

Union Calendar No. 592

118TH CONGRESS
2^D SESSION

H. R. 8610

[Report No. 118–698, Part I]

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

SEPTEMBER 20, 2024

Additional sponsors: Mr. GRAVES of Louisiana and Mr. MAGAZINER

SEPTEMBER 20, 2024

Reported from the Committee on Transportation and Infrastructure with an amendment

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

SEPTEMBER 20, 2024

Committees on the Judiciary and Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 4, 2024]

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”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *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 law enforcement 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.

9 **SEC. 2. DEFINITIONS.**

10 (a) *APPLICATION OF TERMS.*—*Unless otherwise speci-*
 11 *fied, the terms in section 44801 of title 49, United States*
 12 *Code, shall apply to this Act.*

13 (b) *IN GENERAL.*—*In this Act:*

14 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

15 *The term “appropriate committees of Congress”*
 16 *means—*

17 (A) *the Committee on Homeland Security,*
 18 *the Committee on the Judiciary, and the Com-*
 19 *mittee on Transportation and Infrastructure of*
 20 *the House of Representatives; and*

1 (B) *the Committee on the Judiciary, the*
2 *Committee on Homeland Security and Govern-*
3 *mental Affairs, and the Committee on Commerce,*
4 *Science, and Transportation of the Senate.*

5 (2) *COVERED AIRPORT.*—*The term “covered air-*
6 *port” means—*

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

9 (B) *a medium hub airport (as defined in*
10 *section 47102 of title 49, United States Code); or*

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

14 (3) *COVERED ENTITY.*—*The term “covered enti-*
15 *ty” means—*

16 (A) *the owner or proprietor of a covered*
17 *site; and*

18 (B) *with respect to a public gathering, the*
19 *organizing entity of such gathering.*

20 (4) *COVERED SITE.*—*The term “covered site”*
21 *means—*

22 (A) *a fixed site facility related to—*

23 (i) *critical infrastructure, such as en-*
24 *ergy production, transmission, distribution*

1 *facilities and equipment, and railroad fa-*
2 *cilities;*

3 *(ii) oil refineries and chemical facili-*
4 *ties;*

5 *(iii) amusement parks; or*

6 *(iv) State prisons;*

7 *(B) the location of a large public gathering*
8 *described in section 44812(c) of title 49, United*
9 *States Code; or*

10 *(C) the site with respect to which a flight*
11 *restriction is maintained pursuant to section*
12 *521 of division F of the Consolidated Appropria-*
13 *tions Act, 2004 (49 U.S.C. 40103 note).*

14 **SEC. 3. PROTECTION OF CERTAIN FACILITIES AND ASSETS**
15 **FROM UNMANNED AIRCRAFT SYSTEMS.**

16 *Section 210G of the Homeland Security Act of 2002*
17 *(6 U.S.C. 124n) is amended—*

18 *(1) in subsection (a) by striking “(as defined by*
19 *the Secretary or the Attorney General, in consultation*
20 *with the Secretary of Transportation)” and inserting*
21 *“(as defined by the Secretary and the Attorney Gen-*
22 *eral, in coordination with the Secretary of Transpor-*
23 *tation)”;*

24 *(2) in subsection (b)—*

25 *(A) in paragraph (1)—*

1 (i) in subparagraph (A) by inserting
2 “or unmanned aircraft” after “During the
3 operation of the unmanned aircraft sys-
4 tem”;

5 (ii) in subparagraph (D) by striking
6 “Seize or exercise control of” and inserting
7 “Seize, exercise control of, or otherwise con-
8 fiscate”;

9 (iii) by striking subparagraph (E);
10 and

11 (iv) by redesignating subparagraph (F)
12 as subparagraph (E); and

13 (B) by striking paragraphs (2) through (4)
14 and inserting the following:

15 “(2) COORDINATION.—

16 “(A) IN GENERAL.—The Secretary and the
17 Attorney General shall coordinate with the Sec-
18 retary of Transportation in carrying out the ac-
19 tions described in paragraph (1).

20 “(B) DETERMINATION BY ADMINISTRATOR
21 OF FEDERAL AVIATION ADMINISTRATION.—Before
22 the Secretary and the Attorney General may take
23 or authorize the taking of an action under this
24 section, the Administrator of the Federal Avia-
25 tion Administration shall determine if such ac-

1 tion would result in an adverse impact on avia-
2 tion safety, civil aviation and aerospace oper-
3 ations, aircraft airworthiness, or the use of the
4 national airspace system. If the Administration
5 determines such action would not result in such
6 an adverse impact, the Secretary and the Attor-
7 ney General may take or authorize the taking of
8 such action. If the Administrator determines
9 such action would result in such an adverse im-
10 pact, the Secretary and the Attorney General
11 shall coordinate with the Administrator to take
12 any necessary action to ensure that such an ad-
13 verse impact can be sufficiently mitigated.

14 “(3) RESEARCH, TESTING, TRAINING, AND EVAL-
15 UATION.—

16 “(A) IN GENERAL.—The Secretary, the At-
17 torney General, and the Secretary of Transpor-
18 tation may conduct research on, testing on,
19 training on, and evaluation of equipment, in-
20 cluding electronic equipment, and technology to
21 determine the capability and utility of such
22 equipment or technology for any action described
23 in paragraph (1), including prior to the initial
24 use of such equipment or technology.

1 “(B) *COORDINATION.*—*The Secretary, the*
2 *Attorney General, and the Secretary of Trans-*
3 *portation shall coordinate activities under this*
4 *paragraph and mutually share data and results*
5 *from such activities.*

6 “(4) *LIST OF AUTHORIZED EQUIPMENT AND*
7 *TECHNOLOGIES.*—

8 “(A) *LIST.*—*Not later than 1 year after the*
9 *date of enactment of the Counter-UAS Authority*
10 *Security, Safety, and Reauthorization Act, the*
11 *Secretary, in coordination with the Attorney*
12 *General and the Administrator of the Federal*
13 *Aviation Administration, shall maintain a list*
14 *of approved makes and models of counter-UAS*
15 *detection and mitigation systems, equipment,*
16 *and technology. Such list shall include the fol-*
17 *lowing:*

18 “(i) *A description of the specific detec-*
19 *tion or mitigation functions of each such*
20 *system, equipment, or technology that en-*
21 *able each such system, equipment, or tech-*
22 *nology to carry out an action described in*
23 *paragraph (1).*

24 “(ii) *Whether each such system, equip-*
25 *ment, or technology is authorized for an ac-*

1 *tion described in subparagraph (A), (B),*
2 *(C), or (D) of paragraph (1).*

3 *“(iii) Any conditions or restrictions*
4 *generally applicable to the use, location, or*
5 *positioning of each such system, equipment,*
6 *or technology, including whether and how*
7 *each such system, equipment, or technology*
8 *may be suitable for use in terminal air-*
9 *space.*

10 *“(B) IMPACT DETERMINATION BY ADMINIS-*
11 *TRATOR.—A counter-UAS detection or mitiga-*
12 *tion system, equipment, or technology may not*
13 *be included on the list maintained under sub-*
14 *paragraph (A) unless the Administrator of the*
15 *Federal Aviation Administration makes a writ-*
16 *ten determination that—*

17 *“(i)(I) the system, equipment, or tech-*
18 *nology meets any applicable minimum per-*
19 *formance requirements as described in sec-*
20 *tion 44810(e) of title 49, United States*
21 *Code; and*

22 *“(II) the use of such system, equip-*
23 *ment, or technology does not present an ad-*
24 *verse impact on aviation safety, civil avia-*
25 *tion and aerospace operations, aircraft air-*

1 *worthiness, or the use of the national air-*
2 *space system; or*

3 *“(ii) in the event the Administrator*
4 *identifies such an adverse impact from such*
5 *system, equipment, or technology, such an*
6 *adverse impact can be sufficiently mitigated*
7 *and the mitigation activities are described*
8 *in the list maintained under subparagraph*
9 *(A) or in a manner determined by the Ad-*
10 *ministrator.*

11 *“(C) SPECTRUM IMPACT CONSULTATION.—*
12 *The Secretary, the Attorney General, and the Ad-*
13 *ministrator of the Federal Aviation Administra-*
14 *tion shall consult with the Federal Communica-*
15 *tions Commission or the Administrator of the*
16 *National Telecommunications and Information*
17 *Administration, as appropriate, to determine*
18 *whether the use of a counter-UAS detection or*
19 *mitigation system, equipment, or technology on*
20 *the list maintained under subparagraph (A)—*

21 *“(i) does not present an adverse im-*
22 *pect on civilian telecommunications, com-*
23 *munications spectrum, internet technology,*
24 *or radio communications networks or sys-*
25 *tems; or*

1 “(ii) *in the event that such an adverse*
2 *impact is identified, such impact can be*
3 *sufficiently mitigated, or the system, equip-*
4 *ment, or technology is excluded from the list*
5 *maintained under subparagraph (A) until*
6 *such an adverse impact is sufficiently miti-*
7 *gated.*

