

118TH CONGRESS
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H. R. 8610

To reauthorize and reform counter-unmanned aircraft system authorities, to improve transparency, security, safety, and accountability related to such authorities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2024

Mr. GREEN of Tennessee (for himself, Mr. THOMPSON of Mississippi, Mr. GRAVES of Missouri, Mr. LARSEN of Washington, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize and reform counter-unmanned aircraft system authorities, to improve transparency, security, safety, and accountability related to such authorities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Counter-UAS Authority Security, Safety, and Reauthor-
6 ization Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Protection of certain facilities and assets from unmanned aircraft systems.
- Sec. 4. FAA counter-UAS activities.
- Sec. 5. Additional limited authority for detection, identification, monitoring, and tracking.
- Sec. 6. Counter-UAS mitigation pilot program.
- Sec. 7. Counter-UAS system planning and deployment at airports.
- Sec. 8. UAS detection and mitigation enforcement authority.
- Sec. 9. Reporting on counter-UAS activities.

3 **SEC. 2. DEFINITIONS.**

4 (a) APPLICATION OF TERMS.—Unless otherwise spec-
5 ified, the terms in section 44801 of title 49, United States
6 Code, shall apply to this Act.

7 (b) IN GENERAL.—In this Act:

8 (1) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—The term “appropriate committees of Con-
10 gress” means—

11 (A) the Committee on Homeland Security,
12 the Committee on the Judiciary, and the Com-
13 mittee on Transportation and Infrastructure of
14 the House of Representatives; and

15 (B) the Committee on the Judiciary, the
16 Committee on Homeland Security and Govern-
17 mental Affairs, and the Committee on Com-
18 merce, Science, and Transportation of the Sen-
19 ate.

1 (2) COVERED AIRPORT.—The term “covered
2 airport” means—

3 (A) a large hub airport (as defined in sec-
4 tion 47102 of title 49, United States Code);

5 (B) a medium hub airport (as defined in
6 section 47102 of title 49, United States Code);

7 or

8 (C) an airport with a total annual landed
9 weight of all-cargo of more than 7,500,000,000
10 pounds in 2021 or any year thereafter.

11 (3) COVERED ENTITY.—The term “covered en-
12 tity” means—

13 (A) the owner or proprietor of a covered
14 site; and

15 (B) with respect to a public gathering, the
16 organizing entity of such gathering.

17 (4) COVERED SITE.—The term “covered site”
18 means—

19 (A) a fixed site facility as described in sec-
20 tion 2209 of the FAA Extension, Safety, and
21 Security Act of 2016 (49 U.S.C. 40101 note);

22 (B) the location of a large public gathering
23 described in section 44812(c) of title 49, United
24 States Code; or

1 (C) the site with respect to which a flight
2 restriction is maintained pursuant to section
3 521 of division F of the Consolidated Appro-
4 priations Act, 2004 (49 U.S.C. 40103 note).

5 **SEC. 3. PROTECTION OF CERTAIN FACILITIES AND ASSETS**
6 **FROM UNMANNED AIRCRAFT SYSTEMS.**

7 Section 210G of the Homeland Security Act of 2002
8 (6 U.S.C. 124n) is amended—

9 (1) in subsection (a) by striking “(as defined by
10 the Secretary or the Attorney General, in consulta-
11 tion with the Secretary of Transportation)” and in-
12 serting “(as defined by the Secretary and the Attor-
13 ney General, in coordination with the Secretary of
14 Transportation)”;

15 (2) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A) by inserting
18 “or unmanned aircraft” after “During the
19 operation of the unmanned aircraft sys-
20 tem”;

21 (ii) in subparagraph (D) by striking
22 “Seize or exercise control of” and inserting
23 “Seize, exercise control of, or otherwise
24 confiscate”;

1 (iii) by striking subparagraph (E);

2 and

3 (iv) by redesignating subparagraph

4 (F) as subparagraph (E); and

5 (B) by striking paragraphs (2) through (4)

6 and inserting the following:

7 “(2) COORDINATION.—

8 “(A) IN GENERAL.—The Secretary and the
9 Attorney General shall coordinate with the Sec-
10 retary of Transportation in carrying out the ac-
11 tions described in paragraph (1).

12 “(B) DETERMINATION BY ADMINISTRATOR
13 OF FEDERAL AVIATION ADMINISTRATION.—Be-
14 fore the Secretary and the Attorney General
15 may take or authorize the taking of an action
16 under this section, the Administrator of the
17 Federal Aviation Administration shall deter-
18 mine if such action would result in an adverse
19 impact on aviation safety, civil aviation and
20 aerospace operations, aircraft airworthiness, or
21 the use of the national airspace system. If the
22 Administration determines such action would
23 not result in such an adverse impact, the Sec-
24 retary and the Attorney General may take or
25 authorize the taking of such action. If the Ad-

1 administrator determines such action would result
2 in such an adverse impact, the Secretary and
3 the Attorney General shall coordinate with the
4 Administrator to take any necessary action to
5 ensure that such an adverse impact can be suf-
6 ficiently mitigated.

7 “(3) RESEARCH, TESTING, TRAINING, AND
8 EVALUATION.—

9 “(A) IN GENERAL.—The Secretary, the
10 Attorney General, and the Secretary of Trans-
11 portation may conduct research on, testing on,
12 training on, and evaluation of equipment, in-
13 cluding electronic equipment, and technology to
14 determine the capability and utility of such
15 equipment or technology for any action de-
16 scribed in paragraph (1), including prior to the
17 initial use of such equipment or technology.

18 “(B) COORDINATION.—The Secretary, the
19 Attorney General, and the Secretary of Trans-
20 portation shall coordinate activities under this
21 paragraph and mutually share data and results
22 from such activities.

23 “(4) LIST OF AUTHORIZED EQUIPMENT AND
24 TECHNOLOGIES.—

1 “(A) LIST.—Not later than 1 year after
2 the date of the enactment of the Counter-UAS
3 Authority Security, Safety, and Reauthorization
4 Act, the Secretary, in coordination with the At-
5 torney General and the Administrator of the
6 Federal Aviation Administration, shall maintain
7 a list of approved makes and models of counter-
8 UAS detection and mitigation systems, equip-
9 ment, and technology. Such list shall include
10 the following:

11 “(i) A description of the specific de-
12 tection or mitigation functions of each
13 such system, equipment, or technology that
14 enable each such system, equipment, or
15 technology to carry out an action described
16 in paragraph (1).

17 “(ii) Whether each such system,
18 equipment, or technology is authorized for
19 an action described in subparagraph (A),
20 (B), (C), or (D) of paragraph (1).

21 “(iii) Any conditions or restrictions
22 generally applicable to the use, location, or
23 positioning of each such system, equip-
24 ment, or technology, including whether and
25 how each such system, equipment, or tech-

1 nology may be suitable for use in terminal
2 airspace.

3 “(B) IMPACT DETERMINATION BY ADMIN-
4 ISTRATOR.—A counter-UAS detection or miti-
5 gation system, equipment, or technology may
6 not be included on the list maintained under
7 subparagraph (A) unless the Administrator of
8 the Federal Aviation Administration makes a
9 written determination that—

10 “(i)(I) the system, equipment, or tech-
11 nology meets any applicable minimum per-
12 formance requirements as described in sec-
13 tion 44810(e) of title 49, United States
14 Code; and

15 “(II) the use of such system, equip-
16 ment, or technology does not present an
17 adverse impact on aviation safety, civil
18 aviation and aerospace operations, aircraft
19 airworthiness, or the use of the national
20 airspace system; or

21 “(ii) in the event the Administrator
22 identifies such an adverse impact from
23 such system, equipment, or technology,
24 such an adverse impact can be sufficiently
25 mitigated and the mitigation activities are

1 described in the list maintained under sub-
2 paragraph (A) or in a manner determined
3 by the Administrator.

4 “(C) SPECTRUM IMPACT CONSULTATION.—
5 The Secretary, the Attorney General, and the
6 Administrator of the Federal Aviation Adminis-
7 tration shall consult with the Federal Commu-
8 nications Commission or the Administrator of
9 the National Telecommunications and Informa-
10 tion Administration, as appropriate, to deter-
11 mine whether the use of a counter-UAS detec-
12 tion or mitigation system, equipment, or tech-
13 nology on the list maintained under subpara-
14 graph (A)—

15 “(i) does not present an adverse im-
16 pact on civilian telecommunications, com-
17 munications spectrum, internet technology,
18 or radio communications networks or sys-
19 tems; or

20 “(ii) in the event that such an adverse
21 impact is identified, such impact can be
22 sufficiently mitigated, or the system, equip-
23 ment, or technology is excluded from the
24 list maintained under subparagraph (A)

1 until such an adverse impact is sufficiently
2 mitigated.

