

AMENDMENT TO RULES
COMMITTEE PRINT 119–8
OFFERED BY MR. GARBARINO OF NEW YORK

At the end of the bill, insert the following new division:

1 DIVISION F—COUNTER-UAS AU-
2 THORITY SECURITY, SAFETY,
3 AND REAUTHORIZATION ACT

4 SEC. 6101. SHORT TITLE.

5 This division may be cited as the “Counter-UAS Au-
6 thority Security, Safety, and Reauthorization Act”.

7 SEC. 6102. DEFINITIONS.

8 (a) APPLICATION OF TERMS.—Unless otherwise spec-
9 ified, the terms in section 44801 of title 49, United States
10 Code, shall apply to this division.

11 (b) IN GENERAL.—In this division:

12 (1) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term “appropriate committees of Con-
14 gress” means—

15 (A) the Committee on Homeland Security,
16 the Committee on the Judiciary, and the Com-
17 mittee on Transportation and Infrastructure of
18 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 Com-
4 merce, Science, and Transportation of the Sen-
5 ate.

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

8 (A) a large hub airport (as defined in sec-
9 tion 47102 of title 49, United States Code) that
10 qualifies as a large hub airport on or after Jan-
11 uary 1, 2025;

12 (B) a medium hub airport (as defined in
13 section 47102 of title 49, United States Code)
14 that qualifies as a large hub airport on or after
15 January 1, 2025;

16 (C) an airport with a total annual landed
17 weight of all cargo of more than 7,500,000,000
18 pounds in 2023 or any year thereafter; or

19 (D) a small hub airport (as defined in sec-
20 tion 47102 of title 49, United States Code) that
21 qualifies as a small hub airport on or after Jan-
22 uary 1, 2025.

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

1 (A) the owner or proprietor of a covered
2 site; and

3 (B) with respect to a covered event, the—
4 (i) organizing entity of such event; or
5 (ii) the entity responsible for security
6 at such event.

7 (4) COVERED EVENT.—The term “covered
8 event” means an event—

9 (A) taking place at the location of an eligi-
10 ble large public gathering (as described in sec-
11 tion 44812(c) of title 49, United States Code);

12 (B) with respect to which a flight restric-
13 tion is maintained pursuant to section 521 of
14 division F of the Consolidated Appropriations
15 Act, 2004 (49 U.S.C. 40103 note); or

16 (C) to prepare, test, train, or practice with
17 counter-UAS detection and mitigation systems,
18 equipment, and technology at a location de-
19 scribed in subparagraphs (A) and (B) for a lim-
20 ited period of time.

21 (5) COVERED SITE.—The term “covered site”
22 means a fixed site facility related to—

23 (A) critical infrastructure, such as energy
24 production, transmission, distribution facilities
25 and equipment, and railroad facilities;

1 (B) oil refineries and chemical facilities;

2 (C) amusement parks; or

3 (D) State prisons.

4 **SEC. 6103. PROTECTION OF CERTAIN FACILITIES AND AS-**
5 **SETS FROM UNMANNED AIRCRAFT SYSTEMS.**

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

8 (1) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A) by inserting
11 “or unmanned aircraft” after “During the
12 operation of the unmanned aircraft sys-
13 tem”;

14 (ii) in subparagraph (D) by striking
15 “Seize or exercise control of” and inserting
16 “Seize, exercise control of, or otherwise
17 confiscate”;

18 (iii) by striking subparagraph (E);

19 and

20 (iv) by redesignating subparagraph
21 (F) as subparagraph (E); and

22 (B) by striking paragraphs (2) through (4)
23 and inserting the following:

24 “(2) COORDINATION.—

1 “(A) IN GENERAL.—The Secretary and the
2 Attorney General shall coordinate with the Ad-
3 ministrator of the Federal Aviation Administra-
4 tion before exercising the authority described in
5 paragraph (1).

6 “(B) DETERMINATION OF AUTHORITY.—In
7 authorizing the actions described in subsection
8 (b), the Administrator shall ensure that each
9 such authorized action would not result in an
10 adverse impact on aviation safety, civil aviation
11 and aerospace operations, aircraft airworthi-
12 ness, or the use of the national airspace system.

13 “(C) AUTHORIZING DETERMINATION.—If
14 the Administration determines under subpara-
15 graph (B) that an action would not result in
16 such an adverse impact, the Secretary and the
17 Attorney General may take or authorize the
18 taking of such action.

19 “(D) MITIGATING ACTIONS.—If the Ad-
20 ministrator determines such action would result
21 in an adverse impact, the Secretary and the At-
22 torney General shall coordinate with the Admin-
23 istrator to take any necessary action to ensure
24 that such an adverse impact can be sufficiently
25 mitigated.

1 “(3) RESEARCH, TESTING, TRAINING, AND
2 EVALUATION.—

3 “(A) IN GENERAL.—The Secretary, the
4 Attorney General, and the Secretary of Trans-
5 portation shall conduct research on, testing on,
6 training on, and evaluation of equipment, in-
7 cluding electronic equipment, and technology to
8 determine the capability and utility of such
9 equipment or technology for any action de-
10 scribed in paragraph (1), including prior to the
11 initial use of such equipment or technology.

12 “(B) COORDINATION.—The Secretary, the
13 Attorney General, and the Secretary of Trans-
14 portation shall coordinate activities under this
15 paragraph and mutually share data and results
16 from such activities.

17 “(4) LIST OF AUTHORIZED EQUIPMENT AND
18 TECHNOLOGIES.—

19 “(A) LIST.—Not later than 1 year after
20 the date of enactment of the Counter-UAS Au-
21 thority Security, Safety, and Reauthorization
22 Act, the Secretary, in coordination with the At-
23 torney General and the Administrator of the
24 Federal Aviation Administration, shall maintain
25 a list of approved makes and models of counter-

1 UAS detection and mitigation systems, equip-
2 ment, and technology. Such list shall include
3 the following:

4 “(i) A description of the specific de-
5 tection or mitigation functions of each
6 such system, equipment, or technology that
7 enable each such system, equipment, or
8 technology to carry out an action described
9 in paragraph (1).

10 “(ii) Whether each such system,
11 equipment, or technology is authorized for
12 an action described in subparagraph (A),
13 (B), (C), or (D) of paragraph (1).

14 “(iii) Any conditions or restrictions
15 generally applicable to the use, location, or
16 positioning of each such system, equip-
17 ment, or technology, including whether and
18 how each such system, equipment, or tech-
19 nology may be suitable for use in terminal
20 airspace.

21 “(B) IMPACT DETERMINATION BY ADMIN-
22 ISTRATOR.—A counter-UAS detection or miti-
23 gation system, equipment, or technology may
24 not be included on the list maintained under
25 subparagraph (A) unless the Administrator of

1 the Federal Aviation Administration makes a
2 written determination that—

3 “(i)(I) the system, equipment, or tech-
4 nology meets any applicable minimum per-
5 formance requirements as described in sec-
6 tion 44810(e) of title 49, United States
7 Code; and

8 “(II) the use of such system, equip-
9 ment, or technology does not present an
10 adverse impact on aviation safety, civil
11 aviation and aerospace operations, aircraft
12 airworthiness, or the use of the national
13 airspace system; or

14 “(ii) in the event the Administrator
15 identifies such an adverse impact from
16 such system, equipment, or technology,
17 such an adverse impact can be sufficiently
18 mitigated and the mitigation activities are
19 described in the list maintained under sub-
20 paragraph (A) or in a manner determined
21 by the Administrator.

22 “(C) SPECTRUM IMPACT CONSULTATION.—
23 The Secretary, the Attorney General, and the
24 Administrator of the Federal Aviation Adminis-
25 tration shall consult with the Federal Commu-

1 nications Commission or the Administrator of
2 the National Telecommunications and Informa-
3 tion Administration, as appropriate, to deter-
4 mine whether the use of a counter-UAS detec-
5 tion or mitigation system, equipment, or tech-
6 nology on the list maintained under subpara-
7 graph (A)—

8 “(i) does not present an adverse im-
9 pact on civilian telecommunications, com-
10 munications spectrum, internet technology,
11 or radio communications networks or sys-
12 tems; or

13 “(ii) in the event that such an adverse
14 impact is identified, such impact can be
15 sufficiently mitigated, or the system, equip-
16 ment, or technology is excluded from the
17 list maintained under subparagraph (A)
18 until such an adverse impact is sufficiently
19 mitigated.

20 “(D) LIMITATION ON INCLUSION OF
21 COUNTER-UAS SYSTEMS MANUFACTURED BY
22 CERTAIN FOREIGN ENTERPRISES.—

23 “(i) LIMITATION.—The Secretary may
24 not include on the list maintained under
25 subparagraph (A) a counter-UAS detection

1 and mitigation system, equipment, and
2 technology, manufactured or developed by
3 a covered manufacturer.

4 “(ii) INTERNATIONAL AGREEMENTS.—This subsection shall be applied
5 in a manner consistent with the obligations
6 of the United States under international
7 agreements in effect as of the date of en-
8 actment of the Counter-UAS Authority Se-
9 curity, Safety, and Reauthorization Act.

