

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. GREEN OF TENNESSEE

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

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

4 **SECTION 5001. SHORT TITLE; TABLE OF CONTENTS.**

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

8 (b) **TABLE OF CONTENTS.**—The table of contents of
9 this division is as follows:

DIVISION E—COUNTER-UAS AUTHORITY SECURITY, SAFETY, AND
REAUTHORIZATION ACT

Sec. 5001. Short title; table of contents.

Sec. 5002. Definitions.

Sec. 5003. Protection of certain facilities and assets from unmanned aircraft systems.

Sec. 5004. FAA counter-UAS activities.

Sec. 5005. Additional limited authority for detection, identification, monitoring, and tracking.

Sec. 5006. Counter-UAS mitigation State law enforcement pilot program.

Sec. 5007. Counter-UAS system planning and deployment at airports.

Sec. 5008. UAS detection and mitigation enforcement authority.

Sec. 5009. Reporting on counter-UAS activities.

1 **SEC. 5002. DEFINITIONS.**

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

5 (b) IN GENERAL.—In this division:

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

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

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

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

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

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

24 or

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

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

6 (A) the owner or proprietor of a covered
7 site; and

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

10 (4) COVERED SITE.—The term “covered site”
11 means—

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

15 (B) the location of a large public gathering
16 described in section 44812(c) of title 49, United
17 States Code; or

18 (C) the site with respect to which a flight
19 restriction is maintained pursuant to section
20 521 of division F of the Consolidated Appro-
21 priations Act, 2004 (49 U.S.C. 40103 note).

22 **SEC. 5003. PROTECTION OF CERTAIN FACILITIES AND AS-**
23 **SETS FROM UNMANNED AIRCRAFT SYSTEMS.**

24 Section 210G of the Homeland Security Act of 2002
25 (6 U.S.C. 124n) is amended—

1 (1) in subsection (a) by striking “(as defined by
2 the Secretary or the Attorney General, in consulta-
3 tion with the Secretary of Transportation)” and in-
4 serting “(as defined by the Secretary and the Attor-
5 ney General, in coordination with the Secretary of
6 Transportation)”;

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

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

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

17 (iii) by striking subparagraph (E);

18 and

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

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

22 and inserting the following:

23 “(2) COORDINATION.—

24 “(A) IN GENERAL.—The Secretary and the
25 Attorney General shall coordinate with the Sec-

1 retary of Transportation in carrying out the ac-
2 tions described in paragraph (1).

3 “(B) DETERMINATION BY ADMINISTRATOR
4 OF FEDERAL AVIATION ADMINISTRATION.—Be-
5 fore the Secretary and the Attorney General
6 may take or authorize the taking of an action
7 under this section, the Administrator of the
8 Federal Aviation Administration shall deter-
9 mine if such action would result in an adverse
10 impact on aviation safety, civil aviation and
11 aerospace operations, aircraft airworthiness, or
12 the use of the national airspace system. If the
13 Administration determines such action would
14 not result in such an adverse impact, the Sec-
15 retary and the Attorney General may take or
16 authorize the taking of such action. If the Ad-
17 ministrator determines such action would result
18 in such an adverse impact, the Secretary and
19 the Attorney General shall coordinate with the
20 Administrator to take any necessary action to
21 ensure that such an adverse impact can be suf-
22 ficiently mitigated.

23 “(3) RESEARCH, TESTING, TRAINING, AND
24 EVALUATION.—

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

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

15 “(4) LIST OF AUTHORIZED EQUIPMENT AND
16 TECHNOLOGIES.—

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

1 ment, and technology. Such list shall include
2 the following:

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

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

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

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

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

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

1 “(v) DEFINITIONS.—In this subpara-
2 graph:

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

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

18 “(bb) was identified by the
19 United States Trade Representa-
20 tive in the most recent report re-
21 quired under section 182 of the
22 Trade Act of 1974 (19 U.S.C.
23 2242) as a priority foreign coun-
24 try under subsection (a)(2) of
25 such section; and

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

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

11 “(E) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph may be construed to prevent
13 the Secretary, the Attorney General, or the Ad-
14 ministrator of the Federal Aviation Administra-
15 tion from exercising any authority to counter
16 unmanned aircraft systems in effect prior to the
17 date of enactment of the Counter-UAS Author-
18 ity Security, Safety, and Reauthorization Act.”;
19 (3) in subsection (d) by striking paragraph (2)
20 and inserting the following:

21 “(2) COORDINATION.—The Secretary, the Sec-
22 retary of Transportation, and the Attorney General
23 shall coordinate to develop their respective regula-
24 tions and guidance under paragraph (1) before
25 issuing any such regulation or guidance.”;

1 (4) in subsection (e)—

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

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

14 (B) in paragraph (4)—

15 (i) in the matter preceding subpara-
16 graph (A) by striking “are not disclosed
17 outside the Department of Homeland Se-
18 curity or the Department of Justice un-
19 less” and inserting “are not shared outside
20 of personnel of the department in posses-
21 sion of such communications, except if”;
22 and