8 “(D) *LIMITATION ON INCLUSION OF*
9 *COUNTER-UAS SYSTEMS MANUFACTURED BY CER-*
10 *TAIN FOREIGN ENTERPRISES.—*

11 “(i) *LIMITATION.—The Secretary may*
12 *not include on the list maintained under*
13 *subparagraph (A) a counter-UAS detection*
14 *and mitigation systems, equipment, and*
15 *technology, manufactured or developed by a*
16 *covered manufacturer.*

17 “(ii) *INTERNATIONAL AGREEMENTS.—*
18 *This subsection shall be applied in a man-*
19 *ner consistent with the obligations of the*
20 *United States under international agree-*
21 *ments in effect as of the date of enactment*
22 *of the Counter-UAS Authority Security,*
23 *Safety, and Reauthorization Act.*

24 “(iii) *AUTHORIZED UTILIZATION.—*
25 *Upon the inclusion of a counter-UAS detec-*

1 *tion or mitigation system, equipment, or*
2 *technology on the list maintained under*
3 *subparagraph (A), the Secretary and the*
4 *Attorney General may utilize such system,*
5 *equipment, or technology for any action de-*
6 *scribed in paragraph (1).*

7 “(iv) *EXCEPTION.—The Secretary of*
8 *Homeland Security is exempt from the lim-*
9 *itation under this subsection if the Sec-*
10 *retary determines that the operation or pro-*
11 *curement of such system is for the sole pur-*
12 *pose of research, evaluation, training, test-*
13 *ing, or analysis.*

14 “(v) *DEFINITIONS.—In this subpara-*
15 *graph:*

16 “(I) *COVERED MANUFACTURER.—*
17 *The term ‘covered manufacturer’ means*
18 *an entity that is owned by, controlled*
19 *by, is a subsidiary of, or is otherwise*
20 *related legally or financially to, a per-*
21 *son based in a country that—*

22 “(aa) *is identified as a non-*
23 *market economy country (as de-*
24 *defined in section 771 of the Tariff*
25 *Act of 1930 (19 U.S.C. 1677)) as*

1 of the date of enactment of the
2 Counter-UAS Authority Security,
3 Safety, and Reauthorization Act;

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

12 “(cc) is subject to monitoring
13 by the United States Trade Rep-
14 resentative under section 306 of
15 the Trade Act of 1974 (19 U.S.C.
16 2416).

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

22 “(E) RULE OF CONSTRUCTION.—Nothing in
23 this paragraph may be construed to prevent the
24 Secretary, the Attorney General, or the Adminis-
25 trator of the Federal Aviation Administration

1 *from exercising any authority to counter un-*
2 *manned aircraft systems in effect prior to the*
3 *date of enactment of the Counter-UAS Authority*
4 *Security, Safety, and Reauthorization Act.”;*

5 *(3) in subsection (d) by striking paragraph (2)*
6 *and inserting the following:*

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

12 *(4) in subsection (e)—*

13 *(A) by striking paragraph (3) and inserting*
14 *the following:*

15 “(3) *records of such communications are dis-*
16 *posed of immediately following an action described in*
17 *subsection (b)(1) to mitigate a credible threat referred*
18 *to in subsection (a), except that if the Secretary or the*
19 *Attorney General determines that maintenance of*
20 *such records is necessary to investigate or prosecute a*
21 *violation of law is required by Federal law or for the*
22 *purpose of litigation, such records may be maintained*
23 *for not more than 90 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 Secu-*
4 *rity or the Department of Justice unless”*
5 *and inserting “are not shared outside of*
6 *personnel of the department in possession of*
7 *such communications, except if”; and*

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

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

14 (6) *in subsection (g)—*

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

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

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

24 (A) *The number of instances and a de-*
25 *scription of each instance in which actions de-*

1 *scribed in subsection (b)(1) have been taken, in-*
2 *cluding all such instances that—*

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

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

13 “(iii) *resulted in successful seizure, ex-*
14 *ercise of control, or confiscation under sub-*
15 *section (b)(1)(D); or*

16 “(iv) *required the use of reasonable*
17 *force under subsection (b)(1)(E).*

18 “(B) *The frequency and nature of instances*
19 *in which communications were intercepted or ac-*
20 *quired during the course of actions described in*
21 *subsection (b)(1), including the following:*

22 “(i) *The approximate number and na-*
23 *ture of incriminating communications*
24 *intercepted.*

1 “(ii) *The approximate number and na-*
2 *ture of other communications intercepted.*

3 “(C) *The total number of instances in which*
4 *records of communications intercepted or ac-*
5 *quired during the course of actions described in*
6 *subsection (b)(1) were—*

7 “(i) *shared with the Department of*
8 *Justice or another Federal law enforcement*
9 *agency, including a list of receiving Federal*
10 *law enforcement agencies; or*

11 “(ii) *maintained for more than 90*
12 *days.*

13 “(D) *The number of instances and a de-*
14 *scription of each instance in which the Sec-*
15 *retary, Secretary of Transportation, or the Attor-*
16 *ney General have engaged with Federal, State, or*
17 *local law enforcement agencies to implement the*
18 *authority under this section, including the num-*
19 *ber of instances that resulted in a criminal in-*
20 *vestigation or litigation.*

21 “(E) *Information on the on the implemen-*
22 *tation of paragraphs (3) and (4)(A) of subsection*
23 *(b), including regarding equipment or tech-*
24 *nology, including electronic equipment to address*
25 *emerging trends and changes in unmanned air-*

1 *craft system or unmanned aircraft system-re-*
2 *lated security threats.”;*

3 (C) *in paragraph (5)—*

4 (i) *in the first sentence—*

5 (I) *by striking “new technology”*
6 *and inserting “counter-UAS detection*
7 *and mitigation system, equipment, or*
8 *technology approved under subsection*
9 *(b)(4)”;* and

10 (II) *by striking “the Secretary*
11 *and the Attorney General shall, respec-*
12 *tively,” and inserting “the Secretary,*
13 *in coordination with the Secretary of*
14 *Transportation and the Attorney Gen-*
15 *eral, shall”;* and

16 (ii) *in the second sentence, by striking*
17 *“to the national airspace system” and in-*
18 *serting “to the safety and operation of the*
19 *national airspace system”;* and

20 (D) *by redesignating paragraphs (4) and*
21 *(5) as paragraphs (3) and (4), respectively;*

22 (7) *by striking subsection (i) and inserting the*
23 *following:*

24 “(i) *TERMINATION.—The authority under this section*
25 *shall terminate on October 1, 2029.”;*

1 (8) *in subsection (k)—*

2 (A) *in paragraph (1)(B) by striking “the*
3 *Committee on Energy and Commerce,”;*

4 (B) *in paragraph (3)—*

5 (i) *in subparagraph (A) by striking*
6 *“the Secretary or the Attorney General, in*
7 *coordination with the Secretary of Trans-*
8 *portation” and inserting “the Secretary, in*
9 *coordination with the Secretary of Trans-*
10 *portation and the Attorney General,”;*

11 (ii) *in subparagraph (C)—*

12 (I) *in clause (i)—*

13 (aa) *in subclause (II), by*
14 *striking “or” after the semicolon;*
15 *and*

16 (bb) *by adding at the end the*
17 *following:*

18 (IV) *the security or protection*
19 *functions for facilities, assets, and op-*
20 *erations of Homeland Security Inves-*
21 *tigations; or*

22 (V) *the security and protection of*
23 *public airports (as such term is defined*
24 *in section 47102 of title 49, United*
25 *States Code) under section 7 of the*

1 *Counter-UAS Authority Security,*
2 *Safety, and Reauthorization Act;*” and

3 *(II) in clause (ii)—*

4 *(aa) in subclause (I)—*

5 *(AA) in item (aa), by*
6 *striking “section 533 of title*
7 *28, United States Code” and*
8 *inserting “paragraph (2) or*
9 *(3) of section 533 of title 28,*
10 *United States Code, and that*
11 *is limited to a specified pe-*
12 *riod of time and location”;*
13 *and*

14 *(BB) in item (bb), by*
15 *inserting before the semicolon*
16 *the following: “, and that is*
17 *limited to a specified period*
18 *of time and location”;* and

19 *(bb) in subclause (III), by*
20 *striking “, as specified in” and*
21 *inserting “pursuant to”;*

22 *(C) in paragraph (6), by striking “purposes*
23 *of subsection (a)” and inserting “purposes of*
24 *subsection (a) and paragraph (4) of subsection*
25 *(e)”;* and

1 (D) in paragraph (8) in the matter pre-
2 ceding subparagraph (A)—

3 (i) by striking “and efficiency of the
4 national airspace system” and inserting “,
5 efficiency, and operation of the national
6 airspace system”; and

7 (ii) by striking “the Secretary or the
8 Attorney General, respectively,” and insert-
9 ing “the Secretary, in coordination with the
10 Secretary of Transportation and the Attor-
11 ney General,”; and

12 (9) by striking subsection (l) and inserting the
13 following:

14 “(l) ANNUAL REPORT.—Not later than 1 year after the
15 date of enactment of the Counter-UAS Authority Security,
16 Safety, and Reauthorization Act, and annually thereafter,
17 the Secretary, in coordination with the Secretary of Trans-
18 portation and the Attorney General, shall submit to the ap-
19 propriate congressional committees a report that contains
20 the following:

21 “(1) The information required under subsection
22 (g)(2).

