TRIBAL LAW ENFORCEMENT
25 PERSONNEL.—The Attorney General, through the

1 Director of the Federal Bureau of Investigation,
2 may—

3 “(A) provide training relating to measures
4 to mitigate a credible threat that an unmanned
5 aircraft or unmanned aircraft system poses to
6 the safety or security of a covered facility or
7 asset to any personnel who are authorized to
8 take such measures, including personnel author-
9 ized to take the actions described in subsection
10 (e); and

11 “(B) establish or designate 1 or more fa-
12 cilities or training centers for the purpose de-
13 scribed in subparagraph (A).

14 “(3) COORDINATION FOR RESEARCH, TESTING,
15 TRAINING, AND EVALUATION.—

16 “(A) IN GENERAL.—The Secretary, the
17 Attorney General, and the heads of the State,
18 local, Tribal, or territorial law enforcement
19 agencies designated pursuant to subsection
20 (d)(2) shall coordinate procedures governing re-
21 search, testing, training, and evaluation to
22 carry out any provision under this subsection
23 with the Administrator of the Federal Aviation
24 Administration before initiating such activity in
25 order that the Administrator of the Federal

1 Aviation Administration may ensure the activity
2 does not adversely impact or interfere with safe
3 airport operations, navigation, air traffic serv-
4 ices, or the safe and efficient operation of the
5 national airspace system.

6 “(B) STATE, LOCAL, TRIBAL, AND TERRI-
7 TORIAL LAW ENFORCEMENT AGENCY COORDI-
8 NATION.—Each head of a State, local, Tribal,
9 or territorial law enforcement agency designated
10 pursuant to subsection (d)(2) shall coordinate
11 the procedures governing research, testing,
12 training, and evaluation of the law enforcement
13 agency through the Secretary and the Attorney
14 General, in coordination with the Federal Avia-
15 tion Administration.

16 “(g) FORFEITURE.—Any unmanned aircraft system
17 or unmanned aircraft that is seized by the Secretary or
18 the Attorney General pursuant to subsection (b) is subject
19 to forfeiture to the United States pursuant to the provi-
20 sions of chapter 46 of title 18, United States Code.

21 “(h) REGULATIONS AND GUIDANCE.—The Secretary,
22 the Attorney General, and the Secretary of Transpor-
23 tation—

1 “(1) may prescribe regulations and shall issue
2 guidance in the respective areas of each Secretary or
3 the Attorney General to carry out this section; and

4 “(2) in developing regulations and guidance de-
5 scribed in subparagraph (A), consult the Chair of
6 the Federal Communications Commission, the Ad-
7 ministrator of the National Telecommunications and
8 Information Administration, and the Administrator
9 of the Federal Aviation Administration.

10 “(i) COORDINATION.—

11 “(1) IN GENERAL.—The Secretary and the At-
12 torney General shall coordinate with the Adminis-
13 trator of the Federal Aviation Administration before
14 carrying out any action authorized under this section
15 in order that the Administrator may ensure the ac-
16 tion does not adversely impact or interfere with—

17 “(A) safe airport operations;

18 “(B) navigation;

19 “(C) air traffic services; or

20 “(D) the safe and efficient operation of the
21 national airspace system.

22 “(2) GUIDANCE.—Before issuing any guidance,
23 or otherwise implementing this section, the Secretary
24 or the Attorney General shall, respectively, coordi-
25 nate with—

1 “(A) the Secretary of Transportation in
 2 order that the Secretary of Transportation may
 3 ensure the guidance or implementation does not
 4 adversely impact or interfere with any critical
 5 infrastructure relating to transportation; and

6 “(B) the Administrator of the Federal
 7 Aviation Administration in order that the Ad-
 8 ministrator may ensure the guidance or imple-
 9 mentation does not adversely impact or inter-
 10 fere with—

11 “(i) safe airport operations;

12 “(ii) navigation;

13 “(iii) air traffic services; or

14 “(iv) the safe and efficient operation
 15 of the national airspace system.

16 “(3) COORDINATION WITH THE FAA.—The Sec-
 17 retary and the Attorney General shall coordinate the
 18 development of their respective guidance under sub-
 19 section (h) with the Secretary of Transportation
 20 (through the Administrator of the Federal Aviation
 21 Administration).

22 “(4) COORDINATION WITH THE DEPARTMENT
 23 OF TRANSPORTATION AND NATIONAL TELE-
 24 COMMUNICATIONS AND INFORMATION ADMINISTRA-
 25 TION.—The Secretary and the Attorney General;

1 and the heads of any State, local, Tribal, or terri-
2 torial law enforcement agencies designated pursuant
3 to subsection (d)(2), through the Secretary and the
4 Attorney General, shall coordinate the development
5 for their respective departments or agencies of the
6 actions described in subsection (e) with the Sec-
7 retary of Transportation (through the Administrator
8 of the Federal Aviation Administration) and the As-
9 sistant Secretary of Commerce for Communications
10 and Information of the National Telecommuni-
11 cations and Information Administration.

12 ~~“(5) STATE, LOCAL, TRIBAL, AND TERRITORIAL~~
13 ~~IMPLEMENTATION.—~~Prior to taking any action au-
14 thorized under subsection (d)(4), each head of a
15 State, local, Tribal, or territorial law enforcement
16 agency designated under subsection (d)(2) shall co-
17 ordinate, through the Secretary and the Attorney
18 General—

19 ~~“(A) with the Secretary of Transportation~~
20 ~~in order that the Administrators of non-aviation~~
21 ~~modes of the Department of Transportation~~
22 ~~may evaluate whether the action may have ad-~~
23 ~~verse impacts on critical infrastructure relating~~
24 ~~to non-aviation transportation;~~

1 “(B) with the Administrator of the Federal
2 Aviation Administration in order that the Ad-
3 ministratoꝛ may ensure the action will have no
4 adverse impact, or will not, interfere with—

5 “(i) safe airport operations;

6 “(ii) navigation;

7 “(iii) air traffic services; or

8 “(iv) the safe and efficient operation
9 of the national airspace system; and

10 “(C) to allow the Department and the De-
11 partment of Justice to ensure that any action
12 authorized by this section is consistent with
13 Federal law enforcement and in the interest of
14 national security.

15 “(j) PRIVACY PROTECTION.—

16 “(1) IN GENERAL.—Any regulation or guidance
17 issued to carry out an action under subsection (e) by
18 the Secretary or the Attorney General, respectively,
19 shall ensure for the Department or the Department
20 of Justice, respectively, that—

21 “(A) the interception of, acquisition of, ac-
22 cess to, maintenance of, or use of any commu-
23 nication to or from an unmanned aircraft sys-
24 tem or unmanned aircraft under this section is
25 conducted in a manner consistent with the First

1 and Fourth Amendments to the Constitution of
2 the United States and any applicable provision
3 of Federal law;

4 “(B) any communication to or from an un-
5 manned aircraft system or unmanned aircraft
6 are intercepted or acquired only to the extent
7 necessary to support an action described in sub-
8 section (e);

9 “(C) any record of a communication de-
10 scribed in subparagraph (B) is maintained only
11 for as long as necessary, and in no event for
12 more than 180 days, unless the Secretary or
13 the Attorney General, as applicable, determines
14 that maintenance of the record is—

15 “(i) required under Federal law;

16 “(ii) necessary for the purpose of liti-
17 gation; and

18 “(iii) necessary to investigate or pros-
19 ecute a violation of law, including by—

20 “(I) directly supporting an ongo-
21 ing security operation; or

22 “(II) protecting against dan-
23 gerous or unauthorized activity by un-
24 manned aircraft systems or unmanned
25 aircraft; and

1 “(D) a communication described in sub-
2 paragraph (B) is not disclosed to any person
3 not employed or contracted by the Department
4 or the Department of Justice unless the disclo-
5 sure—

6 “(i) is necessary to investigate or
7 prosecute a violation of law;

8 “(ii) will support—

9 “(I) the Department of Defense;

10 “(II) a Federal law enforcement,
11 intelligence, or security agency;

12 “(III) a State, local, Tribal, or
13 territorial law enforcement agency; or

14 “(IV) another relevant entity or
15 person if the entity or person is en-
16 gaged in a security or protection oper-
17 ation;

18 “(iii) is necessary to support a depart-
19 ment or agency listed in clause (ii) in in-
20 vestigating or prosecuting a violation of
21 law;

22 “(iv) will support the enforcement ac-
23 tivities of a Federal regulatory agency re-
24 lating to a criminal or civil investigation of,
25 or any regulatory, statutory, or other en-

1 enforcement action relating to, an action de-
2 scribed in subsection (e);

3 “(v) is between the Department and
4 the Department of Justice in the course of
5 a security or protection operation of either
6 department or a joint operation of those
7 departments; or

8 “(vi) is otherwise required by law.