3 “(D) LIMITATION ON INCLUSION OF
4 COUNTER-UAS SYSTEMS MANUFACTURED BY
5 CERTAIN FOREIGN ENTERPRISES.—

6 “(i) LIMITATION.—The Secretary may
7 not include on the list maintained under
8 subparagraph (A) a counter-UAS detection
9 and mitigation systems, equipment, and
10 technology, manufactured or developed by
11 a covered manufacturer.

12 “(ii) INTERNATIONAL AGREEMENTS.—This subsection shall be applied
13 in a manner consistent with the obligations
14 of the United States under international
15 agreements in effect as of the date of en-
16 actment of the Counter-UAS Authority Se-
17 curity, Safety, and Reauthorization Act.

18 “(iii) AUTHORIZED UTILIZATION.—
19 Upon the inclusion of a counter-UAS de-
20 tection or mitigation system, equipment, or
21 technology on the list maintained under
22 subparagraph (A), the Secretary and the
23 Attorney General may utilize such system,
24

1 equipment, or technology for any action
2 described in paragraph (1).

3 “(iv) EXCEPTION.—The Secretary of
4 Homeland Security is exempt from the lim-
5 itation under this subsection if the Sec-
6 retary determines that the operation or
7 procurement of such system is for the sole
8 purpose of research, evaluation, training,
9 testing, or analysis.

10 “(v) DEFINITIONS.—In this subpara-
11 graph:

12 “(I) COVERED MANUFAC-
13 Turer.—The term ‘covered manufac-
14 turer’ means an entity that is owned
15 by, controlled by, is a subsidiary of, or
16 is otherwise related legally or finan-
17 cially to, a person based in a country
18 that—

19 “(aa) is identified as a non-
20 market economy country (as de-
21 fined in section 771 of the Tariff
22 Act of 1930 (19 U.S.C. 1677))
23 as of the date of the enactment
24 of the Counter-UAS Authority

1 Security, Safety, and Reauthor-
2 ization Act;

3 “(bb) was identified by the
4 United States Trade Representa-
5 tive in the most recent report re-
6 quired under section 182 of the
7 Trade Act of 1974 (19 U.S.C.
8 2242) as a priority foreign coun-
9 try under subsection (a)(2) of
10 such section; and

11 “(cc) is subject to moni-
12 toring by the United States
13 Trade Representative under sec-
14 tion 306 of the Trade Act of
15 1974 (19 U.S.C. 2416).

16 “(II) OTHERWISE RELATED LE-
17 GALLY OR FINANCIALLY.—The term
18 ‘otherwise related legally or finan-
19 cially’ does not include a minority
20 stake relationship or investment.

21 “(E) RULE OF CONSTRUCTION.—Nothing
22 in this paragraph may be construed to prevent
23 the Secretary, the Attorney General, or the Ad-
24 ministrator of the Federal Aviation Administra-
25 tion from exercising any authority to counter

1 unmanned aircraft systems in effect prior to the
2 date of enactment of the Counter-UAS Author-
3 ity Security, Safety, and Reauthorization Act.”;
4 (3) in subsection (d) by striking paragraph (2)
5 and inserting the following:

6 “(2) COORDINATION.—The Secretary, the Sec-
7 retary of Transportation, and the Attorney General
8 shall coordinate to develop their respective regula-
9 tions and guidance under paragraph (1) before
10 issuing any such regulation or guidance.”;

11 (4) in subsection (e)—

12 (A) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) records of such communications are dis-
15 posed of immediately following an action described
16 in subsection (b)(1) to mitigate a credible threat re-
17 ferred to in subsection (a), except that if the Sec-
18 retary or the Attorney General determines that
19 maintenance of such records is necessary to inves-
20 tigate or prosecute a violation of law is required by
21 Federal law or for the purpose of litigation, such
22 records may be maintained for not more than 90
23 days;” and

24 (B) in paragraph (4)—

1 (i) in the matter preceding subpara-
2 graph (A) by striking “are not disclosed
3 outside the Department of Homeland Se-
4 curity or the Department of Justice un-
5 less” and inserting “are not shared outside
6 of personnel of the department in posses-
7 sion of such communications, except if”;
8 and

9 (ii) in subparagraph (B) by striking “,
10 or any regulatory, statutory, or other en-
11 forcement action relating to”;

12 (5) in subsection (f) by striking “within the De-
13 partment of Homeland Security or the Department
14 of Justice”;

15 (6) in subsection (g)—

16 (A) in paragraph (1) by striking “the Sec-
17 retary and the Attorney General shall, respec-
18 tively,” and inserting “the Secretary, the Attor-
19 ney General, and the Secretary of Transpor-
20 tation shall jointly”;

21 (B) by striking paragraphs (2) and (3) and
22 inserting the following:

23 “(2) CONTENT.—Each briefing required under
24 paragraph (1) shall include the following:

1 “(A) The number of instances and a de-
2 scription of each instance in which actions de-
3 scribed in subsection (b)(1) have been taken, in-
4 cluding all such instances that—

5 “(i) equipment, system, or technology
6 disrupted the transmission of radio or elec-
7 tronic signals, including and disaggregated
8 by whether any such disruption was mini-
9 mized;

10 “(ii) may have resulted in harm, dam-
11 age, or loss to a person or to private prop-
12 erty, including and disaggregated by
13 whether any such harm, damage, or loss
14 was minimized;

15 “(iii) resulted in successful seizure,
16 exercise of control, or confiscation under
17 subsection (b)(1)(D); or

18 “(iv) required the use of reasonable
19 force under subsection (b)(1)(E).

20 “(B) The frequency and nature of in-
21 stances in which communications were inter-
22 cepted or acquired during the course of actions
23 described in subsection (b)(1), including the fol-
24 lowing:

1 “(i) The approximate number and na-
2 ture of incriminating communications
3 intercepted.

4 “(ii) The approximate number and
5 nature of other communications inter-
6 cepted.

7 “(C) The total number of instances in
8 which records of communications intercepted or
9 acquired during the course of actions described
10 in subsection (b)(1) were—

11 “(i) shared with the Department of
12 Justice or another Federal law enforce-
13 ment agency, including a list of receiving
14 Federal law enforcement agencies; or

15 “(ii) maintained for more than 90
16 days.

17 “(D) The number of instances and a de-
18 scription of each instance in which the Sec-
19 retary, Secretary of Transportation, or the At-
20 torney General have engaged with Federal,
21 State, or local law enforcement agencies to im-
22 plement the authority under this section, in-
23 cluding the number of instances that resulted in
24 a criminal investigation or litigation.

1 “(E) Information on the on the implemen-
2 tation of paragraphs (3) and (4)(A) of sub-
3 section (b), including regarding equipment or
4 technology, including electronic equipment to
5 address emerging trends and changes in un-
6 manned aircraft system or unmanned aircraft
7 system-related security threats.”;

8 (C) in paragraph (5)—

9 (i) in the first sentence—

10 (I) by striking “new technology”
11 and inserting “counter-UAS detection
12 and mitigation system, equipment, or
13 technology approved under subsection
14 (b)(4)”;

15 (II) by striking “the Secretary
16 and the Attorney General shall, re-
17 spectively,” and inserting “the Sec-
18 retary, in coordination with the Sec-
19 retary of Transportation and the At-
20 torney General, shall”;

21 (ii) in the second sentence, by striking
22 “to the national airspace system” and in-
23 serting “to the safety and operation of the
24 national airspace system”;

1 (D) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively;
3 (7) by striking subsection (i) and inserting the
4 following:

5 “(i) TERMINATION.—The authority under
6 this section shall terminate on October 1,
7 2028.”;

8 (8) in subsection (k)—

9 (A) in paragraph (1)(B) by striking “the
10 Committee on Energy and Commerce,”;

11 (B) in paragraph (3)—

12 (i) in subparagraph (A) by striking
13 “the Secretary or the Attorney General, in
14 coordination with the Secretary of Trans-
15 portation” and inserting “the Secretary, in
16 coordination with the Secretary of Trans-
17 portation and the Attorney General,”;

18 (ii) in subparagraph (C)—

19 (I) in clause (i)—

20 (aa) in subclause (II), by
21 striking “or” after the semicolon;
22 and

23 (bb) by adding at the end
24 the following:

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

5 “(V) the security and protection
6 of public airports (as such term is de-
7 fined in section 47102 of title 49,
8 United States Code) under section 7
9 of the Counter-UAS Authority Secu-
10 rity, Safety, and Reauthorization
11 Act;” and