23 (ii) in subparagraph (B) by striking “,
24 or any regulatory, statutory, or other en-
25 forcement action relating to”;

1 (5) in subsection (f) by striking “within the De-
2 partment of Homeland Security or the Department
3 of Justice”;

4 (6) in subsection (g)—

5 (A) in paragraph (1) by striking “the Sec-
6 retary and the Attorney General shall, respec-
7 tively,” and inserting “the Secretary, the Attor-
8 ney General, and the Secretary of Transpor-
9 tation shall jointly”;

10 (B) by striking paragraphs (2) and (3) and
11 inserting the following:

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

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

18 “(i) equipment, system, or technology
19 disrupted the transmission of radio or elec-
20 tronic signals, including and disaggregated
21 by whether any such disruption was mini-
22 mized;

23 “(ii) may have resulted in harm, dam-
24 age, or loss to a person or to private prop-
25 erty, including and disaggregated by

1 whether any such harm, damage, or loss
2 was minimized;

3 “(iii) resulted in successful seizure,
4 exercise of control, or confiscation under
5 subsection (b)(1)(D); or

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

8 “(B) The frequency and nature of in-
9 stances in which communications were inter-
10 cepted or acquired during the course of actions
11 described in subsection (b)(1), including the fol-
12 lowing:

13 “(i) The approximate number and na-
14 ture of incriminating communications
15 intercepted.

16 “(ii) The approximate number and
17 nature of other communications inter-
18 cepted.

19 “(C) The total number of instances in
20 which records of communications intercepted or
21 acquired during the course of actions described
22 in subsection (b)(1) were—

23 “(i) shared with the Department of
24 Justice or another Federal law enforce-

1 ment agency, including a list of receiving
2 Federal law enforcement agencies; or

3 “(ii) maintained for more than 90
4 days.

5 “(D) The number of instances and a de-
6 scription of each instance in which the Sec-
7 retary, Secretary of Transportation, or the At-
8 torney General have engaged with Federal,
9 State, or local law enforcement agencies to im-
10 plement the authority under this section, in-
11 cluding the number of instances that resulted in
12 a criminal investigation or litigation.

13 “(E) Information on the on the implemen-
14 tation of paragraphs (3) and (4)(A) of sub-
15 section (b), including regarding equipment or
16 technology, including electronic equipment to
17 address emerging trends and changes in un-
18 manned aircraft system or unmanned aircraft
19 system-related security threats.”;

20 (C) in paragraph (5)—

21 (i) in the first sentence—

22 (I) by striking “new technology”
23 and inserting “counter-UAS detection
24 and mitigation system, equipment, or

1 technology approved under subsection
2 (b)(4)”; and

3 (II) by striking “the Secretary
4 and the Attorney General shall, re-
5 spectively,” and inserting “the Sec-
6 retary, in coordination with the Sec-
7 retary of Transportation and the At-
8 torney General, shall”; and

9 (ii) in the second sentence, by striking
10 “to the national airspace system” and in-
11 serting “to the safety and operation of the
12 national airspace system”; and

13 (D) by redesignating paragraphs (4) and
14 (5) as paragraphs (3) and (4), respectively;

15 (7) by striking subsection (i) and inserting the
16 following:

17 “(i) TERMINATION.—The authority under
18 this section shall terminate on October 1,
19 2028.”;

20 (8) in subsection (k)—

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

23 (B) in paragraph (3)—

24 (i) in subparagraph (A) by striking
25 “the Secretary or the Attorney General, in

1 coordination with the Secretary of Trans-
2 portation” and inserting “the Secretary, in
3 coordination with the Secretary of Trans-
4 portation and the Attorney General,”;

5 (ii) in subparagraph (C)—

6 (I) in clause (i)—

7 (aa) in subclause (II), by
8 striking “or” after the semicolon;
9 and

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

12 “(IV) the security or protection
13 functions for facilities, assets, and op-
14 erations of Homeland Security Inves-
15 tigation; or.

16 “(V) the security and protection
17 of public airports (as such term is de-
18 fined in section 47102 of title 49,
19 United States Code) under section
20 5007 of the Counter-UAS Authority
21 Security, Safety, and Reauthorization
22 Act;” and

23 (II) in clause (ii)—

24 (aa) in subclause (I)—

1 (AA) in item (aa), by
2 striking “section 533 of title
3 28, United States Code”
4 and inserting “paragraph
5 (2) or (3) of section 533 of
6 title 28, United States Code,
7 and that is limited to a spec-
8 ified period of time and loca-
9 tion”; and

10 (BB) in item (bb), by
11 inserting before the semi-
12 colon the following: “, and
13 that is limited to a specified
14 period of time and location”;
15 and

16 (bb) in subclause (III), by
17 striking “, as specified in” and
18 inserting “pursuant to”;

