

AMENDMENT TO RULES COMM. PRINT 118–11
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

Add at the end of title VIII the following:

1 **SEC. 844. DEPARTMENT OF HOMELAND SECURITY AND DE-**
2 **PARTMENT OF JUSTICE UNMANNED AIR-**
3 **CRAFT SYSTEM DETECTION AND MITIGATION**
4 **ENFORCEMENT AUTHORITY.**

5 Subtitle A of title II of the Homeland Security Act
6 of 2002 (6 U.S.C. 121 et seq.) is amended by striking
7 section 210G (6 U.S.C. 124n) and inserting the following:

8 **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-**
9 **SETS FROM UNMANNED AIRCRAFT.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) The term ‘air navigation facility’ has the
12 meaning given the term in section 40102(a) of title
13 49, United States Code.

14 “(2) The term ‘airport’ has the meaning given
15 the term in section 47102 of title 49, United Sates
16 Code.

17 “(3) The term ‘appropriate committees of Con-
18 gress’ means—

19 “(A) the Committee on Homeland Security
20 and Governmental Affairs, the Committee on

1 Commerce, Science, and Transportation, and
2 the Committee on the Judiciary of the Senate;
3 and

4 “(B) the Committee on Homeland Secu-
5 rity, the Committee on Transportation and In-
6 frastructure, the Committee on Oversight and
7 Accountability, the Committee on Energy and
8 Commerce, and the Committee on the Judiciary
9 of the House of Representatives.

10 “(4) The term ‘budget’, with respect to a fiscal
11 year, means the budget for that fiscal year that is
12 submitted to Congress by the President under sec-
13 tion 1105(a) of title 31, United States Code.

14 “(5) The term ‘covered facility or asset’ means
15 any facility or asset that—

16 “(A) is identified as high-risk and a poten-
17 tial target for unlawful unmanned aircraft or
18 unmanned aircraft system activity by the Sec-
19 retary or the Attorney General, or by the chief
20 executive of the jurisdiction in which a State,
21 local, Tribal, or territorial law enforcement
22 agency designated pursuant to subsection (d)(2)
23 operates after review and approval of the Sec-
24 retary or the Attorney General, in coordination
25 with the Secretary of Transportation with re-

1 spect to potentially impacted airspace, through
2 a risk-based assessment for purposes of this
3 section (except that in the case of the missions
4 described in clauses (i)(II) and (iii)(I) of sub-
5 paragraph (C), such missions shall be presumed
6 to be for the protection of a facility or asset
7 that is assessed to be high-risk and a potential
8 target for unlawful unmanned aircraft or un-
9 manned aircraft system activity);

10 “(B) is located in the United States; and

11 “(C) directly relates to 1 or more—

12 “(i) missions authorized to be per-
13 formed by the Department, consistent with
14 governing statutes, regulations, and orders
15 issued by the Secretary, pertaining to—

16 “(I) security or protection func-
17 tions of U.S. Customs and Border
18 Protection, including securing or pro-
19 tecting facilities, aircraft, and vessels,
20 whether moored or underway;

21 “(II) United States Secret Serv-
22 ice protection operations pursuant to
23 sections 3056(a) and 3056A(a) of title
24 18, United States Code, and the Pres-

1 idential Protection Assistance Act of
2 1976 (18 U.S.C. 3056 note);

3 “ (III) protection of facilities pur-
4 suant to section 1315(a) of title 40,
5 United States Code;

6 “ (IV) transportation security
7 functions of the Transportation Secu-
8 rity Administration; or

9 “ (V) the security or protection
10 functions for facilities, assets, and op-
11 erations of Homeland Security Inves-
12 tigations;

13 “ (ii) missions authorized to be per-
14 formed by the Department of Justice, con-
15 sistent with governing statutes, regula-
16 tions, and orders issued by the Attorney
17 General, pertaining to—

18 “ (I) personal protection oper-
19 ations by—

20 “ (aa) the Federal Bureau of
21 Investigation as specified in sec-
22 tion 533 of title 28, United
23 States Code; or

24 “ (bb) the United States
25 Marshals Service as specified in

1 section 566 of title 28, United
2 States Code;

3 “(II) protection of penal, deten-
4 tion, and correctional facilities and
5 operations conducted by the Federal
6 Bureau of Prisons and prisoner oper-
7 ations and transport conducted by the
8 United States Marshals Service;

9 “(III) protection of the buildings
10 and grounds leased, owned, or oper-
11 ated by or for the Department of Jus-
12 tice, and the provision of security for
13 Federal courts, as specified in section
14 566 of title 28, United States Code;
15 or

16 “(IV) protection of an airport or
17 air navigation facility;

18 “(iii) missions authorized to be per-
19 formed by the Department or the Depart-
20 ment of Justice, acting together or sepa-
21 rately, consistent with governing statutes,
22 regulations, and orders issued by the Sec-
23 retary or the Attorney General, respec-
24 tively, pertaining to—

1 “(I) protection of National Spe-
2 cial Security Events and Special
3 Event Assessment Rating events;

4 “(II) the provision of support to
5 a State, local, Tribal, or territorial law
6 enforcement agency, upon request of
7 the chief executive officer of the State
8 or territory, to ensure protection of
9 people and property at mass gath-
10 erings, that is limited to a specified
11 duration and location, within available
12 resources, and without delegating any
13 authority under this section to State,
14 local, Tribal, or territorial law en-
15 forcement;

16 “(III) protection of an active
17 Federal law enforcement investigation,
18 emergency response, or security func-
19 tion, that is limited to a specified du-
20 ration and location; or

21 “(IV) the provision of security or
22 protection support to critical infra-
23 structure owners or operators, for
24 static critical infrastructure facilities

1 and assets upon the request of the
2 owner or operator;

3 “(iv) missions authorized to be per-
4 formed by the United States Coast Guard,
5 including those described in clause (iii) as
6 directed by the Secretary, and as further
7 set forth in section 528 of title 14, United
8 States Code, and consistent with governing
9 statutes, regulations, and orders issued by
10 the Secretary of the Department in which
11 the Coast Guard is operating; and

12 “(v) responsibilities of State, local,
13 Tribal, and territorial law enforcement
14 agencies designated pursuant to subsection
15 (d)(2) pertaining to—

16 “(I) protection of National Spe-
17 cial Security Events and Special
18 Event Assessment Rating events or
19 other mass gatherings in the jurisdic-
20 tion of the State, local, Tribal, or ter-
21 ritorial law enforcement agency;

22 “(II) protection of critical infra-
23 structure assessed by the Secretary as
24 high-risk for unmanned aircraft sys-
25 tems or unmanned aircraft attack or

1 disruption, including airports in the
2 jurisdiction of the State, local, Tribal,
3 or territorial law enforcement agency;

4 “(III) protection of government
5 buildings, assets, or facilities in the
6 jurisdiction of the State, local, Tribal,
7 or territorial law enforcement agency;
8 or

9 “(IV) protection of disaster re-
10 sponse in the jurisdiction of the State,
11 local, Tribal, or territorial law en-
12 forcement agency.