9 “(2) LOCAL PRIVACY PROTECTION.—In exer-
10 cising any authority described in subsection (e) or
11 (d), a State, local, Tribal, or territorial law enforce-
12 ment agency designated under subsection (d)(2) or
13 owner or operator of an airport or critical infrastruc-
14 ture shall ensure that—

15 “(A) the interception of, acquisition of, ae-
16 cess to, maintenance of, or use of communica-
17 tions to or from an unmanned aircraft system
18 or unmanned aircraft under this section is con-
19 ducted in a manner consistent with—

20 “(i) the First and Fourth Amend-
21 ments to the Constitution of the United
22 States; and

23 “(ii) applicable provisions of Federal,
24 and where required, State, local, Tribal,
25 and territorial law;

1 ~~“(B) any communication to or from an un-~~
2 ~~manned aircraft system or unmanned aircraft is~~
3 ~~intercepted or acquired only to the extent nec-~~
4 ~~essary to support an action described in sub-~~
5 ~~section (e);~~

6 ~~“(C) any record of a communication de-~~
7 ~~scribed in subparagraph (B) is maintained only~~
8 ~~for as long as necessary, and in no event for~~
9 ~~more than 180 days, unless the Secretary, the~~
10 ~~Attorney General, or the head of a State, local,~~
11 ~~Tribal, or territorial law enforcement agency~~
12 ~~designated under subsection (d)(2) determines~~
13 ~~that maintenance of the record is—~~

14 ~~“(i) required to be maintained under~~
15 ~~Federal, State, local, Tribal, or territorial~~
16 ~~law;~~

17 ~~“(ii) necessary for the purpose of any~~
18 ~~litigation; or~~

19 ~~“(iii) necessary to investigate or pros-~~
20 ~~ecute a violation of law, including by—~~

21 ~~“(I) directly supporting an ongo-~~
22 ~~ing security or protection operation;~~
23 ~~or~~

24 ~~“(II) protecting against dan-~~
25 ~~gerous or unauthorized activity by an~~

1 unmanned aircraft system or un-
2 manned aircraft; and

3 “(D) the communication is not disclosed
4 outside the agency or entity unless the disclo-
5 sure—

6 “(i) is necessary to investigate or
7 prosecute a violation of law;

8 “(ii) would support the Department of
9 Defense, a Federal law enforcement, intel-
10 ligence, or security agency, or a State,
11 local, Tribal, or territorial law enforcement
12 agency;

13 “(iii) would support the enforcement
14 activities of a Federal regulatory agency in
15 connection with a criminal or civil inves-
16 tigation of, or any regulatory, statutory, or
17 other enforcement action relating to, an
18 action described in subsection (e);

19 “(iv) is to the Department or the De-
20 partment of Justice in the course of a se-
21 curity or protection operation of either the
22 Department or the Department of Justice,
23 or a joint operation of the Department and
24 Department of Justice; or

25 “(v) is otherwise required by law.

1 “(k) BUDGET.—

2 “(1) IN GENERAL.—The Secretary and the At-
3 torney General shall submit to Congress, as a part
4 of the homeland security or justice budget materials
5 for each fiscal year after fiscal year 2023, a consoli-
6 dated funding display that identifies the funding
7 source for the actions described in subsection (e)
8 within the Department and the Department of Jus-
9 tice.

10 “(2) CLASSIFICATION.—Each funding display
11 submitted under paragraph (1) shall be in unclassi-
12 fied form but may contain a classified annex.

13 “(l) PUBLIC DISCLOSURES.—

14 “(1) IN GENERAL.—Notwithstanding any provi-
15 sion of State, local, Tribal, or territorial law, infor-
16 mation shall be governed by the disclosure obliga-
17 tions set forth in section 552 of title 5, United
18 States Code (commonly known as the ‘Freedom of
19 Information Act’), if the information relates to—

20 “(A) any capability, limitation, or sensitive
21 detail of the operation of any technology used
22 to carry out an action described in subsection
23 (e)(1) of this section; or

24 “(B) an operational procedure or protocol
25 used to carry out this section.

1 ~~“(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL~~
2 ~~AGENCY USE.—~~

3 ~~“(A) CONTROL.—Information described in~~
4 ~~paragraph (1) that is obtained by a State, local,~~
5 ~~Tribal, or territorial law enforcement agency~~
6 ~~from a Federal agency under this section—~~

7 ~~“(i) shall remain subject to the con-~~
8 ~~trol of the Federal agency, notwithstanding~~
9 ~~that the State, local, Tribal, or territorial~~
10 ~~law enforcement agency has the informa-~~
11 ~~tion described in paragraph (1) in the pos-~~
12 ~~session of the State, local, Tribal, or terri-~~
13 ~~torial law enforcement agency; and~~

14 ~~“(ii) shall not be subject to any State,~~
15 ~~local, Tribal, or territorial law authorizing~~
16 ~~or requiring disclosure of the information~~
17 ~~described in paragraph (1).~~

18 ~~“(B) ACCESS.—Any request for public ac-~~
19 ~~cess to information described in paragraph (1)~~
20 ~~shall be submitted to the originating Federal~~
21 ~~agency, which shall process the request as re-~~
22 ~~quired under section 552(a)(3) of title 5,~~
23 ~~United States Code.~~

24 ~~“(m) ASSISTANCE AND SUPPORT.—~~

1 “(1) FACILITIES AND SERVICES OF OTHER
2 AGENCIES AND NON-FEDERAL ENTITIES.—

3 “(A) IN GENERAL.—The Secretary and the
4 Attorney General are authorized to use or ac-
5 cept from any other Federal agency, or any
6 other public or private entity, any supply or
7 service to facilitate or carry out any action de-
8 scribed in subsection (c).

9 “(B) REIMBURSEMENT.—In accordance
10 with subparagraph (A), the Secretary and the
11 Attorney General may accept any supply or
12 service with or without reimbursement to the
13 entity providing the supply or service and not-
14 withstanding any provision of law that would
15 prevent the use or acceptance of the supply or
16 service.

17 “(C) AGREEMENTS.—To implement the re-
18 quirements of subsection (a)(5)(C), the Sec-
19 retary or the Attorney General may enter into
20 1 or more agreements with the head of another
21 executive agency or with an appropriate official
22 of a non-Federal public or private agency or en-
23 tity, as may be necessary and proper to carry
24 out the responsibilities of the Secretary and At-
25 torney General under this section.

1 “(2) MUTUAL SUPPORT.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Secretary and the Attorney Gen-
4 eral are authorized to provide support or assist-
5 ance, upon the request of a Federal agency or
6 department conducting—

7 “(i) a mission described in subsection
8 (a)(5)(C);

9 “(ii) a mission described in section
10 130i of title 10, United States Code; or

11 “(iii) a mission described in section
12 4510 of the Atomic Energy Defense Act
13 (50 U.S.C. 2661).

14 “(B) REQUIREMENTS.—Any support or as-
15 sistance provided by the Secretary or the Attor-
16 ney General shall only be granted—

17 “(i) for the purpose of fulfilling the
18 roles and responsibilities of the Federal
19 agency or department that made the re-
20 quest for the mission for which the request
21 was made;

22 “(ii) when exigent circumstances exist;

23 “(iii) for a specified duration and lo-
24 cation;

25 “(iv) within available resources;

1 “(v) on a non-reimbursable basis; and
2 “(vi) in coordination with the Admin-
3 istrator of the Federal Aviation Adminis-
4 tration.

5 “(n) SEMIANNUAL BRIEFINGS AND NOTIFICA-
6 TIONS.—

7 “(1) IN GENERAL.—On a semiannual basis be-
8 ginning 180 days after the date of enactment of the
9 Safeguarding the Homeland from the Threats Posed
10 by Unmanned Aircraft Systems Act of 2022, the
11 Secretary and the Attorney General shall, respec-
12 tively, provide a briefing to the appropriate commit-
13 tees of Congress on the activities carried out pursu-
14 ant to this section.

15 “(2) REQUIREMENT.—The Secretary and the
16 Attorney General each shall conduct the briefing re-
17 quired under paragraph (1) jointly with the Sec-
18 retary of Transportation.

19 “(3) CONTENT.—Each briefing required under
20 paragraph (1) shall include—

21 “(A) policies, programs, and procedures to
22 mitigate or eliminate impacts of activities ear-
23 ried out pursuant to this section to the national
24 airspace system and other critical infrastructure
25 relating to national transportation;

1 “(B) a description of—

2 “(i) each instance in which any action
3 described in subsection (e) has been taken,
4 including any instances that may have re-
5 sulted in harm, damage, or loss to a per-
6 son or to private property;

7 “(ii) the guidance, policies, or proce-
8 dures established by the Secretary or the
9 Attorney General to address privacy, civil
10 rights, and civil liberties issues implicated
11 by the actions permitted under this sec-
12 tion, as well as any changes or subsequent
13 efforts by the Secretary or the Attorney
14 General that would significantly affect pri-
15 vacy, civil rights, or civil liberties;

16 “(iii) options considered and steps
17 taken by the Secretary or the Attorney
18 General to mitigate any identified impacts
19 to the national airspace system relating to
20 the use of any system or technology, in-
21 cluding the minimization of the use of any
22 technology that disrupts the transmission
23 of radio or electronic signals, for carrying
24 out the actions described in subsection
25 (e)(2); and

1 “(iv) each instance in which a commu-
2 nication intercepted or acquired during the
3 course of operations of an unmanned air-
4 craft system or unmanned aircraft was—

5 “(I) held in the possession of the
6 Department or the Department of
7 Justice for more than 180 days; or

8 “(II) shared with any entity
9 other than the Department or the De-
10 partment of Justice;

11 “(C) an explanation of how the Secretary,
12 the Attorney General, and the Secretary of
13 Transportation have—

14 “(i) informed the public as to the pos-
15 sible use of authorities granted under this
16 section; and

17 “(ii) engaged with Federal, State,
18 local, Tribal, and territorial law enforce-
19 ment agencies to implement and use au-
20 thorities granted under this section;

21 “(D) an assessment of whether any gaps
22 or insufficiencies remain in laws, regulations,
23 and policies that impede the ability of the Fed-
24 eral Government or State, local, Tribal, and ter-
25 ritorial governments and owners or operators of

1 critical infrastructure to counter the threat
2 posed by the malicious use of unmanned air-
3 craft systems and unmanned aircraft;

4 “(E) an assessment of efforts to integrate
5 unmanned aircraft system threat assessments
6 within National Special Security Event and
7 Special Event Assessment Rating planning and
8 protection efforts;

9 “(F) recommendations to remedy any gaps
10 or insufficiencies described in subparagraph
11 (D); including recommendations relating to nec-
12 essary changes in law, regulations, or policies;

13 “(G) a description of the impact of the au-
14 thorities granted under this section on—

15 “(i) lawful operator access to national
16 airspace; and

17 “(ii) unmanned aircraft systems and
18 unmanned aircraft integration into the na-
19 tional airspace system; and

20 “(H) a summary from the Secretary of any
21 data and results obtained pursuant to sub-
22 section (r); including an assessment of—

23 “(i) how the details of the incident
24 were obtained; and

1 “(ii) whether the operation involved a
2 violation of Federal Aviation Administra-
3 tion aviation regulations.

4 “(4) UNCLASSIFIED FORM.—Each briefing re-
5 quired under paragraph (1) shall be in unclassified
6 form but may be accompanied by an additional clas-
7 sified briefing.