19 (C) in paragraph (6), by striking “pur-
20 poses of subsection (a)” and inserting “pur-
21 poses of subsection (a) and paragraph (4) of
22 subsection (e)”; and

23 (D) in paragraph (8) in the matter pre-
24 ceding subparagraph (A)—

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

5 (ii) by striking “the Secretary or the
6 Attorney General, respectively,” and in-
7 serting “the Secretary, in coordination
8 with the Secretary of Transportation and
9 the Attorney General,”; and

10 (9) by striking subsection (l) and inserting the
11 following:

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

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

21 “(2) A description of any guidance, policies,
22 programs, and procedures to mitigate or eliminate
23 any adverse impact of the activities carried out pur-
24 suant to this section, or the use of any counter-UAS
25 detection or mitigation system, equipment, or tech-

1 nology, on aviation safety, civil aviation and aero-
2 space operations, aircraft airworthiness, or the use
3 of the national airspace system.

4 “(3) A description of the guidance, policies,
5 programs, and procedures established to address pri-
6 vacy, civil rights, and civil liberties issues implicated
7 by the activities carried out pursuant to this sec-
8 tion.”; and

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

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

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

16 “(2) establish or designate one or more facili-
17 ties or training centers for the purpose described in
18 paragraph (1).

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

22 “(1) IN GENERAL.—The Secretary and Attor-
23 ney General, in coordination with the Administrator
24 of the Federal Aviation Administration, shall estab-
25 lish standards for initial and recurring training pro-

1 grams or certifications for individuals seeking to op-
2 erate counter-UAS detection and mitigation systems,
3 equipment, or technology.

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

7 “(A) consider the potential impacts of such
8 systems, equipment, or technology to aviation
9 safety, civil aviation and aerospace operations,
10 aircraft airworthiness, or the civilian use of air-
11 space, and appropriate actions to maintain avia-
12 tion safety, as determined by the Administrator;

13 “(B) establish interagency coordination re-
14 quirements prior to deployment of such sys-
15 tems, equipment, or technology; and

16 “(C) establish the frequency at which an
17 individual authorized to operate counter-UAS
18 detection and mitigation systems, equipment, or
19 technology shall complete and renew such train-
20 ing or certification.”.

21 **SEC. 5004. FAA COUNTER-UAS ACTIVITIES.**

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

24 **“§ 44810. Counter-UAS activities**

25 “(a) AUTHORITY.—

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

5 “(A) detect or mitigate a credible threat
6 (as defined by the Secretary of Homeland Secu-
7 rity and Attorney General, in consultation with
8 the Administrator) that an operation of an un-
9 manned aircraft or an unmanned aircraft sys-
10 tem poses to the safe and efficient operation of
11 the national airspace system; or

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

19 “(2) AUTHORIZED ACTIONS.—In carrying out
20 paragraph (1), the Administrator may take the fol-
21 lowing actions:

22 “(A) Detect, identify, monitor, and track
23 an unmanned aircraft system or unmanned air-
24 craft, without prior consent from the operator
25 of such system or aircraft, including by means

1 of intercept or other access of a wire, oral, or
2 electronic communication used to control the
3 unmanned aircraft system or unmanned air-
4 craft.

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

9 “(C) Seize, exercise control of, or otherwise
10 confiscate an unmanned aircraft system or un-
11 manned aircraft.

12 “(D) Disrupt control of, disable, damage,
13 or destroy an unmanned aircraft or unmanned
14 aircraft system, including by means of intercept
15 or other access of a wire, oral, or electronic
16 communication used to control the unmanned
17 aircraft or unmanned aircraft system.

18 “(b) APPLICABILITY OF OTHER LAWS.—

19 “(1) IN GENERAL.—Section 46502 of this title
20 or sections 32, 1030, and 1367 and chapters 119
21 and 206 of title 18 shall not apply to activities au-
22 thorized by the Administrator pursuant to this sec-
23 tion.

24 “(2) PRIVACY PROTECTION.—In implementing
25 the requirements of this section, the Administrator,

1 in coordination with the Attorney General and Sec-
2 retary of Homeland Security, shall ensure that—

3 “(A) the interception or acquisition of, or
4 access to, or maintenance or use of, commu-
5 nications to or from an unmanned aircraft sys-
6 tem under this section is conducted in a man-
7 ner consistent with the First and Fourth
8 Amendments to the Constitution of the United
9 States and applicable provisions of Federal law;

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

14 “(C) records of such communications are
15 disposed of immediately following herein au-
16 thorized activity to mitigate a credible threat,
17 unless the Administrator, the Secretary of
18 Homeland Security, or the Attorney General de-
19 termine that maintenance of such records—

20 “(i) is necessary to investigate or
21 prosecute a violation of law;

22 “(ii) would directly support the De-
23 partment of Defense, a Federal law en-
24 forcement agency, or the enforcement ac-
25 tivities of a regulatory agency of the Fed-

1 eral Government in connection with a
2 criminal or civil investigation of, or any
3 regulatory, statutory, or other enforcement
4 action relating to an action described in
5 subsection (a)(2);

6 “(iii) is between the Secretary of
7 Homeland Security and the Attorney Gen-
8 eral in the course of a security or protec-
9 tion operation of either agency or a joint
10 operation of such agencies; or

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

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

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

20 “(1) IN GENERAL.—There is established within
21 the Federal Aviation Administration an Office of
22 Counter-UAS Activities for purposes of managing
23 and directing the counter-UAS activities of the Ad-
24 ministration.