10 “(iii) AUTHORIZED UTILIZATION.—
11 Upon the inclusion of a counter-UAS de-
12 tection or mitigation system, equipment, or
13 technology on the list maintained under
14 subparagraph (A), the Secretary and the
15 Attorney General may utilize such system,
16 equipment, or technology for any action
17 described in paragraph (1).

18 “(iv) EXCEPTION.—The Secretary of
19 Homeland Security is exempt from the lim-
20 itation under this subsection if the Sec-
21 retary determines that the operation or
22 procurement of such system, equipment, or
23 technology is for the sole purpose of re-
24

1 search, evaluation, training, testing, or
2 analysis.

3 “(v) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) COVERED MANUFAC-
6 Turer.—The term ‘covered manufac-
7 turer’ means an entity that is owned
8 by, controlled by, is a subsidiary of, or
9 is otherwise related legally or finan-
10 cially to, a person based in a country
11 that—

12 “(aa) is identified as a non-
13 market economy country (as de-
14 fined in section 771 of the Tariff
15 Act of 1930 (19 U.S.C. 1677))
16 as of the date of enactment of
17 the Counter-UAS Authority Se-
18 curity, Safety, and Reauthoriza-
19 tion Act;

20 “(bb) was identified by the
21 United States Trade Representa-
22 tive in the most recent report re-
23 quired under section 182 of the
24 Trade Act of 1974 (19 U.S.C.
25 2242) as a priority foreign coun-

1 try under subsection (a)(2) of
2 such section; and

3 “(cc) is subject to moni-
4 toring by the United States
5 Trade Representative under sec-
6 tion 306 of the Trade Act of
7 1974 (19 U.S.C. 2416).

8 “(II) OTHERWISE RELATED LE-
9 GALLY OR FINANCIALLY.—The term
10 ‘otherwise related legally or finan-
11 cially’ does not include a minority
12 stake relationship or investment.

13 “(E) RULES OF CONSTRUCTION.—Nothing
14 in this paragraph may be construed to—

15 “(i) prevent the Secretary, the Attor-
16 ney General, or the Administrator of the
17 Federal Aviation Administration from ex-
18 ercising any authority to counter un-
19 manned aircraft systems in effect prior to
20 the date of enactment of the Counter-UAS
21 Authority Security, Safety, and Reauthor-
22 ization Act; or

23 “(ii) require the disclosure of the list
24 maintained under subparagraph (A) to the
25 general public.”;

1 (2) in subsection (d) by striking paragraph (2)
2 and inserting the following:

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

8 (3) in subsection (e)—

9 (A) by striking paragraph (3) and insert-
10 ing the following:

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

21 (B) in paragraph (4)—

22 (i) in the matter preceding subpara-
23 graph (A) by striking “are not disclosed
24 outside the Department of Homeland Se-
25 curity or the Department of Justice un-

1 less” and inserting “are not shared outside
2 of the department in possession of such
3 communications, except if”; and

4 (ii) in subparagraph (B) by striking
5 “of, or any regulatory, statutory, or other
6 enforcement action relating to an action
7 described in subsection (b)(1)”;

8 (4) in subsection (f) by striking “within the De-
9 partment of Homeland Security or the Department
10 of Justice”;

11 (5) in subsection (g)—

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

17 (B) by striking paragraphs (2) and (3) and
18 inserting the following:

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

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

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

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

11 “(iii) resulted in successful seizure,
12 exercise of control, or confiscation under
13 subsection (b)(1)(D); or

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

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

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

1 “(ii) The approximate number and
2 nature of other communications inter-
3 cepted.

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

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

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

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

22 “(E) Information on the implementation of
23 paragraphs (3) and (4)(A) of subsection (b), in-
24 cluding regarding equipment or technology, in-
25 cluding electronic equipment to address emerg-

1 ing trends and changes in unmanned aircraft
2 system or unmanned aircraft system-related se-
3 curity threats.”;

4 (C) in paragraph (5)—

5 (i) in the first sentence—

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

11 (II) by striking “the Secretary
12 and the Attorney General shall, re-
13 spectively,” and inserting “the Sec-
14 retary, in coordination with the Sec-
15 retary of Transportation and the At-
16 torney General, shall”;

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

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

23 (6) by striking subsection (i) and inserting the
24 following:

1 “(i) TERMINATION.—The authority under this sec-
2 tion shall terminate on October 1, 2030.”;

3 (7) in subsection (k)—

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

6 (B) in paragraph (3)—

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

13 (ii) in subparagraph (C)—

14 (I) in clause (i)—

15 (aa) in subclause (II), by
16 striking “or” after the semicolon;
17 and

18 (bb) by adding at the end
19 the following:

20 “(IV) the security or protection
21 functions for facilities, assets, and op-
22 erations of Homeland Security Inves-
23 tigation; or

24 “(V) the security and protection
25 of public airports (as such term is de-

1 fined in section 47102 of title 49,
2 United States Code) under section
3 6107 of the Counter-UAS Authority
4 Security, Safety, and Reauthorization
5 Act;” and

6 (II) in clause (ii)—

7 (aa) in subclause (I)—

8 (AA) in item (aa), by
9 striking “section 533 of title
10 28, United States Code”
11 and inserting “paragraph
12 (2) or (3) of section 533 of
13 title 28, United States Code,
14 and that is limited to a spec-
15 ified period of time and loca-
16 tion”; and

17 (BB) in item (bb), by
18 inserting before the semi-
19 colon the following: “, and
20 that is limited to a specified
21 period of time and location”;
22 and

23 (bb) in subclause (III), by
24 striking “, as specified in” and
25 inserting “pursuant to”;

1 (C) in paragraph (6), by striking “pur-
2 poses of subsection (a)” and inserting “pur-
3 poses of subsection (a) and paragraph (4) of
4 subsection (e)”;

5 (D) in paragraph (8) in the matter pre-
6 ceding subparagraph (A)—

7 (i) by striking “and efficiency of the
8 national airspace system” and inserting “,
9 efficiency, and operation of the national
10 airspace system”;

11 (ii) by striking “the Secretary or the
12 Attorney General, respectively,” and in-
13 serting “the Secretary, in coordination
14 with the Secretary of Transportation and
15 the Attorney General,”;

16 (8) by striking subsection (l) and inserting the
17 following:

18 “(l) ANNUAL REPORT.—Not later than 1 year after
19 the date of enactment of the Counter-UAS Authority Se-
20 curity, Safety, and Reauthorization Act, and annually
21 thereafter, the Secretary, in coordination with the Sec-
22 retary of Transportation and the Attorney General, shall
23 submit to the appropriate congressional committees a re-
24 port that contains the following:

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

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

11 “(3) A description of the guidance, policies,
12 programs, and procedures established to address pri-
13 vacy, civil rights, and civil liberties issues implicated
14 by the activities carried out pursuant to this sec-
15 tion.”; and

16 (9) by adding at the end the following:

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

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

23 “(2) establish or designate 1 or more facilities
24 or training centers for the purpose described in
25 paragraph (1).

1 “(n) COUNTER-UAS DETECTION AND MITIGATION
2 SYSTEM OPERATOR QUALIFICATION AND TRAINING CRI-
3 TERIA.—

4 “(1) IN GENERAL.—The Secretary and Attor-
5 ney General, in coordination with the Administrator
6 of the Federal Aviation Administration, not later
7 than 180 days after the date of enactment of the
8 Counter-UAS Authority Security, Safety, and Reau-
9 thorization Act, shall establish standards for initial
10 and recurring training programs or certifications for
11 individuals seeking to operate counter-UAS detection
12 and mitigation systems, equipment, or technology
13 under this section or the Counter-UAS Authority Se-
14 curity, Safety, and Reauthorization Act.

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

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

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; and

9 “(D) consult with counter-UAS detection
10 and mitigation system manufacturers and any
11 other stakeholders determined appropriate by
12 the Secretary and Attorney General.”.

13 **SEC. 6104. FAA COUNTER-UAS ACTIVITIES.**

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

16 **“§ 44810. Counter-UAS activities**

17 “(a) AUTHORITY.—

18 “(1) IN GENERAL.—The Administrator of the
19 Federal Aviation Administration may take such ac-
20 tions as described in paragraph (2) that are nec-
21 essary to—

22 “(A) detect or mitigate a credible threat
23 (as defined by the Secretary of Homeland Secu-
24 rity and Attorney General, in consultation with
25 the Administrator) that an operation of an un-

1 manned aircraft or an unmanned aircraft sys-
2 tem poses to the safe and efficient operation of
3 the national airspace system; or

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

11 “(2) AUTHORIZED ACTIONS.—In carrying out
12 paragraph (1), the Administrator may take the fol-
13 lowing actions:

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

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

1 “(C) Seize, exercise control of, or otherwise
2 confiscate an unmanned aircraft system or un-
3 manned aircraft.