8 “(5) NOTIFICATION.—

9 “(A) IN GENERAL.—Not later than 30
10 days after an authorized department, agency, or
11 owner or operator of an airport or critical infra-
12 structure deploys any new technology to carry
13 out the actions described in subsection (c), the
14 Secretary and the Attorney General shall, re-
15 spectively or jointly, as appropriate, submit a
16 notification of the deployment to the appro-
17 priate committees of Congress.

18 “(B) CONTENTS.—Each notification sub-
19 mitted pursuant to subparagraph (A) shall in-
20 clude a description of options considered to
21 mitigate any identified impacts to the national
22 airspace system relating to the use of any sys-
23 tem or technology, including the minimization
24 of the use of any technology that disrupts the
25 transmission of radio or electronic signals in

1 carrying out the actions described in subsection
 2 (e).

3 “(o) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 4 tion shall be construed to—

5 “(1) vest in the Secretary, the Attorney Gen-
 6 eral, or any State, local, Tribal, or territorial law en-
 7 forcement agency, authorized under subsection (e) or
 8 designated under subsection (d)(2) any authority of
 9 the Secretary of Transportation or the Adminis-
 10 trator of the Federal Aviation Administration;

11 “(2) vest in the Secretary of Transportation,
 12 the Administrator of the Federal Aviation Adminis-
 13 tration, or any State, local, Tribal, or territorial law
 14 enforcement agency designated under subsection
 15 (d)(2) any authority of the Secretary or the Attor-
 16 ney General;

17 “(3) vest in the Secretary any authority of the
 18 Attorney General;

19 “(4) vest in the Attorney General any authority
 20 of the Secretary; or

21 “(5) provide a new basis of liability with respect
 22 to an officer of a State, local, Tribal, or territorial
 23 law enforcement agency designated under subsection
 24 (d)(2) or who participates in the protection of a
 25 mass gathering identified by the Secretary or Attor-

1 ney General under subsection (a)(5)(C)(iii)(H),
2 who—

3 “(A) is acting in the official capacity of the
4 individual as an officer; and

5 “(B) does not exercise the authority grant-
6 ed to the Secretary and the Attorney General
7 by this section.

8 “(p) TERMINATION.—

9 “(1) TERMINATION OF ADDITIONAL LIMITED
10 AUTHORITY FOR DETECTION, IDENTIFICATION, MON-
11 ITORING, AND TRACKING.—The authority to carry
12 out any action authorized under subsection (c), if
13 performed by a non-Federal entity, shall terminate
14 on the date that is 5 years and 6 months after the
15 date of enactment of the Safeguarding the Home-
16 land from the Threats Posed by Unmanned Aircraft
17 Systems Act of 2022 and the authority for the pilot
18 program established under subsection (d) shall ter-
19 minate as provided for in paragraph (3) of that sub-
20 section.

21 “(2) TERMINATION OF AUTHORITIES WITH RE-
22 SPECT TO COVERED FACILITIES AND ASSETS.—The
23 authority to carry out this section with respect to a
24 covered facility or asset shall terminate on the date
25 that is 7 years after the date of enactment of the

1 Safeguarding the Homeland from the Threats Posed
2 by Unmanned Aircraft Systems Act of 2022.

3 “(q) SCOPE OF AUTHORITY.—Nothing in this section
4 shall be construed to provide the Secretary or the Attorney
5 General with any additional authority other than the au-
6 thorities described in subsections (a)(5)(C)(iii), (b), (c),
7 (d), and (f).

8 “(r) UNITED STATES GOVERNMENT DATABASE.—

9 “(1) AUTHORIZATION.—The Department is au-
10 thorized to develop a Federal database to enable the
11 transmission of data concerning security-related inci-
12 dents in the United States involving unmanned air-
13 craft and unmanned aircraft systems between Fed-
14 eral, State, local, Tribal, and territorial law enforce-
15 ment agencies for purposes of conducting analyses of
16 such threats in the United States.

17 “(2) POLICIES, PLANS, AND PROCEDURES.—

18 “(A) COORDINATION AND CONSULTA-
19 TION.—Before implementation of the database
20 developed under paragraph (1), the Secretary
21 shall develop policies, plans, and procedures for
22 the implementation of the database—

23 “(i) in coordination with the Attorney
24 General, the Secretary of Defense, and the
25 Secretary of Transportation (through the

1 Administrator of the Federal Aviation Ad-
2 ministration); and

3 “(ii) in consultation with State, local,
4 Tribal, and territorial law enforcement
5 agency representatives, including rep-
6 resentatives of fusion centers.

7 “(B) REPORTING.—The policies, plans,
8 and procedures developed under subparagraph
9 (A) shall include criteria for Federal, State,
10 local, Tribal, and territorial reporting of un-
11 manned aircraft systems or unmanned aircraft
12 incidents.

13 “(C) DATA RETENTION.—The policies,
14 plans, and procedures developed under subpara-
15 graph (A) shall ensure that data on security-re-
16 lated incidents in the United States involving
17 unmanned aircraft and unmanned aircraft sys-
18 tems that is retained as criminal intelligence in-
19 formation is retained based on the reasonable
20 suspicion standard, as permitted under part 23
21 of title 28, Code of Federal Regulations.”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Safeguarding the Home-*
24 *land from the Threats Posed by Unmanned Aircraft Sys-*
25 *tems Act of 2022”.*

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY UNMANNED**
2 **AIRCRAFT SYSTEM DETECTION AND MITIGA-**
3 **TION ENFORCEMENT AUTHORITY.**

4 *Subtitle A of title II of the Homeland Security Act*
5 *of 2002 (6 U.S.C. 121 et seq.) is amended by striking section*
6 *210G (6 U.S.C. 124n) and inserting the following:*

7 **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-**
8 **SETS FROM UNMANNED AIRCRAFT.**

9 *“(a) DEFINITIONS.—In this section:*

10 *“(1) The term ‘air navigation facility’ has the*
11 *meaning given the term in section 40102(a)(4) of title*
12 *49, United States Code.*

13 *“(2) The term ‘airport’ has the meaning given*
14 *the term in section 47102(2) of title 49, United Sates*
15 *Code.*

16 *“(3) The term ‘appropriate committees of Con-*
17 *gress’ means—*

18 *“(A) the Committee on Homeland Security*
19 *and Governmental Affairs, the Committee on*
20 *Commerce, Science, and Transportation, and the*
21 *Committee on the Judiciary of the Senate; and*

22 *“(B) the Committee on Homeland Security,*
23 *the Committee on Transportation and Infra-*
24 *structure, the Committee on Oversight and Re-*
25 *form, the Committee on Energy and Commerce,*

1 *and the Committee on the Judiciary of the*
2 *House of Representatives.*

3 “(4) *The term ‘budget’, with respect to a fiscal*
4 *year, means the budget for that fiscal year that is*
5 *submitted to Congress by the President under section*
6 *1105(a) of title 31, United States Code.*

7 “(5) *The term ‘covered facility or asset’ means*
8 *any facility or asset that—*

9 “(A) *is identified as high-risk and a poten-*
10 *tial target for unlawful unmanned aircraft or*
11 *unmanned aircraft system activity by the Sec-*
12 *retary or the Attorney General, or by the chief*
13 *executive of the jurisdiction in which a State,*
14 *local, Tribal, or territorial law enforcement*
15 *agency designated pursuant to subsection (d)(2)*
16 *operates after review and approval of the Sec-*
17 *retary or the Attorney General, in coordination*
18 *with the Secretary of Transportation with re-*
19 *spect to potentially impacted airspace, through a*
20 *risk-based assessment for purposes of this section*
21 *(except that in the case of the missions described*
22 *in clauses (i)(II) and (iii)(I) of subparagraph*
23 *(C), such missions shall be presumed to be for the*
24 *protection of a facility or asset that is assessed*
25 *to be high-risk and a potential target for unlaw-*

1 *ful unmanned aircraft or unmanned aircraft*
2 *system activity);*

3 “(B) *is located in the United States; and*

4 “(C) *directly relates to 1 or more—*

5 “(i) *missions authorized to be per-*
6 *formed by the Department, consistent with*
7 *governing statutes, regulations, and orders*
8 *issued by the Secretary, pertaining to—*

9 “(I) *security or protection func-*
10 *tions of the U.S. Customs and Border*
11 *Protection, including securing or pro-*
12 *tecting facilities, aircraft, and vessels,*
13 *whether moored or underway;*

14 “(II) *United States Secret Service*
15 *protection operations pursuant to sec-*
16 *tions 3056(a) and 3056A(a) of title 18,*
17 *United States Code, and the Presi-*
18 *dential Protection Assistance Act of*
19 *1976 (18 U.S.C. 3056 note);*

20 “(III) *protection of facilities pur-*
21 *suant to section 1315(a) of title 40,*
22 *United States Code;*

23 “(IV) *transportation security*
24 *functions of the Transportation Secu-*
25 *rity Administration; or*

1 “(V) *the security or protection*
2 *functions for facilities, assets, and op-*
3 *erations of Homeland Security Inves-*
4 *tigations;*

5 “(ii) *missions authorized to be per-*
6 *formed by the Department of Justice, con-*
7 *sistent with governing statutes, regulations,*
8 *and orders issued by the Attorney General,*
9 *pertaining to—*

10 “(I) *personal protection oper-*
11 *ations by—*

12 “(aa) *the Federal Bureau of*
13 *Investigation as specified in sec-*
14 *tion 533 of title 28, United States*
15 *Code; or*

16 “(bb) *the United States Mar-*
17 *shals Service as specified in sec-*
18 *tion 566 of title 28, United States*
19 *Code;*

20 “(II) *protection of penal, deten-*
21 *tion, and correctional facilities and op-*
22 *erations conducted by the Federal Bu-*
23 *reau of Prisons and prisoner oper-*
24 *ations and transport conducted by the*
25 *United States Marshals Service;*

1 “(III) protection of the buildings
2 and grounds leased, owned, or operated
3 by or for the Department of Justice,
4 and the provision of security for Fed-
5 eral courts, as specified in section 566
6 of title 28, United States Code; or