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

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

6 “(A) coordinate with other offices of the
7 Administration to ensure that such activities do
8 not adversely impact aviation safety or the effi-
9 ciency of the national airspace system;

10 “(B) lead the development and implemen-
11 tation of counter-UAS activity strategic plan-
12 ning within the Federal Aviation Administra-
13 tion; and

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

17 “(i) Federal and State agencies;

18 “(ii) covered airports; and

19 “(iii) other relevant stakeholders; and

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

22 “(d) INTERAGENCY COORDINATION.—

23 “(1) IN GENERAL.—The Administrator shall co-
24 ordinate with the Secretary of Homeland Security
25 and the Attorney General to carry out this section,

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

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

8 “(e) COUNTER-UAS DETECTION AND MITIGATION
9 SYSTEM PERFORMANCE REQUIREMENTS.—

10 “(1) IN GENERAL.—The Administrator, in co-
11 ordination with the Secretary and the Attorney Gen-
12 eral, shall establish minimum performance require-
13 ments for the safe and reliable deployment or use of
14 counter-UAS detection and mitigation systems,
15 equipment, and technology within the national air-
16 space system.

17 “(2) CONSIDERATIONS.—

18 “(A) AVIATION SAFETY.—In establishing
19 minimum performance requirements under
20 paragraph (1), the Administrator shall—

21 “(i) leverage data collected in testing
22 and evaluation activities conducted under
23 this section and any other relevant testing
24 and evaluation data determined appro-
25 priate by the Administrator;

1 “(ii) determine the extent to which a
2 counter-UAS detection or mitigation sys-
3 tem, equipment, or technology can safely
4 operate without disrupting or interfering
5 with the operation of aircraft or other na-
6 tional airspace system users; and

7 “(iii) establish specific requirements
8 for the deployment and use of such sys-
9 tems, equipment, or technology in terminal
10 airspace.

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

22 “(C) OTHER INTERFERENCE.—In estab-
23 lishing minimum performance requirements
24 under subsection (a), the Administrator shall
25 consider criteria, as determined by the Federal

1 Communications Commission, to determine the
2 extent to which counter-UAS detection and
3 mitigation systems, equipment, or technology
4 can be safely operated without disrupting or
5 interfering with the operation of civilian com-
6 munications and information technology net-
7 works and systems, including such networks
8 and systems that rely on radio frequency or cel-
9 lular network communications links.

10 “(3) DEMONSTRATION.—The Administrator
11 shall develop a standardized process by which a
12 manufacturer or end-user of a counter-UAS detec-
13 tion or mitigation system, equipment, or technology
14 may demonstrate that such system, equipment, or
15 technology meets the requirements established pur-
16 suant to paragraph (1), which may include valida-
17 tion by an independent third party.

18 “(f) COUNTER-UAS SYSTEM TESTING, EVALUATION,
19 AND VALIDATION.—

20 “(1) EVALUATION AND VALIDATION.—The Ad-
21 ministrator may conduct such testing, evaluation,
22 and validation of counter-UAS detection and mitiga-
23 tion systems, equipment, and technology as nec-
24 essary to ensure—

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

5 “(B) such systems, equipment, and tech-
6 nology meet minimum performance require-
7 ments under subsection (e).

8 “(2) TESTING AND TRAINING.—Prior to the
9 commencement of any training or testing of counter-
10 UAS systems, equipment, and technology used for
11 detection or mitigation purposes, an agreement shall
12 be established between the testing or training entity
13 and the Administrator to ensure aviation safety.

14 “(3) AIRSPACE HAZARD MITIGATION PRO-
15 GRAM.—

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

24 “(B) TESTING AND EVALUATION.—Not-
25 withstanding section 46502 or sections 32,

1 1030, 1367 and chapters 119 and 206 of title
2 18, the Administrator of the Federal Aviation
3 Administration may conduct testing and evalua-
4 tion of any counter-UAS detection or mitigation
5 system, equipment, or technology to assess po-
6 tential impacts on, or interference with, safe
7 airport operations, aircraft and air traffic navi-
8 gation, air traffic services, or the safe and effi-
9 cient operation of the national 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) LIMITATIONS ON OPERATION OF COUNTER-UAS
16 SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTER-
17 PRISES.—

18 “(1) LIMITATION.—Notwithstanding any other
19 provision of this section, the Administrator may not
20 acquire, deploy, or operate, or authorize the acquisi-
21 tion, deployment, or operation of, a counter-UAS
22 system or any associated elements, including soft-
23 ware, manufactured or developed by a covered man-
24 ufacturer.