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

10 “(b) APPLICABILITY OF OTHER LAWS.—

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

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

20 “(A) the interception or acquisition of, or
21 access to, or maintenance or use of, commu-
22 nications to or from an unmanned aircraft sys-
23 tem under this section is conducted in a man-
24 ner consistent with the First and Fourth

1 Amendments to the Constitution of the United
2 States and applicable provisions of Federal law;

3 “(B) communications to or from an un-
4 manned aircraft system are intercepted or ac-
5 quired only to the extent necessary to support
6 an action as described under subsection (a)(2);

7 “(C) records of such communications are
8 disposed of immediately following herein au-
9 thorized activity to mitigate a credible threat,
10 unless the Administrator, the Secretary of
11 Homeland Security, or the Attorney General de-
12 termines that maintenance of such records—

13 “(i) is necessary to investigate or
14 prosecute a violation of law;

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

24 “(iii) is between the Secretary of
25 Homeland Security and the Attorney Gen-

1 eral in the course of a security or protec-
2 tion operation of either agency or a joint
3 operation of such agencies; or

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

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

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

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

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

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

23 “(A) coordinate with other offices of the
24 Administration to ensure that such activities do

1 not adversely impact aviation safety or the effi-
2 ciency of the national airspace system;

3 “(B) lead the development and implemen-
4 tation of counter-UAS activity strategic plan-
5 ning within the Federal Aviation Administra-
6 tion;

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

10 “(i) Federal and State agencies;

11 “(ii) covered airports; and

12 “(iii) other relevant stakeholders; and

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

15 “(d) INTERAGENCY COORDINATION.—

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

22 “(2) NONDELEGATION.—Nothing under this
23 section shall permit the Administrator to delegate
24 any authority granted to the Administrator to any
25 other Federal agency.

1 “(e) COUNTER-UAS DETECTION AND MITIGATION
2 SYSTEM PERFORMANCE REQUIREMENTS.—

3 “(1) IN GENERAL.—Not later than 270 days
4 after the date of enactment of the Counter-UAS Au-
5 thority Security, Safety, and Reauthorization Act,
6 the Administrator, in coordination with the Sec-
7 retary and the Attorney General, shall establish min-
8 imum performance requirements for the safe and re-
9 liable deployment or use of counter-UAS detection
10 and mitigation systems, equipment, and technology
11 within the national airspace system.

12 “(2) CONSIDERATIONS.—

13 “(A) AVIATION SAFETY.—In establishing
14 minimum performance requirements under
15 paragraph (1), the Administrator shall—

16 “(i) leverage data collected in testing
17 and evaluation activities conducted under
18 this section and any other relevant testing
19 and evaluation data determined appro-
20 priate by the Administrator;

21 “(ii) determine the extent to which a
22 counter-UAS detection or mitigation sys-
23 tem, equipment, or technology can safely
24 operate without disrupting or interfering

1 with the operation of aircraft or other na-
2 tional airspace system users; and

3 “(iii) establish specific requirements
4 for the deployment and use of such sys-
5 tems, equipment, or technology in terminal
6 airspace.

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

18 “(C) OTHER INTERFERENCE.—In estab-
19 lishing minimum performance requirements
20 under subsection (a), the Administrator shall
21 consider criteria, as determined by the Federal
22 Communications Commission, to determine the
23 extent to which counter-UAS detection and
24 mitigation systems, equipment, or technology
25 can be safely operated without disrupting or

1 interfering with the operation of civilian com-
2 munications and information technology net-
3 works and systems, including such networks
4 and systems that rely on radio frequency or cel-
5 lular network communications links.

6 “(3) RULE OF CONSTRUCTION.—Nothing in
7 paragraph (1) shall require the Administrator to
8 conduct a rulemaking in publishing minimum per-
9 formance requirements under such paragraph.

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

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

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

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

24 “(2) TESTING AND TRAINING.—Prior to the
25 commencement of any training or testing of counter-

1 UAS systems, equipment, and technology used for
2 detection or mitigation purposes, an agreement shall
3 be established between the testing or training entity
4 and the Administrator to ensure aviation safety.

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

13 “(4) AIRSPACE HAZARD MITIGATION PRO-
14 GRAM.—

15 “(A) TESTING PROGRAM.—In order to test
16 and evaluate counter-UAS systems, equipment,
17 or technology that detect or mitigate potential
18 aviation safety risks posed by unmanned air-
19 craft, the Administrator shall deploy such sys-
20 tems or technology at 5 airports, as appro-
21 priate, and any other location the Administrator
22 determines appropriate.

23 “(B) TESTING AND EVALUATION.—Not-
24 withstanding section 46502 of this title or sec-
25 tions 32, 1030, and 1367 and chapters 119 and

1 206 of title 18, the Administrator of the Fed-
2 eral Aviation Administration shall conduct test-
3 ing and evaluation of any counter-UAS detec-
4 tion or mitigation system, equipment, or tech-
5 nology to assess potential impacts on, or inter-
6 ference with, safe airport operations, aircraft
7 and air traffic navigation, air traffic services, or
8 the safe and efficient operation of the national
9 airspace system.

10 “(C) COORDINATION.—In carrying out this
11 paragraph, the Administrator shall coordinate
12 with the Secretary of Homeland Security and
13 the head of any other Federal agency that the
14 Administrator considers appropriate.

15 “(g) VOLUNTARY VERIFIED OPERATOR PROGRAM.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of the Counter-UAS Au-
18 thority Security, Safety, and Reauthorization Act,
19 the Administrator shall establish a voluntary verified
20 unmanned aircraft system operator program.

21 “(2) PURPOSE.—Under the voluntary verified
22 operator program established under paragraph (1),
23 the Administrator shall—

24 “(A) determine criteria for operators of
25 unmanned aircraft systems participating in the

1 program to access different categories of air-
2 space, including special use airspace, in which
3 the operation of such systems is otherwise sub-
4 ject to limitations or prohibitions;

5 “(B) enable routine access to airspace de-
6 scribed in subparagraph (A) via digital means;
7 and

8 “(C) ensure such program serves as a re-
9 pository of unmanned aircraft systems opera-
10 tors that have met criteria established by the
11 Administrator relating to the establishment of
12 safety programs, managerial competence, and
13 compliance.

14 “(3) CRITERIA.—In establishing the criteria
15 under paragraph (2)(A), the Administrator—

16 “(A) may consider—

17 “(i) an operator’s establishment of
18 safety programs, managerial competence,
19 and record of compliance;

20 “(ii) the nature of an operator’s facili-
21 ties, unmanned aircraft systems, and oper-
22 ations; and

23 “(iii) the sensitivity of different cat-
24 egories of airspace described in such para-
25 graph;

1 “(B) shall assume that an unmanned air-
2 craft systems operator that holds a certificate
3 issued under part 135 of title 14, Code of Fed-
4 eral Regulations (or any successor regulation)
5 meets such criteria and allow such operator to
6 participate in the voluntary verified operator
7 program established under this subsection with-
8 out imposing any additional requirements; and

9 “(C) shall assume that a public safety or-
10 ganization meets such criteria and allow such
11 an organization to participate in the voluntary
12 verified operator program established under this
13 subsection without imposing any additional re-
14 quirements, if such organization—

15 “(i) holds an FAA-issued operating
16 approval in accordance with parts 91 or
17 107 (or any successor regulation) of title
18 14, Code of Federal Regulations, to oper-
19 ate for public safety purposes; and

20 “(ii) is operating an unmanned air-
21 craft system that is a public aircraft, as
22 defined in section 40102(a)(41), and meets
23 any applicable requirements to qualify as a
24 public aircraft pursuant to section 40125.

1 “(4) DATA.—The Administrator shall ensure
2 that voluntary verified operator program participant
3 information is current, comprehensive, and available
4 via digital means to such entities as the Adminis-
5 trator determines appropriate, including other pro-
6 gram participants, to improve aviation safety and
7 streamline unmanned aircraft systems access to and
8 identification in airspace in which such systems may
9 otherwise be subject to limitations or prohibitions.

10 “(5) RULE OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to—

12 “(A) require a rulemaking to implement;

13 “(B) impose additional requirements on
14 unmanned aircraft systems operators or oper-
15 ations that—

16 “(i) are otherwise permitted through
17 other mechanisms or regulatory frame-
18 works; or

19 “(ii) do not participate in the vol-
20 untary verified operator program estab-
21 lished under this subsection; or

22 “(C) restrain the authority of the Adminis-
23 trator to manage the use of or restrict navi-
24 gable airspace under section 40103(b).

1 “(h) LIMITATIONS ON OPERATION OF COUNTER-UAS
2 SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTER-
3 PRISES.—

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

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

17 “(3) EXCEPTION.—The Secretary of Transpor-
18 tation is exempt from the limitation under this sub-
19 section if the Secretary determines that the oper-
20 ation or procurement of such system supports the
21 safe, secure, or efficient operation of the national
22 airspace system or maintenance of public safety, in-
23 cluding activities carried out under the Federal
24 Aviation Administration’s Alliance for System Safety
25 of UAS through Research Excellence Center of Ex-

1 cellence, FAA-authorized unmanned aircraft systems
2 test ranges, and any other testing and evaluation ac-
3 tivity deemed to support the safe, secure, or efficient
4 operation of the national airspace system or mainte-
5 nance of public safety, as determined by the Sec-
6 retary.