7 “(IV) protection of an airport or
8 air navigation facility;

9 “(iii) missions authorized to be per-
10 formed by the Department or the Depart-
11 ment of Justice, acting together or sepa-
12 rately, consistent with governing statutes,
13 regulations, and orders issued by the Sec-
14 retary or the Attorney General, respectively,
15 pertaining to—

16 “(I) protection of a National Spe-
17 cial Security Event and Special Event
18 Assessment Rating event;

19 “(II) the provision of support to a
20 State, local, Tribal, or territorial law
21 enforcement agency, upon request of
22 the chief executive officer of the State
23 or territory, to ensure protection of
24 people and property at mass gath-
25 erings, that is limited to a specified

1 *duration and location, within avail-*
2 *able resources, and without delegating*
3 *any authority under this section to*
4 *State, local, Tribal, or territorial law*
5 *enforcement;*

6 *“(III) protection of an active Fed-*
7 *eral law enforcement investigation,*
8 *emergency response, or security func-*
9 *tion, that is limited to a specified du-*
10 *ration and location; or*

11 *“(IV) the provision of security or*
12 *protection support to critical infra-*
13 *structure owners or operators, for stat-*
14 *ic critical infrastructure facilities and*
15 *assets upon the request of the owner or*
16 *operator;*

17 *“(iv) missions authorized to be per-*
18 *formed by the United States Coast Guard,*
19 *including those described in clause (iii) as*
20 *directed by the Secretary, and as further set*
21 *forth in section 528 of title 14, United*
22 *States Code, and consistent with governing*
23 *statutes, regulations, and orders issued by*
24 *the Secretary of the Department in which*
25 *the Coast Guard is operating; and*

1 “(v) responsibilities of State, local,
2 Tribal, and territorial law enforcement
3 agencies designated pursuant to subsection
4 (d)(2) pertaining to—

5 “(I) protection of National Spe-
6 cial Security Event and Special Event
7 Assessment Rating events or other mass
8 gatherings in the jurisdiction of the
9 State, local, Tribal, or territorial law
10 enforcement agency;

11 “(II) protection of critical infra-
12 structure assessed by the Secretary as
13 high-risk for unmanned aircraft sys-
14 tems or unmanned aircraft attack or
15 disruption, including airports in the
16 jurisdiction of the State, local, Tribal,
17 or territorial law enforcement agency;

18 “(III) protection of government
19 buildings, assets, or facilities in the ju-
20 risdiction of the State, local, Tribal, or
21 territorial law enforcement agency; or

22 “(IV) protection of disaster re-
23 sponse in the jurisdiction of the State,
24 local, Tribal, or territorial law enforce-
25 ment agency.

1 “(6) *The term ‘critical infrastructure’ has the*
2 *meaning given the term in section 1016(e) of the Crit-*
3 *ical Infrastructure Protection Act of 2001 (42 U.S.C.*
4 *5195c(e)).*

5 “(7) *The terms ‘electronic communication’,*
6 *‘intercept’, ‘oral communication’, and ‘wire commu-*
7 *nication’ have the meanings given those terms in sec-*
8 *tion 2510 of title 18, United States Code.*

9 “(8) *The term ‘homeland security or justice*
10 *budget materials’, with respect to a fiscal year, means*
11 *the materials submitted to Congress by the Secretary*
12 *and the Attorney General in support of the budget for*
13 *that fiscal year.*

14 “(9)(A) *The term ‘personnel’ means—*

15 “(i) *an officer, employee, or contractor of*
16 *the Department or the Department of Justice,*
17 *who is authorized to perform duties that include*
18 *safety, security, or protection of people, facilities,*
19 *or assets; or*

20 “(ii) *an employee who—*

21 “(I) *is authorized to perform law en-*
22 *forcement and security functions on behalf*
23 *of a State, local, Tribal, or territorial law*
24 *enforcement agency designated under sub-*
25 *section (d)(2); and*

1 “(II) is trained and certified to per-
2 form those duties, including training spe-
3 cific to countering unmanned aircraft
4 threats and mitigating risks in the national
5 airspace, including with respect to pro-
6 tecting privacy and civil liberties.

7 “(B) To qualify for use of the authorities de-
8 scribed in subsection (b) or (c), respectively, a con-
9 tractor conducting operations described in those sub-
10 sections must—

11 “(i) be directly contracted by the Depart-
12 ment or the Department of Justice;

13 “(ii) operate at a government-owned or gov-
14 ernment-leased facility or asset;

15 “(iii) not conduct inherently governmental
16 functions;

17 “(iv) be trained to safeguard privacy and
18 civil liberties; and

19 “(v) be trained and certified by the Depart-
20 ment or the Department of Justice to meet the
21 established guidance and regulations of the De-
22 partment or the Department of Justice, respec-
23 tively.

24 “(C) For purposes of subsection (c)(1), the term
25 ‘personnel’ includes any officer, employee, or con-

1 *tractor who is authorized to perform duties that in-*
2 *clude the safety, security, or protection of people, fa-*
3 *cilities, or assets, of—*

4 *“(i) a State, local, Tribal, or territorial law*
5 *enforcement agency; and*

6 *“(ii) an owner or operator of an airport or*
7 *critical infrastructure.*

8 *“(10) The term ‘risk-based assessment’ means an*
9 *evaluation of threat information specific to a covered*
10 *facility or asset and, with respect to potential impacts*
11 *on the safety and efficiency of the national airspace*
12 *system and the needs of law enforcement and national*
13 *security at each covered facility or asset identified by*
14 *the Secretary or the Attorney General, respectively, of*
15 *each of the following factors:*

16 *“(A) Potential impacts to safety, efficiency,*
17 *and use of the national airspace system, includ-*
18 *ing potential effects on manned aircraft and un-*
19 *manned aircraft systems or unmanned aircraft,*
20 *aviation safety, airport operations, infrastruc-*
21 *ture, and air navigation services relating to the*
22 *use of any system or technology for carrying out*
23 *the actions described in subsection (e)(2).*

24 *“(B) Options for mitigating any identified*
25 *impacts to the national airspace system relating*

1 to the use of any system or technology, including
2 minimizing, when possible, the use of any tech-
3 nology that disrupts the transmission of radio or
4 electronic signals, for carrying out the actions
5 described in subsection (e)(2).

6 “(C) Potential consequences of the impacts
7 of any actions taken under subsection (e)(1) to
8 the national airspace system and infrastructure
9 if not mitigated.

10 “(D) The ability to provide reasonable ad-
11 vance notice to aircraft operators consistent with
12 the safety of the national airspace system and
13 the needs of law enforcement and national secu-
14 rity.

15 “(E) The setting and character of any cov-
16 ered facility or asset, including—

17 “(i) whether the covered facility or
18 asset is located in a populated area or near
19 other structures;

20 “(ii) whether the covered facility or
21 asset is open to the public;

22 “(iii) whether the covered facility or
23 asset is used for nongovernmental functions;
24 and

1 “(iv) any potential for interference
2 with wireless communications or for injury
3 or damage to persons or property.

4 “(F) The setting, character, duration, and
5 national airspace system impacts of National
6 Special Security Event and Special Event As-
7 sessment Rating events, to the extent not already
8 discussed in the National Special Security Event
9 and Special Event Assessment Rating nomina-
10 tion process.

11 “(G) Potential consequences to national se-
12 curity, public safety, or law enforcement if
13 threats posed by unmanned aircraft systems or
14 unmanned aircraft are not mitigated or defeated.

15 “(H) Civil rights and civil liberties guaran-
16 teed by the First and Fourth Amendments to the
17 Constitution of the United States.

18 “(11) The terms ‘unmanned aircraft’ and ‘un-
19 manned aircraft system’ have the meanings given
20 those terms in section 44801 of title 49, United States
21 Code.

22 “(b) AUTHORITY OF THE DEPARTMENT OF HOMELAND
23 SECURITY AND DEPARTMENT OF JUSTICE.—Notwith-
24 standing section 46502 of title 49, United States Code, or
25 sections 32, 1030, 1367, and chapters 119 and 206 of title

1 18, *United States Code, the Secretary and the Attorney*
2 *General may, for their respective Departments, take, and*
3 *may authorize personnel with assigned duties that include*
4 *the safety, security, or protection of people, facilities, or as-*
5 *sets to take, actions described in subsection (e)(2) that are*
6 *necessary to detect, identify, monitor, track, and mitigate*
7 *a credible threat (as defined by the Secretary and the Attor-*
8 *ney General, in consultation with the Secretary of Trans-*
9 *portation through the Administrator of the Federal Avia-*
10 *tion Administration) that an unmanned aircraft system or*
11 *unmanned aircraft poses to the safety or security of a cov-*
12 *ered facility or asset.*

13 “(c) *ADDITIONAL LIMITED AUTHORITY FOR DETEC-*
14 *TION, IDENTIFICATION, MONITORING, AND TRACKING.—*

15 “(1) *IN GENERAL.—Subject to paragraphs (2)*
16 *and (3), and notwithstanding sections 1030 and 1367*
17 *and chapters 119 and 206 of title 18, United States*
18 *Code, any State, local, Tribal, or territorial law en-*
19 *forcement agency, the Department of Justice, the De-*
20 *partment, and any owner or operator of an airport*
21 *or critical infrastructure may authorize personnel,*
22 *with assigned duties that include the safety, security,*
23 *or protection of people, facilities, or assets, to use*
24 *equipment authorized under this subsection to take*
25 *actions described in subsection (e)(1) that are nec-*

1 *essary to detect, identify, monitor, or track an un-*
2 *manned aircraft system or unmanned aircraft within*
3 *the respective areas of responsibility or jurisdiction of*
4 *the authorized personnel.*

5 *“(2) AUTHORIZED EQUIPMENT.—Equipment au-*
6 *thorized for unmanned aircraft system detection,*
7 *identification, monitoring, or tracking under this sub-*
8 *section shall be limited to systems or technologies—*

9 *“(A) tested and evaluated by the Depart-*
10 *ment or the Department of Justice, including*
11 *evaluation of any potential counterintelligence or*
12 *cybersecurity risks;*

13 *“(B) that are annually reevaluated for any*
14 *changes in risks, including counterintelligence*
15 *and cybersecurity risks;*

16 *“(C) determined by the Federal Commu-*
17 *nications Commission and the National Tele-*
18 *communications and Information Administra-*
19 *tion not to adversely impact the use of the com-*
20 *munications spectrum;*

21 *“(D) determined by the Federal Aviation*
22 *Administration not to adversely impact the use*
23 *of the aviation spectrum or otherwise adversely*
24 *impact the national airspace system; and*

1 “(E) that are included on a list of author-
2 ized equipment maintained by the Department,
3 in coordination with the Department of Justice,
4 the Federal Aviation Administration, the Federal
5 Communications Commission, and the National
6 Telecommunications and Information Adminis-
7 tration.