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

7 “(3) EXCEPTION.—The Secretary of Transpor-
8 tation is exempt from the limitation under this sub-
9 section if the Secretary determines that the oper-
10 ation or procurement of such system supports the
11 safe, secure, or efficient operation of the national
12 airspace system or maintenance of public safety, in-
13 cluding activities carried out under the Federal
14 Aviation Administration’s Alliance for System Safety
15 of UAS through Research Excellence Center of Ex-
16 cellence, FAA-authorized unmanned aircraft systems
17 test ranges, and any other testing and evaluation ac-
18 tivity deemed to support the safe, secure, or efficient
19 operation of the national airspace system or mainte-
20 nance of public safety, as determined by the Sec-
21 retary.

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

23 “(A) COVERED MANUFACTURER.—The
24 term ‘covered manufacturer’ means an entity
25 that is owned by, controlled by, is a subsidiary

1 of, or is otherwise related legally or financially
2 to, a person based in a country that—

3 “(i) is identified as a nonmarket econ-
4 omy country (as defined in section 771 of
5 the Tariff Act of 1930 (19 U.S.C. 1677))
6 as of the date of enactment of the
7 Counter-UAS Authority Security, Safety,
8 and Reauthorization Act;

9 “(ii) was identified by the United
10 States Trade Representative in the most
11 recent report required by section 182 of
12 the Trade Act of 1974 (19 U.S.C. 2242)
13 as a priority foreign country under sub-
14 section (a)(2) of that section; and

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

18 “(B) OTHERWISE RELATED LEGALLY OR
19 FINANCIALLY.—The term ‘otherwise related le-
20 gally or financially’ does not include a minority
21 stake relationship or investment.

22 “(h) BRIEFINGS.—

23 “(1) SEMIANNUAL BRIEFINGS AND NOTIFICA-
24 TIONS.—

1 “(A) IN GENERAL.—The Administrator
2 shall provide the specified committees of Con-
3 gress a briefing not less than once every 6
4 months on the activities carried out pursuant to
5 this section.

6 “(B) CONTENT.—Each briefing required
7 this paragraph shall include—

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

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

17 “(II) may have resulted in harm,
18 damage, or loss to a person or to pri-
19 vate property, including and
20 disaggregated by whether any such
21 harm, damage, or loss was minimized;

22 “(III) resulted in the successful
23 seizure, exercise of control, or confis-
24 cation under subsection (a)(2); or

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

3 “(ii) the frequency and nature of in-
4 stances in which communications were
5 intercepted or acquired during the course
6 of actions described in subsection (a)(2),
7 including—

8 “(I) the approximate number and
9 nature of incriminating communica-
10 tions intercepted;

11 “(II) the approximate number
12 and nature of other communications
13 intercepted; and

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

19 “(aa) shared with the De-
20 partment of Justice or another
21 Federal law enforcement agency,
22 including a list of receiving Fed-
23 eral law enforcement agencies; or

24 “(bb) maintained for more
25 than 90 days;

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

10 “(v) information on the actions car-
11 ried out under subparagraphs (C) and (D)
12 of subsection (a)(2), including equipment
13 or technology to address emerging trends
14 and changes in unmanned aircraft system
15 or unmanned aircraft system-related secu-
16 rity threats.

17 “(C) CLASSIFICATION.—

18 “(i) IN GENERAL.—Each briefing re-
19 quired under this subsection shall be in an
20 unclassified form, but shall be accom-
21 panied by an additional classified briefing
22 at the request of the Chair or Ranking
23 Member of any specified committee of Con-
24 gress.

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

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

10 “(II) a description of each cov-
11 ered site, including the capabilities of
12 counter-UAS systems used at such
13 sites.

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

18 “(A) notify the specified committees of
19 Congress of any newly authorized acquisition,
20 deployment, or operation of a counter-UAS sys-
21 tem, equipment or technology under this section
22 not later than 90 days after such newly author-
23 ized acquisition, deployment, or operation; and

24 “(B) in providing a notification under sub-
25 paragraph (A), include a description of options

1 considered to mitigate any identified impacts to
2 the national airspace system related to the use
3 of any counter-UAS system, technology, or
4 equipment operated at a covered site, including
5 the minimization of the use of any technology,
6 equipment or system that disrupts the trans-
7 mission of radio or electronic signals.

8 “(i) DEFINITIONS.—In this section:

9 “(1) SPECIFIED COMMITTEES OF CONGRESS.—

10 The term ‘specified committees of Congress’
11 means—

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

16 “(B) the Committee on Commerce,
17 Science, and Transportation, the Committee on
18 Homeland Security, and the Committee on the
19 Judiciary of the Senate.

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

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

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

“44810. Counter-UAS activities.”.