23 “(2) A description of any guidance, policies, pro-
24 grams, and procedures to mitigate or eliminate any
25 adverse impact of the activities carried out pursuant

1 to this section, or the use of any counter-UAS detec-
2 tion or mitigation system, equipment, or technology,
3 on aviation safety, civil aviation and aerospace oper-
4 ations, aircraft airworthiness, or the use of the na-
5 tional airspace system.

6 “(3) A description of the guidance, policies, pro-
7 grams, and procedures established to address privacy,
8 civil rights, and civil liberties issues implicated by
9 the activities carried out pursuant to this section.”;
10 and

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

12 “(m) COUNTER-UAS SYSTEM TRAINING.—The Attor-
13 ney General, in coordination with the Secretary of Home-
14 land Security (acting through the Director of the Federal
15 Law Enforcement Training Centers) may—

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

18 “(2) establish or designate 1 or more facilities or
19 training centers for the purpose described in para-
20 graph (1).

21 “(n) COUNTER-UAS DETECTION AND MITIGATION
22 SYSTEM OPERATOR QUALIFICATION AND TRAINING CRI-
23 TERIA.—

24 “(1) IN GENERAL.—The Secretary and Attorney
25 General, in coordination with the Administrator of

1 *the Federal Aviation Administration, shall establish*
2 *standards for initial and recurring training pro-*
3 *grams or certifications for individuals seeking to op-*
4 *erate counter-UAS detection and mitigation systems,*
5 *equipment, or technology.*

6 “(2) *TRAINING CRITERIA.—In carrying out*
7 *paragraph (1), the Secretary and the Attorney Gen-*
8 *eral shall, at a minimum—*

9 “(A) *consider the potential impacts of such*
10 *systems, equipment, or technology to aviation*
11 *safety, civil aviation and aerospace operations,*
12 *aircraft airworthiness, or the civilian use of air-*
13 *space, and appropriate actions to maintain*
14 *aviation safety, as determined by the Adminis-*
15 *trator;*

16 “(B) *establish interagency coordination re-*
17 *quirements prior to deployment of such systems,*
18 *equipment, or technology; and*

19 “(C) *establish the frequency at which an in-*
20 *dividual authorized to operate counter-UAS de-*
21 *tection and mitigation systems, equipment, or*
22 *technology shall complete and renew such train-*
23 *ing or certification.”.*

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

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

4 **“§ 44810. Counter-UAS activities**

5 “(a) *AUTHORITY.*—

6 “(1) *IN GENERAL.*—The Administrator of the
7 Federal Aviation Administration may take such ac-
8 tions as described in paragraph (2) that are necessary
9 to—

10 “(A) detect or mitigate a credible threat (as
11 defined by the Secretary of Homeland Security
12 and Attorney General, in consultation with the
13 Administrator) that an operation of an un-
14 manned aircraft or an unmanned aircraft sys-
15 tem poses to the safe and efficient operation of
16 the national airspace system; or

17 “(B) test or evaluate the potential adverse
18 impacts or interference of a counter-UAS detec-
19 tion or mitigation system, equipment, or tech-
20 nology on or with safe airport operations, air-
21 craft navigation, air traffic services, or the safe
22 and efficient operation of the national airspace
23 system.

24 “(2) *AUTHORIZED ACTIONS.*—In carrying out
25 paragraph (1), the Administrator may take the fol-
26 lowing actions:

1 “(A) Detect, identify, monitor, and track an
2 unmanned aircraft system or unmanned air-
3 craft, without prior consent from the operator of
4 such system or aircraft, including by means of
5 intercept or other access of a wire, oral, or elec-
6 tronic communication used to control the un-
7 manned aircraft system or unmanned aircraft.

8 “(B) Contact or warn the operator of an
9 unmanned aircraft system of a potential
10 counter-UAS action authorized under this sub-
11 section.

12 “(C) Seize, exercise control of, or otherwise
13 confiscate an unmanned aircraft system or un-
14 manned aircraft.

15 “(D) Disrupt control of, disable, damage, or
16 destroy an unmanned aircraft or unmanned air-
17 craft system, including by means of intercept or
18 other access of a wire, oral, or electronic commu-
19 nication used to control the unmanned aircraft
20 or unmanned aircraft system.

21 “(b) APPLICABILITY OF OTHER LAWS.—

22 “(1) IN GENERAL.—Section 46502 of this title or
23 sections 32, 1030, and 1367 and chapters 119 and
24 206 of title 18 shall not apply to activities authorized
25 by the Administrator pursuant to this section.

1 “(2) *PRIVACY PROTECTION.*—*In implementing*
2 *the requirements of this section, the Administrator, in*
3 *coordination with the Attorney General and Secretary*
4 *of Homeland Security, shall ensure that—*

5 “(A) *the interception or acquisition of, or*
6 *access to, or maintenance or use of, communica-*
7 *tions to or from an unmanned aircraft system*
8 *under this section is conducted in a manner con-*
9 *sistent with the First and Fourth Amendments*
10 *to the Constitution of the United States and ap-*
11 *plicable provisions of Federal law;*

12 “(B) *communications to or from an un-*
13 *manned aircraft system are intercepted or ac-*
14 *quired only to the extent necessary to support an*
15 *action as described under subsection (a)(2);*

16 “(C) *records of such communications are*
17 *disposed of immediately following herein author-*
18 *ized activity to mitigate a credible threat, unless*
19 *the Administrator, the Secretary of Homeland*
20 *Security, or the Attorney General determine that*
21 *maintenance of such records—*

22 “(i) *is necessary to investigate or pros-*
23 *ecute a violation of law;*

24 “(ii) *would directly support the De-*
25 *partment of Defense, a Federal law enforce-*

1 *ment agency, or the enforcement activities*
2 *of a regulatory agency of the Federal Gov-*
3 *ernment in connection with a criminal or*
4 *civil investigation of, or any regulatory,*
5 *statutory, or other enforcement action relat-*
6 *ing to an action described in subsection*
7 *(a)(2);*

8 *“(iii) is between the Secretary of*
9 *Homeland Security and the Attorney Gen-*
10 *eral in the course of a security or protection*
11 *operation of either agency or a joint oper-*
12 *ation of such agencies; or*

13 *“(iv) is otherwise required by law; and*

14 *“(D) to the extent necessary, the Secretary*
15 *of Homeland Security and the Attorney General*
16 *are authorized to share threat information,*
17 *which shall not include communications de-*
18 *scribed in this subsection, with State, local, terri-*
19 *torial, or tribal law enforcement agencies in the*
20 *course of a security or protection operation.*

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

22 *“(1) IN GENERAL.—There is established within*
23 *the Federal Aviation Administration an Office of*
24 *Counter-UAS Activities for purposes of managing*

1 *and directing the counter-UAS activities of the Ad-*
2 *ministration.*

3 “(2) *DIRECTOR.*—*The Administrator shall des-*
4 *ignate a Director of Counter-UAS Activities, who*
5 *shall be the head of the Office.*

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

8 “(A) *coordinate with other offices of the Ad-*
9 *ministration to ensure that such activities do not*
10 *adversely impact aviation safety or the efficiency*
11 *of the national airspace system;*

12 “(B) *lead the development and implementa-*
13 *tion of counter-UAS activity strategic planning*
14 *within the Federal Aviation Administration; and*

15 “(C) *serve as the Administration’s primary*
16 *point of contact for coordinating counter-UAS*
17 *activities, including such activities of—*

18 “(i) *Federal and State agencies;*

19 “(ii) *covered airports; and*

20 “(iii) *other relevant stakeholders; and*

21 “(D) *carry out other such counter-UAS ac-*
22 *tivities as the Administrator may prescribe.*

23 “(d) *INTERAGENCY COORDINATION.*—

24 “(1) *IN GENERAL.*—*The Administrator shall co-*
25 *ordinate with the Secretary of Homeland Security*

1 *and the Attorney General to carry out this section,*
2 *subject to any restrictions of the Secretary or Attor-*
3 *ney General’s authority to acquire, deploy, and oper-*
4 *ate counter-UAS systems, equipment, or technology.*

5 “(2) *NON-DELEGATION.*—*Nothing under this sec-*
6 *tion shall permit the Administrator to delegate any*
7 *authority granted to the Administrator to any other*
8 *Federal agency.*