12 (II) in clause (ii)—

13 (aa) in subclause (I)—

14 (AA) in item (aa), by
15 striking “section 533 of title
16 28, United States Code”
17 and inserting “paragraph
18 (2) or (3) of section 533 of
19 title 28, United States Code,
20 and that is limited to a spec-
21 ified period of time and loca-
22 tion”; and

23 (BB) in item (bb), by
24 inserting before the semi-
25 colon the following: “, and

1 that is limited to a specified
2 period of time and location”;
3 and

4 (bb) in subclause (III), by
5 striking “, as specified in” and
6 inserting “pursuant to”;

7 (C) in paragraph (6), by striking “pur-
8 poses of subsection (a)” and inserting “pur-
9 poses of subsection (a) and paragraph (4) of
10 subsection (e)”;

11 (D) in paragraph (8) in the matter pre-
12 ceding subparagraph (A)—

13 (i) by striking “and efficiency of the
14 national airspace system” and inserting “,
15 efficiency, and operation of the national
16 airspace system”;

17 (ii) by striking “the Secretary or the
18 Attorney General, respectively,” and in-
19 serting “the Secretary, in coordination
20 with the Secretary of Transportation and
21 the Attorney General,”;

22 (9) by striking subsection (l) and inserting the
23 following:

24 “(l) ANNUAL REPORT.—Not later than 1 year after
25 the date of enactment of the Counter-UAS Authority Se-

1 curity, Safety, and Reauthorization Act, and annually
2 thereafter, the Secretary, in coordination with the Sec-
3 retary of Transportation and the Attorney General, shall
4 submit to the appropriate congressional committees a re-
5 port that contains the following:

6 “(1) The information required under subsection
7 (g)(2).

8 “(2) A description of any guidance, policies,
9 programs, and procedures to mitigate or eliminate
10 any adverse impact of the activities carried out pur-
11 suant to this section, or the use of any counter-UAS
12 detection or mitigation system, equipment, or tech-
13 nology, on aviation safety, civil aviation and aero-
14 space operations, aircraft airworthiness, or the use
15 of the national airspace system.

16 “(3) A description of the guidance, policies,
17 programs, and procedures established to address pri-
18 vacy, civil rights, and civil liberties issues implicated
19 by the activities carried out pursuant to this sec-
20 tion.”; and

21 (10) by adding at the end the following:

22 “(m) COUNTER-UAS SYSTEM TRAINING.—The At-
23 torney General, in coordination with the Secretary of
24 Homeland Security (acting through the Director of the
25 Federal Law Enforcement Training Centers) may—

1 “(1) provide training relating to measures to
2 take the actions described in subsection (b)(1); and

3 “(2) establish or designate one or more facili-
4 ties or training centers for the purpose described in
5 paragraph (1).

6 “(n) COUNTER-UAS DETECTION AND MITIGATION
7 SYSTEM OPERATOR QUALIFICATION AND TRAINING CRI-
8 TERIA.—

9 “(1) IN GENERAL.—The Secretary and Attor-
10 ney General, in coordination with the Administrator
11 of the Federal Aviation Administration, shall estab-
12 lish standards for initial and recurring training pro-
13 grams or certifications for individuals seeking to op-
14 erate counter-UAS detection and mitigation systems,
15 equipment, or technology.

16 “(2) TRAINING CRITERIA.—In carrying out
17 paragraph (1), the Secretary and the Attorney Gen-
18 eral shall, at a minimum—

19 “(A) consider the potential impacts of such
20 systems, equipment, or technology to aviation
21 safety, civil aviation and aerospace operations,
22 aircraft airworthiness, or the civilian use of air-
23 space, and appropriate actions to maintain avia-
24 tion safety, as determined by the Administrator;

1 “(B) establish interagency coordination re-
2 quirements prior to deployment of such sys-
3 tems, equipment, or technology; and

4 “(C) establish the frequency at which an
5 individual authorized to operate counter-UAS
6 detection and mitigation systems, equipment, or
7 technology shall complete and renew such train-
8 ing or certification.”.

9 **SEC. 4. FAA COUNTER-UAS ACTIVITIES.**

10 (a) IN GENERAL.—Section 44810 of title 49, United
11 States Code, is amended to read as follows:

12 **“§ 44810. Counter-UAS activities**

13 “(a) AUTHORITY.—

14 “(1) IN GENERAL.—The Administrator of the
15 Federal Aviation Administration may take such ac-
16 tions as described paragraph (2) that are necessary
17 to—

18 “(A) detect or mitigate a credible threat
19 (as defined by the Secretary of Homeland Secu-
20 rity and Attorney General, in consultation with
21 the Administrator) that an operation of an un-
22 manned aircraft or an unmanned aircraft sys-
23 tem poses to the safe and efficient operation of
24 the national airspace system; or

1 “(B) test or evaluate the potential adverse
2 impacts or interference of a counter-UAS detec-
3 tion or mitigation system, equipment, or tech-
4 nology on or with safe airport operations, air-
5 craft navigation, air traffic services, or the safe
6 and efficient operation of the national airspace
7 system.

8 “(2) AUTHORIZED ACTIONS.—In carrying out
9 paragraph (1), the Administrator may take the fol-
10 lowing actions:

11 “(A) Detect, identify, monitor, and track
12 an unmanned aircraft system or unmanned air-
13 craft, without prior consent from the operator
14 of such system or aircraft, including by means
15 of intercept or other access of a wire, oral, or
16 electronic communication used to control the
17 unmanned aircraft system or unmanned air-
18 craft.

19 “(B) Contact or warn the operator of an
20 unmanned aircraft system of a potential
21 counter-UAS action authorized under this sub-
22 section.

23 “(C) Seize, exercise control of, or otherwise
24 confiscate an unmanned aircraft system or un-
25 manned aircraft.

1 “(D) Disrupt control of, disable, damage,
2 or destroy an unmanned aircraft or unmanned
3 aircraft system, including by means of intercept
4 or other access of a wire, oral, or electronic
5 communication used to control the unmanned
6 aircraft or unmanned aircraft system.

7 “(b) APPLICABILITY OF OTHER LAWS.—

8 “(1) IN GENERAL.—Section 46502 of this title
9 or sections 32, 1030, and 1367 and chapters 119
10 and 206 of title 18 shall not apply to activities au-
11 thorized by the Administrator pursuant to this sec-
12 tion.

13 “(2) PRIVACY PROTECTION.—In implementing
14 the requirements of this section, the Administrator,
15 in coordination with the Attorney General and Sec-
16 retary of Homeland Security, shall ensure that—

17 “(A) the interception or acquisition of, or
18 access to, or maintenance or use of, commu-
19 nications to or from an unmanned aircraft sys-
20 tem under this section is conducted in a man-
21 ner consistent with the First and Fourth
22 Amendments to the Constitution of the United
23 States and applicable provisions of Federal law;

24 “(B) communications to or from an un-
25 manned aircraft system are intercepted or ac-

1 required only to the extent necessary to support
2 an action as described under subsection (a)(2);

3 “(C) records of such communications are
4 disposed of immediately following herein au-
5 thorized activity to mitigate a credible threat,
6 unless the Administrator, the Secretary of
7 Homeland Security, or the Attorney General de-
8 termine that maintenance of such records—

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

11 “(ii) would directly support the De-
12 partment of Defense, a Federal law en-
13 forcement agency, or the enforcement ac-
14 tivities of a regulatory agency of the Fed-
15 eral Government in connection with a
16 criminal or civil investigation of, or any
17 regulatory, statutory, or other enforcement
18 action relating to an action described in
19 subsection (a)(2);

20 “(iii) is between the Secretary of
21 Homeland Security and the Attorney Gen-
22 eral in the course of a security or protec-
23 tion operation of either agency or a joint
24 operation of such agencies; or

25 “(iv) is otherwise required by law; and

1 “(D) to the extent necessary, the Secretary
2 of Homeland Security and the Attorney General
3 are authorized to share threat information,
4 which shall not include communications de-
5 scribed in this subsection, with State, local, ter-
6 ritorial, or tribal law enforcement agencies in
7 the course of a security or protection operation.

8 “(c) OFFICE OF COUNTER-UAS ACTIVITIES.—

9 “(1) IN GENERAL.—There is established within
10 the Federal Aviation Administration an Office of
11 Counter-UAS Activities for purposes of managing
12 and directing the counter-UAS activities of the Ad-
13 ministration.

14 “(2) DIRECTOR.—The Administrator shall des-
15 ignate a Director of Counter-UAS Activities, who
16 shall be the head of the Office.

