

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. GRAVES OF MISSOURI

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Counter-UAS Authority Security, Safety, and Reauthor-
4 ization Act”.

5 (b) TABLE OF CONTENTS.—The table of contents of
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Protection of certain facilities and assets from unmanned aircraft systems.
- Sec. 4. FAA counter-UAS activities.
- Sec. 5. Additional limited authority for detection, identification, monitoring, and tracking.
- Sec. 6. Counter-UAS mitigation law enforcement pilot program.
- Sec. 7. Counter-UAS system planning and deployment at airports.
- Sec. 8. UAS detection and mitigation enforcement authority.
- Sec. 9. Reporting on counter-UAS activities.
- Sec. 10. Drone safety statement modernization.
- Sec. 11. Applicability.

7 SEC. 2. DEFINITIONS.

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

11 (b) IN GENERAL.—In this Act:

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

4 (A) the Committee on Homeland Security,
5 the Committee on the Judiciary, and the Com-
6 mittee on Transportation and Infrastructure of
7 the House of Representatives; and

8 (B) the Committee on the Judiciary, the
9 Committee on Homeland Security and Govern-
10 mental Affairs, and the Committee on Com-
11 merce, Science, and Transportation of the Sen-
12 ate.

13 (2) COVERED AIRPORT.—The term “covered
14 airport” means—

15 (A) a large hub airport (as defined in sec-
16 tion 47102 of title 49, United States Code) that
17 qualifies as a large hub airport on or after Jan-
18 uary 1, 2025;

19 (B) a medium hub airport (as defined in
20 section 47102 of title 49, United States Code)
21 that qualifies as a medium hub airport on or
22 after January 1, 2025; or

23 (C) an airport with a total annual landed
24 weight of all cargo of more than 7,500,000,000
25 pounds in 2023 or any year thereafter.

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

3 (A) the owner or proprietor of a covered
4 site; and

5 (B) with respect to a covered event, the—

6 (i) organizing entity of such event; or

7 (ii) the entity responsible for security
8 at such event.

9 (4) COVERED EVENT.—The term “covered
10 event” means an event—

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

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

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

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

1 (A) critical infrastructure, such as energy
2 production, transmission, distribution facilities
3 and equipment, and railroad facilities;

4 (B) oil refineries and chemical facilities;

5 (C) amusement parks; or

6 (D) State prisons.

7 **SEC. 3. PROTECTION OF CERTAIN FACILITIES AND ASSETS**
8 **FROM UNMANNED AIRCRAFT SYSTEMS.**

9 Section 210G of the Homeland Security Act of 2002
10 (6 U.S.C. 124n) is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (A) by inserting
14 “or unmanned aircraft” after “During the
15 operation of the unmanned aircraft sys-
16 tem”;

17 (ii) in subparagraph (D) by striking
18 “Seize or exercise control of” and inserting
19 “Seize, exercise control of, or otherwise
20 confiscate”;

21 (iii) by striking subparagraph (E);
22 and

23 (iv) by redesignating subparagraph
24 (F) as subparagraph (E); and

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

3 “(2) COORDINATION.—

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

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

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

22 “(D) MITIGATING ACTIONS.—If the Ad-
23 ministrator determines such action would result
24 in an adverse impact, the Secretary and the At-
25 torney General shall coordinate with the Admin-

1 istrator to take any necessary action to ensure
2 that such an adverse impact can be sufficiently
3 mitigated.

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

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

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

20 “(4) LIST OF AUTHORIZED EQUIPMENT AND
21 TECHNOLOGIES.—

22 “(A) LIST.—Not later than 1 year after
23 the date of enactment of the Counter-UAS Au-
24 thority Security, Safety, and Reauthorization
25 Act, the Secretary, in coordination with the At-

1 torney General and the Administrator of the
2 Federal Aviation Administration, shall maintain
3 a list of approved makes and models of counter-
4 UAS detection and mitigation systems, equip-
5 ment, and technology. Such list shall include
6 the following:

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

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

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

24 “(B) IMPACT DETERMINATION BY ADMIN-
25 ISTRATOR.—A counter-UAS detection or miti-

1 gation system, equipment, or technology may
2 not be included on the list maintained under
3 subparagraph (A) unless the Administrator of
4 the Federal Aviation Administration makes a
5 written determination that—

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

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

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

1 “(C) SPECTRUM IMPACT CONSULTATION.—

2 The Secretary, the Attorney General, and the
3 Administrator of the Federal Aviation Adminis-
4 tration shall consult with the Federal Commu-
5 nications Commission or the Administrator of
6 the National Telecommunications and Informa-
7 tion Administration, as appropriate, to deter-
8 mine whether the use of a counter-UAS detec-
9 tion or mitigation system, equipment, or tech-
10 nology on the list maintained under subpara-
11 graph (A)—

12 “(i) does not present an adverse im-
13 pact on civilian telecommunications, com-
14 munications spectrum, internet technology,
15 or radio communications networks or sys-
16 tems; or

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

1 “(D) LIMITATION ON INCLUSION OF
2 COUNTER-UAS SYSTEMS MANUFACTURED BY
3 CERTAIN FOREIGN ENTERPRISES.—

4 “(i) LIMITATION.—The Secretary may
5 not include on the list maintained under
6 subparagraph (A) a counter-UAS detection
7 and mitigation system, equipment, and
8 technology, manufactured or developed by
9 a covered manufacturer.