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

8 “(A) COVERED MANUFACTURER.—The
9 term ‘covered manufacturer’ means an entity
10 that is owned by, controlled by, is a subsidiary
11 of, or is otherwise related legally or financially
12 to, a person based in a country that—

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

19 “(ii) was identified by the United
20 States Trade Representative in the most
21 recent report required by section 182 of
22 the Trade Act of 1974 (19 U.S.C. 2242)
23 as a priority foreign country under sub-
24 section (a)(2) of that section; and

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

4 “(B) OTHERWISE RELATED LEGALLY OR
5 FINANCIALLY.—The term ‘otherwise related le-
6 gally or financially’ does not include a minority
7 stake relationship or investment.

8 “(i) BRIEFINGS.—

9 “(1) SEMIANNUAL BRIEFINGS AND NOTIFICA-
10 TIONS.—

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

16 “(B) CONTENT.—Each briefing required
17 under this paragraph shall include—

18 “(i) the number of instances and a de-
19 scription of each instance in which actions
20 described in subsection (a)(2) have been
21 taken, including all such instances that—

22 “(I) equipment, systems, or tech-
23 nology disrupted the transmission of
24 radio or electronic signals, including

1 and disaggregated by whether any
2 such disruption was minimized;

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

8 “(III) resulted in the successful
9 seizure, exercise of control, or confis-
10 cation under subsection (a)(2); or

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

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

18 “(I) the approximate number and
19 nature of incriminating communica-
20 tions intercepted;

21 “(II) the approximate number
22 and nature of other communications
23 intercepted; and

24 “(III) the total number of in-
25 stances in which records of commu-

1 communications intercepted or acquired dur-
2 ing the course of actions described in
3 subsection (a)(2) were—

4 “(aa) shared with the De-
5 partment of Justice or another
6 Federal law enforcement agency,
7 including a list of receiving Fed-
8 eral law enforcement agencies; or

9 “(bb) maintained for more
10 than 90 days;

11 “(iii) the number of instances and a
12 description of each instance in which Ad-
13 ministrator of the Federal Aviation Admin-
14 istration has engaged with Federal, State,
15 or local law enforcement agencies to imple-
16 ment the authority under this section, in-
17 cluding the number of instances that re-
18 sulted in a criminal investigation or litiga-
19 tion; and

20 “(iv) information on the actions car-
21 ried out under subparagraphs (C) and (D)
22 of subsection (a)(2), including equipment
23 or technology to address emerging trends
24 and changes in unmanned aircraft system

1 or unmanned aircraft system-related secu-
2 rity threats.

3 “(C) CLASSIFICATION.—

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

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

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

20 “(II) a description of each cov-
21 ered site, including the capabilities of
22 counter-UAS systems used at such
23 sites.

24 “(2) NOTIFICATION.—Beginning 180 days after
25 the date of enactment of the Counter-UAS Authority

1 Security, Safety, and Reauthorization Act, the Ad-
2 ministrator shall—

3 “(A) notify the specified committees of
4 Congress of any newly authorized acquisition,
5 deployment, or operation of a counter-UAS sys-
6 tem, equipment or technology under this section
7 not later than 90 days after such newly author-
8 ized acquisition, deployment, or operation; and

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

18 “(j) DEFINITIONS.—In this section:

19 “(1) SPECIFIED COMMITTEES OF CONGRESS.—
20 The term ‘specified committees of Congress’
21 means—

22 “(A) the Committee on Transportation and
23 Infrastructure, the Committee on Homeland Se-
24 curity, and the Committee on the Judiciary of
25 the House of Representatives; and

1 “(B) the Committee on Commerce,
2 Science, and Transportation, the Committee on
3 Homeland Security and Governmental Affairs,
4 and the Committee on the Judiciary of the Sen-
5 ate.

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

9 “(k) SUNSET.—This section ceases to be effective on
10 October 1, 2030.”.

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

 “44810. Counter-UAS activities.”.

15 **SEC. 6105. ADDITIONAL LIMITED AUTHORITY FOR DETEC-**
16 **TION, IDENTIFICATION, MONITORING, AND**
17 **TRACKING.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity, in coordination with the Administrator of the Federal
20 Aviation Administration and the Attorney General, may
21 authorize the acquisition, deployment, and operation of
22 approved counter-UAS detection systems, equipment or
23 technology intended to be used for the detection of un-
24 manned aircraft systems by a covered entity.

25 (b) REQUIRED APPLICATION.—

1 (1) IN GENERAL.—In carrying out this section,
2 the Secretary of Homeland Security, in coordination
3 with the Administrator and the Attorney General,
4 not later than 180 days after the establishment of
5 this Act, shall establish an application process to au-
6 thorize the acquisition, deployment, and operation of
7 an approved counter-UAS detection system, equip-
8 ment, or technology by covered entities, at covered
9 sites or covered events.

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

12 (A) a justifiable need (based on a threat
13 posed by an unmanned aircraft or unmanned
14 aircraft system to a covered site or covered
15 event) to detect an unmanned aircraft system
16 with an approved counter-UAS detection sys-
17 tem, equipment, or technology;

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

21 (i) be subject to the approval of the
22 Secretary of Homeland Security, the Ad-
23 ministrator of the Federal Aviation Admin-
24 istration, and the Attorney General; and

25 (ii) include—

1 (I) a description of the covered
2 site or covered event at which the
3 counter-UAS detection system, equip-
4 ment, or technology will be deployed
5 and operated;

6 (II) a description of the time pe-
7 riods and dates during which the
8 counter-UAS detection system, equip-
9 ment, or technology will be operated;

10 (C) a written agreement between the cov-
11 ered entity and a Federal, State, local, or Trib-
12 al law enforcement agency to operate such ap-
13 proved counter-UAS detection system, equip-
14 ment, or technology at a covered site or covered
15 event on behalf of such covered entity;

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

20 (E) any other requirements the Secretary
21 determines appropriate.

22 (3) LAW ENFORCEMENT PARTICIPATION WAIV-
23 ER.—The Secretary of Homeland Security, in co-
24 ordination with the Administrator of the Federal
25 Aviation Administration and the Attorney General,

1 may waive the requirements of paragraph (2)(C)
2 upon application from a covered entity if such cov-
3 ered entity demonstrates, to the satisfaction of the
4 Secretary, that such covered entity has the expertise
5 and ability to safely and lawfully operate an ap-
6 proved counter-UAS detection system, equipment, or
7 technology under this section.

8 (4) APPLICATION TIMELINE.—The Secretary of
9 Homeland Security shall approve or reject an appli-
10 cation submitted under this subsection not later
11 than 45 days after receiving such application (or 90
12 days if such application requests a waiver pursuant
13 to paragraph (3)).

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

- 21 (1) the approved counter-UAS detection system,
22 equipment, or technology to be operated;
23 (2) the covered site or covered event at which
24 the system, equipment, or technology may be oper-
25 ated;

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 de-
7 termines necessary to ensure public safety.

8 (d) REVOCATION.—The Secretary shall revoke the
9 authorization or approval for the deployment and oper-
10 ation of an approved counter-UAS detection system,
11 equipment, or technology pursuant to this section for any
12 reason the Secretary determines necessary, including if
13 the Secretary determines that the covered entity has not—

14 (1) maintained, as applicable, an agreement
15 that is acceptable to the Secretary with a Federal,
16 State, local, or Tribal law enforcement agency to op-
17 erate such approved counter-UAS detection system,
18 equipment, or technology on behalf of the covered
19 entity;

20 (2) complied with the initial and recurrent
21 training or certification requirements under section
22 210G(n) of the Homeland Security Act of 2002 (6
23 U.S.C. 124n(n));

1 (3) complied with the privacy protections under
2 section 210G(e) of the Homeland Security Act of
3 2002 (6 U.S.C. 124n(e)); or

4 (4) operated an approved counter-UAS detec-
5 tion system, equipment, or technology in a safe man-
6 ner.

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

11 (f) APPLICABILITY OF OTHER LAWS.—Section 46502
12 of title 49, United States Code, or sections 32, 1030, and
13 1367 and chapters 119 and 206 of title 18, United States
14 Code, shall not apply to activities authorized by the Sec-
15 retary under this section or section 6106.

16 (g) PREVIOUSLY ACQUIRED COUNTER-UAS SYS-
17 TEMS.—If the Administrator finds that a covered entity
18 acquired and operated a counter-UAS detection system,
19 equipment, or technology prior to the date of enactment
20 of this Act, the Secretary may authorize the use of such
21 system, equipment, or technology if—

22 (1) such system, equipment, or technology
23 meets the minimum performance requirements
24 issued pursuant to section 44810(e) of title 49,
25 United States Code; and

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

4 (h) AUDITS.—Not later than 18 months after the
5 date of enactment of this Act, and every 18 months there-
6 after, the inspectors general of the Department of Trans-
7 portation, the Department of Homeland Security, and the
8 Department of Justice shall conduct a joint audit of the
9 implementation of the requirements of this section, section
10 6106, or section 6107.

