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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

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

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**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   AGREE-  
13          MENTS.—This subsection shall be applied  
14          in a manner consistent with the obligations  
15          of the United States under international  
16          agreements in effect as of the date of en-  
17          actment of the Counter-UAS Authority Se-  
18          curity, Safety, and Reauthorization Act.

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

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;”;

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.