9 “(e) *COUNTER-UAS DETECTION AND MITIGATION SYS-*
10 *TEM PERFORMANCE REQUIREMENTS.*—

11 “(1) *IN GENERAL.*—*Not later than 270 days*
12 *after the date of enactment of the Counter-UAS Au-*
13 *thority Security, Safety, and Reauthorization Act, the*
14 *Administrator, in coordination with the Secretary*
15 *and the Attorney General, shall establish minimum*
16 *performance requirements for the safe and reliable de-*
17 *ployment or use of counter-UAS detection and miti-*
18 *gation systems, equipment, and technology within the*
19 *national airspace system.*

20 “(2) *CONSIDERATIONS.*—

21 “(A) *AVIATION SAFETY.*—*In establishing*
22 *minimum performance requirements under para-*
23 *graph (1), the Administrator shall—*

24 “(i) *leverage data collected in testing*
25 *and evaluation activities conducted under*

1 *this section and any other relevant testing*
2 *and evaluation data determined appro-*
3 *priate by the Administrator;*

4 *“(ii) determine the extent to which a*
5 *counter-UAS detection or mitigation sys-*
6 *tem, equipment, or technology can safely op-*
7 *erate without disrupting or interfering with*
8 *the operation of aircraft or other national*
9 *airspace system users; and*

10 *“(iii) establish specific requirements*
11 *for the deployment and use of such systems,*
12 *equipment, or technology in terminal air-*
13 *space.*

14 *“(B) EFFICACY.—In establishing minimum*
15 *performance requirements under subsection (a),*
16 *the Administrator shall consider criteria, as de-*
17 *termined by the Secretary of Homeland Security,*
18 *to determine the degree to which counter-UAS*
19 *detection and mitigation systems, equipment, or*
20 *technology reliable and effective in detecting or*
21 *mitigating unauthorized unmanned aircraft sys-*
22 *tem operations independent of data or informa-*
23 *tion provided by the system manufacturer of*
24 *such unmanned aircraft system.*

1 “(C) *OTHER INTERFERENCE.*—*In estab-*
2 *lishing minimum performance requirements*
3 *under subsection (a), the Administrator shall*
4 *consider criteria, as determined by the Federal*
5 *Communications Commission, to determine the*
6 *extent to which counter-UAS detection and miti-*
7 *gation systems, equipment, or technology can be*
8 *safely operated without disrupting or interfering*
9 *with the operation of civilian communications*
10 *and information technology networks and sys-*
11 *tems, including such networks and systems that*
12 *rely on radio frequency or cellular network com-*
13 *munications links.*

14 “(3) *DEMONSTRATION.*—*The Administrator shall*
15 *develop a standardized process by which a manufac-*
16 *turer or end-user of a counter-UAS detection or miti-*
17 *gation system, equipment, or technology may dem-*
18 *onstrate that such system, equipment, or technology*
19 *meets the requirements established pursuant to para-*
20 *graph (1), which may include validation by an inde-*
21 *pendent third party.*

22 “(4) *RULE OF CONSTRUCTION.*—*Nothing in*
23 *paragraph (1) shall require the Administrator to con-*
24 *duct a rulemaking in publishing minimum perform-*
25 *ance requirements under such paragraph.*

1 “(f) *COUNTER-UAS SYSTEM TESTING, EVALUATION,*
2 *AND VALIDATION.*—

3 “(1) *EVALUATION AND VALIDATION.*—*The Ad-*
4 *ministrato*r may conduct such testing, evaluation,
5 *and validation of counter-UAS detection and mitiga-*
6 *tion systems, equipment, and technology as necessary*
7 *to ensure*—

8 “(A) *such systems, equipment, and tech-*
9 *nology will not have an adverse impact on the*
10 *safe and efficient operation of the national air-*
11 *space system or transportation safety; and*

12 “(B) *such systems, equipment, and tech-*
13 *nology meet minimum performance requirements*
14 *under subsection (e).*

15 “(2) *TESTING AND TRAINING.*—*Prior to the com-*
16 *mencement of any training or testing of counter-UAS*
17 *systems, equipment, and technology used for detection*
18 *or mitigation purposes, an agreement shall be estab-*
19 *lished between the testing or training entity and the*
20 *Administrator to ensure aviation safety.*

21 “(3) *AIRSPACE HAZARD MITIGATION PROGRAM.*—

22 “(A) *TESTING PROGRAM.*—*In order to test*
23 *and evaluate counter-UAS systems, equipment,*
24 *or technology that detect or mitigate potential*
25 *aviation safety risks posed by unmanned air-*

1 *craft, the Administrator shall deploy such sys-*
2 *tems or technology at 5 airports, as appropriate,*
3 *and any other location the Administrator deter-*
4 *mines appropriate.*

5 “(B) *TESTING AND EVALUATION.*—*Notwith-*
6 *standing section 46502 or sections 32, 1030,*
7 *1367 and chapters 119 and 206 of title 18, the*
8 *Administrator of the Federal Aviation Adminis-*
9 *tration may conduct testing and evaluation of*
10 *any counter-UAS detection or mitigation system,*
11 *equipment, or technology to assess potential im-*
12 *pacts on, or interference with, safe airport oper-*
13 *ations, aircraft and air traffic navigation, air*
14 *traffic services, or the safe and efficient operation*
15 *of the national airspace system.*

16 “(C) *COORDINATION.*—*In carrying out this*
17 *paragraph, the Administrator shall coordinate*
18 *with the Secretary of Homeland Security and*
19 *the head of any other Federal agency that the*
20 *Administrator considers appropriate.*

21 “(g) *LIMITATIONS ON OPERATION OF COUNTER-UAS*
22 *SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTER-*
23 *PRISES.*—

24 “(1) *LIMITATION.*—*Notwithstanding any other*
25 *provision of this section, the Administrator may not*

1 *acquire, deploy, or operate, or authorize the acquisi-*
2 *tion, deployment, or operation of, a counter-UAS sys-*
3 *tem or any associated elements, including software,*
4 *manufactured or developed by a covered manufac-*
5 *turer.*

6 “(2) *INTERNATIONAL AGREEMENTS.*—*This sub-*
7 *section shall be applied in a manner consistent with*
8 *the obligations of the United States under inter-*
9 *national agreements in place on the date of enactment*
10 *of the Counter-UAS Authority Security, Safety, and*
11 *Reauthorization Act.*

12 “(3) *EXCEPTION.*—*The Secretary of Transpor-*
13 *tation is exempt from the limitation under this sub-*
14 *section if the Secretary determines that the operation*
15 *or procurement of such system supports the safe, se-*
16 *ecure, or efficient operation of the national airspace*
17 *system or maintenance of public safety, including ac-*
18 *tivities carried out under the Federal Aviation Ad-*
19 *ministration’s Alliance for System Safety of UAS*
20 *through Research Excellence Center of Excellence,*
21 *FAA-authorized unmanned aircraft systems test*
22 *ranges, and any other testing and evaluation activity*
23 *deemed to support the safe, secure, or efficient oper-*
24 *ation of the national airspace system or maintenance*
25 *of public safety, as determined by the Secretary.*

1 “(4) *DEFINITIONS.—In this subsection:*

2 “(A) *COVERED MANUFACTURER.—The term*
3 *‘covered manufacturer’ means an entity that is*
4 *owned by, controlled by, is a subsidiary of, or is*
5 *otherwise related legally or financially to, a per-*
6 *son based in a country that—*

7 “(i) *is identified as a nonmarket econ-*
8 *omy country (as defined in section 771 of*
9 *the Tariff Act of 1930 (19 U.S.C. 1677)) as*
10 *of the date of enactment of the Counter-UAS*
11 *Authority Security, Safety, and Reauthor-*
12 *ization Act;*

13 “(ii) *was identified by the United*
14 *States Trade Representative in the most re-*
15 *cent report required by section 182 of the*
16 *Trade Act of 1974 (19 U.S.C. 2242) as a*
17 *priority foreign country under subsection*
18 *(a)(2) of that section; and*

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

22 “(B) *OTHERWISE RELATED LEGALLY OR FI-*
23 *NANCIALLY.—The term ‘otherwise related legally*
24 *or financially’ does not include a minority stake*
25 *relationship or investment.*

1 “(h) *BRIEFINGS.*—

2 “(1) *SEMIANNUAL BRIEFINGS AND NOTIFICA-*
3 *TIONS.*—

4 “(A) *IN GENERAL.*—*The Administrator*
5 *shall provide the specified committees of Congress*
6 *a briefing not less than once every 6 months on*
7 *the activities carried out pursuant to this sec-*
8 *tion.*

9 “(B) *CONTENT.*—*Each briefing required*
10 *under this paragraph shall include—*

11 “(i) *the number of instances and a de-*
12 *scription of each instance in which actions*
13 *described in subsection (a)(2) have been*
14 *taken, including all such instances that—*

15 “(I) *equipment, systems, or tech-*
16 *nology disrupted the transmission of*
17 *radio or electronic signals, including*
18 *and disaggregated by whether any such*
19 *disruption was minimized;*

20 “(II) *may have resulted in harm,*
21 *damage, or loss to a person or to pri-*
22 *ate property, including and*
23 *disaggregated by whether any such*
24 *harm, damage, or loss was minimized;*