10 “(ii) INTERNATIONAL AGREE-
11 MENTS.—This subsection shall be applied
12 in a manner consistent with the obligations
13 of the United States under international
14 agreements in effect as of the date of en-
15 actment of the Counter-UAS Authority Se-
16 curity, Safety, and Reauthorization Act.

17 “(iii) AUTHORIZED UTILIZATION.—
18 Upon the inclusion of a counter-UAS de-
19 tection or mitigation system, equipment, or
20 technology on the list maintained under
21 subparagraph (A), the Secretary and the
22 Attorney General may utilize such system,
23 equipment, or technology for any action
24 described in paragraph (1).

1 “(iv) EXCEPTION.—The Secretary of
2 Homeland Security is exempt from the lim-
3 itation under this subsection if the Sec-
4 retary determines that the operation or
5 procurement of such system, equipment, or
6 technology is for the sole purpose of re-
7 search, evaluation, training, testing, or
8 analysis.

9 “(v) DEFINITIONS.—In this subpara-
10 graph:

11 “(I) COVERED MANUFAC-
12 Turer.—The term ‘covered manufac-
13 turer’ means an entity that is owned
14 by, controlled by, is a subsidiary of, or
15 is otherwise related legally or finan-
16 cially to, a person based in a country
17 that—

18 “(aa) is identified as a non-
19 market economy country (as de-
20 fined in section 771 of the Tariff
21 Act of 1930 (19 U.S.C. 1677))
22 as of the date of enactment of
23 the Counter-UAS Authority Se-
24 curity, Safety, and Reauthoriza-
25 tion Act;

1 “(bb) was identified by the
2 United States Trade Representa-
3 tive in the most recent report re-
4 quired under section 182 of the
5 Trade Act of 1974 (19 U.S.C.
6 2242) as a priority foreign coun-
7 try under subsection (a)(2) of
8 such section; and

9 “(cc) is subject to moni-
10 toring by the United States
11 Trade Representative under sec-
12 tion 306 of the Trade Act of
13 1974 (19 U.S.C. 2416).

14 “(II) OTHERWISE RELATED LE-
15 GALLY OR FINANCIALLY.—The term
16 ‘otherwise related legally or finan-
17 cially’ does not include a minority
18 stake relationship or investment.

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

21 “(i) prevent the Secretary, the Attor-
22 ney General, or the Administrator of the
23 Federal Aviation Administration from ex-
24 ercising any authority to counter un-
25 manned aircraft systems in effect prior to

1 the date of enactment of the Counter-UAS
2 Authority Security, Safety, and Reauthor-
3 ization Act; or

4 “(ii) require the disclosure of the list
5 maintained under subparagraph (A) to the
6 general public.”;

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

9 “(2) COORDINATION.—The Secretary, the Sec-
10 retary of Transportation, and the Attorney General
11 shall coordinate to develop their respective regula-
12 tions and guidance under paragraph (1) before
13 issuing any such regulation or guidance.”;

14 (3) in subsection (e)—

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

17 “(3) records of such communications are dis-
18 posed of immediately following an action described
19 in subsection (b)(1) to mitigate a credible threat re-
20 ferred to in subsection (a), except that if the Sec-
21 retary or the Attorney General determines that
22 maintenance of such records is necessary to inves-
23 tigate or prosecute a violation of law as required by
24 Federal law or for the purpose of litigation, such

1 records may be maintained for not more than 90
2 days;” and

3 (B) in paragraph (4)—

4 (i) in the matter preceding subpara-
5 graph (A) by striking “are not disclosed
6 outside the Department of Homeland Se-
7 curity or the Department of Justice un-
8 less” and inserting “are not shared outside
9 of the department in possession of such
10 communications, except if”; and

11 (ii) in subparagraph (B) by striking
12 “of, or any regulatory, statutory, or other
13 enforcement action relating to an action
14 described in subsection (b)(1)”;

15 (4) in subsection (f) by striking “within the De-
16 partment of Homeland Security or the Department
17 of Justice”;

18 (5) in subsection (g)—

19 (A) in paragraph (1) by striking “the Sec-
20 retary and the Attorney General shall, respec-
21 tively,” and inserting “the Secretary, the Attor-
22 ney General, and the Secretary of Transpor-
23 tation shall jointly”;

24 (B) by striking paragraphs (2) and (3) and
25 inserting the following:

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

3 “(A) The number of instances and a de-
4 scription of each instance in which actions de-
5 scribed in subsection (b)(1) have been taken, in-
6 cluding all such instances that—

7 “(i) equipment, system, or technology
8 disrupted the transmission of radio or elec-
9 tronic signals, including and disaggregated
10 by whether any such disruption was mini-
11 mized;

12 “(ii) may have resulted in harm, dam-
13 age, or loss to a person or to private prop-
14 erty, including and disaggregated by
15 whether any such harm, damage, or loss
16 was minimized;

17 “(iii) resulted in successful seizure,
18 exercise of control, or confiscation under
19 subsection (b)(1)(D); or

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

22 “(B) The frequency and nature of in-
23 stances in which communications were inter-
24 cepted or acquired during the course of actions

1 described in subsection (b)(1), including the fol-
2 lowing:

3 “(i) The approximate number and na-
4 ture of incriminating communications
5 intercepted.