8 “(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL
9 COMPLIANCE.—Each State, local, Tribal, or terri-
10 torial law enforcement agency or owner or operator of
11 an airport or critical infrastructure acting pursuant
12 to this subsection shall—

13 “(A) prior to any such action, issue a writ-
14 ten policy certifying compliance with the privacy
15 protections of subparagraphs (A) through (D) of
16 subsection (j)(2);

17 “(B) certify compliance with such policy to
18 the Secretary and the Attorney General annu-
19 ally, and immediately notify the Secretary and
20 Attorney General of any noncompliance with
21 such policy or the privacy protections of sub-
22 paragraphs (A) through (D) of subsection (j)(2);
23 and

1 “(C) *comply with any additional guidance*
2 *issued by the Secretary or the Attorney General*
3 *relating to implementation of this subsection.*

4 “(4) *PROHIBITION.—Nothing in this subsection*
5 *shall be construed to authorize the taking of any ac-*
6 *tion described in subsection (e) other than the actions*
7 *described in paragraph (1) of that subsection.*

8 “(d) *PILOT PROGRAM FOR STATE, LOCAL, TRIBAL,*
9 *AND TERRITORIAL LAW ENFORCEMENT.—*

10 “(1) *IN GENERAL.—The Secretary and the Attor-*
11 *ney General may carry out a pilot program to evalu-*
12 *ate the potential benefits of State, local, Tribal, and*
13 *territorial law enforcement agencies taking actions*
14 *that are necessary to mitigate a credible threat (as de-*
15 *fined by the Secretary and the Attorney General, in*
16 *consultation with the Secretary of Transportation*
17 *through the Administrator of the Federal Aviation*
18 *Administration) that an unmanned aircraft system*
19 *or unmanned aircraft poses to the safety or security*
20 *of a covered facility or asset.*

21 “(2) *DESIGNATION.—*

22 “(A) *IN GENERAL.—The Secretary or the*
23 *Attorney General, with the concurrence of the*
24 *Secretary of Transportation (through the Admin-*
25 *istrator of the Federal Aviation Administration),*

1 *may, under the pilot program established under*
2 *paragraph (1), designate 1 or more State, local,*
3 *Tribal, or territorial law enforcement agencies*
4 *approved by the respective chief executive officer*
5 *of the State, local, Tribal, or territorial law en-*
6 *forcement agency to engage in the activities au-*
7 *thorized in paragraph (4) under the direct over-*
8 *sight of the Department or the Department of*
9 *Justice, in carrying out the responsibilities au-*
10 *thorized under subsection (a)(5)(C)(v).*

11 “(B) *DESIGNATION PROCESS.*—

12 “(i) *NUMBER OF AGENCIES AND DURA-*
13 *TION.*—*On and after the date that is 180*
14 *days after the date of enactment of the Safe-*
15 *guarding the Homeland from the Threats*
16 *Posed by Unmanned Aircraft Systems Act*
17 *of 2022, the Secretary and the Attorney*
18 *General, pursuant to subparagraph (A),*
19 *may designate not more than 12 State,*
20 *local, Tribal, and territorial law enforce-*
21 *ment agencies for participation in the pilot*
22 *program, and may designate 12 additional*
23 *State, local, Tribal, and territorial law en-*
24 *forcement agencies each year thereafter, pro-*
25 *vided that not more than 60 State, local,*

1 *Tribal, and territorial law enforcement*
2 *agencies in total may be designated during*
3 *the 5-year period of the pilot program.*

4 “(i) *REVOCATION.*—*The Secretary and*
5 *the Attorney General, in consultation with*
6 *the Secretary of Transportation (through*
7 *the Administrator of the Federal Aviation*
8 *Administration)—*

9 “(I) *may revoke a designation*
10 *under subparagraph (A) if the Sec-*
11 *retary, Attorney General, and Sec-*
12 *retary of Transportation (through the*
13 *Administrator of the Federal Aviation*
14 *Administration) concur in the revoca-*
15 *tion; and*

16 “(II) *shall revoke a designation*
17 *under subparagraph (A) if the Sec-*
18 *retary, the Attorney General, or the*
19 *Secretary of Transportation (through*
20 *the Administrator of the Federal Avia-*
21 *tion Administration) withdraws con-*
22 *currence.*

23 “(3) *TERMINATION OF PILOT PROGRAM.*—

24 “(A) *DESIGNATION.*—*The authority to des-*
25 *ignate an agency for inclusion in the pilot pro-*

1 *gram established under this subsection shall terminate*
2 *after the 5-year period beginning on the*
3 *date that is 180 days after the date of enactment*
4 *of the Safeguarding the Homeland from the*
5 *Threats Posed by Unmanned Aircraft Systems*
6 *Act of 2022.*

7 “(B) *AUTHORITY OF PILOT PROGRAM AGEN-*
8 *CIES.—The authority of an agency designated*
9 *under the pilot program established under this*
10 *subsection to exercise any of the authorities*
11 *granted under the pilot program shall terminate*
12 *not later than 6 years after the date that is 180*
13 *days after the date of enactment of the Safe-*
14 *guarding the Homeland from the Threats Posed*
15 *by Unmanned Aircraft Systems Act of 2022, or*
16 *upon revocation pursuant to paragraph*
17 *(2)(B)(ii).*

18 “(4) *AUTHORIZATION.—Notwithstanding section*
19 *46502 of title 49, United States Code, or sections 32,*
20 *1030, 1367 and chapters 119 and 206 of title 18,*
21 *United States Code, any State, local, Tribal, or terri-*
22 *torial law enforcement agency designated pursuant to*
23 *paragraph (2) may authorize personnel with assigned*
24 *duties that include the safety, security, or protection*
25 *of people, facilities, or assets to take such actions as*

1 *are described in subsection (e)(2) that are necessary*
2 *to detect, identify, monitor, track, or mitigate a cred-*
3 *ible threat (as defined by the Secretary and the Attor-*
4 *ney General, in consultation with the Secretary of*
5 *Transportation, through the Administrator of the*
6 *Federal Aviation Administration) that an unmanned*
7 *aircraft system or unmanned aircraft poses to the*
8 *safety or security of a covered facility or asset under*
9 *subsection (a)(5)(C)(v).*

10 *“(5) EXEMPTION.—*

11 *“(A) IN GENERAL.—Subject to subpara-*
12 *graph (B), the Chair of the Federal Communica-*
13 *tions Commission, in consultation with the Ad-*
14 *ministrator of the National Telecommunications*
15 *and Information Administration, shall imple-*
16 *ment a process for considering the exemption of*
17 *1 or more law enforcement agencies designated*
18 *under paragraph (2), or any station operated by*
19 *the agency, from any provision of title III of the*
20 *Communications Act of 1934 (47 U.S.C. 151 et*
21 *seq.) to the extent that the designated law en-*
22 *forcement agency takes such actions as are de-*
23 *scribed in subsection (e)(2) and may establish*
24 *conditions or requirements for such exemption.*

1 “(B) *REQUIREMENTS.*—*The Chair of the*
2 *Federal Communications Commission, in con-*
3 *sultation with the Administrator of the National*
4 *Telecommunications and Information Adminis-*
5 *tration, may grant an exemption under subpara-*
6 *graph (A) only if the Chair of the Federal Com-*
7 *munications Commission in consultation with*
8 *the Administrator of the National Telecommuni-*
9 *cations and Information Administration finds*
10 *that the grant of an exemption—*

11 “(i) *is necessary to achieve the pur-*
12 *poses of this subsection; and*

13 “(ii) *will serve the public interest.*

14 “(C) *REVOCATION.*—*Any exemption granted*
15 *under subparagraph (A) shall terminate auto-*
16 *matically if the designation granted to the law*
17 *enforcement agency under paragraph (2)(A) is*
18 *revoked by the Secretary or the Attorney General*
19 *under paragraph (2)(B)(ii) or is terminated*
20 *under paragraph (3)(B).*

21 “(6) *REPORTING.*—*Not later than 2 years after*
22 *the date on which the first law enforcement agency is*
23 *designated under paragraph (2), and annually there-*
24 *after for the duration of the pilot program, the Sec-*
25 *retary and the Attorney General shall inform the ap-*

1 *appropriate committees of Congress in writing of the use*
2 *by any State, local, Tribal, or territorial law enforce-*
3 *ment agency of any authority granted pursuant to*
4 *paragraph (4), including a description of any pri-*
5 *vacancy or civil liberties complaints known to the Sec-*
6 *retary or Attorney General in connection with the use*
7 *of that authority by the designated agencies.*

8 *“(7) RESTRICTIONS.—Any entity acting pursu-*
9 *ant to the authorities granted under this subsection—*

10 *“(A) may do so only using equipment au-*
11 *thorized by the Department, in coordination*
12 *with the Department of Justice, the Federal*
13 *Communications Commission, the National Tele-*
14 *communications and Information Administra-*
15 *tion, and the Department of Transportation*
16 *(through the Federal Aviation Administration)*
17 *according to the criteria described in subsection*
18 *(c)(2);*

19 *“(B) shall, prior to any such action, issue*
20 *a written policy certifying compliance with the*
21 *privacy protections of subparagraphs (A)*
22 *through (D) of subsection (j)(2);*

23 *“(C) shall ensure that all personnel under-*
24 *taking any actions listed under this subsection*
25 *are properly trained in accordance with the cri-*