1 “(III) resulted in the successful
2 seizure, exercise of control, or confisca-
3 tion under subsection (a)(2); or

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

6 “(ii) the frequency and nature of in-
7 stances in which communications were
8 intercepted or acquired during the course of
9 actions described in subsection (a)(2), in-
10 cluding—

11 “(I) the approximate number and
12 nature of incriminating communica-
13 tions intercepted;

14 “(II) the approximate number
15 and nature of other communications
16 intercepted; and

17 “(III) the total number of in-
18 stances in which records of commu-
19 nications intercepted or acquired dur-
20 ing the course of actions described in
21 subsection (a)(2) were—

22 “(aa) shared with the De-
23 partment of Justice or another
24 Federal law enforcement agency,

1 including a list of receiving Fed-
2 eral law enforcement agencies; or

3 “(bb) maintained for more
4 than 90 days;

5 “(iii) the number of instances and a
6 description of each instance in which Ad-
7 ministrators of the Federal Aviation Admin-
8 istration has engaged with Federal, State,
9 or local law enforcement agencies to imple-
10 ment the authority under this section, in-
11 cluding the number of instances that re-
12 sulted in a criminal investigation or litiga-
13 tion; and

14 “(iv) information on the actions car-
15 ried out under subparagraphs (C) and (D)
16 of subsection (a)(2), including equipment or
17 technology to address emerging trends and
18 changes in unmanned aircraft system or
19 unmanned aircraft system-related security
20 threats.

21 “(C) CLASSIFICATION.—

22 “(i) IN GENERAL.—Each briefing re-
23 quired under this subsection shall be in an
24 unclassified form, but shall be accompanied
25 by an additional classified briefing at the

1 *request of the Chair or Ranking Member of*
2 *any specified committee of Congress.*

3 “(ii) *CONTENT OF BRIEFINGS.—Such*
4 *briefings shall include, at a minimum—*

5 “(I) *a description of instances in*
6 *which an active mitigation action*
7 *under this section has been taken, in-*
8 *cluding all such instances that may*
9 *have resulted in harm, damage, or loss*
10 *to an individual or to private prop-*
11 *erty; and*

12 “(II) *a description of each covered*
13 *site, including the capabilities of*
14 *counter-UAS systems used at such*
15 *sites.*

16 “(2) *NOTIFICATION.—Beginning 180 days after*
17 *the date of enactment of the Counter-UAS Authority*
18 *Security, Safety, and Reauthorization Act, the Ad-*
19 *ministrator shall—*

20 “(A) *notify the specified committees of Con-*
21 *gress of any newly authorized acquisition, de-*
22 *ployment, or operation of a counter-UAS system,*
23 *equipment or technology under this section not*
24 *later than 90 days after such newly authorized*
25 *acquisition, deployment, or operation; and*

1 “(B) in providing a notification under sub-
2 paragraph (A), include a description of options
3 considered to mitigate any identified impacts to
4 the national airspace system related to the use of
5 any counter-UAS system, technology, or equip-
6 ment operated at a covered site, including the
7 minimization of the use of any technology,
8 equipment or system that disrupts the trans-
9 mission of radio or electronic signals.

10 “(i) *DEFINITIONS.*—In this section:

11 “(1) *SPECIFIED COMMITTEES OF CONGRESS.*—

12 The term ‘specified committees of Congress’ means—

13 “(A) the Committee on Transportation and
14 Infrastructure, the Committee on Homeland Se-
15 curity, and the Committee on the Judiciary of
16 the House of Representatives; and

17 “(B) the Committee on Commerce, Science,
18 and Transportation, the Committee on Home-
19 land Security and Governmental Affairs, and the
20 Committee on the Judiciary of the Senate.

21 “(2) *STATE.*—The term ‘State’ means a State,
22 the District of Columbia, and a territory or posses-
23 sion of the United States.

24 “(j) *SUNSET.*—This section ceases to be effective on Oc-
25 tober 1, 2029.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *448 of title 49, United States Code, is amended by striking*
3 *the item relating to section 44810 and inserting the fol-*
4 *lowing:*

“44810. Counter-UAS activities.”.

5 **SEC. 5. ADDITIONAL LIMITED AUTHORITY FOR DETECTION,**
6 **IDENTIFICATION, MONITORING, AND TRACK-**
7 **ING.**

8 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
9 *rity, in coordination with the Administrator of the Federal*
10 *Aviation Administration and the Attorney General, may*
11 *authorize the acquisition, deployment, and operation of ap-*
12 *proved counter-UAS detection systems, equipment or tech-*
13 *nology intended to be used for the detection of unmanned*
14 *aircraft systems by a covered entity.*

15 (b) *REQUIRED APPLICATION.*—

16 (1) *IN GENERAL.*—*In carrying out this section,*
17 *the Secretary of Homeland Security, in coordination*
18 *with the Administrator and the Attorney General, not*
19 *later than 180 days after the establishment of the list*
20 *of approved makes and models of counter-UAS detec-*
21 *tion systems, equipment, and technology, shall estab-*
22 *lish an application process to authorize the acquisi-*
23 *tion, deployment, and operation of an approved*
24 *counter-UAS detection system, equipment, or tech-*
25 *nology by a Federal, State, local, territorial, or Tribal*

1 *law enforcement agency, in partnership with a cov-*
2 *ered entity, at a covered site.*

3 (2) *APPLICATION REQUIREMENTS.—The applica-*
4 *tion described in paragraph (1) shall contain—*

5 (A) *a justifiable need (based on a threat*
6 *posed by an unmanned aircraft or unmanned*
7 *aircraft system to a covered site) to detect an un-*
8 *manned aircraft system with an approved*
9 *counter-UAS detection system, equipment, or*
10 *technology;*

11 (B) *a plan for the acquisition, deployment,*
12 *and operation of such counter-UAS detection*
13 *system, equipment, or technology, that shall—*

14 (i) *be subject to the approval of the*
15 *Secretary of Homeland Security, the Ad-*
16 *ministrator of the Federal Aviation Admin-*
17 *istration, and the Attorney General; and*

18 (ii) *include—*

19 (I) *a description of the covered*
20 *site or sites at which the counter-UAS*
21 *detection system, equipment, or tech-*
22 *nology will be deployed and operated;*

23 (II) *a description of the time peri-*
24 *ods and dates during which the*

1 *counter-UAS detection system, equip-*
2 *ment, or technology will be operated;*

3 *(C) a written agreement between the covered*
4 *entity and a Federal, State, local, or Tribal law*
5 *enforcement agency to operate such approved*
6 *counter-UAS detection system, equipment, or*
7 *technology at a covered site on behalf of such cov-*
8 *ered entity;*

9 *(D) proof of completion of initial and recur-*
10 *rent training or certification requirements under*
11 *section 210G(n) of the Homeland Security Act of*
12 *2002 (6 U.S.C. 124n(n)); and*

13 *(E) any other requirements the Secretary*
14 *determines appropriate.*

15 *(c) AGREEMENTS.—Upon approval of an application*
16 *required under subsection (b) by the Secretary of Homeland*
17 *Security, the Secretary shall enter into an agreement with*
18 *the applicable covered entity to authorize the acquisition,*
19 *deployment, and operation of an approved counter-UAS de-*
20 *tection system, equipment, or technology, that shall specify,*
21 *at a minimum—*

22 *(1) the approved counter-UAS detection system,*
23 *equipment, or technology to be operated;*

24 *(2) the covered site or sites at which the system,*
25 *equipment, or technology may be operated;*

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

4 (4) *any terms and conditions on the deployment*
5 *and operation of an approved counter-UAS detection*
6 *system, equipment, or technology the Secretary deter-*
7 *mines necessary to ensure public safety.*

8 (d) *REVOCATION.—The Secretary shall revoke the au-*
9 *thorization or approval for the deployment and operation*
10 *of an approved counter-UAS detection system, equipment,*
11 *or technology pursuant to this section if the Secretary deter-*
12 *mines that the covered entity has not—*

13 (1) *maintained an agreement that is acceptable*
14 *to the Secretary with a Federal, State, local, or Trib-*
15 *al law enforcement agency to operate such approved*
16 *counter-UAS detection system, equipment, or tech-*
17 *nology on behalf of the covered entity;*

18 (2) *complied with the initial and recurrent*
19 *training or certification requirements under section*
20 *210G(n) of the Homeland Security Act of 2002 (6*
21 *U.S.C. 124n(n)); and*

22 (3) *complied with the privacy protections under*
23 *section 210G(e) of the Homeland Security Act of 2002*
24 *(6 U.S.C. 124n(e)).*

1 (e) *COORDINATION.*—*The Secretary shall coordinate*
2 *with the Administrator of the Federal Aviation Administra-*
3 *tion and the Attorney General in carrying out the applica-*
4 *tion and agreement processes under this section.*