17 “(3) DUTIES.—In carrying out the activities de-
18 scribed in paragraph (1), the Director shall—

19 “(A) coordinate with other offices of the
20 Administration to ensure that such activities do
21 not adversely impact aviation safety or the effi-
22 ciency of the national airspace system;

23 “(B) lead the development and implemen-
24 tation of counter-UAS activity strategic plan-

1 ning within the Federal Aviation Administra-
2 tion; and

3 “(C) serve as the Administration’s primary
4 point of contact for coordinating counter-UAS
5 activities, including such activities of—

6 “(i) Federal and State agencies;

7 “(ii) covered airports; and

8 “(iii) other relevant stakeholders; and

9 “(D) carry out other such counter-UAS ac-
10 tivities as the Administrator may prescribe.

11 “(d) INTERAGENCY COORDINATION.—

12 “(1) IN GENERAL.—The Administrator shall co-
13 ordinate with the Secretary of Homeland Security
14 and the Attorney General to carry out this section,
15 subject to any restrictions of the Secretary or Attor-
16 ney General’s authority to acquire, deploy, and oper-
17 ate counter-UAS systems, equipment, or technology.

18 “(2) NON-DELEGATION.—Nothing under this
19 section shall permit the Administrator to delegate
20 any authority granted to the Administrator to any
21 other Federal agency.

22 “(e) COUNTER-UAS DETECTION AND MITIGATION
23 SYSTEM PERFORMANCE REQUIREMENTS.—

24 “(1) IN GENERAL.—The Administrator, in co-
25 ordination with the Secretary and the Attorney Gen-

1 eral, shall establish minimum performance require-
2 ments for the safe and reliable deployment or use of
3 counter-UAS detection and mitigation systems,
4 equipment, and technology within the national air-
5 space system.

6 “(2) CONSIDERATIONS.—

7 “(A) AVIATION SAFETY.—In establishing
8 minimum performance requirements under
9 paragraph (1), the Administrator shall—

10 “(i) leverage data collected in testing
11 and evaluation activities conducted under
12 this section and any other relevant testing
13 and evaluation data determined appro-
14 priate by the Administrator;

15 “(ii) determine the extent to which a
16 counter-UAS detection or mitigation sys-
17 tem, equipment, or technology can safely
18 operate without disrupting or interfering
19 with the operation of aircraft or other na-
20 tional airspace system users; and

21 “(iii) establish specific requirements
22 for the deployment and use of such sys-
23 tems, equipment, or technology in terminal
24 airspace.

1 “(B) EFFICACY.—In establishing minimum
2 performance requirements under subsection (a),
3 the Administrator shall consider criteria, as de-
4 termined by the Secretary of Homeland Secu-
5 rity, to determine the degree to which counter-
6 UAS detection and mitigation systems, equip-
7 ment, or technology reliable and effective in de-
8 tecting or mitigating unauthorized unmanned
9 aircraft system operations independent of data
10 or information provided by the system manufac-
11 turer of such unmanned aircraft system.

12 “(C) OTHER INTERFERENCE.—In estab-
13 lishing minimum performance requirements
14 under subsection (a), the Administrator shall
15 consider criteria, as determined by the Federal
16 Communications Commission, to determine the
17 extent to which counter-UAS detection and
18 mitigation systems, equipment, or technology
19 can be safely operated without disrupting or
20 interfering with the operation of civilian com-
21 munications and information technology net-
22 works and systems, including such networks
23 and systems that rely on radio frequency or cel-
24 lular network communications links.

1 “(3) DEMONSTRATION.—The Administrator
2 shall develop a standardized process by which a
3 manufacturer or end-user of a counter-UAS detec-
4 tion or mitigation system, equipment, or technology
5 may demonstrate that such system, equipment, or
6 technology meets the requirements established pur-
7 suant to paragraph (1), which may include valida-
8 tion by an independent third party.

9 “(f) COUNTER-UAS SYSTEM TESTING, EVALUATION,
10 AND VALIDATION.—

11 “(1) EVALUATION AND VALIDATION.—The Ad-
12 ministrator may conduct such testing, evaluation,
13 and validation of counter-UAS detection and mitiga-
14 tion systems, equipment, and technology as nec-
15 essary to ensure—

16 “(A) such systems, equipment, and tech-
17 nology will not have an adverse impact on the
18 safe and efficient operation of the national air-
19 space system or transportation safety; and

20 “(B) such systems, equipment, and tech-
21 nology meet minimum performance require-
22 ments under subsection (e).

23 “(2) TESTING AND TRAINING.—Prior to the
24 commencement of any training or testing of counter-
25 UAS systems, equipment, and technology used for

1 detection or mitigation purposes, an agreement shall
2 be established between the testing or training entity
3 and the Administrator to ensure aviation safety.

4 “(3) AIRSPACE HAZARD MITIGATION PRO-
5 GRAM.—

6 “(A) TESTING PROGRAM.—In order to test
7 and evaluate counter-UAS systems, equipment,
8 or technology that detect or mitigate potential
9 aviation safety risks posed by unmanned air-
10 craft, the Administrator shall deploy such sys-
11 tems or technology at 5 airports, as appro-
12 priate, and any other location the Administrator
13 determines appropriate.

14 “(B) TESTING AND EVALUATION.—Not-
15 withstanding section 46502 or sections 32,
16 1030, 1367 and chapters 119 and 206 of title
17 18, the Administrator of the Federal Aviation
18 Administration may conduct testing and evalua-
19 tion of any counter-UAS detection or mitigation
20 system, equipment, or technology to assess po-
21 tential impacts on, or interference with, safe
22 airport operations, aircraft and air traffic navi-
23 gation, air traffic services, or the safe and effi-
24 cient operation of the national airspace system.

1 “(C) COORDINATION.—In carrying out this
2 paragraph, the Administrator shall coordinate
3 with the Secretary of Homeland Security and
4 the head of any other Federal agency that the
5 Administrator considers appropriate.

6 “(g) LIMITATIONS ON OPERATION OF COUNTER-UAS
7 SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTER-
8 PRISES.—

9 “(1) LIMITATION.—Notwithstanding any other
10 provision of this section, the Administrator may not
11 acquire, deploy, or operate, or authorize the acquisi-
12 tion, deployment, or operation of, a counter-UAS
13 system or any associated elements, including soft-
14 ware, manufactured or developed by a covered man-
15 ufacturer.

16 “(2) INTERNATIONAL AGREEMENTS.—This sub-
17 section shall be applied in a manner consistent with
18 the obligations of the United States under inter-
19 national agreements in place on the date of enact-
20 ment of the Counter-UAS Authority Security, Safe-
21 ty, and Reauthorization Act.

22 “(3) EXCEPTION.—The Secretary of Transpor-
23 tation is exempt from the limitation under this sub-
24 section if the Secretary determines that the oper-
25 ation or procurement of such system supports the

1 safe, secure, or efficient operation of the national
2 airspace system or maintenance of public safety, in-
3 cluding activities carried out under the Federal
4 Aviation Administration’s Alliance for System Safety
5 of UAS through Research Excellence Center of Ex-
6 cellence, FAA-authorized unmanned aircraft systems
7 test ranges, and any other testing and evaluation ac-
8 tivity deemed to support the safe, secure, or efficient
9 operation of the national airspace system or mainte-
10 nance of public safety, as determined by the Sec-
11 retary.

12 “(4) DEFINITIONS.—In this subsection:

13 “(A) COVERED MANUFACTURER.—The
14 term ‘covered manufacturer’ means an entity
15 that is owned by, controlled by, is a subsidiary
16 of, or is otherwise related legally or financially
17 to, a person based in a country that—

18 “(i) is identified as a nonmarket econ-
19 omy country (as defined in section 771 of
20 the Tariff Act of 1930 (19 U.S.C. 1677))
21 as of the date of enactment of the
22 Counter-UAS Authority Security, Safety,
23 and Reauthorization Act;

24 “(ii) was identified by the United
25 States Trade Representative in the most

1 recent report required by section 182 of
2 the Trade Act of 1974 (19 U.S.C. 2242)
3 as a priority foreign country under sub-
4 section (a)(2) of that section; and

5 “(iii) is subject to monitoring by the
6 Trade Representative under section 306 of
7 the Trade Act of 1974 (19 U.S.C. 2416).

8 “(B) OTHERWISE RELATED LEGALLY OR
9 FINANCIALLY.—The term ‘otherwise related le-
10 gally or financially’ does not include a minority
11 stake relationship or investment.

12 “(h) BRIEFINGS.—

13 “(1) SEMIANNUAL BRIEFINGS AND NOTIFICA-
14 TIONS.—

15 “(A) IN GENERAL.—The Administrator
16 shall provide the specified committees of Con-
17 gress a briefing not less than once every 6
18 months on the activities carried out pursuant to
19 this section.