11 (i) REPORT TO CONGRESS.—Not later than 90 days
12 after the date on which the inspectors general complete
13 each audit required under subsection (h), the inspectors
14 general shall submit to the appropriate committees of Con-
15 gress a report on the findings of such audit and any rec-
16 ommendations related to the administration of this sec-
17 tion.

18 (j) TERMINATION OF AUTHORITY.—The authorities
19 under this section shall terminate on October 1, 2030.

20 (k) SAVINGS CLAUSE.—

21 (1) RULES OF CONSTRUCTION.—

22 (A) SAFETY AND EFFICIENCY.—Nothing
23 in this section or section 6106 shall be con-
24 strued to limit or restrict the Administrator of
25 the Federal Aviation Administration from en-

1 suring the safety and efficiency of the national
2 airspace system.

3 (B) PRECLUSION.—Nothing in this section
4 or section 6107 shall be construed to preclude
5 a covered entity or public-use airport from ac-
6 quiring and operating an approved counter-
7 UAS detection system, equipment, or tech-
8 nology without an authorization if the lawful
9 operation of such system, equipment, or tech-
10 nology does not—

11 (i) require the relief provided under
12 subsection (f); and

13 (ii) adversely impact the safe oper-
14 ation of the national airspace system.

15 (2) SUSPENSION OF AUTHORITY.—

16 (A) IN GENERAL.—The Administrator of
17 the Federal Aviation Administration, in con-
18 sultation with the Attorney General, may sus-
19 pend the authority provided under this section
20 or section 6106 if the Administrator—

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

1 (ii) conveys in writing the determina-
2 tion to the Secretary of Homeland Secu-
3 rity.

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

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

17 **SEC. 6106. COUNTER-UAS MITIGATION LAW ENFORCEMENT**
18 **PILOT PROGRAM.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations for such purpose, not later than 60 days after
21 the first determination that a counter-UAS system with
22 mitigation capabilities meets the requirements of section
23 44810(e) of title 49, United States Code, the Secretary
24 of Homeland Security, in coordination with the Attorney
25 General and the Administrator of the Federal Aviation

1 Administration, shall establish a pilot program to assess
2 the efficacy of approved counter-UAS mitigation systems
3 at covered sites and covered events and determine the ap-
4 propriate policies, procedures, and protocols necessary to
5 allow State and covered local law enforcement agencies (in
6 coordination with the Secretary, Attorney General, and
7 Administrator) to acquire, deploy, and operate approved
8 counter-UAS mitigation systems and mitigate unauthor-
9 ized UAS operations on behalf of covered entities.

10 (b) REQUIRED APPLICATION.—

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

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

22 (A) a justifiable need (based on a threat
23 posed by an unmanned aircraft or unmanned
24 aircraft system to a covered site or covered
25 event) to mitigate an unmanned aircraft system

1 with an approved counter-UAS mitigation sys-
2 tem, equipment, or technology;

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

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

10 (ii) include—

11 (I) a description of the covered
12 site or covered event at which the
13 counter-UAS mitigation system,
14 equipment, or technology will be de-
15 ployed and operated; and

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

21 (C) a written agreement between the cov-
22 ered entity and a State or covered local law en-
23 forcement agency to operate such approved
24 counter-UAS mitigation system, equipment, or

1 technology at a covered site or covered event on
2 behalf of such covered entity;

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

7 (E) proof that the airspace above such cov-
8 ered site or covered event is restricted by a tem-
9 porary flight restriction, a determination under
10 section 2209 of the FAA Extension, Safety, and
11 Security Act of 2016 (49 U.S.C. 44802 note),
12 or any other similar restriction determined ap-
13 propriate by the Secretary;

14 (F) an endorsement from the chief execu-
15 tive of the State or territory within which the
16 applicant has jurisdiction; and

17 (G) any other requirements the Secretary
18 determines appropriate.

19 (c) AGREEMENTS.—Upon approval of an application
20 required under subsection (b) by the Secretary of Home-
21 land Security, the Secretary shall enter into an agreement
22 with the applicable covered entity and State or covered
23 local law enforcement agency to authorize the acquisition,
24 deployment, operation of an approved counter-UAS miti-

1 gation system, equipment, or technology, that shall speci-
2 fy, at a minimum—

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

5 (2) the covered site or covered event at which
6 the system, equipment, or technology may be oper-
7 ated;

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

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

15 (5) the frequency with which the appropriate
16 Federal agency representatives shall conduct peri-
17 odic site visits to ensure compliance with the ap-
18 proved terms and conditions of deployment and op-
19 erations of the approved counter-UAS mitigation
20 system, equipment, or technology;

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

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

3 (d) REQUIRED COORDINATION AND NOTIFICA-
4 TION.—

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

12 (2) VERIFICATION AND NOTIFICATION.—In car-
13 rying out paragraph (1), the Secretary of Homeland
14 Security shall—

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

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

20 (i) be conducted in a manner con-
21 sistent with the agreement between the
22 Secretary and the State or covered local
23 law enforcement agency; and

24 (ii) abide by all safety protocols,
25 terms, and conditions established for the

1 use of such system, equipment, or tech-
2 nology at the covered site or covered event;
3 and

4 (C) immediately notify the Administrator
5 of the Federal Aviation Administration of the
6 approval provided under this paragraph.

7 (3) REPORT.—

8 (A) IN GENERAL.—Not later than 24
9 hours after each mitigation of a UAS conducted
10 under the authorities in this section, the rel-
11 evant State or covered local law enforcement
12 agency shall submit to the Secretary of Home-
13 land Security, the Administrator of the Federal
14 Aviation Administration, and the Attorney Gen-
15 eral a post-event report.

16 (B) CONTENTS.—The report under sub-
17 paragraph (A) shall include all relevant infor-
18 mation pertaining to the event, including the
19 drone operation, and subsequent mitigation and
20 enforcement actions, and subsequent enforce-
21 ment actions, as specified by the Secretary.

22 (e) REVOCATION.—The Secretary shall revoke the
23 authorization or approval for the deployment and oper-
24 ation of an approved counter-UAS mitigation system,

1 equipment, or technology pursuant to this section if the
2 Secretary determines that the covered entity has not—

3 (1) maintained an agreement that is acceptable
4 to the Secretary with a State or covered local law
5 enforcement agency to operate such approved
6 counter-UAS mitigation system, equipment, or tech-
7 nology on behalf of the covered entity;

8 (2) complied with the initial and recurrent
9 training or certification requirements under section
10 210G(n) of the Homeland Security Act of 2002 (6
11 U.S.C. 124n(n));

12 (3) complied with the privacy protections under
13 section 210G(e) of the Homeland Security Act of
14 2002 (6 U.S.C. 124n(e)); or

15 (4) otherwise operated an approved counter-
16 UAS mitigation system, equipment, or technology in
17 a safe and lawful manner.

18 (f) 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, agreement, and revocation processes under this
22 section.

23 (g) EVALUATION.—Before the initiation of the pilot
24 program under this section, the Secretary of Homeland
25 Security, in coordination with the Attorney General and

1 the Administrator of the Federal Aviation Administration,
2 shall establish objectives, metrics, and success criteria for
3 evaluating the results of pilot program in the areas of
4 homeland security, public safety, aviation safety, airspace
5 access for lawful aircraft operators, privacy, and civil lib-
6 erties.

7 (h) SELECTION CRITERIA.—

8 (1) AIRSPACE CONSIDERATIONS.—

9 (A) IN GENERAL.—The Administrator of
10 the Federal Aviation Administration, in coordi-
11 nation with the Secretary of Homeland Security
12 and the Attorney General, shall make a site-
13 specific determination for each covered site or
14 covered event selected under the pilot program
15 established under this section to ensure that
16 any potential use of counter-UAS mitigation
17 systems, equipment, or technology at the cov-
18 ered site or covered event will not adversely im-
19 pact the safe operation of the national airspace
20 system, including any airport that is located
21 near the covered site or covered event.

22 (B) INELIGIBILITY FOR PARTICIPATION.—

23 If an adverse impact is identified under sub-
24 paragraph (A) and cannot be safely mitigated
25 to the satisfaction of the Administrator, the

1 covered site or covered event is not eligible for
2 participation in the pilot program established
3 under this section.

4 (2) PROGRAM SIZE, REVIEW, AND EXPAN-
5 SION.—

6 (A) INITIAL SIZE.—The program estab-
7 lished under subsection (a) may include not
8 more than 5 State or covered local law enforce-
9 ment agencies.

10 (B) RESTRICTION.—A State or covered
11 local law enforcement agency participating in
12 the pilot program established under subsection
13 (a) may operate approved counter-UAS mitiga-
14 tion systems, equipment, or technology at—

15 (i) no more than 4 covered sites; and
16 (ii) covered events.