1 *teria that the Secretary and Attorney General*
2 *shall collectively establish, in consultation with*
3 *the Secretary of Transportation, the Adminis-*
4 *trator of the Federal Aviation Administration,*
5 *the Chair of the Federal Communications Com-*
6 *mission, the Assistant Secretary of Commerce for*
7 *Communications and Information, and the Ad-*
8 *ministrator of the National Telecommunications*
9 *and Information Administration; and*

10 *“(D) shall comply with any additional*
11 *guidance relating to compliance with this sub-*
12 *section issued by the Secretary or Attorney Gen-*
13 *eral.*

14 *“(e) ACTIONS DESCRIBED.—*

15 *“(1) IN GENERAL.—The actions authorized*
16 *under subsection (c) that may be taken by a State,*
17 *local, Tribal, or territorial law enforcement agency,*
18 *the Department, the Department of Justice, and any*
19 *owner or operator of an airport or critical infrastruc-*
20 *ture, are limited to actions during the operation of an*
21 *unmanned aircraft system, to detect, identify, mon-*
22 *itor, and track the unmanned aircraft system or un-*
23 *manned aircraft, without prior consent, including by*
24 *means of intercept or other access of a wire commu-*
25 *nication, an oral communication, or an electronic*

1 *communication used to control the unmanned aircraft*
2 *system or unmanned aircraft.*

3 “(2) *CLARIFICATION.—The actions authorized in*
4 *subsections (b) and (d)(4) are the following:*

5 “(A) *During the operation of the unmanned*
6 *aircraft system or unmanned aircraft, detect,*
7 *identify, monitor, and track the unmanned air-*
8 *craft system or unmanned aircraft, without*
9 *prior consent, including by means of intercept or*
10 *other access of a wire communication, an oral*
11 *communication, or an electronic communication*
12 *used to control the unmanned aircraft system or*
13 *unmanned aircraft.*

14 “(B) *Warn the operator of the unmanned*
15 *aircraft system or unmanned aircraft, including*
16 *by passive or active, and direct or indirect,*
17 *physical, electronic, radio, and electromagnetic*
18 *means.*

19 “(C) *Disrupt control of the unmanned air-*
20 *craft system or unmanned aircraft, without*
21 *prior consent of the operator of the unmanned*
22 *aircraft system or unmanned aircraft, including*
23 *by disabling the unmanned aircraft system or*
24 *unmanned aircraft by intercepting, interfering,*
25 *or causing interference with wire, oral, elec-*

1 *tronic, or radio communications used to control*
2 *the unmanned aircraft system or unmanned air-*
3 *craft.*

4 “(D) *Seize or exercise control of the un-*
5 *manned aircraft system or unmanned aircraft.*

6 “(E) *Seize or otherwise confiscate the un-*
7 *manned aircraft system or unmanned aircraft.*

8 “(F) *Use reasonable force, if necessary, to*
9 *disable, damage, or destroy the unmanned air-*
10 *craft system or unmanned aircraft.*

11 “(f) *RESEARCH, TESTING, TRAINING, AND EVALUA-*
12 *TION.—*

13 “(1) *REQUIREMENT.—*

14 “(A) *IN GENERAL.—Notwithstanding sec-*
15 *tion 46502 of title 49, United States Code, or*
16 *any provision of title 18, United States Code, the*
17 *Secretary, the Attorney General, and the heads of*
18 *the State, local, Tribal, or territorial law en-*
19 *forcement agencies designated pursuant to sub-*
20 *section (d)(2) shall conduct research, testing,*
21 *training on, and evaluation of any equipment,*
22 *including any electronic equipment, to determine*
23 *the capability and utility of the equipment prior*
24 *to the use of the equipment in carrying out any*
25 *action described in subsection (e).*

1 “(B) *COORDINATION.*—*Personnel and con-*
2 *tractors who do not have duties that include the*
3 *safety, security, or protection of people, facilities,*
4 *or assets may engage in research, testing, train-*
5 *ing, and evaluation activities pursuant to sub-*
6 *paragraph (A).*

7 “(2) *TRAINING OF FEDERAL, STATE, LOCAL, TER-*
8 *RITORIAL, AND TRIBAL LAW ENFORCEMENT PER-*
9 *SONNEL.*—*The Attorney General, through the Director*
10 *of the Federal Bureau of Investigation, may—*

11 “(A) *provide training relating to measures*
12 *to mitigate a credible threat that an unmanned*
13 *aircraft or unmanned aircraft system poses to*
14 *the safety or security of a covered facility or*
15 *asset to any personnel who are authorized to take*
16 *such measures, including personnel authorized to*
17 *take the actions described in subsection (e); and*

18 “(B) *establish or designate 1 or more facili-*
19 *ties or training centers for the purpose described*
20 *in subparagraph (A).*

21 “(3) *COORDINATION FOR RESEARCH, TESTING,*
22 *TRAINING, AND EVALUATION.*—

23 “(A) *IN GENERAL.*—*The Secretary, the At-*
24 *torney General, and the heads of the State, local,*
25 *Tribal, or territorial law enforcement agencies*

1 *designated pursuant to subsection (d)(2) shall co-*
2 *ordinate procedures governing research, testing,*
3 *training, and evaluation to carry out any provi-*
4 *sion under this subsection with the Adminis-*
5 *trator of the Federal Aviation Administration*
6 *before initiating such activity in order that the*
7 *Administrator of the Federal Aviation Adminis-*
8 *tration may ensure the activity does not ad-*
9 *versely impact or interfere with safe airport op-*
10 *erations, navigation, air traffic services, or the*
11 *safe and efficient operation of the national air-*
12 *space system.*

13 “(B) *STATE, LOCAL, TRIBAL, AND TERRI-*
14 *TORIAL LAW ENFORCEMENT AGENCY COORDINA-*
15 *TION.—Each head of a State, local, Tribal, or*
16 *territorial law enforcement agency designated*
17 *pursuant to subsection (d)(2) shall coordinate the*
18 *procedures governing research, testing, training,*
19 *and evaluation of the law enforcement agency*
20 *through the Secretary and the Attorney General,*
21 *in coordination with the Federal Aviation Ad-*
22 *ministration.*

23 “(g) *FORFEITURE.—Any unmanned aircraft system or*
24 *unmanned aircraft that is lawfully seized by the Secretary*
25 *or the Attorney General pursuant to subsection (b) is subject*

1 *to forfeiture to the United States pursuant to the provisions*
2 *of chapter 46 of title 18, United States Code.*

3 “(h) *REGULATIONS AND GUIDANCE.—The Secretary,*
4 *the Attorney General, and the Secretary of Transpor-*
5 *tation—*

6 “(1) *may prescribe regulations and shall issue*
7 *guidance in the respective areas of each Secretary or*
8 *the Attorney General to carry out this section; and*

9 “(2) *in developing regulations and guidance de-*
10 *scribed in subparagraph (A), consult the Chair of the*
11 *Federal Communications Commission, the Adminis-*
12 *trator of the National Telecommunications and Infor-*
13 *mation Administration, and the Administrator of the*
14 *Federal Aviation Administration.*

15 “(i) *COORDINATION.—*

16 “(1) *IN GENERAL.—The Secretary and the Attor-*
17 *ney General shall coordinate with the Administrator*
18 *of the Federal Aviation Administration before car-*
19 *rying out any action authorized under this section in*
20 *order that the Administrator may ensure the action*
21 *does not adversely impact or interfere with—*

22 “(A) *safe airport operations;*

23 “(B) *navigation;*

24 “(C) *air traffic services; or*

1 “(D) the safe and efficient operation of the
2 national airspace system.

3 “(2) GUIDANCE.—Before issuing any guidance,
4 or otherwise implementing this section, the Secretary
5 or the Attorney General shall, respectively, coordinate
6 with—

7 “(A) the Secretary of Transportation in
8 order that the Secretary of Transportation may
9 ensure the guidance or implementation does not
10 adversely impact or interfere with any critical
11 infrastructure relating to transportation; and

12 “(B) the Administrator of the Federal Avia-
13 tion Administration in order that the Adminis-
14 trator may ensure the guidance or implementa-
15 tion does not adversely impact or interfere
16 with—

17 “(i) safe airport operations;

18 “(ii) navigation;

19 “(iii) air traffic services; or

20 “(iv) the safe and efficient operation of
21 the national airspace system.

22 “(3) COORDINATION WITH THE FAA.—The Sec-
23 retary and the Attorney General shall coordinate the
24 development of their respective guidance under sub-
25 section (h) with the Secretary of Transportation

1 *(through the Administrator of the Federal Aviation*
2 *Administration).*

3 “(4) COORDINATION WITH THE DEPARTMENT OF
4 TRANSPORTATION AND NATIONAL TELECOMMUNI-
5 CATIONS AND INFORMATION ADMINISTRATION.—*The*
6 *Secretary and the Attorney General, and the heads of*
7 *any State, local, Tribal, or territorial law enforce-*
8 *ment agencies designated pursuant to subsection*
9 *(d)(2), through the Secretary and the Attorney Gen-*
10 *eral, shall coordinate the development for their respec-*
11 *tive departments or agencies of the actions described*
12 *in subsection (e) with the Secretary of Transportation*
13 *(through the Administrator of the Federal Aviation*
14 *Administration), the Assistant Secretary of Commerce*
15 *for Communications and Information, and the Ad-*
16 *ministrator of the National Telecommunications and*
17 *Information Administration.*

18 “(5) STATE, LOCAL, TRIBAL, AND TERRITORIAL
19 IMPLEMENTATION.—*Prior to taking any action au-*
20 *thorized under subsection (d)(4), each head of a State,*
21 *local, Tribal, or territorial law enforcement agency*
22 *designated under subsection (d)(2) shall coordinate,*
23 *through the Secretary and the Attorney General—*

24 “(A) *with the Secretary of Transportation*
25 *in order that the Administrators of non-aviation*

1 *modes of the Department of Transportation may*
2 *evaluate whether the action may have adverse*
3 *impacts on critical infrastructure relating to*
4 *non-aviation transportation;*