20 “(B) CONTENT.—Each briefing required
21 this paragraph shall include—

22 “(i) the number of instances and a de-
23 scription of each instance in which actions
24 described in subsection (a)(2) have been
25 taken, including all such instances that—

1 “(I) equipment, systems, or tech-
2 nology disrupted the transmission of
3 radio or electronic signals, including
4 and disaggregated by whether any
5 such disruption was minimized;

6 “(II) may have resulted in harm,
7 damage, or loss to a person or to pri-
8 vate property, including and
9 disaggregated by whether any such
10 harm, damage, or loss was minimized;

11 “(III) resulted in the successful
12 seizure, exercise of control, or confis-
13 cation under subsection (a)(2); or

14 “(IV) required the use of reason-
15 able force under subsection (a)(2);

16 “(ii) the frequency and nature of in-
17 stances in which communications were
18 intercepted or acquired during the course
19 of actions described in subsection (a)(2),
20 including—

21 “(I) the approximate number and
22 nature of incriminating communica-
23 tions intercepted;

1 “(II) the approximate number
2 and nature of other communications
3 intercepted; and

4 “(III) the total number of in-
5 stances in which records of commu-
6 nications intercepted or acquired dur-
7 ing the course of actions described in
8 subsection (a)(2) were—

9 “(aa) shared with the De-
10 partment of Justice or another
11 Federal law enforcement agency,
12 including a list of receiving Fed-
13 eral law enforcement agencies; or

14 “(bb) maintained for more
15 than 90 days;

16 “(iv) the number of instances and a
17 description of each instance in which Ad-
18 ministrators of the Federal Aviation Admin-
19 istration has engaged with Federal, State,
20 or local law enforcement agencies to imple-
21 ment the authority under this section, in-
22 cluding the number of instances that re-
23 sulted in a criminal investigation or litiga-
24 tion; and

1 “(v) information on the actions car-
2 ried out under subparagraphs (C) and (D)
3 of subsection (a)(2), including equipment
4 or technology to address emerging trends
5 and changes in unmanned aircraft system
6 or unmanned aircraft system-related secu-
7 rity threats.

8 “(C) CLASSIFICATION.—

9 “(i) IN GENERAL.—Each briefing re-
10 quired under this subsection shall be in an
11 unclassified form, but shall be accom-
12 panied by an additional classified briefing
13 at the request of the Chair or Ranking
14 Member of any specified committee of Con-
15 gress.

16 “(ii) CONTENT OF BRIEFINGS.—Such
17 briefings shall include, at a minimum—

18 “(I) a description of instances in
19 which an active mitigation action
20 under this section has been taken, in-
21 cluding all such instances that may
22 have resulted in harm, damage, or
23 loss to an individual or to private
24 property; and

1 “(II) a description of each cov-
2 ered site, including the capabilities of
3 counter-UAS systems used at such
4 sites.

5 “(2) NOTIFICATION.—Beginning 180 days after
6 the date of enactment of the Counter-UAS Authority
7 Security, Safety, and Reauthorization Act, the Ad-
8 ministrators shall—

9 “(A) notify the specified committees of
10 Congress of any newly authorized acquisition,
11 deployment, or operation of a counter-UAS sys-
12 tem, equipment or technology under this section
13 not later than 90 days after such newly author-
14 ized acquisition, deployment, or operation; and

15 “(B) in providing a notification under sub-
16 paragraph (A), include a description of options
17 considered to mitigate any identified impacts to
18 the national airspace system related to the use
19 of any counter-UAS system, technology, or
20 equipment operated at a covered site, including
21 the minimization of the use of any technology,
22 equipment or system that disrupts the trans-
23 mission of radio or electronic signals.

24 “(i) DEFINITIONS.—In this section:

1 “(1) SPECIFIED COMMITTEES OF CONGRESS.—

2 The term ‘specified committees of Congress’
3 means—

4 “(A) the Committee on Transportation and
5 Infrastructure, the Committee on Homeland Se-
6 curity, and the Committee on the Judiciary of
7 the House of Representatives; and

8 “(B) the Committee on Commerce,
9 Science, and Transportation, the Committee on
10 Homeland Security and Governmental Affairs,
11 and the Committee on the Judiciary of the Sen-
12 ate.

13 “(2) STATE.—The term ‘State’ means a State,
14 the District of Columbia, and a territory or posses-
15 sion of the United States.

16 “(j) SUNSET.—This section ceases to be effective on
17 October 1, 2028.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 448 of title 49, United States Code, is amended by
20 striking the item relating to section 44810 and inserting
21 the following:

 “44810. Counter-UAS activities.”.

1 **SEC. 5. ADDITIONAL LIMITED AUTHORITY FOR DETECTION,**
2 **IDENTIFICATION, MONITORING, AND TRACK-**
3 **ING.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity, in coordination with the Administrator of the Federal
6 Aviation Administration and the Attorney General, may
7 authorize the acquisition, deployment, and operation of
8 approved counter-UAS detection systems, equipment or
9 technology intended to be used for the detection of un-
10 manned aircraft systems by a covered entity.

11 (b) REQUIRED APPLICATION.—

12 (1) IN GENERAL.—In carrying out this section,
13 the Secretary of Homeland Security, in coordination
14 with the Administrator and the Attorney General,
15 shall establish an application process to authorize
16 the acquisition, deployment, and operation of an ap-
17 proved counter-UAS detection system, equipment, or
18 technology by a Federal, State, local, territorial, or
19 Tribal law enforcement agency, in partnership with
20 a covered entity, at a covered site.

21 (2) APPLICATION REQUIREMENTS.—The appli-
22 cation described in paragraph (1) shall contain—

23 (A) a justifiable need (based on a threat
24 posed by an unmanned aircraft or unmanned
25 aircraft system to a covered site) to detect an
26 unmanned aircraft system with an approved

1 counter-UAS detection system, equipment, or
2 technology;

3 (B) a plan for the acquisition, deployment,
4 and operation of such counter-UAS detection
5 system, equipment, or technology, that shall—

6 (i) be subject to the approval of the
7 Secretary of Homeland Security, the Ad-
8 ministrator of the Federal Aviation Admin-
9 istration, and the Attorney General; and

10 (ii) include—

11 (I) a description of the covered
12 site or sites at which the counter-UAS
13 detection system, equipment, or tech-
14 nology will be deployed and operated;

15 (II) a description of the time pe-
16 riods and dates during which the
17 counter-UAS detection system, equip-
18 ment, or technology will be operated;

19 (C) a written agreement between the cov-
20 ered entity and a Federal, State, local, or Trib-
21 al law enforcement agency to operate such ap-
22 proved counter-UAS detection system, equip-
23 ment, or technology at a covered site on behalf
24 of such covered entity;

1 (D) proof of completion of initial and re-
2 current training or certification requirements
3 under section 210G(n) of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 124n(n));

5 (E) any other requirements the Secretary
6 determines appropriate.

7 (c) AGREEMENTS.—Upon approval of an application
8 required under subsection (b) by the Secretary of Home-
9 land Security, the Secretary shall enter into an agreement
10 with the applicable covered entity to authorize the acquisi-
11 tion, deployment, and operation of an approved counter-
12 UAS detection system, equipment, or technology, that
13 shall specify, at a minimum—

14 (1) the approved counter-UAS detection system,
15 equipment, or technology to be operated;

16 (2) the covered site or sites at which the sys-
17 tem, equipment, or technology may be operated;

18 (3) the time periods, dates, and circumstances
19 during which the counter-UAS detection system,
20 equipment, or technology may be operated; and

21 (4) any terms and conditions on the deployment
22 and operation of an approved counter-UAS detection
23 system, equipment, or technology the Secretary de-
24 termines necessary to ensure public safety.

1 (d) REVOCATION.—The Secretary shall revoke the
2 authorization or approval for the deployment and oper-
3 ation of an approved counter-UAS detection system,
4 equipment, or technology pursuant to this section if the
5 Secretary determines that the covered entity has not—

6 (1) maintained an agreement that is acceptable
7 to the Secretary with a Federal, State, local, or
8 Tribal law enforcement agency to operate such ap-
9 proved counter-UAS detection system, equipment, or
10 technology on behalf of the covered entity;

11 (2) complied with the initial and recurrent
12 training or certification requirements under section
13 210G(n) of the Homeland Security Act of 2002 (6
14 U.S.C. 124n(n)); and

15 (3) complied with the privacy protections under
16 section 210G(e) of the Homeland Security Act of
17 2002 (6 U.S.C. 124n(e)).

18 (e) COORDINATION.—The Secretary shall coordinate
19 with the Administrator of the Federal Aviation Adminis-
20 tration and the Attorney General in carrying out the appli-
21 cation and agreement processes under this section.