13 “(6) The terms ‘electronic communication’,
14 ‘intercept’, ‘oral communication’, and ‘wire commu-
15 nication’ have the meanings given those terms in
16 section 2510 of title 18, United States Code.

17 “(7) The term ‘homeland security or justice
18 budget materials’, with respect to a fiscal year,
19 means the materials submitted to Congress by the
20 Secretary and the Attorney General in support of
21 the budget for that fiscal year.

22 “(8)(A) The term ‘personnel’ means—

23 “(i) an officer, employee, or contractor of
24 the Department or the Department of Justice,
25 who is authorized to perform duties that include

1 safety, security, or protection of people, facili-
2 ties, or assets; or

3 “(ii) an employee who—

4 “(I) is authorized to perform law en-
5 forcement and security functions on behalf
6 of a State, local, Tribal, or territorial law
7 enforcement agency designated under sub-
8 section (d)(2); and

9 “(II) is trained and certified to per-
10 form those duties, including training spe-
11 cific to countering unmanned aircraft
12 threats and mitigating risks in the national
13 airspace, including with respect to pro-
14 tecting privacy and civil liberties.

15 “(B) To qualify for use of the authorities de-
16 scribed in subsection (b) or (c), respectively, a con-
17 tractor conducting operations described in those sub-
18 sections shall—

19 “(i) be directly contracted by the Depart-
20 ment or the Department of Justice;

21 “(ii) operate at a government-owned or
22 government-leased facility or asset;

23 “(iii) not conduct inherently governmental
24 functions;

1 “(iv) be trained to safeguard privacy and
2 civil liberties; and

3 “(v) be trained and certified by the De-
4 partment or the Department of Justice to meet
5 the established guidance and regulations of the
6 Department or the Department of Justice, re-
7 spectively.

8 “(C) For purposes of subsection (c)(1), the
9 term ‘personnel’ includes any officer, employee, or
10 contractor who is authorized to perform duties that
11 include the safety, security, or protection of people,
12 facilities, or assets, of—

13 “(i) a State, local, Tribal, or territorial law
14 enforcement agency; and

15 “(ii) an owner or operator of an airport or
16 critical infrastructure.

17 “(9) The term ‘risk-based assessment’ means
18 an evaluation of threat information specific to a cov-
19 ered facility or asset and, with respect to potential
20 impacts on the safety and efficiency of the national
21 airspace system and the needs of law enforcement
22 and national security at each covered facility or
23 asset identified by the Secretary or the Attorney
24 General, respectively, of each of the following fac-
25 tors:

1 “(A) Potential impacts to safety, efficiency,
2 and use of the national airspace system, includ-
3 ing potential effects on manned aircraft and un-
4 manned aircraft systems or unmanned aircraft,
5 aviation safety, airport operations, infrastruc-
6 ture, and air navigation services relating to the
7 use of any system or technology for carrying
8 out the actions described in subsection (e)(2).

9 “(B) Options for mitigating any identified
10 impacts to the national airspace system relating
11 to the use of any system or technology, includ-
12 ing minimizing, when possible, the use of any
13 technology that disrupts the transmission of
14 radio or electronic signals, for carrying out the
15 actions described in subsection (e)(2).

16 “(C) Potential consequences of the impacts
17 of any actions taken under subsection (e)(2) to
18 the national airspace system and infrastructure
19 if not mitigated.

20 “(D) The ability to provide reasonable ad-
21 vance notice to aircraft operators consistent
22 with the safety of the national airspace system
23 and the needs of law enforcement and national
24 security.

1 “(E) The setting and character of any cov-
2 ered facility or asset, including—

3 “(i) whether the covered facility or
4 asset is located in a populated area or near
5 other structures;

6 “(ii) whether the covered facility or
7 asset is open to the public;

8 “(iii) whether the covered facility or
9 asset is used for nongovernmental func-
10 tions; and

11 “(iv) any potential for interference
12 with wireless communications or for injury
13 or damage to persons or property.

14 “(F) The setting, character, duration, and
15 national airspace system impacts of National
16 Special Security Events and Special Event As-
17 sessment Rating events, to the extent not al-
18 ready discussed in the National Special Security
19 Event and Special Event Assessment Rating
20 nomination process.

21 “(G) Potential consequences to national se-
22 curity, public safety, or law enforcement if
23 threats posed by unmanned aircraft systems or
24 unmanned aircraft are not mitigated or de-
25 feated.

1 “(H) Civil rights and civil liberties guaran-
2 teed by the First and Fourth Amendments to
3 the Constitution of the United States.

4 “(10) The terms ‘unmanned aircraft’ and ‘un-
5 manned aircraft system’ have the meanings given
6 those terms in section 44801 of title 49, United
7 States Code.

8 “(b) AUTHORITY OF THE DEPARTMENT OF HOME-
9 LAND SECURITY AND DEPARTMENT OF JUSTICE.—Not-
10 withstanding section 46502 of title 49, United States
11 Code, or sections 32, 1030, 1367, and chapters 119 and
12 206 of title 18, United States Code, the Secretary and
13 the Attorney General may, for their respective Depart-
14 ments, take, and may authorize personnel with assigned
15 duties that include the safety, security, or protection of
16 people, facilities, or assets to take, actions described in
17 subsection (e)(2) that are necessary to detect, identify,
18 monitor, track, and mitigate a credible threat (as defined
19 by the Secretary and the Attorney General, in consultation
20 with the Secretary of Transportation, acting through the
21 Administrator of the Federal Aviation Administration)
22 that an unmanned aircraft system or unmanned aircraft
23 poses to the safety or security of a covered facility or asset.