5 (f) *APPLICABILITY OF OTHER LAWS.*—*Section 46502*
6 *of title 49, United States Code, or sections 32, 1030, and*
7 *1367 and chapters 119 and 206 of title 18, United States*
8 *Code, shall not apply to activities authorized by the Sec-*
9 *retary under this section or section 6.*

10 (g) *PREVIOUSLY ACQUIRED COUNTER-UAS SYS-*
11 *TEMS.*—*If the Administrator finds that a covered entity ac-*
12 *quired and operated a counter-UAS detection system,*
13 *equipment, or technology prior to the date of enactment of*
14 *this Act, the Secretary may authorize the use of such system,*
15 *equipment, or technology if—*

16 (1) *such system, equipment, or technology meets*
17 *the minimum performance requirements issued pursu-*
18 *ant to section 44810(e) of title 49, United States*
19 *Code; and*

20 (2) *such covered entity submits an application*
21 *under subsection (b) and enters into required agree-*
22 *ments under subsection (c).*

23 (h) *AUDITS.*—*Not later than 18 months after the date*
24 *of enactment of this Act, and every 18 months thereafter,*
25 *the inspectors general of the Department of Transportation,*

1 *the Department of Homeland Security, and the Department*
2 *of Justice shall conduct a joint audit of the implementation*
3 *of the requirements of this section, section 6, or section 7.*

4 (i) *REPORT TO CONGRESS.*—*Not later than 90 days*
5 *after the date on which the inspectors general complete each*
6 *audit required under subsection (h), the inspector generals*
7 *shall submit to the appropriate committees of Congress a*
8 *report on the findings of such audit and any recommenda-*
9 *tions related to the administration of this section.*

10 (j) *TERMINATION OF AUTHORITY.*—*The authorities*
11 *under this section shall terminate on October 1, 2029.*

12 (k) *SAVINGS CLAUSE.*—

13 (1) *RULES OF CONSTRUCTION.*—

14 (A) *SAFETY AND EFFICIENCY.*—*Nothing in*
15 *this section or section 6 shall be construed to*
16 *limit or restrict the Administrator of the Federal*
17 *Aviation Administration from ensuring the safe-*
18 *ty and efficiency of the national airspace system.*

19 (B) *PRECLUSION.*—*Nothing in this section*
20 *or section 7 shall be construed to preclude a cov-*
21 *ered entity from acquiring and operating an ap-*
22 *proved counter-UAS detection system, equip-*
23 *ment, or technology without an authorization if*
24 *the lawful operation of such system, equipment,*
25 *or technology does not—*

1 (i) require the relief provided under
2 subsection (f); and

3 (ii) adversely impact the safe operation
4 of the national airspace system.

5 (2) *SUSPENSION OF AUTHORITY.*—

6 (A) *IN GENERAL.*—*The Administrator of the*
7 *Federal Aviation Administration, in consulta-*
8 *tion with the Attorney General, may suspend the*
9 *authority provided under this section or section*
10 *6 if the Administrator—*

11 (i) determines that the exercise of such
12 authority threatens the safety or efficiency
13 of the national airspace system; and

14 (ii) conveys in writing the determina-
15 tion to the Secretary of Homeland Security.

16 (B) *REPORTING.*—*The Administrator shall*
17 *notify the appropriate committees of Congress*
18 *within 48 hours of suspending the authority pro-*
19 *vided under this section under subparagraph*
20 (A).

21 (l) *APPROVED COUNTER-UAS DETECTION SYSTEM*
22 *DEFINED.*—*In this section, the term “approved counter-*
23 *UAS detection system” means a counter-UAS detection sys-*
24 *tem approved under section 210G(b)(4) of the Homeland*
25 *Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that meets*

1 *the minimum performance requirements established pursu-*
2 *ant to section 44810(e) of title 49, United States Code.*

3 **SEC. 6. COUNTER-UAS MITIGATION LAW ENFORCEMENT**
4 **PILOT PROGRAM.**

5 *(a) IN GENERAL.—Subject to the availability of appro-*
6 *priations for such purpose, not later than 180 days after*
7 *the first determination that a counter-UAS system with*
8 *mitigation capabilities meets the requirements of section*
9 *44810(e) of title 49, United States Code, the Secretary of*
10 *Homeland Security, in coordination with the Attorney Gen-*
11 *eral and the Administrator of the Federal Aviation Admin-*
12 *istration, shall establish a pilot program to assess the effi-*
13 *cacy of approved counter-UAS mitigation systems at cov-*
14 *ered sites and determine the appropriate policies, proce-*
15 *dures, and protocols necessary to allow State and covered*
16 *local law enforcement agencies (in coordination with the*
17 *Secretary, Attorney General, and Administrator) to ac-*
18 *quire, deploy, and operate approved counter-UAS mitiga-*
19 *tion systems and mitigate unauthorized UAS operations on*
20 *behalf of covered entities.*

21 *(b) REQUIRED APPLICATION.—*

22 *(1) IN GENERAL.—In carrying out this section,*
23 *the Secretary of Homeland Security, in coordination*
24 *with the Attorney General and the Administrator,*
25 *shall establish an application process to authorize the*

1 *acquisition, deployment, and operation of an ap-*
2 *proved counter-UAS mitigation system, equipment, or*
3 *technology by a State or covered local law enforce-*
4 *ment agency, in partnership with a covered entity, at*
5 *a covered site.*

6 (2) *APPLICATION REQUIREMENTS.—The applica-*
7 *tion described in paragraph (1) shall contain—*

8 (A) *a justifiable need (based on a threat*
9 *posed by an unmanned aircraft or unmanned*
10 *aircraft system to a covered site) to mitigate an*
11 *unmanned aircraft system with an approved*
12 *counter-UAS mitigation system, equipment, or*
13 *technology;*

14 (B) *a plan for the acquisition, deployment,*
15 *and operation of such counter-UAS mitigation*
16 *system, equipment, or technology, that shall—*

17 (i) *be subject to the approval of the*
18 *Secretary of Homeland Security, the Attor-*
19 *ney General, and the Administrator of the*
20 *Federal Aviation Administration; and*

21 (ii) *include—*

22 (I) *a description of the covered*
23 *site or sites at which the counter-UAS*
24 *mitigation system, equipment, or tech-*

1 *nology will be deployed and operated;*
2 *and*

3 *(II) a description of the time peri-*
4 *ods and dates during which the*
5 *counter-UAS mitigation system, equip-*
6 *ment, or technology will be operated;*

7 *(C) a written agreement between the covered*
8 *entity and a State or covered local law enforce-*
9 *ment agency to operate such approved counter-*
10 *UAS mitigation system, equipment, or tech-*
11 *nology at a covered site on behalf of such covered*
12 *entity;*

13 *(D) proof of completion of initial and recur-*
14 *rent training or certification requirements under*
15 *section 210G(n) of the Homeland Security Act of*
16 *2002 (6 U.S.C. 124n(n));*

17 *(E) proof that the airspace above such cov-*
18 *ered site is restricted by a temporary flight re-*
19 *striction, a determination under section 2209 of*
20 *the FAA Extension, Safety, and Security Act of*
21 *2016 (49 U.S.C. 44802 note), or any other simi-*
22 *lar restriction determined appropriate by the*
23 *Secretary; and*

24 *(F) any other requirements the Secretary*
25 *determines appropriate.*

1 (c) *AGREEMENTS.*—Upon approval of an application
2 required under subsection (b) by the Secretary of Homeland
3 Security, the Secretary shall enter into an agreement with
4 the applicable covered entity and State or covered local law
5 enforcement agency to authorize the acquisition, deploy-
6 ment, operation of an approved counter-UAS mitigation
7 system, equipment, or technology, that shall specify, at a
8 minimum—

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

11 (2) the covered site or sites at which the system,
12 equipment, or technology may be operated;

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

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

20 (5) the frequency with which the appropriate
21 Federal agency representatives shall conduct periodic
22 site visits to ensure compliance with the approved
23 terms and conditions of deployment and operations of
24 the approved counter-UAS mitigation system, equip-
25 ment, or technology;

1 (6) *the required Federal coordination prior to*
2 *the mitigation of an unmanned aircraft system by a*
3 *State or covered local law enforcement agency de-*
4 *scribed in subsection (d)(1); and*

5 (7) *the post-event reporting requirements speci-*
6 *fied in subsection (d)(3).*

7 (d) *REQUIRED COORDINATION AND NOTIFICATION.—*

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

15 (2) *VERIFICATION AND NOTIFICATION.—In car-*
16 *rying out paragraph (1), the Secretary of Homeland*
17 *Security shall—*

18 (A) *verify that there is a justifiable threat*
19 *that warrants the use of such counter-UAS sys-*
20 *tem, equipment, or technology;*

21 (B) *verify that the use of such counter-UAS*
22 *system, equipment, or technology will—*

23 (i) *be conducted in a manner con-*
24 *sistent with the agreement between the Sec-*

1 retary and the State or covered local law
2 enforcement agency; and

3 (ii) abide by all safety protocols, terms,
4 and conditions established for the use of
5 such system, equipment, or technology at the
6 covered site; and

7 (C) immediately notify the Administrator of
8 the Federal Aviation Administration of the ap-
9 proval provided under this paragraph.