5 **SEC. 5005. ADDITIONAL LIMITED AUTHORITY FOR DETEC-**
6 **TION, IDENTIFICATION, MONITORING, AND**
7 **TRACKING.**

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

15 (b) REQUIRED APPLICATION.—

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

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

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

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

12 (i) be subject to the approval of the
13 Secretary of Homeland Security, the Ad-
14 ministrators of the Federal Aviation Admin-
15 istration, and the Attorney General; and

16 (ii) include—

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

21 (II) a description of the time pe-
22 riods and dates during which the
23 counter-UAS detection system, equip-
24 ment, or technology will be operated;

1 (C) a written agreement between the cov-
2 ered entity and a Federal, State, local, or Trib-
3 al law enforcement agency to operate such ap-
4 proved counter-UAS detection system, equip-
5 ment, or technology at a covered site on behalf
6 of such covered entity;

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

11 (E) any other requirements the Secretary
12 determines appropriate.

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

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

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

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

4 (4) any terms and conditions on the deployment
5 and operation of an approved counter-UAS detection
6 system, equipment, or technology the Secretary 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 if the
12 Secretary determines that the covered entity has not—

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

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

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

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

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

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

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

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

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

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

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

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

14 (k) SAVINGS CLAUSE.—

15 (1) RULE OF CONSTRUCTION.—Nothing in this
16 section or section 6 shall be construed to limit or re-
17 strict the Administrator of the Federal Aviation Ad-
18 ministration from ensuring the safety and efficiency
19 of the national airspace system.

20 (2) SUSPENSION OF AUTHORITY.—

21 (A) IN GENERAL.—The Administrator of
22 the Federal Aviation Administration, in con-
23 sultation with the Attorney General, may sus-
24 pend the authority provided under this section
25 or section 6 if the Administrator—

1 (i) determines that the exercise of
2 such authority threatens the safety or effi-
3 ciency of the national airspace system; and

4 (ii) conveys in writing the determina-
5 tion to the Secretary of Homeland Secu-
6 rity.

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

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

20 **SEC. 5006. COUNTER-UAS MITIGATION STATE LAW EN-
21 FORCEMENT PILOT PROGRAM.**

22 (a) IN GENERAL.—Subject to the availability of ap-
23 propriations for such purpose, not later than 180 days
24 after the first determination that a counter-UAS system
25 with mitigation capabilities meets the requirements of sec-

1 tion 44810(e) of title 49, United States Code, the Sec-
2 retary of Homeland Security, in coordination with the At-
3 torney General and the Administrator of the Federal Avia-
4 tion Administration, shall establish a pilot program at not
5 more than 5 covered sites to assess the efficacy of ap-
6 proved counter-UAS mitigation systems at such covered
7 sites and determine the appropriate policies, procedures,
8 and protocols necessary to allow State law enforcement
9 agencies (in coordination with the Secretary, Attorney
10 General, and Administrator) to acquire, deploy, and oper-
11 ate approved counter-UAS mitigation systems and miti-
12 gate unauthorized UAS operations on behalf of covered
13 entities.

14 (b) REQUIRED APPLICATION.—

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

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

1 (A) a justifiable need (based on a threat
2 posed by an unmanned aircraft or unmanned
3 aircraft system to a covered site) to mitigate an
4 unmanned aircraft system with an approved
5 counter-UAS mitigation system, equipment, or
6 technology;

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

10 (i) be subject to the approval of the
11 Secretary of Homeland Security, the Attor-
12 ney General, and the Administrator of the
13 Federal Aviation Administration; and

14 (ii) include—

15 (I) a description of the covered
16 site or sites at which the counter-UAS
17 mitigation system, equipment, or tech-
18 nology will be deployed and operated;

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

24 (C) a written agreement between the cov-
25 ered entity and a State law enforcement agency

1 to operate such approved counter-UAS mitiga-
2 tion system, equipment, or technology at a cov-
3 ered site on behalf of such covered entity;

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

8 (E) any other requirements the Secretary
9 determines appropriate.

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

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

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

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

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

5 (5) the frequency with which the appropriate
6 Federal agency representatives shall conduct peri-
7 odic site visits to ensure compliance with the ap-
8 proved terms and conditions of deployment and op-
9 erations of the approved counter-UAS mitigation
10 system, equipment, or technology;

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

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

17 (d) REQUIRED COORDINATION AND NOTIFICA-
18 TION.—

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

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

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

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

9 (i) be conducted in a manner con-
10 sistent with the agreement between the
11 Secretary and the State law enforcement
12 agency; and

13 (ii) abide by all safety protocols,
14 terms, and conditions established for the
15 use of such system, equipment, or tech-
16 nology at the covered site; and

17 (C) immediately notify the Administrator
18 of the Federal Aviation Administration of the
19 approval provided under this paragraph.

20 (3) REPORT.—

21 (A) IN GENERAL.—Not later than 24
22 hours after each mitigation of a UAS conducted
23 under the authorities in this section, the rel-
24 evant State law enforcement agency shall sub-
25 mit to the Secretary of Homeland Security, the

1 Administrator of the Federal Aviation Adminis-
2 tration, and the Attorney General a post-event
3 report.

4 (B) CONTENTS.—The report under sub-
5 paragraph (A) shall include all relevant infor-
6 mation pertaining to the event, including the
7 drone operation, and subsequent mitigation and
8 enforcement actions, and subsequent enforce-
9 ment actions, as specified by the Secretary.