6 “(ii) The approximate number and
7 nature of other communications inter-
8 cepted.

9 “(C) The total number of instances in
10 which records of communications intercepted or
11 acquired during the course of actions described
12 in subsection (b)(1) were—

13 “(i) shared with the Department of
14 Justice or another Federal law enforce-
15 ment agency, including a list of receiving
16 Federal law enforcement agencies; or

17 “(ii) maintained for more than 90
18 days.

19 “(D) The number of instances and a de-
20 scription of each instance in which the Sec-
21 retary, Secretary of Transportation, or the At-
22 torney General have engaged with Federal,
23 State, or local law enforcement agencies to im-
24 plement the authority under this section, in-

1 including the number of instances that resulted in
2 a criminal investigation or litigation.

3 “(E) Information on the implementation of
4 paragraphs (3) and (4)(A) of subsection (b), in-
5 cluding regarding equipment or technology, in-
6 cluding electronic equipment to address emerg-
7 ing trends and changes in unmanned aircraft
8 system or unmanned aircraft system-related se-
9 curity threats.”;

10 (C) in paragraph (5)—

11 (i) in the first sentence—

12 (I) by striking “new technology”
13 and inserting “counter-UAS detection
14 and mitigation system, equipment, or
15 technology approved under subsection
16 (b)(4)”;

17 (II) by striking “the Secretary
18 and the Attorney General shall, re-
19 spectively,” and inserting “the Sec-
20 retary, in coordination with the Sec-
21 retary of Transportation and the At-
22 torney General, shall”;

23 (ii) in the second sentence, by striking
24 “to the national airspace system” and in-

1 serting “to the safety and operation of the
2 national airspace system”; and
3 (D) by redesignating paragraphs (4) and
4 (5) as paragraphs (3) and (4), respectively;
5 (6) by striking subsection (i) and inserting the
6 following:

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

9 (7) in subsection (k)—

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

12 (B) in paragraph (3)—

13 (i) in subparagraph (A) by striking
14 “the Secretary or the Attorney General, in
15 coordination with the Secretary of Trans-
16 portation” and inserting “the Secretary, in
17 coordination with the Secretary of Trans-
18 portation and the Attorney General,”;

19 (ii) in subparagraph (C)—

20 (I) in clause (i)—

21 (aa) in subclause (II), by
22 striking “or” after the semicolon;
23 and

24 (bb) by adding at the end
25 the following:

1 “(IV) the security or protection
2 functions for facilities, assets, and op-
3 erations of Homeland Security Inves-
4 tigation; or

5 “(V) the security and protection
6 of public airports (as such term is de-
7 fined in section 47102 of title 49,
8 United States Code) under section 7
9 of the Counter-UAS Authority Secu-
10 rity, Safety, and Reauthorization
11 Act;”; and

12 (II) in clause (ii)—

13 (aa) in subclause (I)—

14 (AA) in item (aa), by
15 striking “section 533 of title
16 28, United States Code”
17 and inserting “paragraph
18 (2) or (3) of section 533 of
19 title 28, United States Code,
20 and that is limited to a spec-
21 ified period of time and loca-
22 tion”; and

23 (BB) in item (bb), by
24 inserting before the semi-
25 colon the following: “, and

1 that is limited to a specified
2 period of time and location”;
3 and

4 (bb) in subclause (III), by
5 striking “, as specified in” and
6 inserting “pursuant to”;

7 (C) in paragraph (6), by striking “pur-
8 poses of subsection (a)” and inserting “pur-
9 poses of subsection (a) and paragraph (4) of
10 subsection (e)”;

11 (D) in paragraph (8) in the matter pre-
12 ceding subparagraph (A)—

13 (i) by striking “and efficiency of the
14 national airspace system” and inserting “,
15 efficiency, and operation of the national
16 airspace system”;

17 (ii) by striking “the Secretary or the
18 Attorney General, respectively,” and in-
19 serting “the Secretary, in coordination
20 with the Secretary of Transportation and
21 the Attorney General,”;

22 (8) by striking subsection (l) and inserting the
23 following:

24 “(l) ANNUAL REPORT.—Not later than 1 year after
25 the date of enactment of the Counter-UAS Authority Se-

1 curity, Safety, and Reauthorization Act, and annually
2 thereafter, the Secretary, in coordination with the Sec-
3 retary of Transportation and the Attorney General, shall
4 submit to the appropriate congressional committees a re-
5 port that contains the following:

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

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

16 “(3) A description of the guidance, policies,
17 programs, and procedures established to address pri-
18 vacy, civil rights, and civil liberties issues implicated
19 by the activities carried out pursuant to this sec-
20 tion.”; and

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

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

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

3 “(2) establish or designate 1 or more facilities
4 or training centers for the purpose described in
5 paragraph (1).