22 (f) APPLICABILITY OF OTHER LAWS.—Section 46502
23 of title 49, United States Code, or sections 32, 1030, and
24 1367 and chapters 119 and 206 of title 18, United States

1 Code, shall not apply to activities authorized by the Sec-
2 retary under this section or section 6.

3 (g) PREVIOUSLY ACQUIRED COUNTER-UAS SYS-
4 TEMS.—If the Administrator finds that a covered entity
5 acquired and operated a counter-UAS detection system,
6 equipment, or technology prior to the date of enactment
7 of this Act, the Secretary may authorize the use of such
8 system, equipment, or technology if—

9 (1) such system, equipment, or technology
10 meets the minimum performance requirements
11 issued pursuant to section 44810(e) of title 49,
12 United States Code; and

13 (2) such covered entity submits an application
14 under subsection (b) and enters into required agree-
15 ments under subsection (c).

16 (h) AUDITS.—Not later than 18 months after the
17 date of enactment of this Act, and every 18 months there-
18 after, the inspectors general of the Department of Trans-
19 portation, the Department of Homeland Security, and the
20 Department of Justice shall conduct a joint audit of the
21 implementation of the requirements of this section and
22 section 6.

23 (i) REPORT TO CONGRESS.—Not later than 90 days
24 after the date on which the inspectors general complete
25 each audit required under subsection (h), the inspector

1 generals shall submit to the appropriate committees of
2 Congress a report on the findings of such audit and any
3 recommendations related to the administration of this sec-
4 tion.

5 (j) TERMINATION OF AUTHORITY.—The authorities
6 under this section shall terminate on October 1, 2028.

7 (k) SAVINGS CLAUSE.—

8 (1) RULE OF CONSTRUCTION.—Nothing in this
9 section or section 6 shall be construed to limit or re-
10 strict the Administrator of the Federal Aviation Ad-
11 ministration from ensuring the safety and efficiency
12 of the national airspace system.

13 (2) SUSPENSION OF AUTHORITY.—

14 (A) IN GENERAL.—The Administrator of
15 the Federal Aviation Administration, in con-
16 sultation with the Attorney General, may sus-
17 pend the authority provided under this section
18 or section 6 if the Administrator—

19 (i) determines that the exercise of
20 such authority threatens the safety or effi-
21 ciency of the national airspace system; and

22 (ii) conveys in writing the determina-
23 tion to the Secretary of Homeland Secu-
24 rity.

1 (B) REPORTING.—The Administrator shall
2 notify the appropriate committees of Congress
3 within 48 hours of suspending the authority
4 provided under this section under subparagraph
5 (A).

6 (I) APPROVED COUNTER-UAS DETECTION SYSTEM
7 DEFINED.—In this section, the term “approved counter-
8 UAS detection system” means a counter-UAS detection
9 system approved under section 210G(b)(4) of the Home-
10 land Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that
11 meets the minimum performance requirements established
12 pursuant to section 44810(e) of title 49, United States
13 Code.

14 **SEC. 6. COUNTER-UAS MITIGATION STATE LAW ENFORCE-**
15 **MENT PILOT PROGRAM.**

16 (a) IN GENERAL.—Subject to the availability of ap-
17 propriations for such purpose, not later than 180 days
18 after the first determination that a counter-UAS system
19 with mitigation capabilities meets the requirements of sec-
20 tion 44810(e) of title 49, United States Code, the Sec-
21 retary of Homeland Security, in coordination with the At-
22 torney General and the Administrator of the Federal Avia-
23 tion Administration, shall establish a pilot program at not
24 more than 5 covered sites to assess the efficacy of ap-
25 proved counter-UAS mitigation systems at such covered

1 sites and determine the appropriate policies, procedures,
2 and protocols necessary to allow State law enforcement
3 agencies (in coordination with the Secretary, Attorney
4 General, and Administrator) to acquire, deploy, and oper-
5 ate approved counter-UAS mitigation systems and miti-
6 gate unauthorized UAS operations on behalf of covered
7 entities.

8 (b) REQUIRED APPLICATION.—

9 (1) IN GENERAL.—In carrying out this section,
10 the Secretary of Homeland Security, in coordination
11 with the Attorney General and the Administrator,
12 shall establish an application process to authorize
13 the acquisition, deployment, and operation of an ap-
14 proved counter-UAS mitigation system, equipment,
15 or technology by a State law enforcement agency, in
16 partnership with a covered entity, at a covered site.

17 (2) APPLICATION REQUIREMENTS.—The appli-
18 cation described in paragraph (1) shall contain—

19 (A) a justifiable need (based on a threat
20 posed by an unmanned aircraft or unmanned
21 aircraft system to a covered site) to mitigate an
22 unmanned aircraft system with an approved
23 counter-UAS mitigation system, equipment, or
24 technology;

1 (B) a plan for the acquisition, deployment,
2 and operation of such counter-UAS mitigation
3 system, equipment, or technology, that shall—

4 (i) be subject to the approval of the
5 Secretary of Homeland Security, the Attor-
6 ney General, and the Administrator of the
7 Federal Aviation Administration; and

8 (ii) include—

9 (I) a description of the covered
10 site or sites at which the counter-UAS
11 mitigation system, equipment, or tech-
12 nology will be deployed and operated;

13 (II) a description of the time pe-
14 riods and dates during which the
15 counter-UAS mitigation system,
16 equipment, or technology will be oper-
17 ated;

18 (C) a written agreement between the cov-
19 ered entity and a State law enforcement agency
20 to operate such approved counter-UAS mitiga-
21 tion system, equipment, or technology at a cov-
22 ered site on behalf of such covered entity;

23 (D) proof of completion of initial and re-
24 current training or certification requirements

1 under section 210G(n) of the Homeland Secu-
2 rity Act of 2002 (6 U.S.C. 124n(n));

3 (E) any other requirements the Secretary
4 determines appropriate.

5 (c) AGREEMENTS.—Upon approval of an application
6 required under subsection (b) by the Secretary of Home-
7 land Security, the Secretary shall enter into an agreement
8 with the applicable covered entity and State law enforce-
9 ment agency to authorize the acquisition, deployment, op-
10 eration of an approved counter-UAS mitigation system,
11 equipment, or technology, that shall specify, at a min-
12 imum—

13 (1) the approved counter-UAS mitigation sys-
14 tem, equipment, or technology to be operated;

15 (2) the covered site or sites at which the sys-
16 tem, equipment, or technology may be operated;

17 (3) the time periods, dates, and circumstances
18 during which the counter-UAS mitigation system,
19 equipment, or technology may be operated;

20 (4) any terms and conditions on the deployment
21 and operation of an approved counter-UAS mitiga-
22 tion system, equipment, or technology the Secretary
23 determines necessary to ensure public safety;

24 (5) the frequency with which the appropriate
25 Federal agency representatives shall conduct peri-

1 odic site visits to ensure compliance with the ap-
2 proved terms and conditions of deployment and op-
3 erations of the approved counter-UAS mitigation
4 system, equipment, or technology;

5 (6) the required Federal coordination prior to
6 the mitigation of an unmanned aircraft system by a
7 State law enforcement agency described in sub-
8 section (d)(1); and

9 (7) the post-event reporting requirements speci-
10 fied in subsection (d)(3).

11 (d) REQUIRED COORDINATION AND NOTIFICA-
12 TION.—

13 (1) IN GENERAL.—Until the date that is 270
14 days after the initial deployment of an authorized
15 counter-UAS system, equipment, or technology, the
16 Secretary of Homeland Security shall expressly ap-
17 prove, on a case-by-case basis, the mitigation of un-
18 manned aircraft system by a State law enforcement
19 agency under this section.

20 (2) VERIFICATION AND NOTIFICATION.—In car-
21 rying out paragraph (1), the Secretary of Homeland
22 Security shall—

23 (A) verify that there is a justifiable threat
24 that warrants the use of such counter-UAS sys-
25 tem, equipment, or technology;

1 (B) verify that the use of such counter-
2 UAS system, equipment, or technology will—

3 (i) be conducted in a manner con-
4 sistent with the agreement between the
5 Secretary and the State law enforcement
6 agency; and

7 (ii) abide by all safety protocols,
8 terms, and conditions established for the
9 use of such system, equipment, or tech-
10 nology at the covered site; and

11 (C) immediately notify the Administrator
12 of the Federal Aviation Administration of the
13 approval provided under this paragraph.

14 (3) REPORT.—

15 (A) IN GENERAL.—Not later than 24
16 hours after each mitigation of a UAS conducted
17 under the authorities in this section, the rel-
18 evant State law enforcement agency shall sub-
19 mit to the Secretary of Homeland Security, the
20 Administrator of the Federal Aviation Adminis-
21 tration, and the Attorney General a post-event
22 report.