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

15 (1) maintained an agreement that is acceptable
16 to the Secretary with a State law enforcement agen-
17 cy to operate such approved counter-UAS mitigation
18 system, equipment, or technology on behalf of the
19 covered 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)); and

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)).

4 (f) COORDINATION.—The Secretary shall coordinate
5 with the Administrator of the Federal Aviation Adminis-
6 tration and the Attorney General in carrying out the appli-
7 cation, agreement, and revocation processes under this
8 section.

9 (g) SELECTION CRITERIA.—

10 (1) AIRSPACE CONSIDERATIONS.—

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

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 is not eligible for participation in
2 the pilot program established under this sec-
3 tion.

4 (2) REVIEW AND EXPANSION.—Not later than
5 3 years after approved counter-UAS mitigation sys-
6 tems, equipment, or technology are deployed at the
7 5 covered sites selected under subsection (a), the
8 Secretary, in coordination with the Administrator
9 and the Attorney General, shall review the prelimi-
10 nary results of such pilot program and, if appro-
11 priate, take such actions as may be necessary to re-
12 vise or expand counter-UAS system mitigation au-
13 thorities, subject to the availability of trained per-
14 sonnel, to not more than 20 covered sites under the
15 pilot program.

16 (h) REQUIRED BRIEFING.—Not later than 6 months
17 after the establishment of the pilot program under this
18 section, and every 6 months thereafter, the Secretary shall
19 brief the appropriate committees of Congress on the
20 progress and findings of the pilot program established
21 under this section, including a description of all mitigation
22 events reported under subsection (d).

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

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

9 **SEC. 5007. COUNTER-UAS SYSTEM PLANNING AND DEPLOY-**
10 **MENT AT AIRPORTS.**

11 (a) STRATEGIC AIRPORT PLANNING.—

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

22 (A) ensuring the safety and security of air-
23 craft; and

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

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

6 (A) the roles and responsibilities of—

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

10 (ii) relevant airport personnel; and

11 (iii) any other stakeholder the Admin-
12 istrator determines appropriate in the ter-
13 minal airspace;

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

18 (C) minimum performance requirements
19 for such systems, equipment, or technology;

20 (D) funding responsibilities and mecha-
21 nisms for the acquisition, deployment, and oper-
22 ation of such systems, equipment or technology;

23 (E) the operational approval process by
24 which such systems, equipment or technology
25 may be deployed;

1 (F) reporting requirements associated with
2 the use of such systems, equipment, or tech-
3 nology;

4 (G) initial operator training and recurrent
5 training requirements;

6 (H) how the remote identification of un-
7 manned aircraft systems can be leveraged for
8 the operation of counter-UAS systems, equip-
9 ment or technology; and

10 (I) any other content as determined nec-
11 essary by the Administrator, the Secretary, and
12 the Attorney General.

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

15 (A) shall coordinate with the Secretary of
16 Homeland Security and the Attorney General to
17 consider, and if determined appropriate by the
18 Administrator, include requirements and proce-
19 dures for—

20 (i) conducting and updating airport-
21 specific vulnerability assessments;

22 (ii) developing airport-specific coordi-
23 nation and communication requirements
24 with Federal agencies, local law enforce-

1 ment, and airport personnel appropriate
2 for the scope of such plan;

3 (iii) tactical response and status re-
4 porting during events within the scope of
5 such plan; and

6 (iv) acquisition and deployment of
7 counter-UAS systems, equipment, or tech-
8 nology within the scope of such plan; and

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

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

14 (b) COUNTER-UAS DETECTION SYSTEMS AT AIR-
15 PORTS.—

16 (1) IN GENERAL.—Pursuant to the plan re-
17 quired in subsection (a) and subject to available ap-
18 propriations, the Administrator, in coordination with
19 the Secretary of Homeland Security, the Attorney
20 General, and other relevant Federal agencies, shall
21 provide for the deployment of approved counter-UAS
22 detection systems, equipment, or technology within
23 the terminal airspace of—

24 (A) each large hub airport (as defined in
25 section 47102 of title 49, United States Code),

1 not later than 30 months after the publication
2 of the performance requirements described in
3 section 44810(e) of title 49, United States
4 Code;

5 (B) a minimum of 3 airports that each
6 have a total annual landed weight of all-cargo
7 of more than 7,500,000,000 pounds in 2021 or
8 any year thereafter, not later than 12 months
9 after the publication of the guidance described
10 in subsection (a); and

11 (C) each medium hub airport (as defined
12 in section 47102 of title 49, United States
13 Code), not later than 4 years after the publica-
14 tion of the performance requirements described
15 in section 44810(e) of title 49, United States
16 Code.