24 “(c) ADDITIONAL LIMITED AUTHORITY FOR DETEC-
25 TION, IDENTIFICATION, MONITORING, AND TRACKING.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), and notwithstanding sections 1030 and
3 1367 and chapters 119 and 206 of title 18, United
4 States Code, any State, local, Tribal, or territorial
5 law enforcement agency, the Department of Justice,
6 the Department, and any owner or operator of an
7 airport or critical infrastructure may authorize per-
8 sonnel, with assigned duties that include the safety,
9 security, or protection of people, facilities, or assets,
10 to use equipment authorized under this subsection to
11 take actions described in subsection (e)(1) that are
12 necessary to detect, identify, monitor, or track an
13 unmanned aircraft system or unmanned aircraft
14 within the respective areas of responsibility or juris-
15 diction of the authorized personnel.

16 “(2) AUTHORIZED EQUIPMENT.—Equipment
17 authorized for unmanned aircraft system detection,
18 identification, monitoring, or tracking under this
19 subsection shall be limited to systems or tech-
20 nologies—

21 “(A) tested and evaluated by the Depart-
22 ment or the Department of Justice, including
23 evaluation of any potential counterintelligence
24 or cybersecurity risks;

1 “(B) that are annually reevaluated for any
2 changes in risks, including counterintelligence
3 and cybersecurity risks;

4 “(C) determined by the Federal Commu-
5 nications Commission and the National Tele-
6 communications and Information Administra-
7 tion not to adversely impact the use of the com-
8 munications spectrum;

9 “(D) determined by the Federal Aviation
10 Administration not to adversely impact the use
11 of the aviation spectrum or otherwise adversely
12 impact the national airspace system; and

13 “(E) that are included on a list of author-
14 ized equipment maintained by the Department,
15 in coordination with the Department of Justice,
16 the Federal Aviation Administration, the Fed-
17 eral Communications Commission, and the Na-
18 tional Telecommunications and Information Ad-
19 ministration.

20 “(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL
21 COMPLIANCE.—Each State, local, Tribal, or terri-
22 torial law enforcement agency or owner or operator
23 of an airport or critical infrastructure acting pursu-
24 ant to this subsection shall—

1 “(A) prior to any such action, issue a writ-
2 ten policy certifying compliance with the privacy
3 protections of subparagraphs (A) through (D)
4 of subsection (j)(2);

5 “(B) certify compliance with such policy to
6 the Secretary and the Attorney General annu-
7 ally, and immediately notify the Secretary and
8 Attorney General of any noncompliance with
9 such policy or the privacy protections of sub-
10 paragraphs (A) through (D) of subsection
11 (j)(2); and

12 “(C) comply with any additional guidance
13 issued by the Secretary or the Attorney General
14 relating to implementation of this subsection.

15 “(4) PROHIBITION.—Nothing in this subsection
16 shall be construed to authorize the taking of any ac-
17 tion described in subsection (e) other than the ac-
18 tions described in paragraph (1) of that subsection.

19 “(d) PILOT PROGRAM FOR STATE, LOCAL, TRIBAL,
20 AND TERRITORIAL LAW ENFORCEMENT.—

21 “(1) IN GENERAL.—The Secretary and the At-
22 torney General may carry out a pilot program to
23 evaluate the potential benefits of State, local, Tribal,
24 and territorial law enforcement agencies taking ac-
25 tions that are necessary to mitigate a credible threat

1 (as defined by the Secretary and the Attorney Gen-
2 eral, in consultation with the Secretary of Transpor-
3 tation, acting through the Administrator of the Fed-
4 eral Aviation Administration) that an unmanned air-
5 craft system or unmanned aircraft poses to the safe-
6 ty or security of a covered facility or asset.

7 “(2) DESIGNATION.—

8 “(A) IN GENERAL.—The Secretary or the
9 Attorney General, with the concurrence of the
10 Secretary of Transportation (acting through the
11 Administrator of the Federal Aviation Adminis-
12 tration), may, under the pilot program estab-
13 lished under paragraph (1), designate 1 or
14 more State, local, Tribal, or territorial law en-
15 forcement agencies approved by the respective
16 chief executive officer of the State, local, Tribal,
17 or territorial law enforcement agency to engage
18 in the activities authorized in paragraph (4)
19 under the direct oversight of the Department or
20 the Department of Justice, in carrying out the
21 responsibilities authorized under subsection
22 (a)(5)(C)(v).

23 “(B) DESIGNATION PROCESS.—

24 “(i) NUMBER OF AGENCIES AND DU-
25 RATION.—On and after the date that is

1 180 days after the date of enactment of
2 the Safeguarding the Homeland from the
3 Threats Posed by Unmanned Aircraft Sys-
4 tems Act of 2023, the Secretary and the
5 Attorney General, pursuant to subpara-
6 graph (A), may designate a combined total
7 of not more than 12 State, local, Tribal,
8 and territorial law enforcement agencies
9 for participation in the pilot program, and
10 may designate 12 additional State, local,
11 Tribal, and territorial law enforcement
12 agencies each year thereafter, provided
13 that not more than 60 State, local, Tribal,
14 and territorial law enforcement agencies in
15 total may be designated during the 5-year
16 period of the pilot program.

17 “(ii) REVOCATION.—The Secretary
18 and the Attorney General, in consultation
19 with the Secretary of Transportation (act-
20 ing through the Administrator of the Fed-
21 eral Aviation Administration)—

22 “(I) may revoke a designation
23 under subparagraph (A) if the Sec-
24 retary, Attorney General, and Sec-
25 retary of Transportation (acting

1 through the Administrator of the Fed-
2 eral Aviation Administration) concur
3 in the revocation; and

4 “(II) shall revoke a designation
5 under subparagraph (A) if the Sec-
6 retary, the Attorney General, or the
7 Secretary of Transportation (acting
8 through the Administrator of the Fed-
9 eral Aviation Administration) with-
10 draws concurrence.

11 “(3) TERMINATION OF PILOT PROGRAM.—

12 “(A) DESIGNATION.—The authority to
13 designate an agency for inclusion in the pilot
14 program established under this subsection shall
15 terminate 5 years after the date that is 180
16 days after the date of enactment of the Safe-
17 guarding the Homeland from the Threats Posed
18 by Unmanned Aircraft Systems Act of 2023.

19 “(B) AUTHORITY OF PILOT PROGRAM
20 AGENCIES.—The authority of an agency des-
21 ignated under the pilot program established
22 under this subsection to exercise any of the au-
23 thorities granted under the pilot program shall
24 terminate not later than 6 years after the date
25 that is 180 days after the date of enactment of

1 the Safeguarding the Homeland from the
2 Threats Posed by Unmanned Aircraft Systems
3 Act of 2023, or upon revocation pursuant to
4 paragraph (2)(B)(ii).