6 “(n) COUNTER-UAS DETECTION AND MITIGATION
7 SYSTEM OPERATOR QUALIFICATION AND TRAINING CRI-
8 TERIA.—

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

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

23 “(A) consider the potential impacts of such
24 systems, equipment, or technology to aviation
25 safety, civil aviation and aerospace operations,

1 aircraft airworthiness, or the civilian use of air-
2 space, and appropriate actions to maintain avia-
3 tion safety, as determined by the Administrator;

4 “(B) establish interagency coordination re-
5 quirements prior to deployment of such sys-
6 tems, equipment, or technology;

7 “(C) establish the frequency at which an
8 individual authorized to operate counter-UAS
9 detection and mitigation systems, equipment, or
10 technology shall complete and renew such train-
11 ing or certification; and

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

16 **SEC. 4. FAA COUNTER-UAS ACTIVITIES.**

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

19 **“§ 44810. Counter-UAS activities**

20 “(a) AUTHORITY.—

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

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

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

15 “(2) AUTHORIZED ACTIONS.—In carrying out
16 paragraph (1), the Administrator may take the fol-
17 lowing actions:

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

1 “(B) Contact or warn the operator of an
2 unmanned aircraft system of a potential
3 counter-UAS action authorized under this sub-
4 section.

5 “(C) Seize, exercise control of, or otherwise
6 confiscate an unmanned aircraft system or un-
7 manned aircraft.

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

14 “(b) APPLICABILITY OF OTHER LAWS.—

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

20 “(2) PRIVACY PROTECTION.—In implementing
21 the requirements of this section, the Administrator,
22 in coordination with the Attorney General and Sec-
23 retary of Homeland Security, shall ensure that—

24 “(A) the interception or acquisition of, or
25 access to, or maintenance or use of, commu-

1 nications to or from an unmanned aircraft sys-
2 tem under this section is conducted in a man-
3 ner consistent with the First and Fourth
4 Amendments to the Constitution of the United
5 States and applicable provisions of Federal law;

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

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

16 “(i) is necessary to investigate or
17 prosecute a violation of law;

18 “(ii) would directly support the De-
19 partment of Defense, a Federal law en-
20 forcement agency, or the enforcement ac-
21 tivities of a regulatory agency of the Fed-
22 eral Government in connection with a
23 criminal or civil investigation of, or any
24 regulatory, statutory, or other enforcement

1 action relating to, an action described in
2 subsection (a)(2);

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

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

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

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

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

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

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

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

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

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

14 “(i) Federal and State agencies;

15 “(ii) covered airports; and

16 “(iii) other relevant stakeholders; and

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

19 “(d) INTERAGENCY COORDINATION.—

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

1 “(2) NONDELEGATION.—Nothing under this
2 section shall permit the Administrator to delegate
3 any authority granted to the Administrator to any
4 other Federal agency.

5 “(e) COUNTER-UAS DETECTION AND MITIGATION
6 SYSTEM PERFORMANCE REQUIREMENTS.—

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

16 “(2) CONSIDERATIONS.—

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

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

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

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

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

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

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

10 “(3) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) shall require the Administrator to
12 conduct a rulemaking in publishing minimum per-
13 formance requirements under such paragraph.

14 “(f) COUNTER-UAS SYSTEM TESTING, EVALUATION,
15 AND VALIDATION.—

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

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

1 “(B) such systems, equipment, and tech-
2 nology meet minimum performance require-
3 ments under subsection (e).

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

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

18 “(4) AIRSPACE HAZARD MITIGATION PRO-
19 GRAM.—

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

1 priate, and any other location the Administrator
2 determines appropriate.

3 “(B) TESTING AND EVALUATION.—Not-
4 withstanding section 46502 of this title or sec-
5 tions 32, 1030, and 1367 and chapters 119 and
6 206 of title 18, the Administrator of the Fed-
7 eral Aviation Administration shall conduct test-
8 ing and evaluation of any counter-UAS detec-
9 tion or mitigation system, equipment, or tech-
10 nology to assess potential impacts on, or inter-
11 ference with, safe airport operations, aircraft
12 and air traffic navigation, air traffic services, or
13 the safe and efficient operation of the national
14 airspace system.

15 “(C) COORDINATION.—In carrying out this
16 paragraph, the Administrator shall coordinate
17 with the Secretary of Homeland Security and
18 the head of any other Federal agency that the
19 Administrator considers appropriate.

20 “(g) VOLUNTARY VERIFIED OPERATOR PROGRAM.—

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

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

4 “(A) determine criteria for operators of
5 unmanned aircraft systems participating in the
6 program to access different categories of air-
7 space, including special use airspace, in which
8 the operation of such systems is otherwise sub-
9 ject to limitations or prohibitions;

10 “(B) enable routine access to airspace de-
11 scribed in subparagraph (A) via digital means;
12 and

13 “(C) ensure such program serves as a re-
14 pository of unmanned aircraft systems opera-
15 tors that have met criteria established by the
16 Administrator relating to the establishment of
17 safety programs, managerial competence, and
18 compliance.