10 (3) *REPORT.*—

11 (A) *IN GENERAL.*—Not later than 24 hours
12 after each mitigation of a UAS conducted under
13 the authorities in this section, the relevant State
14 or covered local law enforcement agency shall
15 submit to the Secretary of Homeland Security,
16 the Administrator of the Federal Aviation Ad-
17 ministration, and the Attorney General a post-
18 event report.

19 (B) *CONTENTS.*—The report under subpara-
20 graph (A) shall include all relevant information
21 pertaining to the event, including the drone op-
22 eration, and subsequent mitigation and enforce-
23 ment actions, and subsequent enforcement ac-
24 tions, as specified by the Secretary.

1 (e) *REVOCATION.*—*The Secretary shall revoke the au-*
2 *thorization or approval for the deployment and operation*
3 *of an approved counter-UAS mitigation system, equipment,*
4 *or technology pursuant to this section if the Secretary deter-*
5 *mines that the covered entity has not—*

6 (1) *maintained an agreement that is acceptable*
7 *to the Secretary with a State or covered local law en-*
8 *forcement agency to operate such approved counter-*
9 *UAS mitigation system, equipment, or technology on*
10 *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 2002*
17 *(6 U.S.C. 124n(e)).*

18 (f) *COORDINATION.*—*The Secretary shall coordinate*
19 *with the Administrator of the Federal Aviation Administra-*
20 *tion and the Attorney General in carrying out the applica-*
21 *tion, agreement, and revocation processes under this section.*

22 (g) *SELECTION CRITERIA.*—

23 (1) *AIRSPACE CONSIDERATIONS.*—

24 (A) *IN GENERAL.*—*The Administrator of the*
25 *Federal Aviation Administration, in coordina-*

1 *tion with the Secretary of Homeland Security*
2 *and the Attorney General, shall make a site-spe-*
3 *cific determination for each covered site selected*
4 *under the pilot program established under this*
5 *section to ensure that any potential use of*
6 *counter-UAS mitigation systems, equipment, or*
7 *technology at the covered site will not adversely*
8 *impact the safe operation of the national air-*
9 *space system, including any airport that is lo-*
10 *cated near the covered site.*

11 *(B) INELIGIBILITY FOR PARTICIPATION.—If*
12 *an adverse impact is identified under subpara-*
13 *graph (A) and cannot be safely mitigated to the*
14 *satisfaction of the Administrator, the covered site*
15 *is not eligible for participation in the pilot pro-*
16 *gram established under this section.*

17 *(2) PROGRAM SIZE, REVIEW, AND EXPANSION.—*

18 *(A) INITIAL SIZE.—The program established*
19 *under subsection (a) may include not more than*
20 *5 State or covered local law enforcement agen-*
21 *cies.*

22 *(B) RESTRICTION.—No State or covered*
23 *local law enforcement agency participating in*
24 *the pilot program established under subsection*
25 *(a) may operate approved counter-UAS mitiga-*

1 *tion systems, equipment, or technology at more*
2 *than 4 covered sites.*

3 (C) *REVIEW AND EXPANSION.*—*Not later*
4 *than 18 months after approved counter-UAS*
5 *mitigation systems, equipment, or technology are*
6 *deployed for use by State or covered local law en-*
7 *forcement agencies participating in the pilot*
8 *program established under subsection (a), the*
9 *Secretary, in coordination with the Adminis-*
10 *trator and the Attorney General, shall review the*
11 *preliminary results of such pilot program and, if*
12 *appropriate, take such actions as may be nec-*
13 *essary to revise or expand, subject to the avail-*
14 *ability of trained personnel, the number of law*
15 *enforcement agencies permitted to participate in*
16 *the program by 10.*

17 (3) *REVIEW AND EXPANSION.*—*Not later than 3*
18 *years after approved counter-UAS mitigation sys-*
19 *tems, equipment, or technology are deployed at the 5*
20 *covered sites selected under subsection (a), the Sec-*
21 *retary, in coordination with the Administrator and*
22 *the Attorney General, shall review the preliminary re-*
23 *sults of such pilot program and, if appropriate, take*
24 *such actions as may be necessary to revise or expand*
25 *counter-UAS system mitigation authorities, subject to*

1 *the availability of trained personnel, to not more than*
2 *20 covered sites under the pilot program.*

3 *(h) REQUIRED BRIEFING.—Not later than 6 months*
4 *after the establishment of the pilot program under this sec-*
5 *tion, and every 6 months thereafter, the Secretary shall brief*
6 *the appropriate committees of Congress on the progress and*
7 *findings of the pilot program established under this section,*
8 *including a description of all mitigation events reported*
9 *under subsection (d).*

10 *(i) SUNSET.—The authority under this section shall*
11 *terminate on October 1, 2029.*

12 *(j) DEFINITIONS.—In this section:*

13 *(1) APPROVED COUNTER-UAS DETECTION SYS-*
14 *TEM.—The term “approved counter-UAS detection*
15 *system” means a counter-UAS detection system ap-*
16 *proved under section 210G(b)(4) of the Homeland Se-*
17 *curity Act of 2002 (6 U.S.C. 124n(b)(4)) and that*
18 *meets the minimum performance requirements estab-*
19 *lished pursuant to section 44810(e) of title 49, United*
20 *States Code.*

21 *(2) COVERED LOCAL LAW ENFORCEMENT AGEN-*
22 *CY.—The term “covered local law enforcement agen-*
23 *cy” means a local law enforcement agency that has*
24 *jurisdiction over an area containing a population of*
25 *at least 650,000 people.*

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 the
8 Attorney General, shall develop a plan for operations
9 at covered airports of counter-UAS detection and
10 mitigation systems, equipment, or technology that
11 meet the performance requirements described in sec-
12 tion 44810(e) of title 49, United States Code, for pur-
13 poses of—

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

16 (B) *responding to a persistent disruption of*
17 *air traffic operations caused by unmanned air-*
18 *craft 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, including*
23 *air traffic control personnel and Federal*
24 *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 deployment
6 of such systems, equipment, or technology;

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

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

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

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

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

20 (H) how the remote identification of un-
21 manned aircraft systems can be leveraged for the
22 operation of counter-UAS systems, equipment or
23 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 for
17 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, including the exclusive

1 *bargaining representative of air traffic control-*
2 *lers certified under section 7111 of title 5,*
3 *United States Code, as appropriate.*

4 (4) *PERIODIC UPDATE.*—*In carrying out this*
5 *subsection, the Administrator shall review and update*
6 *such plan not less than annually.*

7 (b) *COUNTER-UAS DETECTION SYSTEMS AT AIR-*
8 *PORTS.*—

9 (1) *IN GENERAL.*—*Pursuant to the plan required*
10 *in subsection (a) and subject to available appropria-*
11 *tions, the Administrator, in coordination with the*
12 *Secretary of Homeland Security, the Attorney Gen-*
13 *eral, and other relevant Federal agencies, shall pro-*
14 *vide for the deployment of approved counter-UAS de-*
15 *tection systems, equipment, or technology within the*
16 *terminal airspace of—*

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

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

1 *the publication of the guidance described in sub-*
2 *section (a); and*

3 *(C) each medium hub airport (as defined in*
4 *section 47102 of title 49, United States Code),*
5 *not later than 4 years after the publication of the*
6 *performance requirements described in section*
7 *44810(e) of title 49, United States Code.*

8 (2) *PRE-DEPLOYMENT ACTIVITIES.*—*The Admin-*
9 *istrator of the Federal Aviation Administration, in*
10 *consultation with the Federal Communications Com-*
11 *mission, the National Telecommunications and Infor-*
12 *mation Administration, and other Federal agencies as*
13 *appropriate, shall conduct site-specific spectrum and*
14 *suitability assessments for each selected airport under*
15 *the program, based on the specific counter-UAS detec-*
16 *tion systems, equipment, or technology intended to be*
17 *deployed.*

18 (c) *COUNTER-UAS MITIGATION AT AIRPORTS.*—

19 (1) *ESTABLISHMENT.*—*Pursuant to the plan re-*
20 *quired in subsection (a), the Secretary of Homeland*
21 *Security, jointly with the Administrator of the Fed-*
22 *eral Aviation Administration and in coordination*
23 *with the Attorney General, shall, subject to the avail-*
24 *ability of appropriations, establish a pilot program to*
25 *assess the feasibility of deploying approved counter-*

1 *UAS mitigation systems, equipment, and technology*
2 *capable of mitigating unmanned aircraft and un-*
3 *manned aircraft systems for purposes of responding to*
4 *a persistent disruption of air traffic operations*
5 *caused by unauthorized unmanned aircraft system ac-*
6 *tivity.*

7 (2) *DEPLOYMENT OF COUNTER-UAS MITIGATION*
8 *SYSTEMS.—The pilot program shall include deploy-*
9 *ment of approved counter-UAS mitigation systems,*
10 *equipment, or technology at up to 5 covered airports*
11 *not later than 2 years after the publication of the per-*
12 *formance requirements described in section 44810(e)*
13 *of title 49, United States Code.*