23 (B) CONTENTS.—The report under sub-
24 paragraph (A) shall include all relevant infor-
25 mation pertaining to the event, including the

1 drone operation, and subsequent mitigation and
2 enforcement actions, and subsequent enforce-
3 ment actions, as specified by the Secretary.

4 (e) REVOCATION.—The Secretary shall revoke the
5 authorization or approval for the deployment and oper-
6 ation of an approved counter-UAS mitigation system,
7 equipment, or technology pursuant to this section if the
8 Secretary determines that the covered entity has not—

9 (1) maintained an agreement that is acceptable
10 to the Secretary with a State law enforcement agen-
11 cy to operate such approved counter-UAS mitigation
12 system, equipment, or technology on behalf of the
13 covered entity;

14 (2) complied with the initial and recurrent
15 training or certification requirements under section
16 210G(n) of the Homeland Security Act of 2002 (6
17 U.S.C. 124n(n)); and

18 (3) complied with the privacy protections under
19 section 210G(e) of the Homeland Security Act of
20 2002 (6 U.S.C. 124n(e)).

21 (f) COORDINATION.—The Secretary shall coordinate
22 with the Administrator of the Federal Aviation Adminis-
23 tration and the Attorney General in carrying out the appli-
24 cation, agreement, and revocation processes under this
25 section.

1 (g) SELECTION CRITERIA.—

2 (1) AIRSPACE CONSIDERATIONS.—

3 (A) IN GENERAL.—The Administrator of
4 the Federal Aviation Administration, in coordi-
5 nation with the Secretary of Homeland Security
6 and the Attorney General, shall make a site-
7 specific determination for each covered site se-
8 lected under the pilot program established
9 under this section to ensure that any potential
10 use of counter-UAS mitigation systems, equip-
11 ment, or technology at the covered site will not
12 adversely impact the safe operation of the na-
13 tional airspace system.

14 (B) INELIGIBILITY FOR PARTICIPATION.—

15 If an adverse impact is identified under sub-
16 paragraph (A) and cannot be safely mitigated
17 to the satisfaction of the Administrator, the
18 covered site is not eligible for participation in
19 the pilot program established under this sec-
20 tion.

21 (2) REVIEW AND EXPANSION.—Not later than

22 3 years after approved counter-UAS mitigation sys-
23 tems, equipment, or technology are deployed at the
24 5 covered sites selected under subsection (a), the
25 Secretary, in coordination with the Administrator

1 and the Attorney General, shall review the prelimi-
2 nary results of such pilot program and, if appro-
3 priate, take such actions as may be necessary to re-
4 vise or expand counter-UAS system mitigation au-
5 thorities, subject to the availability of trained per-
6 sonnel, to not more than 20 covered sites under the
7 pilot program.

8 (h) REQUIRED BRIEFING.—Not later than 6 months
9 after the establishment of the pilot program under this
10 section, and every 6 months thereafter, the Secretary shall
11 brief the appropriate committees of Congress on the
12 progress and findings of the pilot program established
13 under this section, including a description of all mitigation
14 events reported under subsection (d).

15 (i) SUNSET.—The authority under this section shall
16 terminate on October 1, 2028.

17 (j) APPROVED COUNTER-UAS DETECTION SYSTEM
18 DEFINED.—In this section, the term “approved counter-
19 UAS detection system” means a counter-UAS detection
20 system approved under section 210G(b)(4) of the Home-
21 land Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that
22 meets the minimum performance requirements established
23 pursuant to section 44810(e) of title 49, United States
24 Code.

1 **SEC. 7. COUNTER-UAS SYSTEM PLANNING AND DEPLOY-**
2 **MENT AT AIRPORTS.**

3 (a) STRATEGIC AIRPORT PLANNING.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Administrator
6 of the Federal Aviation Administration, in coordina-
7 tion with the Secretary of Homeland Security and
8 the Attorney General, shall develop a plan for oper-
9 ations at covered airports of counter-UAS detection
10 and mitigation systems, equipment, or technology
11 that meet the performance requirements described in
12 section 44810(e) of title 49, United States Code, for
13 purposes of—

14 (A) ensuring the safety and security of air-
15 craft; and

16 (B) responding to a persistent disruption
17 of air traffic operations caused by unmanned
18 aircraft system activity.

19 (2) CONTENTS.—The plan required under para-
20 graph (1) shall consider, at a minimum—

21 (A) the roles and responsibilities of—

22 (i) Federal agency personnel, includ-
23 ing air traffic control personnel and Fed-
24 eral Air Marshal resources;

25 (ii) relevant airport personnel; and

1 (iii) any other stakeholder the Admin-
2 istrator determines appropriate in the ter-
3 minal airspace;

4 (B) operational procedures, protocols, poli-
5 cies, and guidelines pertaining to the deploy-
6 ment of such systems, equipment, or tech-
7 nology;

8 (C) minimum performance requirements
9 for such systems, equipment, or technology;

10 (D) funding responsibilities and mecha-
11 nisms for the acquisition, deployment, and oper-
12 ation of such systems, equipment or technology;

13 (E) the operational approval process by
14 which such systems, equipment or technology
15 may be deployed;

16 (F) reporting requirements associated with
17 the use of such systems, equipment, or tech-
18 nology;

19 (G) initial operator training and recurrent
20 training requirements;

21 (H) how the remote identification of un-
22 manned aircraft systems can be leveraged for
23 the operation of counter-UAS systems, equip-
24 ment or technology; and

1 (I) any other content as determined nec-
2 essary by the Administrator, the Secretary, and
3 the Attorney General.

4 (3) COORDINATION.—In developing the plan de-
5 scribed in paragraph (1), the Administrator—

6 (A) shall coordinate with the Secretary of
7 Homeland Security and the Attorney General to
8 consider, and if determined appropriate by the
9 Administrator, include requirements and proce-
10 dures for—

11 (i) conducting and updating airport-
12 specific vulnerability assessments;

13 (ii) developing airport-specific coordi-
14 nation and communication requirements
15 with Federal agencies, local law enforce-
16 ment, and airport personnel appropriate
17 for the scope of such plan;

18 (iii) tactical response and status re-
19 porting during events within the scope of
20 such plan; and

21 (iv) acquisition and deployment of
22 counter-UAS systems, equipment, or tech-
23 nology within the scope of such plan; and

24 (B) shall consult with airport and law en-
25 forcement stakeholders, as appropriate.

1 (4) PERIODIC UPDATE.—In carrying out this
2 subsection, the Administrator shall review and up-
3 date such plan not less than annually.

4 (b) COUNTER-UAS DETECTION SYSTEMS AT AIR-
5 PORTS.—

6 (1) IN GENERAL.—Pursuant to the plan re-
7 quired in subsection (a) and subject to available ap-
8 propriations, the Administrator, in coordination with
9 the Secretary of Homeland Security, the Attorney
10 General, and other relevant Federal agencies, shall
11 provide for the deployment of approved counter-UAS
12 detection systems, equipment, or technology within
13 the terminal airspace of—

14 (A) each large hub airport (as defined in
15 section 47102 of title 49, United States Code),
16 not later than 30 months after the publication
17 of the performance requirements described in
18 section 44810(e) of title 49, United States
19 Code;

20 (B) a minimum of 3 airports that each
21 have a total annual landed weight of all-cargo
22 of more than 7,500,000,000 pounds in 2021 or
23 any year thereafter, not later than 12 months
24 after the publication of the guidance described
25 in subsection (a); and

1 (C) each medium hub airport (as defined
2 in section 47102 of title 49, United States
3 Code), not later than 4 years after the publica-
4 tion of the performance requirements described
5 in section 44810(e) of title 49, United States
6 Code.

7 (2) PRE-DEPLOYMENT ACTIVITIES.—The Ad-
8 ministrator of the Federal Aviation Administration,
9 in consultation with the Federal Communications
10 Commission, the National Telecommunications and
11 Information Administration, and other Federal
12 agencies as appropriate, shall conduct site-specific
13 spectrum and suitability assessments for each se-
14 lected airport under the program, based on the spe-
15 cific counter-UAS detection systems, equipment, or
16 technology intended to be deployed.

17 (c) COUNTER-UAS MITIGATION AT AIRPORTS.—

18 (1) ESTABLISHMENT.—Pursuant to the plan
19 required in subsection (a), the Secretary of Home-
20 land Security, jointly with the Administrator of the
21 Federal Aviation Administration and in coordination
22 with the Attorney General, shall, subject to the
23 availability of appropriations, establish a pilot pro-
24 gram to assess the feasibility of deploying approved
25 counter-UAS mitigation systems, equipment, and

1 technology capable of mitigating unmanned aircraft
2 and unmanned aircraft systems for purposes of re-
3 sponding to a persistent disruption of air traffic op-
4 erations caused by unauthorized unmanned aircraft
5 system activity.