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

21 “(A) may consider—

22 “(i) an operator’s establishment of
23 safety programs, managerial competence,
24 and record of compliance;

1 “(ii) the nature of an operator’s facili-
2 ties, unmanned aircraft systems, and oper-
3 ations; and

4 “(iii) the sensitivity of different cat-
5 egories of airspace described in such para-
6 graph; and

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

15 “(4) DATA.—The Administrator shall ensure
16 that voluntary verified operator program participant
17 information is current, comprehensive, and available
18 via digital means to such entities as the Adminis-
19 trator determines appropriate, including other pro-
20 gram participants, to improve aviation safety and
21 streamline unmanned aircraft systems access to and
22 identification in airspace in which such systems may
23 otherwise be subject to limitations or prohibitions.

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

1 “(A) require a rulemaking to implement;

2 “(B) impose additional requirements on
3 unmanned aircraft systems operators or oper-
4 ations that—

5 “(i) are otherwise permitted through
6 other mechanisms or regulatory frame-
7 works; or

8 “(ii) do not participate in the vol-
9 untary verified operator program estab-
10 lished under this subsection; or

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

14 “(h) LIMITATIONS ON OPERATION OF COUNTER-UAS
15 SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTER-
16 PRISES.—

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

24 “(2) INTERNATIONAL AGREEMENTS.—This sub-
25 section shall be applied in a manner consistent with

1 the obligations of the United States under inter-
2 national agreements in place on the date of enact-
3 ment of the Counter-UAS Authority Security, Safe-
4 ty, and Reauthorization Act.

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

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

21 “(A) COVERED MANUFACTURER.—The
22 term ‘covered manufacturer’ means an entity
23 that is owned by, controlled by, is a subsidiary
24 of, or is otherwise related legally or financially
25 to, a person based in a country that—

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

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

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

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

20 “(i) BRIEFINGS.—

21 “(1) SEMIANNUAL BRIEFINGS AND NOTIFICA-
22 TIONS.—

23 “(A) IN GENERAL.—The Administrator
24 shall provide the specified committees of Con-
25 gress a briefing not less than once every 6

1 months on the activities carried out pursuant to
2 this section.

3 “(B) CONTENT.—Each briefing required
4 under this paragraph shall include—

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

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

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

19 “(III) resulted in the successful
20 seizure, exercise of control, or confis-
21 cation under subsection (a)(2); or

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

24 “(ii) the frequency and nature of in-
25 stances in which communications were

1 intercepted or acquired during the course
2 of actions described in subsection (a)(2),
3 including—

4 “(I) the approximate number and
5 nature of incriminating communica-
6 tions intercepted;

7 “(II) the approximate number
8 and nature of other communications
9 intercepted; and

10 “(III) the total number of in-
11 stances in which records of commu-
12 nications intercepted or acquired dur-
13 ing the course of actions described in
14 subsection (a)(2) were—

15 “(aa) shared with the De-
16 partment of Justice or another
17 Federal law enforcement agency,
18 including a list of receiving Fed-
19 eral law enforcement agencies; or

20 “(bb) maintained for more
21 than 90 days;

22 “(iii) the number of instances and a
23 description of each instance in which Ad-
24 ministrator of the Federal Aviation Admin-
25 istration has engaged with Federal, State,

1 or local law enforcement agencies to imple-
2 ment the authority under this section, in-
3 cluding the number of instances that re-
4 sulted in a criminal investigation or litiga-
5 tion; and

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

13 “(C) CLASSIFICATION.—

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

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

23 “(I) a description of instances in
24 which an active mitigation action
25 under this section has been taken, in-

1 including all such instances that may
2 have resulted in harm, damage, or
3 loss to an individual or to private
4 property; and

5 “(II) a description of each cov-
6 ered site, including the capabilities of
7 counter-UAS systems used at such
8 sites.

9 “(2) NOTIFICATION.—Beginning 180 days after
10 the date of enactment of the Counter-UAS Authority
11 Security, Safety, and Reauthorization Act, the Ad-
12 ministrator shall—

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

19 “(B) in providing a notification under sub-
20 paragraph (A), include a description of options
21 considered to mitigate any identified impacts to
22 the national airspace system related to the use
23 of any counter-UAS system, technology, or
24 equipment operated at a covered site, including
25 the minimization of the use of any technology,

1 equipment, or system that disrupts the trans-
2 mission of radio or electronic signals.

3 “(j) DEFINITIONS.—In this section:

4 “(1) SPECIFIED COMMITTEES OF CONGRESS.—
5 The term ‘specified committees of Congress’
6 means—

7 “(A) the Committee on Transportation and
8 Infrastructure, the Committee on Homeland Se-
9 curity, and the Committee on the Judiciary of
10 the House of Representatives; and

11 “(B) the Committee on Commerce,
12 Science, and Transportation, the Committee on
13 Homeland Security and Governmental Affairs,
14 and the Committee on the Judiciary of the Sen-
15 ate.

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

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

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

“44810. Counter-UAS activities.”.

1 **SEC. 5. ADDITIONAL LIMITED AUTHORITY FOR DETECTION,**
2 **IDENTIFICATION, MONITORING, AND TRACK-**
3 **ING.**

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

11 (b) REQUIRED APPLICATION.—

12 (1) IN GENERAL.—In carrying out this section,
13 the Secretary of Homeland Security, in coordination
14 with the Administrator and the Attorney General,
15 not later than 180 days after the establishment of
16 this Act, shall establish an application process to au-
17 thorize the acquisition, deployment, and operation of
18 an approved counter-UAS detection system, equip-
19 ment, or technology by covered entities, at covered
20 sites or covered events.

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

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

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

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

6 (i) be subject to the approval of the
7 Secretary of Homeland Security, the Ad-
8 ministrator of the Federal Aviation Admin-
9 istration, and the Attorney General; and

10 (ii) include—

11 (I) a description of the covered
12 site or covered event at which the
13 counter-UAS detection system, equip-
14 ment, or technology will be deployed
15 and operated;

16 (II) a description of the time pe-
17 riods and dates during which the
18 counter-UAS detection system, equip-
19 ment, or technology will be operated;

20 (C) a written agreement between the cov-
21 ered entity and a Federal, State, local, or Trib-
22 al law enforcement agency to operate such ap-
23 proved counter-UAS detection system, equip-
24 ment, or technology at a covered site or covered
25 event on behalf of such covered entity;

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

5 (E) any other requirements the Secretary
6 determines appropriate.

7 (3) LAW ENFORCEMENT PARTICIPATION WAIV-
8 ER.—The Secretary of Homeland Security, in co-
9 ordination with the Administrator of the Federal
10 Aviation Administration and the Attorney General,
11 may waive the requirements of paragraph (2)(C)
12 upon application from a covered entity if such cov-
13 ered entity demonstrates, to the satisfaction of the
14 Secretary, that such covered entity has the expertise
15 and ability to safely and lawfully operate an ap-
16 proved counter-UAS detection system, equipment, or
17 technology under this section.

18 (4) APPLICATION TIMELINE.—The Secretary of
19 Homeland Security shall approve or reject an appli-
20 cation submitted under this subsection not later
21 than 45 days after receiving such application (or 90
22 days if such application requests a waiver pursuant
23 to paragraph (3)).

24 (c) AGREEMENTS.—Upon approval of an application
25 required under subsection (b) by the Secretary of Home-

1 land Security, the Secretary shall enter into an agreement
2 with the applicable covered entity to authorize the acquisi-
3 tion, deployment, and operation of an approved counter-
4 UAS detection system, equipment, or technology, that
5 shall specify, at a minimum—

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

8 (2) the covered site or covered event at which
9 the system, equipment, or technology may be oper-
10 ated;

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

14 (4) any terms and conditions on the deployment
15 and operation of an approved counter-UAS detection
16 system, equipment, or technology the Secretary de-
17 termines necessary to ensure public safety.

18 (d) REVOCATION.—The Secretary shall revoke the
19 authorization or approval for the deployment and oper-
20 ation of an approved counter-UAS detection system,
21 equipment, or technology pursuant to this section for any
22 reason the Secretary determines necessary, including if
23 the Secretary determines that the covered entity has not—

24 (1) maintained, as applicable, an agreement
25 that is acceptable to the Secretary with a Federal,

1 State, local, or Tribal law enforcement agency to op-
2 erate such approved counter-UAS detection system,
3 equipment, or technology on behalf of the covered
4 entity;

5 (2) complied with the initial and recurrent
6 training or certification requirements under section
7 210G(n) of the Homeland Security Act of 2002 (6
8 U.S.C. 124n(n));

9 (3) complied with the privacy protections under
10 section 210G(e) of the Homeland Security Act of
11 2002 (6 U.S.C. 124n(e)); or

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

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

19 (f) APPLICABILITY OF OTHER LAWS.—Section 46502
20 of title 49, United States Code, or sections 32, 1030, and
21 1367 and chapters 119 and 206 of title 18, United States
22 Code, shall not apply to activities authorized by the Sec-
23 retary under this section or section 6.

24 (g) PREVIOUSLY ACQUIRED COUNTER-UAS SYS-
25 TEMS.—If the Administrator finds that a covered entity

1 acquired and operated a counter-UAS detection system,
2 equipment, or technology prior to the date of enactment
3 of this Act, the Secretary may authorize the use of such
4 system, equipment, or technology if—

5 (1) such system, equipment, or technology
6 meets the minimum performance requirements
7 issued pursuant to section 44810(e) of title 49,
8 United States Code; and

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

12 (h) AUDITS.—Not later than 18 months after the
13 date of enactment of this Act, and every 18 months there-
14 after, the inspectors general of the Department of Trans-
15 portation, the Department of Homeland Security, and the
16 Department of Justice shall conduct a joint audit of the
17 implementation of the requirements of this section, section
18 6, or section 7.

19 (i) REPORT TO CONGRESS.—Not later than 90 days
20 after the date on which the inspectors general complete
21 each audit required under subsection (h), the inspectors
22 general shall submit to the appropriate committees of Con-
23 gress a report on the findings of such audit and any rec-
24 ommendations related to the administration of this sec-
25 tion.