17 (C) REVIEW AND EXPANSION.—The Sec-
18 retary, in coordination with the Administrator
19 and the Attorney General—

20 (i) shall review the preliminary results
21 of such pilot program against the objec-
22 tives, metrics, and success criteria estab-
23 lished in subsection (g); and

24 (ii) may, if appropriate, take such ac-
25 tions as may be necessary to revise or ex-

pand, subject to the availability of trained personnel, the number of law enforcement agencies permitted to participate in the program—

(I) by 10, not sooner than 18 months after approved counter-UAS mitigation systems, equipment, or technology are deployed for use by State or covered local law enforcement agencies participating in the pilot program established under subsection (a); and

(II) by an additional 12 not sooner than 18 months after the date described in subclause (I).

(i) REQUIRED BRIEFING.—

(1) IN GENERAL.—Not later than 6 months after the establishment of the pilot program under this section, and every 6 months thereafter, the Secretary shall brief the appropriate committees of Congress on the progress and findings of the pilot program established under this section, including a description of all mitigation events reported under subsection (d) and objectives, metrics, and success criteria under subsection (g).

1 (2) RESTRICTION ON PROGRAM EXPANSION.—If
2 an agency fails to provide a briefing or report re-
3 quired under this division, including under para-
4 graph (1), the time periods after which the Sec-
5 retary may expand the pilot program under sub-
6 section (h)(2)(C) shall be extended by 6 months for
7 each required briefing the Secretary fails to provide.
8 (j) SPECIAL PROGRAM FOR COVERED MULTI-
9 NATIONAL SPORTING EVENTS.—

10 (1) COVERED MULTINATIONAL SPORTING
11 EVENT DEFINED.—In this section, the term “cov-
12 ered multinational sporting event” means a large
13 public gathering hosted in a stadium or other venue
14 that is organized by or directly on behalf of a cov-
15 ered entity responsible for organizing 1 of the fol-
16 lowing events:

- 17 (A) The 2026 FIFA World Cup.
18 (B) The Games of the XXXIV Olympiad.
19 (C) The 18th Summer Paralympic Games.

20 (2) ESTABLISHMENT.—Not later than 60 days
21 after the date of enactment of this Act, the Sec-
22 retary of Homeland Security, in coordination with
23 the Attorney General and the Administrator of the
24 Federal Aviation Administration, shall establish a
25 program to enable the deployment and operation of

1 approved counter-UAS mitigation systems by State
2 and covered local law enforcement agencies respon-
3 sible for securing covered multinational sporting
4 events against unauthorized unmanned aircraft sys-
5 tem operations.

6 (3) SELECTION.—The Secretary, in consulta-
7 tion with the Governor of a State in which a covered
8 multinational sporting event is occurring, shall select
9 which State and local law enforcement agencies may
10 apply to deploy and operate approved counter-UAS
11 mitigation systems on behalf of a covered entity
12 under this subsection.

13 (4) APPLICABILITY.—Subsections (c) through
14 (f) shall apply to the program established under this
15 section.

16 (5) DURATION.—The authority of the Secretary
17 to authorize a State or local law enforcement agency
18 to deploy or operate an approved counter-UAS miti-
19 gation system under this subsection shall terminate
20 upon the conclusion of the relevant covered multi-
21 national sporting event.

22 (6) NOTIFICATION.—Not later than 30 days
23 prior to the commencement of a covered multi-
24 national sporting event, the Secretary, in coordina-
25 tion with the Attorney General and the Adminis-

1 trator of the Federal Aviation Administration, shall
2 notify the appropriate committees of Congress of the
3 approval and denial of all applications from State
4 and local law enforcement agencies under this sub-
5 section.

6 (7) BRIEFING.—Not later than 3 months after
7 the conclusion of a covered multinational sporting
8 event, the Secretary, Attorney General, and Admin-
9 istrator shall provide a briefing to the appropriate
10 committees of Congress on—

11 (A) the actions taken by the Secretary and
12 State or local law enforcement agencies under
13 the program; and

14 (B) lessons learned that the Secretary in-
15 tends to integrate into the administration of the
16 pilot program established under subsection (a).

17 (8) TRANSFER INTO LAW ENFORCEMENT PILOT
18 PROGRAM.—

19 (A) IN GENERAL.—Upon the conclusion of
20 the relevant multinational sporting event, the
21 Secretary may transfer the following State or
22 covered local law enforcement agencies to the
23 pilot program established under subsection (a):

24 (i) 11 State or covered local law en-
25 forcement agencies associated with the

1 multinational sporting event described in
2 paragraph (1)(A).

3 (ii) 2 State or covered local law en-
4 forcement agencies associated with the
5 multinational sporting event described in
6 paragraph (1)(B).

7 (B) PROGRAM SIZE.—A State or covered
8 local law enforcement agency that is transferred
9 to such pilot program under subparagraph (A)
10 shall not be counted for purposes of the pilot
11 program size restrictions in subparagraph (A)
12 or (C) of subsection (h)(2).

13 (C) AGENCY SELECTION.—In selecting
14 agencies to transfer to the pilot program estab-
15 lished under subsection (a), the Secretary shall,
16 to the maximum extent practicable, ensure that
17 1 State or covered local law enforcement agency
18 with jurisdiction over each of the sites of a mul-
19 tinational sporting event is selected.

20 (D) RESTRICTION.—The Secretary shall
21 not transfer an agency under subparagraph (A)
22 if the Secretary, in coordination with the Attor-
23 ney General and the Administrator of the Fed-
24 eral Aviation Administration, finds that an

1 agency participating in the program established
2 under this subsection—

3 (i) violated the terms of an agreement
4 under subsection (c); or
5 (ii) takes an action that would lead to
6 a revocation under subsection (e).

7 (9) OTHER COVERED EVENT PROTECTION.—As
8 part of the program established in this subsection,
9 the Secretary may allow a State or covered local law
10 enforcement agency selected under paragraph (3) to
11 operate approved counter-UAS mitigation systems to
12 secure a covered event that occurs prior to or during
13 a relevant covered multinational sporting event, if
14 such agency complies with the requirements of para-
15 graph (4) of this subsection.

16 (k) SUNSET.—Except as provided in subsection
17 (j)(5), the authority under this section shall terminate on
18 October 1, 2030.

19 (l) ASSESSMENT.—

20 (1) Not later than 3 years after the initiation
21 of the pilot program established under this section,
22 the Secretary of Homeland Security, the Attorney
23 General, and the Administrator of the Federal Avia-
24 tion Administration shall conduct and submit to the

1 appropriate committees of Congress an assessment
2 containing—

3 (A) an evaluation of the results of the pilot
4 program, including as it relates to the objec-
5 tives, metrics, and success criteria under sub-
6 section (g);

7 (B) a determination as to whether—

8 (i) counter-UAS authorities should
9 continue to be extended to State and cov-
10 ered local law enforcement agencies;

11 (ii) counter-UAS authorities should
12 not continue to be extended to States and
13 covered local law enforcement agencies; or

14 (iii) additional information is needed
15 to determine whether counter-UAS au-
16 thorities should continue to be extended to
17 State and covered local law enforcement
18 agencies;

19 (C) if a determination under subparagraph
20 (B)(i) is made, recommendations on a proposed
21 permanent regulatory structure relating to
22 counter-UAS authorities for States and covered
23 local law enforcement agencies, including—

24 (i) the size and scope of such regu-
25 latory structure;

1 (ii) proposed criteria or qualifications
2 for such agencies seeking to utilize such
3 regulatory structure; and

4 (iii) how such regulatory structure en-
5 sures the continuation of—

6 (I) training, certification, and
7 Federal oversight requirements to en-
8 sure the safe and effective use of ap-
9 proved counter-UAS mitigation sys-
10 tems;

11 (II) required coordination with
12 the Administrator to prevent any ad-
13 verse impact on aviation safety, civil
14 aviation and aerospace operations, air-
15 craft airworthiness, or the use of the
16 national airspace system; and

17 (III) privacy protections and re-
18 quirements relating to the protection
19 of civil liberties.

20 (2) UNCLASSIFIED FORM.—The report required
21 under paragraph (1) shall be submitted in unclassi-
22 fied form, but may contain a classified annex.

23 (m) DEFINITIONS.—In this section:

24 (1) APPROVED COUNTER-UAS MITIGATION SYS-
25 TEM.—The term “approved counter-UAS mitigation

1 system” means a counter-UAS detection system ap-
2 proved under section 210G(b)(4) of the Homeland
3 Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that
4 meets the minimum performance requirements es-
5 tablished pursuant to section 44810(e) of title 49,
6 United States Code.

7 (2) COVERED LOCAL LAW ENFORCEMENT
8 AGENCY.—The term “covered local law enforcement
9 agency” means a local law enforcement agency that
10 has jurisdiction over an area containing a population
11 of at least 650,000 people.