6 (2) DEPLOYMENT OF COUNTER-UAS MITIGA-
7 TION SYSTEMS.—The pilot program shall include de-
8 ployment of approved counter-UAS mitigation sys-
9 tems, equipment, or technology at up to 5 covered
10 airports not later than 2 years after the publication
11 of the performance requirements described in section
12 44810(e) of title 49, United States Code.

13 (3) SELECTION.—The Administrator shall pro-
14 vide the Secretary of Homeland Security a list of
15 covered airports eligible for inclusion in the pilot
16 program, based on the suitability of each such air-
17 port for counter-UAS system, equipment, or tech-
18 nology deployment.

19 (4) PRE-DEPLOYMENT ACTIVITIES.—The Ad-
20 ministrator shall, in consultation with the Federal
21 Communications Commission, the National Tele-
22 communications and Information Administration,
23 and other Federal agencies as appropriate, conduct
24 site-specific spectrum and suitability assessments for
25 each selected airport under the program, based on

1 the specific counter-UAS mitigation systems, equip-
2 ment, or technology to be deployed, prior to the op-
3 eration of such systems at each selected airport.

4 (5) LIMITATIONS ON MITIGATION ACTIVITIES.—

5 (A) AUTHORIZATION OF MITIGATION.—No
6 activity to mitigate the operation of an un-
7 manned aircraft or unmanned aircraft system
8 under the pilot program may be carried out
9 without authorization from both the Secretary
10 of Homeland Security and the Administrator.

11 (B) EMERGENCY, TEMPORARY DEPLOY-
12 MENT.—The Secretary of Homeland Security or
13 the Administrator, may, on a case-by-case
14 basis, authorize an emergency, temporary de-
15 ployment and operation of systems, equipment,
16 or technology capable of mitigating unmanned
17 aircraft and unmanned aircraft systems to a
18 public airport (as defined under section 47102
19 of title 49, United States Code) not partici-
20 pating in the pilot program for purposes of re-
21 sponding to a persistent disruption of air traffic
22 operations caused by unauthorized unmanned
23 aircraft system activity.

24 (d) SITE SPECIFIC PLANNING.—

1 (1) IN GENERAL.—Prior to the deployment and
2 operation of a counter-UAS detection or mitigation
3 system, equipment, or technology at an airport as
4 described in subsection (b) and paragraph (1) of
5 subsection (c), the Secretary and the Administrator
6 shall coordinate with airport personnel, air traffic
7 personnel, State law enforcement, and other relevant
8 stakeholders to develop a site-specific plan for the
9 use of counter-UAS detection and mitigation sys-
10 tems, equipment, or technology at such airport.

11 (2) RESPONSIBILITIES.—A plan required under
12 paragraph (1) shall include—

13 (A) roles and responsibilities of—

14 (i) Federal agency personnel, includ-
15 ing air traffic control personnel;

16 (ii) airport law enforcement and secu-
17 rity personnel;

18 (iii) State law enforcement personnel;

19 (iv) other relevant airport personnel,
20 as determined by the Secretary and the
21 Administrator; and

22 (v) any other stakeholder in a ter-
23 minal airspace the Secretary and Adminis-
24 trator determine appropriate;

1 (B) operational procedures, protocols, poli-
2 cies, and guidelines pertaining to the deploy-
3 ment, use, and maintenance of such systems,
4 equipment, or technology;

5 (C) the operational approval process by
6 which such systems, equipment, or technology
7 may be actively deployed and operated;

8 (D) reporting requirements associated with
9 the use of such systems, equipment, or tech-
10 nology;

11 (E) initial and recurring counter-UAS op-
12 erator training requirements;

13 (F) appropriate consideration of, and up-
14 dates to, counter-UAS emergency response
15 plans for an airport; and

16 (G) any other content as determined nec-
17 essary by the Secretary and the Administrator.

18 (e) DEFINITIONS.—In this section:

19 (1) APPROVED COUNTER-UAS DETECTION SYS-
20 TEM DEFINED.—The term “approved counter-UAS
21 detection system” means a system approved under
22 section 210G(b)(4) of the Homeland Security Act of
23 2002 (6 U.S.C. 124n(b)(4)) and that meets the min-
24 imum performance requirements established pursu-

1 ant to section 44810(e) of title 49, United States
2 Code.

3 (2) APPROVED COUNTER-UAS MITIGATION SYS-
4 TEM DEFINED.—The term “approved counter-UAS
5 mitigation system” means a system approved under
6 section 210G(b)(4) of the Homeland Security Act of
7 2002 (6 U.S.C. 124n(b)(4)) and that meets the min-
8 imum performance requirements established pursu-
9 ant to section 44810(e) of title 49, United States
10 Code.

11 **SEC. 8. UAS DETECTION AND MITIGATION ENFORCEMENT**

12 **AUTHORITY.**

13 (a) IN GENERAL.—Chapter 448 of title 49, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 44815. Unmanned aircraft system detection and**
17 **mitigation enforcement**

18 “(a) PROHIBITION.—

19 “(1) IN GENERAL.—No person may carelessly
20 or recklessly operate a system, equipment, or tech-
21 nology to detect, identify, monitor, track, or mitigate
22 an unmanned aircraft system or unmanned aircraft
23 in a manner that adversely impacts or interferes
24 with safe airport operations, navigation, or air traf-

1 fic services, or the safe and efficient operation of the
2 national airspace system.

3 “(2) ACTIONS BY THE ADMINISTRATOR.—The
4 Administrator of the Federal Aviation Administra-
5 tion may take such action as may be necessary to
6 address the adverse impacts or interference of oper-
7 ations that violate paragraph (1).

8 “(b) RULE OF CONSTRUCTION.—The term ‘person’
9 as used in this section does not include—

10 “(1) the Federal Government or any bureau,
11 department, instrumentality, or other agency of the
12 Federal Government; or

13 “(2) an officer, employee, or contractor of the
14 Federal Government or any bureau, department, in-
15 strumentality, or other agency of the Federal Gov-
16 ernment if the officer, employee, or contractor is au-
17 thorized by the Federal Government or any bureau,
18 department, instrumentality, or other agency of the
19 Federal Government to operate a system or tech-
20 nology referred to in subsection (a)(1).”.

21 (b) PENALTIES RELATING TO THE OPERATION OF
22 UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGA-
23 TION TECHNOLOGIES.—Section 46301(a) of title 49,
24 United States Code, is amended by adding at the end the
25 following:

1 “(8) PENALTIES RELATING TO THE OPERATION
2 OF UNMANNED AIRCRAFT SYSTEM DETECTION AND
3 MITIGATION TECHNOLOGIES.—Notwithstanding
4 paragraphs (1) and (5) of subsection (a), the max-
5 imum civil penalty for a violation of section 44815
6 committed by a person described in such section, in-
7 cluding an individual or small business concern, shall
8 be the maximum civil penalty authorized under sub-
9 section (a)(1) of this section for persons other than
10 an individual or small business concern.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 448 of title 49, United States Code, is amended by
13 adding at the end the following:

 “44815. Drone system detection and mitigation enforcement.”.

14 **SEC. 9. REPORTING ON COUNTER-UAS ACTIVITIES.**

15 (a) REQUIREMENT.—Not later than 180 days after
16 the date of enactment of this Act, and annually thereafter,
17 the Secretary of Homeland Security shall issue, in coordi-
18 nation with the Administrator of the Federal Aviation Ad-
19 ministration and the Attorney General, a public report
20 summarizing the results of all counter-UAS detection and
21 mitigation activities conducted pursuant to this Act during
22 the previous year.

23 (b) CONTENTS.—The report under subsection (a)
24 shall include—

1 (1) information on any a violation of, or failure
2 to comply with, this Act or the amendments made
3 by this Act by personnel authorized to conduct de-
4 tection and mitigation activities, including a descrip-
5 tion of any such violation or failure;

6 (2) data on the number of detection activities
7 conducted, the number of mitigation activities con-
8 ducted, and the number of instances of communica-
9 tions interception from an unmanned aircraft sys-
10 tem;

11 (3) whether any unmanned aircraft that experi-
12 enced mitigation was engaged in First Amendment-
13 protected activities, and whether any unmanned air-
14 craft or unmanned aircraft systems were properly or
15 improperly seized, disabled, damaged, or destroyed
16 as well as methods used to seize, disable, damage, or
17 destroy such aircraft or systems; and

18 (4) a description of the efforts of the Federal
19 Government to protect privacy and civil liberties
20 when carrying out counter-UAS detection and miti-
21 gation activities.

22 (c) FORM.—The Secretary shall submit each report
23 under subsection (a) in unclassified form and post such
24 report on a publicly available website.

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