5 *“(B) with the Administrator of the Federal*
6 *Aviation Administration in order that the Ad-*
7 *ministrator may ensure the action will have no*
8 *adverse impact, or will not, interfere with—*

9 *“(i) safe airport operations;*

10 *“(ii) navigation;*

11 *“(iii) air traffic services; or*

12 *“(iv) the safe and efficient operation of*
13 *the national airspace system; and*

14 *“(C) to allow the Department and the De-*
15 *partment of Justice to ensure that any action*
16 *authorized by this section is consistent with Fed-*
17 *eral law enforcement and in the interest of na-*
18 *tional security.*

19 *“(j) PRIVACY PROTECTION.—*

20 *“(1) IN GENERAL.—Any regulation or guidance*
21 *issued to carry out an action under subsection (e) by*
22 *the Secretary or the Attorney General, respectively,*
23 *shall ensure for the Department or the Department of*
24 *Justice, respectively, that—*

1 “(A) the interception of, acquisition of, ac-
2 cess to, maintenance of, or use of any commu-
3 nication to or from an unmanned aircraft sys-
4 tem or unmanned aircraft under this section is
5 conducted in a manner consistent with the First
6 and Fourth Amendments to the Constitution of
7 the United States and any applicable provision
8 of Federal law;

9 “(B) any communication to or from an un-
10 manned aircraft system or unmanned aircraft
11 are intercepted or acquired only to the extent
12 necessary to support an action described in sub-
13 section (e);

14 “(C) any record of a communication de-
15 scribed in subparagraph (B) is maintained only
16 for as long as necessary, and in no event for
17 more than 180 days, unless the Secretary or the
18 Attorney General, as applicable, determines that
19 maintenance of the record is—

20 “(i) required under Federal law;

21 “(ii) necessary for the purpose of liti-
22 gation; and

23 “(iii) necessary to investigate or pros-
24 ecute a violation of law, including by—

1 “(I) directly supporting an ongoing security operation; or

2
3 “(II) protecting against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircraft;

4
5
6 and

7 “(D) a communication described in subparagraph (B) is not disclosed to any person not employed or contracted by the Department or the Department of Justice unless the disclosure—

8
9
10
11 “(i) is necessary to investigate or prosecute a violation of law;

12
13 “(ii) will support—

14 “(I) the Department of Defense;

15 “(II) a Federal law enforcement, intelligence, or security agency;

16
17 “(III) a State, local, Tribal, or territorial law enforcement agency; or

18
19 “(IV) another relevant entity or person if the entity or person is engaged in a security or protection operation;

20
21
22
23 “(iii) is necessary to support a department or agency listed in clause (ii) in in-

24

1 *investigating or prosecuting a violation of*
2 *law;*

3 “(iv) *will support the enforcement ac-*
4 *tivities of a Federal regulatory agency relat-*
5 *ing to a criminal or civil investigation of,*
6 *or any regulatory, statutory, or other en-*
7 *forcement action relating to, an action de-*
8 *scribed in subsection (e);*

9 “(v) *is between the Department and*
10 *the Department of Justice in the course of*
11 *a security or protection operation of either*
12 *department or a joint operation of those de-*
13 *partments; or*

14 “(vi) *is otherwise required by law.*

15 “(2) *LOCAL PRIVACY PROTECTION.—In exer-*
16 *cising any authority described in subsection (c) or*
17 *(d), a State, local, Tribal, or territorial law enforce-*
18 *ment agency designated under subsection (d)(2) or*
19 *owner or operator of an airport or critical infrastruc-*
20 *ture shall ensure that—*

21 “(A) *the interception of, acquisition of, ac-*
22 *cess to, maintenance of, or use of communica-*
23 *tions to or from an unmanned aircraft system or*
24 *unmanned aircraft under this section is con-*
25 *ducted in a manner consistent with—*

1 “(i) *the First and Fourth Amendments*
2 *to the Constitution of the United States;*
3 *and*

4 “(ii) *applicable provisions of Federal,*
5 *and where required, State, local, Tribal,*
6 *and territorial law;*

7 “(B) *any communication to or from an un-*
8 *manned aircraft system or unmanned aircraft is*
9 *intercepted or acquired only to the extent nec-*
10 *essary to support an action described in sub-*
11 *section (e);*

12 “(C) *any record of a communication de-*
13 *scribed in subparagraph (B) is maintained only*
14 *for as long as necessary, and in no event for*
15 *more than 180 days, unless the Secretary, the At-*
16 *torney General, or the head of a State, local,*
17 *Tribal, or territorial law enforcement agency*
18 *designated under subsection (d)(2) determines*
19 *that maintenance of the record is—*

20 “(i) *required to be maintained under*
21 *Federal, State, local, Tribal, or territorial*
22 *law;*

23 “(ii) *necessary for the purpose of any*
24 *litigation; or*

1 “(iii) necessary to investigate or pros-
2 ecute a violation of law, including by—

3 “(I) directly supporting an ongo-
4 ing security or protection operation; or

5 “(II) protecting against dangerous
6 or unauthorized activity by an un-
7 manned aircraft system or unmanned
8 aircraft; and

9 “(D) the communication is not disclosed
10 outside the agency or entity unless the disclo-
11 sure—

12 “(i) is necessary to investigate or pros-
13 ecute a violation of law;

14 “(ii) would support the Department of
15 Defense, a Federal law enforcement, intel-
16 ligence, or security agency, or a State, local,
17 Tribal, or territorial law enforcement agen-
18 cy;

19 “(iii) would support the enforcement
20 activities of a Federal regulatory agency in
21 connection with a criminal or civil inves-
22 tigation of, or any regulatory, statutory, or
23 other enforcement action relating to, an ac-
24 tion described in subsection (e);

1 “(iv) is to the Department or the De-
2 partment of Justice in the course of a secu-
3 rity or protection operation of either the
4 Department or the Department of Justice,
5 or a joint operation of the Department and
6 Department of Justice; or

7 “(v) is otherwise required by law.

8 “(k) BUDGET.—

9 “(1) IN GENERAL.—The Secretary and the Attor-
10 ney General shall submit to Congress, as a part of the
11 homeland security or justice budget materials for each
12 fiscal year after fiscal year 2023, a consolidated fund-
13 ing display that identifies the funding source for the
14 actions described in subsection (e) within the Depart-
15 ment and the Department of Justice.

16 “(2) CLASSIFICATION.—Each funding display
17 submitted under paragraph (1) shall be in unclassi-
18 fied form but may contain a classified annex.

19 “(l) PUBLIC DISCLOSURES.—

20 “(1) IN GENERAL.—Notwithstanding any provi-
21 sion of State, local, Tribal, or territorial law, infor-
22 mation shall be governed by the disclosure obligations
23 set forth in section 552 of title 5, United States Code
24 (commonly known as the ‘Freedom of Information
25 Act’), if the information relates to—

1 “(A) any capability, limitation, or sensitive
2 detail of the operation of any technology used to
3 carry out an action described in subsection (e)(1)
4 of this section; or

5 “(B) an operational procedure or protocol
6 used to carry out this section.

7 “(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL
8 AGENCY USE.—

9 “(A) CONTROL.—Information described in
10 paragraph (1) that is obtained by a State, local,
11 Tribal, or territorial law enforcement agency
12 from a Federal agency under this section—

13 “(i) shall remain subject to the control
14 of the Federal agency, notwithstanding that
15 the State, local, Tribal, or territorial law
16 enforcement agency has the information de-
17 scribed in paragraph (1) in the possession
18 of the State, local, Tribal, or territorial law
19 enforcement agency; and

20 “(ii) shall not be subject to any State,
21 local, Tribal, or territorial law authorizing
22 or requiring disclosure of the information
23 described in paragraph (1).

24 “(B) ACCESS.—Any request for public ac-
25 cess to information described in paragraph (1)

1 *shall be submitted to the originating Federal*
2 *agency, which shall process the request as re-*
3 *quired under section 552(a)(3) of title 5, United*
4 *States Code.*

5 “(m) *ASSISTANCE AND SUPPORT.*—

6 “(1) *FACILITIES AND SERVICES OF OTHER AGEN-*
7 *CIES AND NON-FEDERAL ENTITIES.*—

8 “(A) *IN GENERAL.*—*The Secretary and the*
9 *Attorney General are authorized to use or accept*
10 *from any other Federal agency, or any other*
11 *public or private entity, any supply or service to*
12 *facilitate or carry out any action described in*
13 *subsection (e).*

14 “(B) *REIMBURSEMENT.*—*In accordance*
15 *with subparagraph (A), the Secretary and the*
16 *Attorney General may accept any supply or*
17 *service with or without reimbursement to the en-*
18 *tity providing the supply or service and notwith-*
19 *standing any provision of law that would pre-*
20 *vent the use or acceptance of the supply or serv-*
21 *ice.*

22 “(C) *AGREEMENTS.*—*To implement the re-*
23 *quirements of subsection (a)(5)(C), the Secretary*
24 *or the Attorney General may enter into 1 or*
25 *more agreements with the head of another execu-*

1 *tive agency or with an appropriate official of a*
2 *non-Federal public or private agency or entity,*
3 *as may be necessary and proper to carry out the*
4 *responsibilities of the Secretary and Attorney*
5 *General under this section.*

6 “(2) *MUTUAL SUPPORT.*—

7 “(A) *IN GENERAL.*—*Subject to subpara-*
8 *graph (B), the Secretary and the Attorney Gen-*
9 *eral are authorized to provide support or assist-*
10 *ance, upon the request of a Federal agency or de-*
11 *partment conducting—*

12 “(i) *a mission described in subsection*
13 *(a)(5)(C);*

14 “(ii) *a mission described in section*
15 *130i of title 10, United States Code; or*

16 “(iii) *a mission described in section*
17 *4510 of the Atomic Energy Defense Act (50*
18 *U.S.C. 2661).*

19 “(B) *REQUIREMENTS.*—*Any support or as-*
20 *istance provided by the Secretary or the Attor-*
21 *ney General shall only be granted—*

22 “(i) *for the purpose of fulfilling the*
23 *roles and responsibilities of the Federal*
24 *agency or department that made the request*