12 **SEC. 6107. COUNTER-UAS SYSTEM PLANNING AND DEPLOY-**
13 **MENT AT AIRPORTS.**

14 (a) STRATEGIC AIRPORT PLANNING.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Administrator
17 of the Federal Aviation Administration, in coordina-
18 tion with the Secretary of Homeland Security and
19 the Attorney General, shall develop a plan for oper-
20 ations at covered airports of counter-UAS detection
21 and mitigation systems, equipment, or technology
22 that meet the performance requirements described in
23 section 44810(e) of title 49, United States Code, for
24 purposes of—

1 (A) ensuring the safety and security of air-
2 craft; and

3 (B) responding to a persistent disruption
4 of air traffic operations caused by unmanned
5 aircraft system activity.

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

8 (A) the roles and responsibilities of—

9 (i) Federal agency personnel, includ-
10 ing air traffic control personnel and Fed-
11 eral Air Marshal resources;

12 (ii) relevant airport personnel, includ-
13 ing airport law enforcement; and

14 (iii) any other stakeholder the Admin-
15 istrator determines appropriate in the ter-
16 minal airspace;

17 (B) operational procedures, protocols, poli-
18 cies, and guidelines pertaining to the deploy-
19 ment of such systems, equipment, or tech-
20 nology;

21 (C) minimum performance requirements
22 for such systems, equipment, or technology;

23 (D) funding responsibilities and mecha-
24 nisms for the acquisition, deployment, and oper-
25 ation of such systems, equipment or technology;

1 (E) the operational approval process by
2 which such systems, equipment, or technology
3 may be deployed;

4 (F) reporting requirements associated with
5 the use of such systems, equipment, or tech-
6 nology;

7 (G) initial operator training and recurrent
8 training requirements;

9 (H) how the remote identification of un-
10 manned aircraft systems can be leveraged for
11 the operation of counter-UAS systems, equip-
12 ment or technology;

13 (I) how data and information obtained
14 from counter-UAS equipment can be shared in
15 a timely manner with airports; and

16 (J) any other content as determined nec-
17 essary by the Administrator, the Secretary, and
18 the Attorney General.

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

21 (A) shall coordinate with the Secretary of
22 Homeland Security and the Attorney General to
23 consider, and if determined appropriate by the
24 Administrator, include requirements and proce-
25 dures for—

1 (i) conducting and updating airport-
2 specific vulnerability assessments;

3 (ii) developing airport-specific coordi-
4 nation and communication requirements
5 with Federal agencies, local law enforce-
6 ment, and airport personnel appropriate
7 for the scope of such plan;

8 (iii) tactical response and status re-
9 porting during events within the scope of
10 such plan; and

11 (iv) acquisition and deployment of
12 counter-UAS systems, equipment, or tech-
13 nology within the scope of such plan; and

14 (B) shall consult with airport and law en-
15 forcement stakeholders, including the exclusive
16 bargaining representative of air traffic control-
17 lers certified under section 7111 of title 5,
18 United States Code, as appropriate.

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

22 (b) COUNTER-UAS DETECTION SYSTEMS AT AIR-
23 PORTS.—

24 (1) IN GENERAL.—Pursuant to the plan re-
25 quired in subsection (a) and subject to available ap-

1 appropriations, the Administrator, in coordination with
2 the Secretary of Homeland Security, the Attorney
3 General, and other relevant Federal agencies, shall
4 provide for the deployment of approved counter-UAS
5 detection systems, equipment, or technology within
6 the terminal airspace of—

7 (A) each large hub airport (as defined in
8 section 47102 of title 49, United States Code),
9 not later than 30 months after the publication
10 of the performance requirements described in
11 section 44810(e) of title 49, United States
12 Code;

13 (B) a minimum of 3 airports that each
14 have a total annual landed weight of all-cargo
15 of more than 7,500,000,000 pounds in 2021 or
16 any year thereafter, not later than 12 months
17 after the publication of the guidance described
18 in subsection (a); and

19 (C) each medium hub airport (as defined
20 in section 47102 of title 49, United States
21 Code), not later than 4 years after the publica-
22 tion of the performance requirements described
23 in section 44810(e) of title 49, United States
24 Code.

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

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

12 (1) ESTABLISHMENT.—Pursuant to the plan
13 required in subsection (a), the Secretary of Home-
14 land Security, jointly with the Administrator of the
15 Federal Aviation Administration and in coordination
16 with the Attorney General, shall, subject to the
17 availability of appropriations, establish a pilot pro-
18 gram to assess the feasibility of deploying approved
19 counter-UAS mitigation systems, equipment, and
20 technology capable of mitigating unmanned aircraft
21 and unmanned aircraft systems for purposes of re-
22 sponding to a credible threat caused by unauthorized
23 unmanned aircraft system activity impacting airport
24 operations.

1 (2) DEPLOYMENT AND OPERATION OF
2 COUNTER-UAS MITIGATION SYSTEMS.—

3 (A) IN GENERAL.—The pilot program shall
4 include deployment and operation of approved
5 counter-UAS mitigation systems, equipment, or
6 technology at up to 5 covered airports not later
7 than 2 years after the publication of the per-
8 formance requirements described in section
9 44810(e) of title 49, United States Code.

10 (B) PARTICIPATION OF AIRPORT PO-
11 LICE.—The Secretary of Homeland Security
12 and the Administrator of the Federal Aviation
13 Administration may, subject to such conditions
14 and restrictions as the Secretary and Adminis-
15 trator determine necessary, authorize a law en-
16 forcement agency with jurisdiction over an air-
17 port to deploy and operate approved counter-
18 UAS mitigation systems, equipment, or tech-
19 nology at 2 of the covered airports under sub-
20 paragraph (A).

21 (3) SELECTION.—The Secretary shall coordi-
22 nate with the Administrator and the Attorney Gen-
23 eral to develop a list of covered airports eligible for
24 inclusion in the pilot program, based on the suit-

1 ability of each such airport for counter-UAS system,
2 equipment, or technology deployment.

3 (4) PRE-DEPLOYMENT ACTIVITIES.—The Ad-
4 ministrator shall, in consultation with the Federal
5 Communications Commission, the National Tele-
6 communications and Information Administration,
7 and other Federal agencies as appropriate, conduct
8 site-specific spectrum and suitability assessments for
9 each selected airport under the program, based on
10 the specific counter-UAS mitigation systems, equip-
11 ment, or technology to be deployed, prior to the op-
12 eration of such systems at each selected airport.

13 (5) LIMITATIONS ON MITIGATION ACTIVITIES.—

14 (A) AUTHORIZATION OF MITIGATION.—No
15 activity to mitigate the operation of an un-
16 manned aircraft or unmanned aircraft system
17 under the pilot program may be carried out
18 without authorization from both the Secretary
19 of Homeland Security and the Administrator.

20 (B) EMERGENCY, TEMPORARY DEPLOY-
21 MENT.—The Secretary of Homeland Security or
22 the Administrator, may, on a case-by-case
23 basis, authorize an emergency, temporary de-
24 ployment and operation of systems, equipment,
25 or technology capable of mitigating unmanned

1 aircraft and unmanned aircraft systems to a
2 public airport (as defined under section 47102
3 of title 49, United States Code) not partici-
4 pating in the pilot program for purposes of re-
5 sponding to a persistent disruption of air traffic
6 operations caused by unauthorized unmanned
7 aircraft system activity.

8 (d) SITE-SPECIFIC PLANNING.—

9 (1) IN GENERAL.—Prior to the deployment and
10 operation of a counter-UAS detection or mitigation
11 system, equipment, or technology at an airport as
12 described in subsection (b) and paragraph (1) of
13 subsection (c), the Secretary and the Administrator
14 shall coordinate with airport personnel, including the
15 exclusive bargaining representative of air traffic con-
16 trollers certified under section 7111 of title 5,
17 United States Code, State and local law enforce-
18 ment, and other relevant stakeholders to develop a
19 site-specific plan for the use of counter-UAS detec-
20 tion and mitigation systems, equipment, or tech-
21 nology at such airport.

22 (2) RESPONSIBILITIES.—A plan required under
23 paragraph (1) shall include—

24 (A) roles and responsibilities of—

1 (i) Federal agency personnel, includ-
2 ing air traffic control personnel;

3 (ii) airport law enforcement and secu-
4 rity personnel;

5 (iii) State law enforcement personnel;

6 (iv) other relevant airport personnel,
7 as determined by the Secretary and the
8 Administrator; and

9 (v) any other stakeholder in a ter-
10 minal airspace the Secretary and Adminis-
11 trator determine appropriate;

12 (B) operational procedures, protocols, poli-
13 cies, and guidelines pertaining to the deploy-
14 ment, use, and maintenance of such systems,
15 equipment, or technology;

16 (C) the operational approval process by
17 which such systems, equipment, or technology
18 may be actively deployed and operated;

19 (D) reporting requirements associated with
20 the use of such systems, equipment, or tech-
21 nology;

22 (E) initial and recurring counter-UAS op-
23 erator training requirements;

24 (F) information-sharing mechanisms to
25 provide airports with timely access to data and

1 information obtained from counter-UAS equip-
2 ment;

3 (G) appropriate consideration of, and up-
4 dates to, counter-UAS emergency response
5 plans for an airport; and

6 (H) any other content as determined nec-
7 essary by the Secretary and the Administrator.