5 “(4) AUTHORIZATION.—Notwithstanding sec-
6 tion 46502 of title 49, United States Code, or sec-
7 tions 32, 1030, 1367 and chapters 119 and 206 of
8 title 18, United States Code, any State, local, Trib-
9 al, or territorial law enforcement agency designated
10 pursuant to paragraph (2) may authorize personnel
11 with assigned duties that include the safety, secu-
12 rity, or protection of people, facilities, or assets to
13 take such actions as are described in subsection
14 (e)(2) that are necessary to detect, identify, monitor,
15 track, or mitigate a credible threat (as defined by
16 the Secretary and the Attorney General, in consulta-
17 tion with the Secretary of Transportation, acting
18 through the Administrator of the Federal Aviation
19 Administration) that an unmanned aircraft system
20 or unmanned aircraft poses to the safety or security
21 of a covered facility or asset in carrying out the re-
22 sponsibilities authorized under subsection
23 (a)(5)(C)(v).

24 “(5) EXEMPTION.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Chair of the Federal Commu-
3 nications Commission, in consultation with the
4 Administrator of the National Telecommuni-
5 cations and Information Administration, shall
6 implement a process for considering the exemp-
7 tion of 1 or more law enforcement agencies des-
8 igned under paragraph (2), or any station op-
9 erated by the agency, from any provision of title
10 III of the Communications Act of 1934 (47
11 U.S.C. 151 et seq.) to the extent that the des-
12 igned law enforcement agency takes such ac-
13 tions as are described in subsection (e)(2) and
14 may establish conditions or requirements for
15 such exemption.

16 “(B) REQUIREMENTS.—The Chair of the
17 Federal Communications Commission, in con-
18 sultation with the Administrator of the Na-
19 tional Telecommunications and Information Ad-
20 ministration, may grant an exemption under
21 subparagraph (A) only if the Chair of the Fed-
22 eral Communications Commission in consulta-
23 tion with the Administrator of the National
24 Telecommunications and Information Adminis-
25 tration finds that the grant of an exemption—

1 “(i) is necessary to achieve the pur-
2 poses of this subsection; and

3 “(ii) will serve the public interest.

4 “(C) REVOCATION.—Any exemption grant-
5 ed under subparagraph (A) shall terminate
6 automatically if the designation granted to the
7 law enforcement agency under paragraph
8 (2)(A) is revoked by the Secretary or the Attor-
9 ney General under paragraph (2)(B)(ii) or is
10 terminated under paragraph (3)(B).

11 “(6) REPORTING.—Not later than 2 years after
12 the date on which the first law enforcement agency
13 is designated under paragraph (2), and annually
14 thereafter for the duration of the pilot program, the
15 Secretary and the Attorney General shall inform the
16 appropriate committees of Congress in writing of the
17 use by any State, local, Tribal, or territorial law en-
18 forcement agency of any authority granted pursuant
19 to paragraph (4), including a description of any pri-
20 vacy or civil liberties complaints known to the Sec-
21 retary or Attorney General in connection with the
22 use of that authority by the designated agencies.

23 “(7) RESTRICTIONS.—Any entity acting pursu-
24 ant to the authorities granted under this sub-
25 section—

1 “(A) may do so only using equipment au-
2 thorized by the Department, in coordination
3 with the Department of Justice, the Federal
4 Communications Commission, the National
5 Telecommunications and Information Adminis-
6 tration, and the Department of Transportation
7 (acting through the Federal Aviation Adminis-
8 tration) according to the criteria described in
9 subsection (c)(2);

10 “(B) shall, prior to any such action, issue
11 a written policy certifying compliance with the
12 privacy protections of subparagraphs (A)
13 through (D) of subsection (j)(2);

14 “(C) shall ensure that all personnel under-
15 taking any actions listed under this subsection
16 are properly trained in accordance with the cri-
17 teria that the Secretary and Attorney General
18 shall collectively establish, in consultation with
19 the Secretary of Transportation, the Adminis-
20 trator of the Federal Aviation Administration,
21 the Chair of the Federal Communications Com-
22 mission, the Assistant Secretary of Commerce
23 for Communications and Information, and the
24 Administrator of the National Telecommuni-
25 cations and Information Administration; and

1 “(D) shall comply with any additional
2 guidance relating to compliance with this sub-
3 section issued by the Secretary or Attorney
4 General.

5 “(e) ACTIONS DESCRIBED.—

6 “(1) IN GENERAL.—The actions authorized
7 under subsection (c) that may be taken by a State,
8 local, Tribal, or territorial law enforcement agency,
9 the Department, the Department of Justice, and any
10 owner or operator of an airport or critical infrastruc-
11 ture, are limited to actions during the operation of
12 an unmanned aircraft system, to detect, identify,
13 monitor, and track the unmanned aircraft system or
14 unmanned aircraft, without prior consent, including
15 by means of intercept or other access of a wire com-
16 munication, an oral communication, or an electronic
17 communication used to control the unmanned air-
18 craft system or unmanned aircraft.

19 “(2) CLARIFICATION.—The actions authorized
20 in subsections (b) and (d)(4) are the following:

21 “(A) During the operation of the un-
22 manned aircraft system or unmanned aircraft,
23 detect, identify, monitor, and track the un-
24 manned aircraft system or unmanned aircraft,
25 without prior consent, including by means of

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

5 “(B) Warn the operator of the unmanned
6 aircraft system or unmanned aircraft, including
7 by passive or active, and direct or indirect,
8 physical, electronic, radio, and electromagnetic
9 means.

10 “(C) Disrupt control of the unmanned air-
11 craft system or unmanned aircraft, without
12 prior consent of the operator of the unmanned
13 aircraft system or unmanned aircraft, including
14 by disabling the unmanned aircraft system or
15 unmanned aircraft by intercepting, interfering,
16 or causing interference with wire, oral, elec-
17 tronic, or radio communications used to control
18 the unmanned aircraft system or unmanned air-
19 craft.

20 “(D) Seize or exercise control of the un-
21 manned aircraft system or unmanned aircraft.

22 “(E) Seize or otherwise confiscate the un-
23 manned aircraft system or unmanned aircraft.