17 (2) PRE-DEPLOYMENT ACTIVITIES.—The Ad-
18 ministrator of the Federal Aviation Administration,
19 in consultation with the Federal Communications
20 Commission, the National Telecommunications and
21 Information Administration, and other Federal
22 agencies as appropriate, shall conduct site-specific
23 spectrum and suitability assessments for each se-
24 lected airport under the program, based on the spe-

1 cific counter-UAS detection systems, equipment, or
2 technology intended to be deployed.

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

4 (1) ESTABLISHMENT.—Pursuant to the plan
5 required in subsection (a), the Secretary of Home-
6 land Security, jointly with the Administrator of the
7 Federal Aviation Administration and in coordination
8 with the Attorney General, shall, subject to the
9 availability of appropriations, establish a pilot pro-
10 gram to assess the feasibility of deploying approved
11 counter-UAS mitigation systems, equipment, and
12 technology capable of mitigating unmanned aircraft
13 and unmanned aircraft systems for purposes of re-
14 sponding to a persistent disruption of air traffic op-
15 erations caused by unauthorized unmanned aircraft
16 system activity.

17 (2) DEPLOYMENT OF COUNTER-UAS MITIGA-
18 TION SYSTEMS.—The pilot program shall include de-
19 ployment of approved counter-UAS mitigation sys-
20 tems, equipment, or technology at up to 5 covered
21 airports not later than 2 years after the publication
22 of the performance requirements described in section
23 44810(e) of title 49, United States Code.

24 (3) SELECTION.—The Administrator shall pro-
25 vide the Secretary of Homeland Security a list of

1 covered airports eligible for inclusion in the pilot
2 program, based on the suitability of each such air-
3 port for counter-UAS system, equipment, or tech-
4 nology deployment.

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

15 (5) LIMITATIONS ON MITIGATION ACTIVITIES.—

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

22 (B) EMERGENCY, TEMPORARY DEPLOY-
23 MENT.—The Secretary of Homeland Security or
24 the Administrator, may, on a case-by-case
25 basis, authorize an emergency, temporary de-

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

10 (d) SITE SPECIFIC PLANNING.—

11 (1) IN GENERAL.—Prior to the deployment and
12 operation of a counter-UAS detection or mitigation
13 system, equipment, or technology at an airport as
14 described in subsection (b) and paragraph (1) of
15 subsection (c), the Secretary and the Administrator
16 shall coordinate with airport personnel, air traffic
17 personnel, State law enforcement, and other relevant
18 stakeholders to develop a site-specific plan for the
19 use of counter-UAS detection and mitigation sys-
20 tems, equipment, or technology at such airport.

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

23 (A) roles and responsibilities of—

24 (i) Federal agency personnel, includ-
25 ing air traffic control personnel;

- 1 (ii) airport law enforcement and secu-
2 rity personnel;
- 3 (iii) State law enforcement personnel;
- 4 (iv) other relevant airport personnel,
5 as determined by the Secretary and the
6 Administrator; and
- 7 (v) any other stakeholder in a ter-
8 minal airspace the Secretary and Adminis-
9 trator determine appropriate;
- 10 (B) operational procedures, protocols, poli-
11 cies, and guidelines pertaining to the deploy-
12 ment, use, and maintenance of such systems,
13 equipment, or technology;
- 14 (C) the operational approval process by
15 which such systems, equipment, or technology
16 may be actively deployed and operated;
- 17 (D) reporting requirements associated with
18 the use of such systems, equipment, or tech-
19 nology;
- 20 (E) initial and recurring counter-UAS op-
21 erator training requirements;
- 22 (F) appropriate consideration of, and up-
23 dates to, counter-UAS emergency response
24 plans for an airport; and

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

3 (e) DEFINITIONS.—In this section:

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

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

20 **SEC. 5008. UAS DETECTION AND MITIGATION ENFORCE-**
21 **MENT AUTHORITY.**

22 (a) IN GENERAL.—Chapter 448 of title 49, United
23 States Code, is amended by adding at the end the fol-
24 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 “(8) PENALTIES RELATING TO THE OPERATION
10 OF UNMANNED AIRCRAFT SYSTEM DETECTION AND
11 MITIGATION TECHNOLOGIES.—Notwithstanding
12 paragraphs (1) and (5) of subsection (a), the max-
13 imum civil penalty for a violation of section 44815
14 committed by a person described in such section, in-
15 cluding an individual or small business concern, shall
16 be the maximum civil penalty authorized under sub-
17 section (a)(1) of this section for persons other than
18 an individual or small business concern.”.

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

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

22 **SEC. 5009. REPORTING ON COUNTER-UAS ACTIVITIES.**

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

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

6 (b) CONTENTS.—The report under subsection (a)
7 shall include—

8 (1) information on any a violation of, or failure
9 to comply with, this division or the amendments
10 made by this division by personnel authorized to
11 conduct detection and mitigation activities, including
12 a description of any such violation or failure;

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

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