8 (e) RESTRICTION.—No Federal agency may require
9 an airport operator to procure, acquire, deploy, or operate
10 an approved counter-UAS detection system, equipment, or
11 technology, or approved counter-UAS mitigation system,
12 equipment, or technology for or on behalf of the Federal
13 agency.

14 (f) PREVIOUSLY ACQUIRED COUNTER-UAS SYS-
15 TEMS.—If the Administrator finds that an airport ac-
16 quired and operated a counter-UAS detection system,
17 equipment, or technology prior to the date of enactment
18 of this Act, the Administrator may authorize the use of
19 such system, equipment, or technology under this sub-
20 section if—

21 (1) such system, equipment, or technology
22 meets the minimum performance requirements
23 issued pursuant to section 44810(e) of title 49,
24 United States Code; and

1 (2) such airport agrees to such terms and con-
2 ditions as the Administrator may prescribe under
3 this subsection.

4 (g) DEFINITIONS.—In this section:

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

13 (2) APPROVED COUNTER-UAS MITIGATION SYS-
14 TEM DEFINED.—The term “approved counter-UAS
15 mitigation system” means a system approved under
16 section 210G(b)(4) of the Homeland Security Act of
17 2002 (6 U.S.C. 124n(b)(4)) and that meets the min-
18 imum performance requirements established pursu-
19 ant to section 44810(e) of title 49, United States
20 Code.

21 **SEC. 6108. UAS DETECTION AND MITIGATION ENFORCE-**
22 **MENT AUTHORITY.**

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

1 **“§ 44815. Unmanned aircraft system detection and**
2 **mitigation enforcement**

3 “(a) PROHIBITION.—

4 “(1) IN GENERAL.—No person may carelessly
5 or recklessly operate a system, equipment, or tech-
6 nology to detect, identify, monitor, track, or mitigate
7 an unmanned aircraft system or unmanned aircraft
8 in a manner that adversely impacts or interferes
9 with safe airport operations, navigation, or air traf-
10 fic services, or the safe and efficient operation of the
11 national airspace system.

12 “(2) ACTIONS BY THE ADMINISTRATOR.—The
13 Administrator of the Federal Aviation Administra-
14 tion may take such action as may be necessary to
15 address the adverse impacts or interference of oper-
16 ations that violate paragraph (1).

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

19 “(1) the Federal Government or any bureau,
20 department, instrumentality, or other agency of the
21 Federal Government; or

22 “(2) an officer, employee, or contractor of the
23 Federal Government or any bureau, department, in-
24 strumentality, or other agency of the Federal Gov-
25 ernment if the officer, employee, or contractor is au-
26 thorized by the Federal Government or any bureau,

1 department, instrumentality, or other agency of the
2 Federal Government to operate a system or tech-
3 nology referred to in subsection (a)(1).”.

4 (b) PENALTIES RELATING TO THE OPERATION OF
5 UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGA-
6 TION TECHNOLOGIES.—Section 46301(a) of title 49,
7 United States Code, is amended by adding at the end the
8 following:

9 “(9) PENALTIES RELATING TO THE OPERATION OF
10 UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGA-
11 TION TECHNOLOGIES.—Notwithstanding paragraphs (1)
12 and (5) of subsection (a), the maximum civil penalty for
13 a violation of section 44815 committed by a person de-
14 scribed in such section, including an individual or small
15 business concern, shall be the maximum civil penalty au-
16 thorized under subsection (a)(1) of this section for persons
17 other than an individual or small business concern.”.

18 (c) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 448 of title 49, United States Code, is amended by
20 adding at the end the following:

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

21 **SEC. 6109. REPORTING ON COUNTER-UAS ACTIVITIES.**

22 (a) REQUIREMENT.—Not later than 180 days after
23 the date of enactment of this Act, and annually thereafter,
24 the Secretary of Homeland Security shall issue, in coordi-
25 nation with the Administrator of the Federal Aviation Ad-

1 ministration and the Attorney General, a public report
2 summarizing the results of all counter-UAS detection and
3 mitigation activities conducted pursuant to this division
4 during the previous year.

5 (b) CONTENTS.—The report under subsection (a)
6 shall contain—

7 (1) to the extent unrelated to any pending
8 criminal proceedings, information on any violation
9 of, or failure to comply with, this division or the
10 amendments made by this division by personnel au-
11 thorized to conduct detection and mitigation activi-
12 ties, including a description of any such violation or
13 failure;

14 (2) data on the number of detection activities
15 conducted, the number of mitigation activities con-
16 ducted, and the number of instances of communica-
17 tions interception from an unmanned aircraft sys-
18 tem;

19 (3) whether any unmanned aircraft that experi-
20 enced mitigation was engaged in First Amendment-
21 protected activities, and whether any unmanned air-
22 craft or unmanned aircraft systems were properly or
23 improperly seized, disabled, damaged, or destroyed
24 as well as methods used to seize, disable, damage, or
25 destroy such aircraft or systems; and

1 (4) a description of the efforts of the Federal
2 Government to protect privacy and civil liberties
3 when carrying out counter-UAS detection and miti-
4 gation activities.

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

8 **SEC. 6110. DRONE SAFETY STATEMENT MODERNIZATION.**

9 (a) IN GENERAL.—Section 44805 of title 49, United
10 States Code, is amended—

11 (1) in subsection (h) by inserting “(excluding
12 requirements under subsection (i))” after “require-
13 ments of this section”; and

14 (2) by adding at the end the following:

15 “(i) SAFETY STATEMENTS.—

16 “(1) IN GENERAL.—The manufacturer of a con-
17 sumer small unmanned aircraft system shall—

18 “(A) make available to the initial operator
19 of such system the safety statement described
20 in paragraph (2) at the time such operator acti-
21 vates such system for the first time; and

22 “(B) require such operator to electronically
23 acknowledge that the operator has read and un-
24 derstands each component of the safety state-
25 ment.

1 “(2) REQUIREMENTS.—The Administrator shall
2 develop, maintain, and periodically review and revise
3 requirements for the safety statement required
4 under paragraph (1). Such statement shall include—

5 “(A) information on, and sources of, laws
6 and regulations applicable to the operation of
7 small unmanned aircraft systems, including—

8 “(i) authorizations or regulations de-
9 pending on the type of operation an indi-
10 vidual is conducting and the qualifications
11 or certification of the individual operating
12 such system; and

13 “(ii) requirements regarding the oper-
14 ation of a small unmanned aircraft system
15 under section 44809;

16 “(B) information on temporary flight re-
17 strictions, airspace restrictions specific to un-
18 manned aircraft systems, and other types of
19 airspace restrictions;

20 “(C) methods approved by the Adminis-
21 trator for determining whether the operation of
22 a small unmanned aircraft system in particular
23 airspace is lawful or unlawful;

1 “(D) recommendations for using small un-
2 manned aircraft systems in a manner that pro-
3 motes the safety of persons and property;

4 “(E) potential consequences for operating
5 a small unmanned aircraft system in an unsafe
6 or unlawful manner, including—

7 “(i) potential consequences for oper-
8 ating such system in restricted airspace;
9 and

10 “(ii) any enforcement action the Ad-
11 ministrator may pursue against an indi-
12 vidual operating a small unmanned aircraft
13 system who endangers the safety of the na-
14 tional airspace system; and

15 “(F) the date on which the safety state-
16 ment was created or last modified.

17 “(3) EXAMPLE STATEMENT.—

18 “(A) IN GENERAL.—Not later than 120
19 days after the date of enactment of the
20 Counter-UAS Authority Security, Safety, and
21 Reauthorization Act, the Administrator shall
22 issue and thereafter maintain an example safety
23 statement that satisfies the requirements of
24 paragraph (2).

1 “(B) RESTRICTION.—The Administrator
2 may not require a manufacturer of a small un-
3 manned aircraft system to use the example
4 statement issued and maintained under sub-
5 paragraph (A).”.

6 (b) UPDATE OF SAFETY STATEMENT.—Not later
7 than 18 months after the date of enactment of this Act,
8 and annually thereafter, the Administrator of the Federal
9 Aviation Administration shall review and revise the exam-
10 ple safety statement for small unmanned aircraft systems
11 as required under section 44805(i)(3)(A) of title 49,
12 United States Code (as added by subsection (a)).

13 (c) CONFORMING AMENDMENT.—Section 2203 of the
14 FAA Extension, Safety, and Security Act of 2016 (49
15 U.S.C. 44801 note) and the item relating to such section
16 in section 1(b) of such Act are repealed.

17 **SEC. 6111. APPLICABILITY.**

18 Section 553 and 554 of title 5, United States Code,
19 shall not apply to any determinations made or guidance
20 issued by the Secretary of Homeland Security, the Attor-
21 ney General, or the Administrator of the Federal Aviation
22 Administration under—

23 (1) section 6105 or 6106 of this Act;

1 (2) subsection (b)(4) and subsection (n) of sec-
2 tion 210G of the Homeland Security Act of 2002 (6
3 U.S.C. 124n); or
4 (3) section 44810(e) of title 49, United States
5 Code.