1 “(F) Use reasonable force, if necessary, to
2 disable, damage, or destroy the unmanned air-
3 craft system or unmanned aircraft.

4 “(f) RESEARCH, TESTING, TRAINING, AND EVALUA-
5 TION.—

6 “(1) REQUIREMENT.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tion 46502 of title 49, United States Code, or
9 any provision of title 18, United States Code,
10 the Secretary, the Attorney General, and the
11 heads of the State, local, Tribal, or territorial
12 law enforcement agencies designated pursuant
13 to subsection (d)(2) shall conduct research,
14 testing, and training on, and evaluation of, any
15 equipment, including any electronic equipment,
16 to determine the capability and utility of the
17 equipment prior to the use of the equipment in
18 carrying out any action described in subsection
19 (e).

20 “(B) COORDINATION.—Personnel and con-
21 tractors who do not have duties that include the
22 safety, security, or protection of people, facili-
23 ties, or assets may engage in research, testing,
24 training, and evaluation activities pursuant to
25 subparagraph (A).

1 “(2) TRAINING OF FEDERAL, STATE, LOCAL,
2 TERRITORIAL, AND TRIBAL LAW ENFORCEMENT
3 PERSONNEL.—The Attorney General, acting through
4 the Director of the Federal Bureau of Investigation,
5 may—

6 “(A) provide training relating to measures
7 to mitigate a credible threat that an unmanned
8 aircraft or unmanned aircraft system poses to
9 the safety or security of a covered facility or
10 asset to any personnel who are authorized to
11 take such measures, including personnel author-
12 ized to take the actions described in subsection
13 (e); and

14 “(B) establish or designate 1 or more fa-
15 cilities or training centers for the purpose de-
16 scribed in subparagraph (A).

17 “(3) COORDINATION FOR RESEARCH, TESTING,
18 TRAINING, AND EVALUATION.—

19 “(A) IN GENERAL.—The Secretary, the
20 Attorney General, and the heads of the State,
21 local, Tribal, or territorial law enforcement
22 agencies designated pursuant to subsection
23 (d)(2) shall coordinate procedures governing re-
24 search, testing, training, and evaluation to
25 carry out any provision under this subsection

1 with the Administrator of the Federal Aviation
2 Administration before initiating such activity in
3 order that the Administrator of the Federal
4 Aviation Administration may ensure the activity
5 does not adversely impact or interfere with safe
6 airport operations, navigation, air traffic serv-
7 ices, or the safe and efficient operation of the
8 national airspace system.

9 “(B) ADDITIONAL REQUIREMENT.—Each
10 head of a State, local, Tribal, or territorial law
11 enforcement agency designated pursuant to
12 subsection (d)(2) shall coordinate the proce-
13 dures governing research, testing, training, and
14 evaluation of the law enforcement agency
15 through the Secretary and the Attorney Gen-
16 eral, in coordination with the Federal Aviation
17 Administration.

18 “(g) FORFEITURE.—Any unmanned aircraft system
19 or unmanned aircraft that is lawfully seized by the Sec-
20 retary or the Attorney General pursuant to subsection (b)
21 is subject to forfeiture to the United States pursuant to
22 the provisions of chapter 46 of title 18, United States
23 Code.

1 “(h) REGULATIONS AND GUIDANCE.—The Secretary,
2 the Attorney General, and the Secretary of Transpor-
3 tation—

4 “(1) may prescribe regulations and shall issue
5 guidance in the respective areas of each Secretary or
6 the Attorney General to carry out this section; and

7 “(2) in developing regulations and guidance de-
8 scribed in paragraph (1), shall consult the Chair of
9 the Federal Communications Commission, the Ad-
10 ministrator of the National Telecommunications and
11 Information Administration, and the Administrator
12 of the Federal Aviation Administration.

13 “(i) COORDINATION.—

14 “(1) IN GENERAL.—The Secretary and the At-
15 torney General shall coordinate with the Adminis-
16 trator of the Federal Aviation Administration before
17 carrying out any action authorized under this section
18 in order that the Administrator may ensure the ac-
19 tion does not adversely impact or interfere with—

20 “(A) safe airport operations;

21 “(B) navigation;

22 “(C) air traffic services; or

23 “(D) the safe and efficient operation of the
24 national airspace system.

1 “(2) GUIDANCE.—Before issuing any guidance,
2 or otherwise implementing this section, the Secretary
3 or the Attorney General shall each coordinate with—

4 “(A) the Secretary of Transportation in
5 order that the Secretary of Transportation may
6 ensure the guidance or implementation does not
7 adversely impact or interfere with any critical
8 infrastructure relating to transportation; and

9 “(B) the Administrator of the Federal
10 Aviation Administration in order that the Ad-
11 ministrator may ensure the guidance or imple-
12 mentation does not adversely impact or inter-
13 fere with—

14 “(i) safe airport operations;

15 “(ii) navigation;

16 “(iii) air traffic services; or

17 “(iv) the safe and efficient operation
18 of the national airspace system.

19 “(3) COORDINATION WITH THE FAA.—The Sec-
20 retary and the Attorney General shall coordinate the
21 development of their respective guidance under sub-
22 section (h) with the Secretary of Transportation
23 (acting through the Administrator of the Federal
24 Aviation Administration).

1 “(4) COORDINATION WITH THE DEPARTMENT
2 OF TRANSPORTATION AND NATIONAL TELE-
3 COMMUNICATIONS AND INFORMATION ADMINISTRA-
4 TION.—The Secretary and the Attorney General,
5 and the heads of any State, local, Tribal, or terri-
6 torial law enforcement agencies designated pursuant
7 to subsection (d)(2), through the Secretary and the
8 Attorney General, shall coordinate the development
9 for their respective departments or agencies of the
10 actions described in subsection (e) with the Sec-
11 retary of Transportation (acting through the Admin-
12 istrator of the Federal Aviation Administration), the
13 Assistant Secretary of Commerce for Communica-
14 tions and Information, and the Administrator of the
15 National Telecommunications and Information Ad-
16 ministration.

17 “(5) STATE, LOCAL, TRIBAL, AND TERRITORIAL
18 IMPLEMENTATION.—Prior to taking any action au-
19 thorized under subsection (d)(4), each head of a
20 State, local, Tribal, or territorial law enforcement
21 agency designated under subsection (d)(2) shall co-
22 ordinate, through the Secretary and the Attorney
23 General—

24 “(A) with the Secretary of Transportation
25 in order that the Administrators of non-aviation

1 modes of the Department of Transportation
2 may evaluate whether the action may have ad-
3 verse impacts on critical infrastructure relating
4 to non-aviation transportation;

5 “(B) with the Administrator of the Federal
6 Aviation Administration in order that the Ad-
7 ministrator may ensure the action will not ad-
8 versely impact or interfere with—

9 “(i) safe airport operations;

10 “(ii) navigation;

11 “(iii) air traffic services; or

12 “(iv) the safe and efficient operation
13 of the national airspace system; and

14 “(C) to allow the Department and the De-
15 partment of Justice to ensure that any action
16 authorized by this section is consistent with
17 Federal law enforcement or in the interest of
18 national security.

19 “(j) PRIVACY PROTECTION.—

20 “(1) IN GENERAL.—Any regulation or guidance
21 issued to carry out an action under subsection (e) by
22 the Secretary or the Attorney General shall ensure
23 for the Department or the Department of Justice,
24 respectively, that—

1 “(A) the interception of, acquisition of, ac-
2 cess to, maintenance of, or use of any commu-
3 nication to or from an unmanned aircraft sys-
4 tem or unmanned aircraft under this section is
5 conducted in a manner consistent with the First
6 and Fourth Amendments to the Constitution of
7 the United States and any applicable provision
8 of Federal law;

9 “(B) any communication to or from an un-
10 manned aircraft system or unmanned aircraft
11 are intercepted or acquired only to the extent
12 necessary to support an action described in sub-
13 section (e);

14 “(C) any record of a communication de-
15 scribed in subparagraph (B) is maintained only
16 for as long as necessary, and in no event for
17 more than 180 days, unless the Secretary or
18 the Attorney General, as applicable, determines
19 that maintenance of the record is—

20 “(i) required under Federal law;

21 “(ii) necessary for the purpose of liti-
22 gation; and

23 “(iii) necessary to investigate or pros-
24 ecute a violation of law, including by—

1 “(I) directly supporting an ongo-
2 ing security operation; or

3 “(II) protecting against dan-
4 gerous or unauthorized activity by un-
5 manned aircraft systems or unmanned
6 aircraft; and

7 “(D) a communication described in sub-
8 paragraph (B) is not disclosed to any person
9 not employed or contracted by the Department
10 or the Department of Justice unless the disclo-
11 sure—

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

14 “(ii) will support—

15 “(I) the Department of Defense;

16 “(II) a Federal law enforcement,
17 intelligence, or security agency;

18 “(III) a State, local, Tribal, or
19 territorial law enforcement agency; or

20 “(IV) another relevant entity or
21 person if the entity or person is en-
22 gaged in a security or protection oper-
23 ation;

24 “(iii) is necessary to support a depart-
25 ment or agency listed in clause (ii) in in-

1 vestigating or prosecuting a violation of
2 law;

3 “(iv) will support the enforcement ac-
4 tivities of a Federal regulatory agency re-
5 lating to a criminal or civil investigation of,
6 or any regulatory, statutory, or other en-
7 forcement action relating to, an action de-
8 scribed in subsection (e);

9 “(v) is between the Department and
10 the Department of Justice in the course of
11 a security or protection operation of either
12 department or a joint operation of those
13 departments; or

14 “(vi) is otherwise required by law.

15 “(2) LOCAL PRIVACY PROTECTION.—In exer-
16 cising any authority described in subsection (c) or
17 (d), a State, local, Tribal, or territorial law enforce-
18 ment agency designated under subsection (d)(2) or
19 owner or operator of an airport or critical infrastruc-
20 ture shall ensure that—

21 “(A) the interception of, acquisition of, ac-
22 cess to, maintenance of, or use of communica-
23 tions to or from an unmanned aircraft system
24 or unmanned aircraft under this section is con-
25 ducted in a manner consistent with—

1 “(i) the First and Fourth Amend-
2 ments to the Constitution of the United
3 States; and

4 “(ii) applicable provisions of Federal
5 law, and where required, State, local, Trib-
6 al, and territorial law;

7 “(B) any communication to or from an un-
8 manned aircraft system or unmanned aircraft is
9 intercepted or acquired only to the extent nec-
10 essary to support an action described in sub-
11 section (e);

12 “(C) any record of a communication de-
13 scribed in subparagraph (B) is maintained only
14 for as long as necessary, and in no event for
15 more than 180 days, unless the Secretary, the
16 Attorney General, or the head of a State, local,
17 Tribal, or territorial law enforcement agency
18 designated under subsection (d)(2) determines
19 that maintenance of the record is—

20 “(i) required to be maintained under
21 Federal, State, local, Tribal, or territorial
22 law;

23 “(ii) necessary for the purpose of any
24 litigation; or

1 “(iii) necessary to investigate or pros-
2 ecute a violation of law, including by—

3 “(I) directly supporting an ongo-
4 ing security or protection operation;
5 or

6 “(II) protecting against dan-
7 gerous or unauthorized activity by an
8 unmanned aircraft system or un-
9 manned aircraft; and

10 “(D) the communication is not disclosed
11 outside the agency or entity unless the disclo-
12 sure—

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

15 “(ii) would support the Department of
16 Defense, a Federal law enforcement, intel-
17 ligence, or security agency, or a State,
18 local, Tribal, or territorial law enforcement
19 agency;

20 “(iii) would support the enforcement
21 activities of a Federal regulatory agency in
22 connection with a criminal or civil inves-
23 tigation of, or any regulatory, statutory, or
24 other enforcement action relating to, an
25 action described in subsection (e);

1 “(iv) is to the Department or the De-
2 partment of Justice in the course of a se-
3 curity or protection operation of either the
4 Department or the Department of Justice,
5 or a joint operation of the Department and
6 Department of Justice; or

7 “(v) is otherwise required by law.

8 “(k) BUDGET.—

9 “(1) IN GENERAL.—The Secretary and the At-
10 torney General shall submit to Congress, as a part
11 of the homeland security or justice budget materials
12 for each fiscal year after fiscal year 2024, a consoli-
13 dated funding display that identifies the funding
14 source for the actions described in subsection (e)
15 within the Department and the Department of Jus-
16 tice.

17 “(2) CLASSIFICATION.—Each funding display
18 submitted under paragraph (1) shall be in unclassi-
19 fied form but may contain a classified annex.

20 “(l) PUBLIC DISCLOSURES.—

21 “(1) IN GENERAL.—Notwithstanding any provi-
22 sion of State, local, Tribal, or territorial law, infor-
23 mation shall be governed by the disclosure obliga-
24 tions set forth in section 552 of title 5, United

1 States Code (commonly known as the ‘Freedom of
2 Information Act’), if the information relates to—

3 “(A) any capability, limitation, or sensitive
4 detail of the operation of any technology used
5 to carry out an action described in subsection
6 (e)(1) of this section; or

7 “(B) an operational procedure or protocol
8 used to carry out this section.

9 “(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL
10 AGENCY USE.—

11 “(A) CONTROL.—Information described in
12 paragraph (1) that is obtained by a State, local,
13 Tribal, or territorial law enforcement agency
14 from a Federal agency under this section—

15 “(i) shall remain subject to the con-
16 trol of the Federal agency, notwithstanding
17 that the State, local, Tribal, or territorial
18 law enforcement agency has the informa-
19 tion described in paragraph (1) in the pos-
20 session of the State, local, Tribal, or terri-
21 torial law enforcement agency; and

22 “(ii) shall not be subject to any State,
23 local, Tribal, or territorial law authorizing
24 or requiring disclosure of the information
25 described in paragraph (1).

1 “(B) ACCESS.—Any request for public ac-
2 cess to information described in paragraph (1)
3 shall be submitted to the originating Federal
4 agency, which shall process the request as re-
5 quired under section 552(a)(3) of title 5,
6 United States Code.

7 “(m) ASSISTANCE AND SUPPORT.—

8 “(1) FACILITIES AND SERVICES OF OTHER
9 AGENCIES AND NON-FEDERAL ENTITIES.—

10 “(A) IN GENERAL.—The Secretary and the
11 Attorney General are authorized to use or ac-
12 cept from any other Federal agency, or any
13 other public or private entity, any supply or
14 service to facilitate or carry out any action de-
15 scribed in subsection (e).

16 “(B) REIMBURSEMENT.—In accordance
17 with subparagraph (A), the Secretary and the
18 Attorney General may accept any supply or
19 service with or without reimbursement to the
20 entity providing the supply or service and not-
21 withstanding any provision of law that would
22 prevent the use or acceptance of the supply or
23 service.

24 “(C) AGREEMENTS.—To implement the re-
25 quirements of subsection (a)(5)(C), the Sec-

1 retary or the Attorney General may enter into
2 1 or more agreements with the head of another
3 executive agency or with an appropriate official
4 of a non-Federal public or private agency or en-
5 tity, as may be necessary and proper to carry
6 out the responsibilities of the Secretary and At-
7 torney General under this section.

8 “(2) MUTUAL SUPPORT.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary and the Attorney Gen-
11 eral are authorized to provide support or assist-
12 ance, upon the request of a Federal agency or
13 department conducting—

14 “(i) a mission described in subsection
15 (a)(5)(C);

16 “(ii) a mission described in section
17 130i of title 10, United States Code; or

18 “(iii) a mission described in section
19 4510 of the Atomic Energy Defense Act
20 (50 U.S.C. 2661).

21 “(B) REQUIREMENTS.—Any support or as-
22 sistance provided by the Secretary or the Attor-
23 ney General shall only be granted—

24 “(i) for the purpose of fulfilling the
25 roles and responsibilities of the Federal

1 agency or department that made the re-
2 quest for the mission for which the request
3 was made;

4 “(ii) when exigent circumstances exist;

5 “(iii) for a specified duration and lo-
6 cation;

7 “(iv) within available resources;

8 “(v) on a non-reimbursable basis; and

9 “(vi) in coordination with the Admin-
10 istrator of the Federal Aviation Adminis-
11 tration.

12 “(n) SEMIANNUAL BRIEFINGS AND NOTIFICA-
13 TIONS.—

14 “(1) IN GENERAL.—On a semiannual basis be-
15 ginning 180 days after the date of enactment of the
16 Safeguarding the Homeland from the Threats Posed
17 by Unmanned Aircraft Systems Act of 2023, the
18 Secretary and the Attorney General shall each pro-
19 vide a briefing to the appropriate committees of
20 Congress on the activities carried out pursuant to
21 this section.

22 “(2) REQUIREMENT.—The Secretary and the
23 Attorney General each shall conduct the briefing re-
24 quired under paragraph (1) jointly with the Sec-
25 retary of Transportation.

1 “(3) CONTENT.—Each briefing required under
2 paragraph (1) shall include—

3 “(A) policies, programs, and procedures to
4 mitigate or eliminate impacts of activities car-
5 ried out pursuant to this section to the national
6 airspace system and other critical infrastructure
7 relating to national transportation;

8 “(B) a description of—

9 “(i) each instance in which any action
10 described in subsection (e) has been taken,
11 including any instances that may have re-
12 sulted in harm, damage, or loss to a per-
13 son or to private property;

14 “(ii) the guidance, policies, or proce-
15 dures established by the Secretary or the
16 Attorney General to address privacy, civil
17 rights, and civil liberties issues implicated
18 by the actions permitted under this sec-
19 tion, as well as any changes or subsequent
20 efforts by the Secretary or the Attorney
21 General that would significantly affect pri-
22 vacy, civil rights, or civil liberties;

23 “(iii) options considered and steps
24 taken by the Secretary or the Attorney
25 General to mitigate any identified impacts

1 to the national airspace system relating to
2 the use of any system or technology, in-
3 cluding the minimization of the use of any
4 technology that disrupts the transmission
5 of radio or electronic signals, for carrying
6 out the actions described in subsection
7 (e)(2); and

8 “(iv) each instance in which a commu-
9 nication intercepted or acquired during the
10 course of operations of an unmanned air-
11 craft system or unmanned aircraft was—

12 “(I) held in the possession of the
13 Department or the Department of
14 Justice for more than 180 days; or

15 “(II) shared with any entity
16 other than the Department or the De-
17 partment of Justice;

18 “(C) an explanation of how the Secretary,
19 the Attorney General, and the Secretary of
20 Transportation have—

21 “(i) informed the public as to the pos-
22 sible use of authorities granted under this
23 section; and

24 “(ii) engaged with Federal, State,
25 local, Tribal, and territorial law enforce-

1 ment agencies to implement and use au-
2 thorities granted under this section;

3 “(D) an assessment of whether any gaps
4 or insufficiencies remain in laws, regulations,
5 and policies that impede the ability of the Fed-
6 eral Government or State, local, Tribal, and ter-
7 ritorial governments and owners or operators of
8 critical infrastructure to counter the threat
9 posed by the malicious use of unmanned air-
10 craft systems and unmanned aircraft;

11 “(E) an assessment of efforts to integrate
12 unmanned aircraft system threat assessments
13 within National Special Security Event and
14 Special Event Assessment Rating event plan-
15 ning and protection efforts;

16 “(F) recommendations to remedy any gaps
17 or insufficiencies described in subparagraph
18 (D), including recommendations relating to nec-
19 essary changes in law, regulations, or policies;

20 “(G) a description of the impact of the au-
21 thorities granted under this section on—

22 “(i) lawful operator access to national
23 airspace; and

1 “(ii) unmanned aircraft systems and
2 unmanned aircraft integration into the na-
3 tional airspace system; and

4 “(H) a summary from the Secretary of any
5 data and results obtained pursuant to sub-
6 section (r), including an assessment of—

7 “(i) how the details of the incident
8 were obtained; and

9 “(ii) whether the operation involved a
10 violation of Federal Aviation Administra-
11 tion aviation regulations.

12 “(4) UNCLASSIFIED FORM.—Each briefing re-
13 quired under paragraph (1) shall be in unclassified
14 form but may be accompanied by an additional clas-
15 sified briefing.

16 “(5) NOTIFICATION.—

17 “(A) IN GENERAL.—Not later than 30
18 days after an authorized department, agency, or
19 owner or operator of an airport or critical infra-
20 structure deploys any new technology to carry
21 out the actions described in subsection (e), the
22 Secretary and the Attorney General shall, indi-
23 vidually or jointly, as appropriate, submit a no-
24 tification of the deployment to the appropriate
25 committees of Congress.

1 “(B) CONTENTS.—Each notification sub-
2 mitted pursuant to subparagraph (A) shall in-
3 clude a description of options considered to
4 mitigate any identified impacts to the national
5 airspace system relating to the use of any sys-
6 tem or technology, including the minimization
7 of the use of any technology that disrupts the
8 transmission of radio or electronic signals in
9 carrying out the actions described in subsection
10 (e).

11 “(o) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to—

13 “(1) vest in the Secretary, the Attorney Gen-
14 eral, or any State, local, Tribal, or territorial law en-
15 forcement agency that is authorized under sub-
16 section (c) or designated under subsection (d)(2) any
17 authority of the Secretary of Transportation or the
18 Administrator of the Federal Aviation Administra-
19 tion;

20 “(2) vest in the Secretary of Transportation,
21 the Administrator of the Federal Aviation Adminis-
22 tration, or any State, local, Tribal, or territorial law
23 enforcement agency designated under subsection
24 (d)(2) any authority of the Secretary or the Attor-
25 ney General;

1 “(3) vest in the Secretary any authority of the
2 Attorney General;

3 “(4) vest in the Attorney General any authority
4 of the Secretary; or

5 “(5) provide a new basis of liability with respect
6 to an officer of a State, local, Tribal, or territorial
7 law enforcement agency designated under subsection
8 (d)(2) or who participates in the protection of a
9 mass gathering identified by the Secretary or Attor-
10 ney General under subsection (a)(5)(C)(iii)(II),
11 who—

12 “(A) is acting in the official capacity of the
13 individual as an officer; and

14 “(B) does not exercise the authority grant-
15 ed to the Secretary and the Attorney General
16 by this section.

17 “(p) TERMINATION.—

18 “(1) TERMINATION OF ADDITIONAL LIMITED
19 AUTHORITY FOR DETECTION, IDENTIFICATION, MON-
20 ITORING, AND TRACKING.—The authority to carry
21 out any action authorized under subsection (c), if
22 performed by a non-Federal entity, shall terminate
23 on the date that is 5 years and 6 months after the
24 date of enactment of the Safeguarding the Home-
25 land from the Threats Posed by Unmanned Aircraft

1 Systems Act of 2023 and the authority under the
2 pilot program established under subsection (d) shall
3 terminate as provided for in paragraph (3) of that
4 subsection.

5 “(2) TERMINATION OF AUTHORITIES WITH RE-
6 SPECT TO COVERED FACILITIES AND ASSETS.—The
7 authority to carry out this section with respect to a
8 covered facility or asset shall terminate on the date
9 that is 7 years after the date of enactment of the
10 Safeguarding the Homeland from the Threats Posed
11 by Unmanned Aircraft Systems Act of 2023.

12 “(q) SCOPE OF AUTHORITY.—Nothing in this section
13 may be construed to provide the Secretary or the Attorney
14 General with any additional authority other than the au-
15 thorities described in subsections (a)(5)(C)(iii), (b), (c),
16 (d), (f), (m), and (r).

17 “(r) UNITED STATES GOVERNMENT DATABASE.—

18 “(1) AUTHORIZATION.—The Department is au-
19 thorized to develop a Federal database to enable the
20 transmission of data concerning security-related inci-
21 dents in the United States involving unmanned air-
22 craft and unmanned aircraft systems between Fed-
23 eral, State, local, Tribal, and territorial law enforce-
24 ment agencies for purposes of conducting analyses of
25 such threats in the United States.

1 “(2) POLICIES, PLANS, AND PROCEDURES.—

2 “(A) COORDINATION AND CONSULTA-
3 TION.—Before implementation of the database
4 developed under paragraph (1), the Secretary
5 shall develop policies, plans, and procedures for
6 the implementation of the database—

7 “(i) in coordination with the Attorney
8 General, the Secretary of Defense, and the
9 Secretary of Transportation (acting
10 through the Administrator of the Federal
11 Aviation Administration); and

12 “(ii) in consultation with State, local,
13 Tribal, and territorial law enforcement
14 agency representatives, including rep-
15 resentatives of fusion centers.

16 “(B) REPORTING.—The policies, plans,
17 and procedures developed under subparagraph
18 (A) shall include criteria for Federal, State,
19 local, Tribal, and territorial reporting of un-
20 manned aircraft systems or unmanned aircraft
21 incidents.

22 “(C) DATA RETENTION.—The policies,
23 plans, and procedures developed under subpara-
24 graph (A) shall ensure that data on security-re-
25 lated incidents in the United States involving

1 unmanned aircraft and unmanned aircraft sys-
2 tems that is retained as criminal intelligence in-
3 formation is retained based on the reasonable
4 suspicion standard, as permitted under part 23
5 of title 28, Code of Federal Regulations.”.