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

3 (k) SAVINGS CLAUSE.—

4 (1) RULES OF CONSTRUCTION.—

5 (A) SAFETY AND EFFICIENCY.—Nothing
6 in this section or section 6 shall be construed
7 to limit or restrict the Administrator of the
8 Federal Aviation Administration from ensuring
9 the safety and efficiency of the national air-
10 space system.

11 (B) PRECLUSION.—Nothing in this section
12 or section 7 shall be construed to preclude a
13 covered entity or public-use airport from acquir-
14 ing and operating an approved counter-UAS de-
15 tection system, equipment, or technology with-
16 out an authorization if the lawful operation of
17 such system, equipment, or technology does
18 not—

19 (i) require the relief provided under
20 subsection (f); and

21 (ii) adversely impact the safe oper-
22 ation of the national airspace system.

23 (2) SUSPENSION OF AUTHORITY.—

24 (A) IN GENERAL.—The Administrator of
25 the Federal Aviation Administration, in con-

1 sultation with the Attorney General, may sus-
2 pend the authority provided under this section
3 or section 6 if the Administrator—

4 (i) determines that the exercise of
5 such authority threatens the safety or effi-
6 ciency of the national airspace system; and

7 (ii) conveys in writing the determina-
8 tion to the Secretary of Homeland Secu-
9 rity.

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

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

1 **SEC. 6. COUNTER-UAS MITIGATION LAW ENFORCEMENT**
2 **PILOT PROGRAM.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations for such purpose, not later than 60 days after
5 the first determination that a counter-UAS system with
6 mitigation capabilities meets the requirements of section
7 44810(e) of title 49, United States Code, the Secretary
8 of Homeland Security, in coordination with the Attorney
9 General and the Administrator of the Federal Aviation
10 Administration, shall establish a pilot program to assess
11 the efficacy of approved counter-UAS mitigation systems
12 at covered sites and covered events and determine the ap-
13 propriate policies, procedures, and protocols necessary to
14 allow State and covered local law enforcement agencies (in
15 coordination with the Secretary, Attorney General, and
16 Administrator) to acquire, deploy, and operate approved
17 counter-UAS mitigation systems and mitigate unauthor-
18 ized UAS operations on behalf of covered entities.

19 (b) REQUIRED APPLICATION.—

20 (1) IN GENERAL.—In carrying out this section,
21 the Secretary of Homeland Security, in coordination
22 with the Attorney General and the Administrator,
23 shall establish an application process to authorize
24 the acquisition, deployment, and operation of an ap-
25 proved counter-UAS mitigation system, equipment,
26 or technology by a State or covered local law en-

1 enforcement agency, in partnership with a covered en-
2 tity, at a covered site or covered event.

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

5 (A) a justifiable need (based on a threat
6 posed by an unmanned aircraft or unmanned
7 aircraft system to a covered site or covered
8 event) to mitigate an unmanned aircraft system
9 with an approved counter-UAS mitigation sys-
10 tem, equipment, or technology;

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

14 (i) be subject to the approval of the
15 Secretary of Homeland Security, the Attor-
16 ney General, and the Administrator of the
17 Federal Aviation Administration; and

18 (ii) include—

19 (I) a description of the covered
20 site or covered event at which the
21 counter-UAS mitigation system,
22 equipment, or technology will be de-
23 ployed and operated; and

24 (II) a description of the time pe-
25 riods and dates during which the

1 counter-UAS mitigation system,
2 equipment, or technology will be oper-
3 ated;

4 (C) a written agreement between the cov-
5 ered entity and a State or covered local law en-
6 forcement agency to operate such approved
7 counter-UAS mitigation system, equipment, or
8 technology at a covered site or covered event on
9 behalf of such covered entity;

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

14 (E) proof that the airspace above such cov-
15 ered site or covered event is restricted by a tem-
16 porary flight restriction, a determination under
17 section 2209 of the FAA Extension, Safety, and
18 Security Act of 2016 (49 U.S.C. 44802 note),
19 or any other similar restriction determined ap-
20 propriate by the Secretary;

21 (F) an endorsement from the chief execu-
22 tive of the State or territory within which the
23 applicant has jurisdiction; and

24 (G) any other requirements the Secretary
25 determines appropriate.

1 (c) AGREEMENTS.—Upon approval of an application
2 required under subsection (b) by the Secretary of Home-
3 land Security, the Secretary shall enter into an agreement
4 with the applicable covered entity and State or covered
5 local law enforcement agency to authorize the acquisition,
6 deployment, operation of an approved counter-UAS miti-
7 gation system, equipment, or technology, that shall speci-
8 fy, at a minimum—

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

11 (2) the covered site or covered event at which
12 the system, equipment, or technology may be oper-
13 ated;

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

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

21 (5) the frequency with which the appropriate
22 Federal agency representatives shall conduct peri-
23 odic site visits to ensure compliance with the ap-
24 proved terms and conditions of deployment and op-

1 erations of the approved counter-UAS mitigation
2 system, equipment, or technology;

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

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

9 (d) REQUIRED COORDINATION AND NOTIFICA-
10 TION.—

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

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

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

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

1 (i) be conducted in a manner con-
2 sistent with the agreement between the
3 Secretary and the State or covered local
4 law enforcement agency; and

5 (ii) abide by all safety protocols,
6 terms, and conditions established for the
7 use of such system, equipment, or tech-
8 nology at the covered site or covered event;
9 and

10 (C) immediately notify the Administrator
11 of the Federal Aviation Administration of the
12 approval provided under this paragraph.