14 (3) *SELECTION.—The Administrator shall pro-*
15 *vide the Secretary of Homeland Security a list of cov-*
16 *ered airports eligible for inclusion in the pilot pro-*
17 *gram, based on the suitability of each such airport for*
18 *counter-UAS system, equipment, or technology de-*
19 *ployment.*

20 (4) *PRE-DEPLOYMENT ACTIVITIES.—The Admin-*
21 *istrator shall, in consultation with the Federal Com-*
22 *munications Commission, the National Telecommuni-*
23 *cations and Information Administration, and other*
24 *Federal agencies as appropriate, conduct site-specific*
25 *spectrum and suitability assessments for each selected*

1 *airport under the program, based on the specific*
2 *counter-UAS mitigation systems, equipment, or tech-*
3 *nology to be deployed, prior to the operation of such*
4 *systems at each selected airport.*

5 (5) *LIMITATIONS ON MITIGATION ACTIVITIES.—*

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

12 (B) *EMERGENCY, TEMPORARY DEPLOY-*
13 *MENT.—The Secretary of Homeland Security or*
14 *the Administrator, may, on a case-by-case basis,*
15 *authorize an emergency, temporary deployment*
16 *and operation of systems, equipment, or tech-*
17 *nology capable of mitigating unmanned aircraft*
18 *and unmanned aircraft systems to a public air-*
19 *port (as defined under section 47102 of title 49,*
20 *United States Code) not participating in the*
21 *pilot program for purposes of responding to a*
22 *persistent disruption of air traffic operations*
23 *caused by unauthorized unmanned aircraft sys-*
24 *tem activity.*

25 (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 de-
4 scribed in subsection (b) and paragraph (1) of sub-
5 section (c), the Secretary and the Administrator shall
6 coordinate with airport personnel, including the ex-
7 clusive bargaining representative of air traffic con-
8 trollers certified under section 7111 of title 5, United
9 States Code, State law enforcement, and other rel-
10 evant stakeholders to develop a site-specific plan for
11 the use of counter-UAS detection and mitigation sys-
12 tems, equipment, or technology at such airport.

13 (2) *RESPONSIBILITIES.*—A plan required under
14 paragraph (1) shall include—

15 (A) roles and responsibilities of—

16 (i) Federal agency personnel, including
17 air traffic control personnel;

18 (ii) airport law enforcement and secu-
19 rity personnel;

20 (iii) State law enforcement personnel;

21 (iv) other relevant airport personnel,
22 as determined by the Secretary and the Ad-
23 ministrator; and

1 (v) any other stakeholder in a terminal
2 airspace the Secretary and Administrator
3 determine appropriate;

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

8 (C) the operational approval process by
9 which such systems, equipment, or technology
10 may be actively deployed and operated;

11 (D) reporting requirements associated with
12 the use of such systems, equipment, or tech-
13 nology;

14 (E) initial and recurring counter-UAS op-
15 erator training requirements;

16 (F) appropriate consideration of, and up-
17 dates to, counter-UAS emergency response plans
18 for an airport; and

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

21 (e) *RESTRICTION.*—No Federal agency may require an
22 airport operator to procure, acquire, deploy, or operate an
23 approved counter-UAS detection system, equipment, or
24 technology, or approved counter-UAS mitigation system,

1 *equipment, or technology for or on behalf of the Federal*
2 *agency.*

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

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

13 (2) *such airport agrees to such terms and condi-*
14 *tions as the Administrator may prescribe under this*
15 *subsection.*

16 (g) *DEFINITIONS.—In this section:*

17 (1) *APPROVED COUNTER-UAS DETECTION SYSTEM*
18 *DEFINED.—The term “approved counter-UAS detec-*
19 *tion system” means a system approved under section*
20 *210G(b)(4) of the Homeland Security Act of 2002 (6*
21 *U.S.C. 124n(b)(4)) and that meets the minimum per-*
22 *formance requirements established pursuant to section*
23 *44810(e) of title 49, United States Code.*

24 (2) *APPROVED COUNTER-UAS MITIGATION SYS-*
25 *TEM DEFINED.—The term “approved counter-UAS*

1 *mitigation system” means a system approved under*
2 *section 210G(b)(4) of the Homeland Security Act of*
3 *2002 (6 U.S.C. 124n(b)(4)) and that meets the min-*
4 *imum performance requirements established pursuant*
5 *to section 44810(e) of title 49, United States Code.*

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

7 **AUTHORITY.**

8 *(a) IN GENERAL.—Chapter 448 of title 49, United*
9 *States Code, is amended by adding at the end the following:*

10 **“§44815. Unmanned aircraft system detection and**
11 **mitigation enforcement**

12 *“(a) PROHIBITION.—*

13 *“(1) IN GENERAL.—No person may carelessly or*
14 *recklessly operate a system, equipment, or technology*
15 *to detect, identify, monitor, track, or mitigate an un-*
16 *manned aircraft system or unmanned aircraft in a*
17 *manner that adversely impacts or interferes with safe*
18 *airport operations, navigation, or air traffic services,*
19 *or the safe and efficient operation of the national air-*
20 *space system.*

21 *“(2) ACTIONS BY THE ADMINISTRATOR.—The*
22 *Administrator of the Federal Aviation Administra-*
23 *tion may take such action as may be necessary to ad-*
24 *dress the adverse impacts or interference of operations*
25 *that violate paragraph (1).*

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

3 “(1) the Federal Government or any bureau, de-
4 partment, instrumentality, or other agency of the
5 Federal Government; or

6 “(2) an officer, employee, or contractor of the
7 Federal Government or any bureau, department, in-
8 strumentality, or other agency of the Federal Govern-
9 ment if the officer, employee, or contractor is author-
10 ized by the Federal Government or any bureau, de-
11 partment, instrumentality, or other agency of the
12 Federal Government to operate a system or technology
13 referred to in subsection (a)(1).”.

14 (b) *PENALTIES RELATING TO THE OPERATION OF UN-*
15 *MANNED AIRCRAFT SYSTEM DETECTION AND MITIGATION*
16 *TECHNOLOGIES.*—Section 46301(a) of title 49, United
17 States Code, is amended by adding at the end the following:

18 “(9) *PENALTIES RELATING TO THE OPERATION OF*
19 *UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGA-*
20 *TION TECHNOLOGIES.*—Notwithstanding paragraphs (1)
21 and (5) of subsection (a), the maximum civil penalty for
22 a violation of section 44815 committed by a person de-
23 scribed in such section, including an individual or small
24 business concern, shall be the maximum civil penalty au-

1 *thorized under subsection (a)(1) of this section for persons*
2 *other than an individual or small business concern.”.*

3 (c) *CLERICAL AMENDMENT.—The analysis for chapter*
4 *448 of title 49, United States Code, is amended by adding*
5 *at the end the following:*

“44815. Unmanned aircraft system detection and mitigation enforcement”.

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

7 (a) *REQUIREMENT.—Not later than 180 days after the*
8 *date of enactment of this Act, and annually thereafter, the*
9 *Secretary of Homeland Security shall issue, in coordination*
10 *with the Administrator of the Federal Aviation Administra-*
11 *tion and the Attorney General, a public report summa-*
12 *rizing the results of all counter-UAS detection and mitiga-*
13 *tion activities conducted pursuant to this Act during the*
14 *previous year.*

15 (b) *CONTENTS.—The report under subsection (a) shall*
16 *include—*

17 (1) *information on any violation of, or failure to*
18 *comply with, this Act or the amendments made by*
19 *this Act by personnel authorized to conduct detection*
20 *and mitigation activities, including a description of*
21 *any such violation or failure;*

22 (2) *data on the number of detection activities*
23 *conducted, the number of mitigation activities con-*
24 *ducted, and the number of instances of communica-*
25 *tions interception from an unmanned aircraft system;*

1 (3) *whether any unmanned aircraft that experi-*
2 *enced mitigation was engaged in First Amendment-*
3 *protected activities, and whether any unmanned air-*
4 *craft or unmanned aircraft systems were properly or*
5 *improperly seized, disabled, damaged, or destroyed as*
6 *well as methods used to seize, disable, damage, or de-*
7 *stroy such aircraft or systems; and*

8 (4) *a description of the efforts of the Federal*
9 *Government to protect privacy and civil liberties*
10 *when carrying out counter-UAS detection and miti-*
11 *gation activities.*

12 (c) *FORM.—The Secretary shall submit each report*
13 *under subsection (a) in unclassified form and post such re-*
14 *port on a publicly available website.*

Union Calendar No. 592

118TH CONGRESS
2^D SESSION

H. R. 8610

[Report No. 118-698, Part I]

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.

SEPTEMBER 20, 2024

Reported from the Committee on Transportation and
Infrastructure with an amendment

SEPTEMBER 20, 2024

Committees on the Judiciary and Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed