

AMENDMENT TO H.R. 8038

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

Add, at the end of the bill, the following:

1 **DIVISION Q—SAFEGUARDING THE HOME-**
2 **LAND FROM THE THREATS POSED BY**
3 **UNMANNED AIRCRAFT SYSTEMS**

4 SHORT TITLE

5 SEC. 1.

6 This division may be cited as the “Safeguarding the
7 Homeland from the Threats Posed by Unmanned Aircraft
8 Systems Act of 2023”.

9 DEPARTMENT OF HOMELAND SECURITY AND DEPART-
10 MENT OF JUSTICE UNMANNED AIRCRAFT SYSTEM
11 DETECTION AND MITIGATION ENFORCEMENT AU-
12 THORITY

13 SEC. 2.

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

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

19 “(a) DEFINITIONS.—In this section:

1 “(1) The term ‘air navigation facility’ has the
2 meaning given the term in section 40102(a) of title
3 49, United States Code.

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

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

9 “(A) the Committee on Homeland Security
10 and Governmental Affairs, the Committee on
11 Commerce, Science, and Transportation, and
12 the Committee on the Judiciary of the Senate;
13 and

14 “(B) the Committee on Homeland Secu-
15 rity, the Committee on Transportation and In-
16 frastructure, the Committee on Oversight and
17 Accountability, the Committee on Energy and
18 Commerce, and the Committee on the Judiciary
19 of the House of Representatives.

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

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

1 “(A) is identified as high-risk and a poten-
2 tial target for unlawful unmanned aircraft or
3 unmanned aircraft system activity by the Sec-
4 retary or the Attorney General, or by the chief
5 executive of the jurisdiction in which a State,
6 local, Tribal, or territorial law enforcement
7 agency designated pursuant to subsection (d)(2)
8 operates after review and approval of the Sec-
9 retary or the Attorney General, in coordination
10 with the Secretary of Transportation with re-
11 spect to potentially impacted airspace, through
12 a risk-based assessment for purposes of this
13 section (except that in the case of the missions
14 described in clauses (i)(II) and (iii)(I) of sub-
15 paragraph (C), such missions shall be presumed
16 to be for the protection of a facility or asset
17 that is assessed to be high-risk and a potential
18 target for unlawful unmanned aircraft or un-
19 manned aircraft system activity);

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

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

22 “(i) missions authorized to be per-
23 formed by the Department, consistent with
24 governing statutes, regulations, and orders
25 issued by the Secretary, pertaining to—

1 “(I) security or protection func-
2 tions of U.S. Customs and Border
3 Protection, including securing or pro-
4 tecting facilities, aircraft, and vessels,
5 whether moored or underway;

6 “(II) United States Secret Serv-
7 ice protection operations pursuant to
8 sections 3056(a) and 3056A(a) of title
9 18, United States Code, and the Pres-
10 idential Protection Assistance Act of
11 1976 (18 U.S.C. 3056 note);

12 “(III) protection of facilities pur-
13 suant to section 1315(a) of title 40,
14 United States Code;

15 “(IV) transportation security
16 functions of the Transportation Secu-
17 rity Administration; or

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

22 “(ii) missions authorized to be per-
23 formed by the Department of Justice, con-
24 sistent with governing statutes, regula-

1 tions, and orders issued by the Attorney
2 General, pertaining to—

3 “(I) personal protection oper-
4 ations by—

5 “(aa) the Federal Bureau of
6 Investigation as specified in sec-
7 tion 533 of title 28, United
8 States Code; or

9 “(bb) the United States
10 Marshals Service as specified in
11 section 566 of title 28, United
12 States Code;

13 “(II) protection of penal, deten-
14 tion, and correctional facilities and
15 operations conducted by the Federal
16 Bureau of Prisons and prisoner oper-
17 ations and transport conducted by the
18 United States Marshals Service;

19 “(III) protection of the buildings
20 and grounds leased, owned, or oper-
21 ated by or for the Department of Jus-
22 tice, and the provision of security for
23 Federal courts, as specified in section
24 566 of title 28, United States Code;
25 or

1 “(IV) protection of an airport or
2 air navigation facility;

3 “(iii) missions authorized to be per-
4 formed by the Department or the Depart-
5 ment of Justice, acting together or sepa-
6 rately, consistent with governing statutes,
7 regulations, and orders issued by the Sec-
8 retary or the Attorney General, respec-
9 tively, pertaining to—

10 “(I) protection of National Spe-
11 cial Security Events and Special
12 Event Assessment Rating events;

13 “(II) the provision of support to
14 a State, local, Tribal, or territorial law
15 enforcement agency, upon request of
16 the chief executive officer of the State
17 or territory, to ensure protection of
18 people and property at mass gath-
19 erings, that is limited to a specified
20 duration and location, within available
21 resources, and without delegating any
22 authority under this section to State,
23 local, Tribal, or territorial law en-
24 forcement;

1 “(III) protection of an active
2 Federal law enforcement investigation,
3 emergency response, or security func-
4 tion, that is limited to a specified du-
5 ration and location; or

6 “(IV) the provision of security or
7 protection support to critical infra-
8 structure owners or operators, for
9 static critical infrastructure facilities
10 and assets upon the request of the
11 owner or operator;

12 “(iv) missions authorized to be per-
13 formed by the United States Coast Guard,
14 including those described in clause (iii) as
15 directed by the Secretary, and as further
16 set forth in section 528 of title 14, United
17 States Code, and consistent with governing
18 statutes, regulations, and orders issued by
19 the Secretary of the Department in which
20 the Coast Guard is operating; and

21 “(v) responsibilities of State, local,
22 Tribal, and territorial law enforcement
23 agencies designated pursuant to subsection
24 (d)(2) pertaining to—

1 “(I) protection of National Spe-
2 cial Security Events and Special
3 Event Assessment Rating events or
4 other mass gatherings in the jurisdic-
5 tion of the State, local, Tribal, or ter-
6 ritorial law enforcement agency;

7 “(II) protection of critical infra-
8 structure assessed by the Secretary as
9 high-risk for unmanned aircraft sys-
10 tems or unmanned aircraft attack or
11 disruption, including airports in the
12 jurisdiction of the State, local, Tribal,
13 or territorial law enforcement agency;

14 “(III) protection of government
15 buildings, assets, or facilities in the
16 jurisdiction of the State, local, Tribal,
17 or territorial law enforcement agency;
18 or

19 “(IV) protection of disaster re-
20 sponse in the jurisdiction of the State,
21 local, Tribal, or territorial law en-
22 forcement agency.

23 “(6) The term ‘critical infrastructure’ has the
24 meaning given the term in section 1016(e) of the

1 Critical Infrastructure Protection Act of 2001 (42
2 U.S.C. 5195c(e)).

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

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

12 “(9)(A) The term ‘personnel’ means—

13 “(i) an officer, employee, or contractor of
14 the Department or the Department of Justice,
15 who is authorized to perform duties that include
16 safety, security, or protection of people, facili-
17 ties, or assets; or

18 “(ii) an employee who—

19 “(I) is authorized to perform law en-
20 forcement and security functions on behalf
21 of a State, local, Tribal, or territorial law
22 enforcement agency designated under sub-
23 section (d)(2); and

24 “(II) is trained and certified to per-
25 form those duties, including training spe-

1 cific to countering unmanned aircraft
2 threats and mitigating risks in the national
3 airspace, including with respect to pro-
4 tecting privacy and civil liberties.

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

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

11 “(ii) operate at a government-owned or
12 government-leased facility or asset;

13 “(iii) not conduct inherently governmental
14 functions;

15 “(iv) be trained to safeguard privacy and
16 civil liberties; and

17 “(v) be trained and certified by the De-
18 partment or the Department of Justice to meet
19 the established guidance and regulations of the
20 Department or the Department of Justice, re-
21 spectively.

22 “(C) For purposes of subsection (c)(1), the
23 term ‘personnel’ includes any officer, employee, or
24 contractor who is authorized to perform duties that

1 include the safety, security, or protection of people,
2 facilities, or assets, of—

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

5 “(ii) an owner or operator of an airport or
6 critical infrastructure.

7 “(10) The term ‘risk-based assessment’ means
8 an evaluation of threat information specific to a cov-
9 ered facility or asset and, with respect to potential
10 impacts on the safety and efficiency of the national
11 airspace system and the needs of law enforcement
12 and national security at each covered facility or
13 asset identified by the Secretary or the Attorney
14 General, respectively, of each of the following fac-
15 tors:

16 “(A) Potential impacts to safety, efficiency,
17 and use of the national airspace system, includ-
18 ing potential effects on manned aircraft and un-
19 manned aircraft systems or unmanned aircraft,
20 aviation safety, airport operations, infrastruc-
21 ture, and air navigation services relating to the
22 use of any system or technology for carrying
23 out the actions described in subsection (e)(2).

24 “(B) Options for mitigating any identified
25 impacts to the national airspace system relating

1 to the use of any system or technology, includ-
2 ing minimizing, when possible, the use of any
3 technology that disrupts the transmission of
4 radio or electronic signals, for carrying out the
5 actions described in subsection (e)(2).

6 “(C) Potential consequences of the impacts
7 of any actions taken under subsection (e)(2) to
8 the national airspace system and infrastructure
9 if not mitigated.

10 “(D) The ability to provide reasonable ad-
11 vance notice to aircraft operators consistent
12 with the safety of the national airspace system
13 and the needs of law enforcement and national
14 security.

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

17 “(i) whether the covered facility or
18 asset is located in a populated area or near
19 other structures;

20 “(ii) whether the covered facility or
21 asset is open to the public;

22 “(iii) whether the covered facility or
23 asset is used for nongovernmental func-
24 tions; and

1 “(iv) any potential for interference
2 with wireless communications or for injury
3 or damage to persons or property.

4 “(F) The setting, character, duration, and
5 national airspace system impacts of National
6 Special Security Events and Special Event As-
7 sessment Rating events, to the extent not al-
8 ready discussed in the National Special Security
9 Event and Special Event Assessment Rating
10 nomination process.

11 “(G) Potential consequences to national se-
12 curity, public safety, or law enforcement if
13 threats posed by unmanned aircraft systems or
14 unmanned aircraft are not mitigated or de-
15 feated.

16 “(H) Civil rights and civil liberties guaran-
17 teed by the First and Fourth Amendments to
18 the Constitution of the United States.

19 “(11) The terms ‘unmanned aircraft’ and ‘un-
20 manned aircraft system’ have the meanings given
21 those terms in section 44801 of title 49, United
22 States Code.

23 “(b) AUTHORITY OF THE DEPARTMENT OF HOME-
24 LAND SECURITY AND DEPARTMENT OF JUSTICE.—Not-
25 withstanding section 46502 of title 49, United States

1 Code, or sections 32, 1030, 1367, and chapters 119 and
2 206 of title 18, United States Code, the Secretary and
3 the Attorney General may, for their respective Depart-
4 ments, take, and may authorize personnel with assigned
5 duties that include the safety, security, or protection of
6 people, facilities, or assets to take, actions described in
7 subsection (e)(2) that are necessary to detect, identify,
8 monitor, track, and mitigate a credible threat (as defined
9 by the Secretary and the Attorney General, in consultation
10 with the Secretary of Transportation, acting through the
11 Administrator of the Federal Aviation Administration)
12 that an unmanned aircraft system or unmanned aircraft
13 poses to the safety or security of a covered facility or asset.

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

16 “(1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), and notwithstanding sections 1030 and
18 1367 and chapters 119 and 206 of title 18, United
19 States Code, any State, local, Tribal, or territorial
20 law enforcement agency, the Department of Justice,
21 the Department, and any owner or operator of an
22 airport or critical infrastructure may authorize per-
23 sonnel, with assigned duties that include the safety,
24 security, or protection of people, facilities, or assets,
25 to use equipment authorized under this subsection to

1 take actions described in subsection (e)(1) that are
2 necessary to detect, identify, monitor, or track an
3 unmanned aircraft system or unmanned aircraft
4 within the respective areas of responsibility or juris-
5 diction of the authorized personnel.

6 “(2) AUTHORIZED EQUIPMENT.—Equipment
7 authorized for unmanned aircraft system detection,
8 identification, monitoring, or tracking under this
9 subsection shall be limited to systems or tech-
10 nologies—

11 “(A) tested and evaluated by the Depart-
12 ment or the Department of Justice, including
13 evaluation of any potential counterintelligence
14 or cybersecurity risks;

15 “(B) that are annually reevaluated for any
16 changes in risks, including counterintelligence
17 and cybersecurity risks;

18 “(C) determined by the Federal Commu-
19 nications Commission and the National Tele-
20 communications and Information Administra-
21 tion not to adversely impact the use of the com-
22 munications spectrum;

23 “(D) determined by the Federal Aviation
24 Administration not to adversely impact the use

1 of the aviation spectrum or otherwise adversely
2 impact the national airspace system; and

3 “(E) that are included on a list of author-
4 ized equipment maintained by the Department,
5 in coordination with the Department of Justice,
6 the Federal Aviation Administration, the Fed-
7 eral Communications Commission, and the Na-
8 tional Telecommunications and Information Ad-
9 ministration.

10 “(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL
11 COMPLIANCE.—Each State, local, Tribal, or terri-
12 torial law enforcement agency or owner or operator
13 of an airport or critical infrastructure acting pursu-
14 ant to this subsection shall—

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

19 “(B) certify compliance with such policy to
20 the Secretary and the Attorney General annu-
21 ally, and immediately notify the Secretary and
22 Attorney General of any noncompliance with
23 such policy or the privacy protections of sub-
24 paragraphs (A) through (D) of subsection
25 (j)(2); and

1 “(C) comply with any additional guidance
2 issued by the Secretary or the Attorney General
3 relating to implementation of this subsection.

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

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

10 “(1) IN GENERAL.—The Secretary and the At-
11 torney General may carry out a pilot program to
12 evaluate the potential benefits of State, local, Tribal,
13 and territorial law enforcement agencies taking ac-
14 tions that are necessary to mitigate a credible threat
15 (as defined by the Secretary and the Attorney Gen-
16 eral, in consultation with the Secretary of Transpor-
17 tation, acting through the Administrator of the Fed-
18 eral Aviation Administration) that an unmanned air-
19 craft system or unmanned aircraft poses to the safe-
20 ty or security of a covered facility or asset.

21 “(2) DESIGNATION.—

22 “(A) IN GENERAL.—The Secretary or the
23 Attorney General, with the concurrence of the
24 Secretary of Transportation (acting through the
25 Administrator of the Federal Aviation Adminis-

1 tration), may, under the pilot program estab-
2 lished under paragraph (1), designate 1 or
3 more State, local, Tribal, or territorial law en-
4 forcement agencies approved by the respective
5 chief executive officer of the State, local, Tribal,
6 or territorial law enforcement agency to engage
7 in the activities authorized in paragraph (4)
8 under the direct oversight of the Department or
9 the Department of Justice, in carrying out the
10 responsibilities authorized under subsection
11 (a)(5)(C)(v).

12 “(B) DESIGNATION PROCESS.—

13 “(i) NUMBER OF AGENCIES AND DU-
14 RATION.—On and after the date that is
15 180 days after the date of enactment of
16 the Safeguarding the Homeland from the
17 Threats Posed by Unmanned Aircraft Sys-
18 tems Act of 2023, the Secretary and the
19 Attorney General, pursuant to subpara-
20 graph (A), may designate a combined total
21 of not more than 12 State, local, Tribal,
22 and territorial law enforcement agencies
23 for participation in the pilot program, and
24 may designate 12 additional State, local,
25 Tribal, and territorial law enforcement

1 agencies each year thereafter, provided
2 that not more than 60 State, local, Tribal,
3 and territorial law enforcement agencies in
4 total may be designated during the 5-year
5 period of the pilot program.

6 “(ii) REVOCATION.—The Secretary
7 and the Attorney General, in consultation
8 with the Secretary of Transportation (act-
9 ing through the Administrator of the Fed-
10 eral Aviation Administration)—

11 “(I) may revoke a designation
12 under subparagraph (A) if the Sec-
13 retary, Attorney General, and Sec-
14 retary of Transportation (acting
15 through the Administrator of the Fed-
16 eral Aviation Administration) concur
17 in the revocation; and

18 “(II) shall revoke a designation
19 under subparagraph (A) if the Sec-
20 retary, the Attorney General, or the
21 Secretary of Transportation (acting
22 through the Administrator of the Fed-
23 eral Aviation Administration) with-
24 draws concurrence.

25 “(3) TERMINATION OF PILOT PROGRAM.—

1 “(A) DESIGNATION.—The authority to
2 designate an agency for inclusion in the pilot
3 program established under this subsection shall
4 terminate 5 years after the date that is 180
5 days after the date of enactment of the Safe-
6 guarding the Homeland from the Threats Posed
7 by Unmanned Aircraft Systems Act of 2023.

8 “(B) AUTHORITY OF PILOT PROGRAM
9 AGENCIES.—The authority of an agency des-
10 ignated under the pilot program established
11 under this subsection to exercise any of the au-
12 thorities granted under the pilot program shall
13 terminate not later than 6 years after the date
14 that is 180 days after the date of enactment of
15 the Safeguarding the Homeland from the
16 Threats Posed by Unmanned Aircraft Systems
17 Act of 2023, or upon revocation pursuant to
18 paragraph (2)(B)(ii).

19 “(4) AUTHORIZATION.—Notwithstanding sec-
20 tion 46502 of title 49, United States Code, or sec-
21 tions 32, 1030, 1367 and chapters 119 and 206 of
22 title 18, United States Code, any State, local, Trib-
23 al, or territorial law enforcement agency designated
24 pursuant to paragraph (2) may authorize personnel
25 with assigned duties that include the safety, secu-

1 rity, or protection of people, facilities, or assets to
2 take such actions as are described in subsection
3 (e)(2) that are necessary to detect, identify, monitor,
4 track, or mitigate a credible threat (as defined by
5 the Secretary and the Attorney General, in consulta-
6 tion with the Secretary of Transportation, acting
7 through the Administrator of the Federal Aviation
8 Administration) that an unmanned aircraft system
9 or unmanned aircraft poses to the safety or security
10 of a covered facility or asset in carrying out the re-
11 sponsibilities authorized under subsection
12 (a)(5)(C)(v).

13 “(5) EXEMPTION.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), the Chair of the Federal Commu-
16 nications Commission, in consultation with the
17 Administrator of the National Telecommuni-
18 cations and Information Administration, shall
19 implement a process for considering the exemp-
20 tion of 1 or more law enforcement agencies des-
21 ignated under paragraph (2), or any station op-
22 erated by the agency, from any provision of title
23 III of the Communications Act of 1934 (47
24 U.S.C. 151 et seq.) to the extent that the des-
25 ignated law enforcement agency takes such ac-

1 tions as are described in subsection (e)(2) and
2 may establish conditions or requirements for
3 such exemption.

4 “(B) REQUIREMENTS.—The Chair of the
5 Federal Communications Commission, in con-
6 sultation with the Administrator of the Na-
7 tional Telecommunications and Information Ad-
8 ministration, may grant an exemption under
9 subparagraph (A) only if the Chair of the Fed-
10 eral Communications Commission in consulta-
11 tion with the Administrator of the National
12 Telecommunications and Information Adminis-
13 tration finds that the grant of an exemption—

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

16 “(ii) will serve the public interest.

17 “(C) REVOCATION.—Any exemption grant-
18 ed under subparagraph (A) shall terminate
19 automatically if the designation granted to the
20 law enforcement agency under paragraph
21 (2)(A) is revoked by the Secretary or the Attor-
22 ney General under paragraph (2)(B)(ii) or is
23 terminated under paragraph (3)(B).

24 “(6) REPORTING.—Not later than 2 years after
25 the date on which the first law enforcement agency

1 is designated under paragraph (2), and annually
2 thereafter for the duration of the pilot program, the
3 Secretary and the Attorney General shall inform the
4 appropriate committees of Congress in writing of the
5 use by any State, local, Tribal, or territorial law en-
6 forcement agency of any authority granted pursuant
7 to paragraph (4), including a description of any pri-
8 vacy or civil liberties complaints known to the Sec-
9 retary or Attorney General in connection with the
10 use of that authority by the designated agencies.

11 “(7) RESTRICTIONS.—Any entity acting pursu-
12 ant to the authorities granted under this sub-
13 section—

14 “(A) may do so only using equipment au-
15 thorized by the Department, in coordination
16 with the Department of Justice, the Federal
17 Communications Commission, the National
18 Telecommunications and Information Adminis-
19 tration, and the Department of Transportation
20 (acting through the Federal Aviation Adminis-
21 tration) according to the criteria described in
22 subsection (c)(2);

23 “(B) shall, prior to any such action, issue
24 a written policy certifying compliance with the

1 privacy protections of subparagraphs (A)
2 through (D) of subsection (j)(2);

3 “(C) shall ensure that all personnel under-
4 taking any actions listed under this subsection
5 are properly trained in accordance with the cri-
6 teria that the Secretary and Attorney General
7 shall collectively establish, in consultation with
8 the Secretary of Transportation, the Adminis-
9 trator of the Federal Aviation Administration,
10 the Chair of the Federal Communications Com-
11 mission, the Assistant Secretary of Commerce
12 for Communications and Information, and the
13 Administrator of the National Telecommuni-
14 cations and Information Administration; and

15 “(D) shall comply with any additional
16 guidance relating to compliance with this sub-
17 section issued by the Secretary or Attorney
18 General.

19 “(e) ACTIONS DESCRIBED.—

20 “(1) IN GENERAL.—The actions authorized
21 under subsection (c) that may be taken by a State,
22 local, Tribal, or territorial law enforcement agency,
23 the Department, the Department of Justice, and any
24 owner or operator of an airport or critical infrastruc-
25 ture, are limited to actions during the operation of

1 an unmanned aircraft system, to detect, identify,
2 monitor, and track the unmanned aircraft system or
3 unmanned aircraft, without prior consent, including
4 by means of intercept or other access of a wire com-
5 munication, an oral communication, or an electronic
6 communication used to control the unmanned air-
7 craft system or unmanned aircraft.

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

10 “(A) During the operation of the un-
11 manned aircraft system or unmanned aircraft,
12 detect, identify, monitor, and track the un-
13 manned aircraft system or unmanned aircraft,
14 without prior consent, including by means of
15 intercept or other access of a wire communica-
16 tion, an oral communication, or an electronic
17 communication used to control the unmanned
18 aircraft system or unmanned aircraft.

19 “(B) Warn the operator of the unmanned
20 aircraft system or unmanned aircraft, including
21 by passive or active, and direct or indirect,
22 physical, electronic, radio, and electromagnetic
23 means.

24 “(C) Disrupt control of the unmanned air-
25 craft system or unmanned aircraft, without

1 prior consent of the operator of the unmanned
2 aircraft system or unmanned aircraft, including
3 by disabling the unmanned aircraft system or
4 unmanned aircraft by intercepting, interfering,
5 or causing interference with wire, oral, elec-
6 tronic, or radio communications used to control
7 the unmanned aircraft system or unmanned air-
8 craft.

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

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

13 “(F) Use reasonable force, if necessary, to
14 disable, damage, or destroy the unmanned air-
15 craft system or unmanned aircraft.

16 “(f) RESEARCH, TESTING, TRAINING, AND EVALUA-
17 TION.—

18 “(1) REQUIREMENT.—

19 “(A) IN GENERAL.—Notwithstanding sec-
20 tion 46502 of title 49, United States Code, or
21 any provision of title 18, United States Code,
22 the Secretary, the Attorney General, and the
23 heads of the State, local, Tribal, or territorial
24 law enforcement agencies designated pursuant
25 to subsection (d)(2) shall conduct research,

1 testing, and training on, and evaluation of, any
2 equipment, including any electronic equipment,
3 to determine the capability and utility of the
4 equipment prior to the use of the equipment in
5 carrying out any action described in subsection
6 (e).

7 “(B) COORDINATION.—Personnel and con-
8 tractors who do not have duties that include the
9 safety, security, or protection of people, facili-
10 ties, or assets may engage in research, testing,
11 training, and evaluation activities pursuant to
12 subparagraph (A).

13 “(2) TRAINING OF FEDERAL, STATE, LOCAL,
14 TERRITORIAL, AND TRIBAL LAW ENFORCEMENT
15 PERSONNEL.—The Attorney General, acting through
16 the Director of the Federal Bureau of Investigation,
17 may—

18 “(A) provide training relating to measures
19 to mitigate a credible threat that an unmanned
20 aircraft or unmanned aircraft system poses to
21 the safety or security of a covered facility or
22 asset to any personnel who are authorized to
23 take such measures, including personnel author-
24 ized to take the actions described in subsection
25 (e); and

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

4 “(3) COORDINATION FOR RESEARCH, TESTING,
5 TRAINING, AND EVALUATION.—

6 “(A) IN GENERAL.—The Secretary, the
7 Attorney General, and the heads of the State,
8 local, Tribal, or territorial law enforcement
9 agencies designated pursuant to subsection
10 (d)(2) shall coordinate procedures governing re-
11 search, testing, training, and evaluation to
12 carry out any provision under this subsection
13 with the Administrator of the Federal Aviation
14 Administration before initiating such activity in
15 order that the Administrator of the Federal
16 Aviation Administration may ensure the activity
17 does not adversely impact or interfere with safe
18 airport operations, navigation, air traffic serv-
19 ices, or the safe and efficient operation of the
20 national airspace system.

21 “(B) ADDITIONAL REQUIREMENT.—Each
22 head of a State, local, Tribal, or territorial law
23 enforcement agency designated pursuant to
24 subsection (d)(2) shall coordinate the proce-
25 dures governing research, testing, training, and

1 evaluation of the law enforcement agency
2 through the Secretary and the Attorney Gen-
3 eral, in coordination with the Federal Aviation
4 Administration.

5 “(g) FORFEITURE.—Any unmanned aircraft system
6 or unmanned aircraft that is lawfully seized by the Sec-
7 retary or the Attorney General pursuant to subsection (b)
8 is subject to forfeiture to the United States pursuant to
9 the provisions of chapter 46 of title 18, United States
10 Code.

11 “(h) REGULATIONS AND GUIDANCE.—The Secretary,
12 the Attorney General, and the Secretary of Transpor-
13 tation—

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

17 “(2) in developing regulations and guidance de-
18 scribed in paragraph (1), shall consult the Chair of
19 the Federal Communications Commission, the Ad-
20 ministrator of the National Telecommunications and
21 Information Administration, and the Administrator
22 of the Federal Aviation Administration.

23 “(i) COORDINATION.—

24 “(1) IN GENERAL.—The Secretary and the At-
25 torney General shall coordinate with the Adminis-

1 trator of the Federal Aviation Administration before
2 carrying out any action authorized under this section
3 in order that the Administrator may ensure the ac-
4 tion does not adversely impact or interfere with—

5 “(A) safe airport operations;

6 “(B) navigation;

7 “(C) air traffic services; or

8 “(D) the safe and efficient operation of the
9 national airspace system.

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

13 “(A) the Secretary of Transportation in
14 order that the Secretary of Transportation may
15 ensure the guidance or implementation does not
16 adversely impact or interfere with any critical
17 infrastructure relating to transportation; and

18 “(B) the Administrator of the Federal
19 Aviation Administration in order that the Ad-
20 ministrator may ensure the guidance or imple-
21 mentation does not adversely impact or inter-
22 fere with—

23 “(i) safe airport operations;

24 “(ii) navigation;

25 “(iii) air traffic services; or

1 “(iv) the safe and efficient operation
2 of the national airspace system.

3 “(3) COORDINATION WITH THE FAA.—The Sec-
4 retary and the Attorney General shall coordinate the
5 development of their respective guidance under sub-
6 section (h) with the Secretary of Transportation
7 (acting through the Administrator of the Federal
8 Aviation Administration).

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

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

8 “(A) with the Secretary of Transportation
9 in order that the Administrators of non-aviation
10 modes of the Department of Transportation
11 may evaluate whether the action may have ad-
12 verse impacts on critical infrastructure relating
13 to non-aviation transportation;

14 “(B) with the Administrator of the Federal
15 Aviation Administration in order that the Ad-
16 ministrator may ensure the action will not ad-
17 versely impact or interfere with—

18 “(i) safe airport operations;

19 “(ii) navigation;

20 “(iii) air traffic services; or

21 “(iv) the safe and efficient operation
22 of the national airspace system; and

23 “(C) to allow the Department and the De-
24 partment of Justice to ensure that any action
25 authorized by this section is consistent with

1 Federal law enforcement or in the interest of
2 national security.

3 “(j) PRIVACY PROTECTION.—

4 “(1) IN GENERAL.—Any regulation or guidance
5 issued to carry out an action under subsection (e) by
6 the Secretary or the Attorney General shall ensure
7 for the Department or the Department of Justice,
8 respectively, that—

9 “(A) the interception of, acquisition of, ac-
10 cess to, maintenance of, or use of any commu-
11 nication to or from an unmanned aircraft sys-
12 tem or unmanned aircraft under this section is
13 conducted in a manner consistent with the First
14 and Fourth Amendments to the Constitution of
15 the United States and any applicable provision
16 of Federal law;

17 “(B) any communication to or from an un-
18 manned aircraft system or unmanned aircraft
19 are intercepted or acquired only to the extent
20 necessary to support an action described in sub-
21 section (e);

22 “(C) any record of a communication de-
23 scribed in subparagraph (B) is maintained only
24 for as long as necessary, and in no event for
25 more than 180 days, unless the Secretary or

1 the Attorney General, as applicable, determines
2 that maintenance of the record is—

3 “(i) required under Federal law;

4 “(ii) necessary for the purpose of liti-
5 gation; and

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

8 “(I) directly supporting an ongo-
9 ing security operation; or

10 “(II) protecting against dan-
11 gerous or unauthorized activity by un-
12 manned aircraft systems or unmanned
13 aircraft; and

14 “(D) a communication described in sub-
15 paragraph (B) is not disclosed to any person
16 not employed or contracted by the Department
17 or the Department of Justice unless the disclo-
18 sure—

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

21 “(ii) will support—

22 “(I) the Department of Defense;

23 “(II) a Federal law enforcement,
24 intelligence, or security agency;

1 “(III) a State, local, Tribal, or
2 territorial law enforcement agency; or

3 “(IV) another relevant entity or
4 person if the entity or person is en-
5 gaged in a security or protection oper-
6 ation;

7 “(iii) is necessary to support a depart-
8 ment or agency listed in clause (ii) in in-
9 vestigating or prosecuting a violation of
10 law;

11 “(iv) will support the enforcement ac-
12 tivities of a Federal regulatory agency re-
13 lating to a criminal or civil investigation of,
14 or any regulatory, statutory, or other en-
15 forcement action relating to, an action de-
16 scribed in subsection (e);

17 “(v) is between the Department and
18 the Department of Justice in the course of
19 a security or protection operation of either
20 department or a joint operation of those
21 departments; or

22 “(vi) is otherwise required by law.

23 “(2) LOCAL PRIVACY PROTECTION.—In exer-
24 cising any authority described in subsection (c) or
25 (d), a State, local, Tribal, or territorial law enforce-

1 ment agency designated under subsection (d)(2) or
2 owner or operator of an airport or critical infrastruc-
3 ture shall ensure that—

4 “(A) the interception of, acquisition of, ac-
5 cess to, maintenance of, or use of communica-
6 tions to or from an unmanned aircraft system
7 or unmanned aircraft under this section is con-
8 ducted in a manner consistent with—

9 “(i) the First and Fourth Amend-
10 ments to the Constitution of the United
11 States; and

12 “(ii) applicable provisions of Federal
13 law, and where required, State, local, Trib-
14 al, and territorial law;

15 “(B) any communication to or from an un-
16 manned aircraft system or unmanned aircraft is
17 intercepted or acquired only to the extent nec-
18 essary to support an action described in sub-
19 section (e);

20 “(C) any record of a communication de-
21 scribed in subparagraph (B) is maintained only
22 for as long as necessary, and in no event for
23 more than 180 days, unless the Secretary, the
24 Attorney General, or the head of a State, local,
25 Tribal, or territorial law enforcement agency

1 designated under subsection (d)(2) determines
2 that maintenance of the record is—

3 “(i) required to be maintained under
4 Federal, State, local, Tribal, or territorial
5 law;

6 “(ii) necessary for the purpose of any
7 litigation; or

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

10 “(I) directly supporting an ongo-
11 ing security or protection operation;
12 or

13 “(II) protecting against dan-
14 gerous or unauthorized activity by an
15 unmanned aircraft system or un-
16 manned aircraft; and

17 “(D) the communication is not disclosed
18 outside the agency or entity unless the dislo-
19 sure—

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

22 “(ii) would support the Department of
23 Defense, a Federal law enforcement, intel-
24 ligence, or security agency, or a State,

1 local, Tribal, or territorial law enforcement
2 agency;

3 “(iii) would support the enforcement
4 activities of a Federal regulatory agency in
5 connection with a criminal or civil inves-
6 tigation of, or any regulatory, statutory, or
7 other enforcement action relating to, an
8 action described in subsection (e);

9 “(iv) is to the Department or the De-
10 partment of Justice in the course of a se-
11 curity or protection operation of either the
12 Department or the Department of Justice,
13 or a joint operation of the Department and
14 Department of Justice; or

15 “(v) is otherwise required by law.

16 “(k) BUDGET.—

17 “(1) IN GENERAL.—The Secretary and the At-
18 torney General shall submit to Congress, as a part
19 of the homeland security or justice budget materials
20 for each fiscal year after fiscal year 2024, a consoli-
21 dated funding display that identifies the funding
22 source for the actions described in subsection (e)
23 within the Department and the Department of Jus-
24 tice.

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

4 “(1) PUBLIC DISCLOSURES.—

5 “(1) IN GENERAL.—Notwithstanding any provi-
6 sion of State, local, Tribal, or territorial law, infor-
7 mation shall be governed by the disclosure obliga-
8 tions set forth in section 552 of title 5, United
9 States Code (commonly known as the ‘Freedom of
10 Information Act’), if the information relates to—

11 “(A) any capability, limitation, or sensitive
12 detail of the operation of any technology used
13 to carry out an action described in subsection
14 (e)(1) of this section; or

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

17 “(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL
18 AGENCY USE.—

19 “(A) CONTROL.—Information described in
20 paragraph (1) that is obtained by a State, local,
21 Tribal, or territorial law enforcement agency
22 from a Federal agency under this section—

23 “(i) shall remain subject to the con-
24 trol of the Federal agency, notwithstanding
25 that the State, local, Tribal, or territorial

1 law enforcement agency has the informa-
2 tion described in paragraph (1) in the pos-
3 session of the State, local, Tribal, or terri-
4 torial law enforcement agency; and

5 “(ii) shall not be subject to any State,
6 local, Tribal, or territorial law authorizing
7 or requiring disclosure of the information
8 described in paragraph (1).

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

15 “(m) ASSISTANCE AND SUPPORT.—

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

18 “(A) IN GENERAL.—The Secretary and the
19 Attorney General are authorized to use or ac-
20 cept from any other Federal agency, or any
21 other public or private entity, any supply or
22 service to facilitate or carry out any action de-
23 scribed in subsection (e).

24 “(B) REIMBURSEMENT.—In accordance
25 with subparagraph (A), the Secretary and the

1 Attorney General may accept any supply or
2 service with or without reimbursement to the
3 entity providing the supply or service and not-
4 withstanding any provision of law that would
5 prevent the use or acceptance of the supply or
6 service.

7 “(C) AGREEMENTS.—To implement the re-
8 quirements of subsection (a)(5)(C), the Sec-
9 retary or the Attorney General may enter into
10 1 or more agreements with the head of another
11 executive agency or with an appropriate official
12 of a non-Federal public or private agency or en-
13 tity, as may be necessary and proper to carry
14 out the responsibilities of the Secretary and At-
15 torney General under this section.

16 “(2) MUTUAL SUPPORT.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the Secretary and the Attorney Gen-
19 eral are authorized to provide support or assist-
20 ance, upon the request of a Federal agency or
21 department conducting—

22 “(i) a mission described in subsection
23 (a)(5)(C);

24 “(ii) a mission described in section
25 130i of title 10, United States Code; or

1 “(iii) a mission described in section
2 4510 of the Atomic Energy Defense Act
3 (50 U.S.C. 2661).

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

7 “(i) for the purpose of fulfilling the
8 roles and responsibilities of the Federal
9 agency or department that made the re-
10 quest for the mission for which the request
11 was made;

12 “(ii) when exigent circumstances exist;

13 “(iii) for a specified duration and lo-
14 cation;

15 “(iv) within available resources;

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

17 “(vi) in coordination with the Admin-
18 istrator of the Federal Aviation Adminis-
19 tration.

20 “(n) SEMIANNUAL BRIEFINGS AND NOTIFICA-
21 TIONS.—

22 “(1) IN GENERAL.—On a semiannual basis be-
23 ginning 180 days after the date of enactment of the
24 Safeguarding the Homeland from the Threats Posed
25 by Unmanned Aircraft Systems Act of 2023, the

1 Secretary and the Attorney General shall each pro-
2 vide a briefing to the appropriate committees of
3 Congress on the activities carried out pursuant to
4 this section.

5 “(2) REQUIREMENT.—The Secretary and the
6 Attorney General each shall conduct the briefing re-
7 quired under paragraph (1) jointly with the Sec-
8 retary of Transportation.

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

11 “(A) policies, programs, and procedures to
12 mitigate or eliminate impacts of activities car-
13 ried out pursuant to this section to the national
14 airspace system and other critical infrastructure
15 relating to national transportation;

16 “(B) a description of—

17 “(i) each instance in which any action
18 described in subsection (e) has been taken,
19 including any instances that may have re-
20 sulted in harm, damage, or loss to a per-
21 son or to private property;

22 “(ii) the guidance, policies, or proce-
23 dures established by the Secretary or the
24 Attorney General to address privacy, civil
25 rights, and civil liberties issues implicated

1 by the actions permitted under this sec-
2 tion, as well as any changes or subsequent
3 efforts by the Secretary or the Attorney
4 General that would significantly affect pri-
5 vacy, civil rights, or civil liberties;

6 “(iii) options considered and steps
7 taken by the Secretary or the Attorney
8 General to mitigate any identified impacts
9 to the national airspace system relating to
10 the use of any system or technology, in-
11 cluding the minimization of the use of any
12 technology that disrupts the transmission
13 of radio or electronic signals, for carrying
14 out the actions described in subsection
15 (e)(2); and

16 “(iv) each instance in which a commu-
17 nication intercepted or acquired during the
18 course of operations of an unmanned air-
19 craft system or unmanned aircraft was—

20 “(I) held in the possession of the
21 Department or the Department of
22 Justice for more than 180 days; or

23 “(II) shared with any entity
24 other than the Department or the De-
25 partment of Justice;

1 “(C) an explanation of how the Secretary,
2 the Attorney General, and the Secretary of
3 Transportation have—

4 “(i) informed the public as to the pos-
5 sible use of authorities granted under this
6 section; and

7 “(ii) engaged with Federal, State,
8 local, Tribal, and territorial law enforce-
9 ment agencies to implement and use au-
10 thorities granted under this section;

11 “(D) an assessment of whether any gaps
12 or insufficiencies remain in laws, regulations,
13 and policies that impede the ability of the Fed-
14 eral Government or State, local, Tribal, and ter-
15 ritorial governments and owners or operators of
16 critical infrastructure to counter the threat
17 posed by the malicious use of unmanned air-
18 craft systems and unmanned aircraft;

19 “(E) an assessment of efforts to integrate
20 unmanned aircraft system threat assessments
21 within National Special Security Event and
22 Special Event Assessment Rating event plan-
23 ning and protection efforts;

24 “(F) recommendations to remedy any gaps
25 or insufficiencies described in subparagraph

1 (D), including recommendations relating to nec-
2 essary changes in law, regulations, or policies;

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

5 “(i) lawful operator access to national
6 airspace; and

7 “(ii) unmanned aircraft systems and
8 unmanned aircraft integration into the na-
9 tional airspace system; and

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

13 “(i) how the details of the incident
14 were obtained; and

15 “(ii) whether the operation involved a
16 violation of Federal Aviation Administra-
17 tion aviation regulations.

18 “(4) UNCLASSIFIED FORM.—Each briefing re-
19 quired under paragraph (1) shall be in unclassified
20 form but may be accompanied by an additional clas-
21 sified briefing.

22 “(5) NOTIFICATION.—

23 “(A) IN GENERAL.—Not later than 30
24 days after an authorized department, agency, or
25 owner or operator of an airport or critical infra-

1 structure deploys any new technology to carry
2 out the actions described in subsection (e), the
3 Secretary and the Attorney General shall, indi-
4 vidualy or jointly, as appropriate, submit a no-
5 tification of the deployment to the appropriate
6 committees of Congress.

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

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

19 “(1) vest in the Secretary, the Attorney Gen-
20 eral, or any State, local, Tribal, or territorial law en-
21 forcement agency that is authorized under sub-
22 section (c) or designated under subsection (d)(2) any
23 authority of the Secretary of Transportation or the
24 Administrator of the Federal Aviation Administra-
25 tion;

1 “(2) vest in the Secretary of Transportation,
2 the Administrator of the Federal Aviation Adminis-
3 tration, or any State, local, Tribal, or territorial law
4 enforcement agency designated under subsection
5 (d)(2) any authority of the Secretary or the Attor-
6 ney General;

7 “(3) vest in the Secretary any authority of the
8 Attorney General;

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

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

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

20 “(B) does not exercise the authority grant-
21 ed to the Secretary and the Attorney General
22 by this section.

23 “(p) TERMINATION.—

24 “(1) TERMINATION OF ADDITIONAL LIMITED
25 AUTHORITY FOR DETECTION, IDENTIFICATION, MON-

1 ITORING, AND TRACKING.—The authority to carry
2 out any action authorized under subsection (c), if
3 performed by a non-Federal entity, shall terminate
4 on the date that is 5 years and 6 months after the
5 date of enactment of the Safeguarding the Home-
6 land from the Threats Posed by Unmanned Aircraft
7 Systems Act of 2023 and the authority under the
8 pilot program established under subsection (d) shall
9 terminate as provided for in paragraph (3) of that
10 subsection.

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

18 “(q) SCOPE OF AUTHORITY.—Nothing in this section
19 shall be construed to provide the Secretary or the Attorney
20 General with any additional authority other than the au-
21 thorities described in subsections (a)(5)(C)(iii), (b), (c),
22 (d), (f), (m), and (r).

23 “(r) UNITED STATES GOVERNMENT DATABASE.—

24 “(1) AUTHORIZATION.—The Department is au-
25 thorized to develop a Federal database to enable the

1 transmission of data concerning security-related inci-
2 dents in the United States involving unmanned air-
3 craft and unmanned aircraft systems between Fed-
4 eral, State, local, Tribal, and territorial law enforce-
5 ment agencies for purposes of conducting analyses of
6 such threats in the United States.

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

8 “(A) COORDINATION AND CONSULTA-
9 TION.—Before implementation of the database
10 developed under paragraph (1), the Secretary
11 shall develop policies, plans, and procedures for
12 the implementation of the database—

13 “(i) in coordination with the Attorney
14 General, the Secretary of Defense, and the
15 Secretary of Transportation (acting
16 through the Administrator of the Federal
17 Aviation Administration); and

18 “(ii) in consultation with State, local,
19 Tribal, and territorial law enforcement
20 agency representatives, including rep-
21 resentatives of fusion centers.

22 “(B) REPORTING.—The policies, plans,
23 and procedures developed under subparagraph
24 (A) shall include criteria for Federal, State,
25 local, Tribal, and territorial reporting of un-

1 manned aircraft systems or unmanned aircraft
2 incidents.

3 “(C) DATA RETENTION.—The policies,
4 plans, and procedures developed under subpara-
5 graph (A) shall ensure that data on security-re-
6 lated incidents in the United States involving
7 unmanned aircraft and unmanned aircraft sys-
8 tems that is retained as criminal intelligence in-
9 formation is retained based on the reasonable
10 suspicion standard, as permitted under part 23
11 of title 28, Code of Federal Regulations.”.