1 *for the mission for which the request was*
2 *made;*

3 “(ii) *when exigent circumstances exist;*

4 “(iii) *for a specified duration and lo-*
5 *cation;*

6 “(iv) *within available resources;*

7 “(v) *on a non-reimbursable basis; and*

8 “(vi) *in coordination with the Admin-*
9 *istrator of the Federal Aviation Adminis-*
10 *tration.*

11 “(n) *SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—*

12 “(1) *IN GENERAL.—On a semiannual basis be-*
13 *ginning 180 days after the date of enactment of the*
14 *Safeguarding the Homeland from the Threats Posed*
15 *by Unmanned Aircraft Systems Act of 2022, the Sec-*
16 *retary and the Attorney General shall, respectively,*
17 *provide a briefing to the appropriate committees of*
18 *Congress on the activities carried out pursuant to this*
19 *section.*

20 “(2) *REQUIREMENT.—The Secretary and the At-*
21 *torney General each shall conduct the briefing re-*
22 *quired under paragraph (1) jointly with the Sec-*
23 *retary of Transportation.*

24 “(3) *CONTENT.—Each briefing required under*
25 *paragraph (1) shall include—*

1 “(A) policies, programs, and procedures to
2 mitigate or eliminate impacts of activities car-
3 ried out pursuant to this section to the national
4 airspace system and other critical infrastructure
5 relating to national transportation;

6 “(B) a description of—

7 “(i) each instance in which any action
8 described in subsection (e) has been taken,
9 including any instances that may have re-
10 sulted in harm, damage, or loss to a person
11 or to private property;

12 “(ii) the guidance, policies, or proce-
13 dures established by the Secretary or the At-
14 torney General to address privacy, civil
15 rights, and civil liberties issues implicated
16 by the actions permitted under this section,
17 as well as any changes or subsequent efforts
18 by the Secretary or the Attorney General
19 that would significantly affect privacy, civil
20 rights, or civil liberties;

21 “(iii) options considered and steps
22 taken by the Secretary or the Attorney Gen-
23 eral to mitigate any identified impacts to
24 the national airspace system relating to the
25 use of any system or technology, including

1 *the minimization of the use of any tech-*
2 *nology that disrupts the transmission of*
3 *radio or electronic signals, for carrying out*
4 *the actions described in subsection (e)(2);*
5 *and*

6 *“(iv) each instance in which a commu-*
7 *nication intercepted or acquired during the*
8 *course of operations of an unmanned air-*
9 *craft system or unmanned aircraft was—*

10 *“(I) held in the possession of the*
11 *Department or the Department of Jus-*
12 *tice for more than 180 days; or*

13 *“(II) shared with any entity other*
14 *than the Department or the Depart-*
15 *ment of Justice;*

16 *“(C) an explanation of how the Secretary,*
17 *the Attorney General, and the Secretary of*
18 *Transportation have—*

19 *“(i) informed the public as to the pos-*
20 *sible use of authorities granted under this*
21 *section; and*

22 *“(ii) engaged with Federal, State,*
23 *local, Tribal, and territorial law enforce-*
24 *ment agencies to implement and use au-*
25 *thorities granted under this section;*

1 “(D) an assessment of whether any gaps or
2 insufficiencies remain in laws, regulations, and
3 policies that impede the ability of the Federal
4 Government or State, local, Tribal, and terri-
5 torial governments and owners or operators of
6 critical infrastructure to counter the threat posed
7 by the malicious use of unmanned aircraft sys-
8 tems and unmanned aircraft;

9 “(E) an assessment of efforts to integrate
10 unmanned aircraft system threat assessments
11 within National Special Security Event and
12 Special Event Assessment Rating planning and
13 protection efforts;

14 “(F) recommendations to remedy any gaps
15 or insufficiencies described in subparagraph (D),
16 including recommendations relating to necessary
17 changes in law, regulations, or policies;

18 “(G) a description of the impact of the au-
19 thorities granted under this section on—

20 “(i) lawful operator access to national
21 airspace; and

22 “(ii) unmanned aircraft systems and
23 unmanned aircraft integration into the na-
24 tional airspace system; and

1 “(H) a summary from the Secretary of any
2 data and results obtained pursuant to subsection
3 (r), including an assessment of—

4 “(i) how the details of the incident
5 were obtained; and

6 “(ii) whether the operation involved a
7 violation of Federal Aviation Administra-
8 tion aviation regulations.

9 “(4) UNCLASSIFIED FORM.—Each briefing re-
10 quired under paragraph (1) shall be in unclassified
11 form but may be accompanied by an additional clas-
12 sified briefing.

13 “(5) NOTIFICATION.—

14 “(A) IN GENERAL.—Not later than 30 days
15 after an authorized department, agency, or
16 owner or operator of an airport or critical infra-
17 structure deploys any new technology to carry
18 out the actions described in subsection (e), the
19 Secretary and the Attorney General shall, respec-
20 tively or jointly, as appropriate, submit a notifi-
21 cation of the deployment to the appropriate com-
22 mittees of Congress.

23 “(B) CONTENTS.—Each notification sub-
24 mitted pursuant to subparagraph (A) shall in-
25 clude a description of options considered to miti-

1 *gate any identified impacts to the national air-*
2 *space system relating to the use of any system or*
3 *technology, including the minimization of the use*
4 *of any technology that disrupts the transmission*
5 *of radio or electronic signals in carrying out the*
6 *actions described in subsection (e).*

7 “(o) *RULE OF CONSTRUCTION.—Nothing in this sec-*
8 *tion shall be construed to—*

9 “(1) *vest in the Secretary, the Attorney General,*
10 *or any State, local, Tribal, or territorial law enforce-*
11 *ment agency, authorized under subsection (c) or des-*
12 *ignated under subsection (d)(2) any authority of the*
13 *Secretary of Transportation or the Administrator of*
14 *the Federal Aviation Administration;*

15 “(2) *vest in the Secretary of Transportation, the*
16 *Administrator of the Federal Aviation Administra-*
17 *tion, or any State, local, Tribal, or territorial law en-*
18 *forcement agency designated under subsection (d)(2)*
19 *any authority of the Secretary or the Attorney Gen-*
20 *eral;*

21 “(3) *vest in the Secretary any authority of the*
22 *Attorney General;*

23 “(4) *vest in the Attorney General any authority*
24 *of the Secretary; or*

1 “(5) provide a new basis of liability with respect
2 to an officer of a State, local, Tribal, or territorial
3 law enforcement agency designated under subsection
4 (d)(2) or who participates in the protection of a mass
5 gathering identified by the Secretary or Attorney
6 General under subsection (a)(5)(C)(iii)(II), who—

7 “(A) is acting in the official capacity of the
8 individual as an officer; and

9 “(B) does not exercise the authority granted
10 to the Secretary and the Attorney General by
11 this section.

12 “(p) *TERMINATION.*—

13 “(1) *TERMINATION OF ADDITIONAL LIMITED AU-*
14 *THORITY FOR DETECTION, IDENTIFICATION, MONI-*
15 *TORING, AND TRACKING.*—*The authority to carry out*
16 *any action authorized under subsection (c), if per-*
17 *formed by a non-Federal entity, shall terminate on*
18 *the date that is 5 years and 6 months after the date*
19 *of enactment of the Safeguarding the Homeland from*
20 *the Threats Posed by Unmanned Aircraft Systems Act*
21 *of 2022 and the authority for the pilot program estab-*
22 *lished under subsection (d) shall terminate as pro-*
23 *vided for in paragraph (3) of that subsection.*

24 “(2) *TERMINATION OF AUTHORITIES WITH RE-*
25 *SPECT TO COVERED FACILITIES AND ASSETS.*—*The*

1 *authority to carry out this section with respect to a*
2 *covered facility or asset shall terminate on the date*
3 *that is 7 years after the date of enactment of the Safe-*
4 *guarding the Homeland from the Threats Posed by*
5 *Unmanned Aircraft Systems Act of 2022.*

6 “(q) *SCOPE OF AUTHORITY.—Nothing in this section*
7 *shall be construed to provide the Secretary or the Attorney*
8 *General with any additional authority other than the au-*
9 *thorities described in subsections (a)(5)(C)(iii), (b), (c), (d),*
10 *and (f).*

11 “(r) *UNITED STATES GOVERNMENT DATABASE.—*

12 “(1) *AUTHORIZATION.—The Department is au-*
13 *thorized to develop a Federal database to enable the*
14 *transmission of data concerning security-related inci-*
15 *dents in the United States involving unmanned air-*
16 *craft and unmanned aircraft systems between Fed-*
17 *eral, State, local, Tribal, and territorial law enforce-*
18 *ment agencies for purposes of conducting analyses of*
19 *such threats in the United States.*

20 “(2) *POLICIES, PLANS, AND PROCEDURES.—*

21 “(A) *COORDINATION AND CONSULTATION.—*
22 *Before implementation of the database developed*
23 *under paragraph (1), the Secretary shall develop*
24 *policies, plans, and procedures for the implemen-*
25 *tation of the database—*

1 “(i) in coordination with the Attorney
2 General, the Secretary of Defense, and the
3 Secretary of Transportation (through the
4 Administrator of the Federal Aviation Ad-
5 ministration); and

6 “(ii) in consultation with State, local,
7 Tribal, and territorial law enforcement
8 agency representatives, including represent-
9 atives of fusion centers.

10 “(B) *REPORTING.*—The policies, plans, and
11 procedures developed under subparagraph (A)
12 shall include criteria for Federal, State, local,
13 Tribal, and territorial reporting of unmanned
14 aircraft systems or unmanned aircraft incidents.

15 “(C) *DATA RETENTION.*—The policies,
16 plans, and procedures developed under subpara-
17 graph (A) shall ensure that data on security-re-
18 lated incidents in the United States involving
19 unmanned aircraft and unmanned aircraft sys-
20 tems that is retained as criminal intelligence in-
21 formation is retained based on the reasonable
22 suspicion standard, as permitted under part 23
23 of title 28, Code of Federal Regulations.”.

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2^D SESSION

S. 4687

[Report No. 117-277]

A BILL

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

DECEMBER 19, 2022

Reported with an amendment