13 (3) REPORT.—

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

22 (B) CONTENTS.—The report under sub-
23 paragraph (A) shall include all relevant infor-
24 mation pertaining to the event, including the
25 drone operation, and subsequent mitigation and

1 enforcement actions, and subsequent enforce-
2 ment actions, as specified by the Secretary.

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

8 (1) maintained an agreement that is acceptable
9 to the Secretary with a State or covered local law
10 enforcement agency to operate such approved
11 counter-UAS mitigation system, equipment, or tech-
12 nology on behalf of the covered entity;

13 (2) complied with the initial and recurrent
14 training or certification requirements under section
15 210G(n) of the Homeland Security Act of 2002 (6
16 U.S.C. 124n(n));

17 (3) complied with the privacy protections under
18 section 210G(e) of the Homeland Security Act of
19 2002 (6 U.S.C. 124n(e)); or

20 (4) otherwise operated an approved counter-
21 UAS mitigation system, equipment, or technology in
22 a safe and lawful manner.

23 (f) COORDINATION.—The Secretary shall coordinate
24 with the Administrator of the Federal Aviation Adminis-
25 tration and the Attorney General in carrying out the appli-

1 cation, agreement, and revocation processes under this
2 section.

3 (g) EVALUATION.—Before the initiation of the pilot
4 program under this section, the Secretary of Homeland
5 Security, in coordination with the Attorney General and
6 the Administrator of the Federal Aviation Administration,
7 shall establish objectives, metrics, and success criteria for
8 evaluating the results of pilot program in the areas of
9 homeland security, public safety, aviation safety, airspace
10 access for lawful aircraft operators, privacy, and civil lib-
11 erties.

12 (h) SELECTION CRITERIA.—

13 (1) AIRSPACE CONSIDERATIONS.—

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

1 system, including any airport that is located
2 near the covered site or covered event.

3 (B) INELIGIBILITY FOR PARTICIPATION.—

4 If an adverse impact is identified under sub-
5 paragraph (A) and cannot be safely mitigated
6 to the satisfaction of the Administrator, the
7 covered site or covered event is not eligible for
8 participation in the pilot program established
9 under this section.

10 (2) PROGRAM SIZE, REVIEW, AND EXPAN-
11 SION.—

12 (A) INITIAL SIZE.—The program estab-
13 lished under subsection (a) may include not
14 more than 5 State or covered local law enforce-
15 ment agencies.

16 (B) RESTRICTION.—A State or covered
17 local law enforcement agency participating in
18 the pilot program established under subsection
19 (a) may operate approved counter-UAS mitiga-
20 tion systems, equipment, or technology at—

21 (i) no more than 4 covered sites; and

22 (ii) covered events.

23 (C) REVIEW AND EXPANSION.—The Sec-
24 retary, in coordination with the Administrator
25 and the Attorney General—

1 (i) shall review the preliminary results
2 of such pilot program against the objec-
3 tives, metrics, and success criteria estab-
4 lished in subsection (g); and

5 (ii) may, if appropriate, take such ac-
6 tions as may be necessary to revise or ex-
7 pand, subject to the availability of trained
8 personnel, the number of law enforcement
9 agencies permitted to participate in the
10 program—

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

19 (II) by an additional 12 not soon-
20 er than 18 months after the date de-
21 scribed in subclause (I).

22 (i) REQUIRED BRIEFING.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the establishment of the pilot program under
25 this section, and every 6 months thereafter, the Sec-

1 retary shall brief the appropriate committees of Con-
2 gress on the progress and findings of the pilot pro-
3 gram established under this section, including a de-
4 scription of all mitigation events reported under sub-
5 section (d) and objectives, metrics, and success cri-
6 teria under subsection (g).

7 (2) RESTRICTION ON PROGRAM EXPANSION.—If
8 an agency fails to provide a briefing or report re-
9 quired under this Act, including under paragraph
10 (1), the time periods after which the Secretary may
11 expand the pilot program under subsection (h)(2)(C)
12 shall be extended by 6 months for each required
13 briefing the Secretary fails to provide.

14 (j) SPECIAL PROGRAM FOR COVERED MULTI-
15 NATIONAL SPORTING EVENTS.—

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

23 (A) The 2026 FIFA World Cup.

24 (B) The Games of the XXXIV Olympiad.

25 (C) The 18th Summer Paralympic Games.

1 (2) ESTABLISHMENT.—Not later than 60 days
2 after the date of enactment of this Act, the Sec-
3 retary of Homeland Security, in coordination with
4 the Attorney General and the Administrator of the
5 Federal Aviation Administration, shall establish a
6 program to enable the deployment and operation of
7 approved counter-UAS mitigation systems by State
8 and covered local law enforcement agencies respon-
9 sible for securing covered multinational sporting
10 events against unauthorized unmanned aircraft sys-
11 tem operations.

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

19 (4) APPLICABILITY.—Subsections (c) through
20 (f) shall apply to the program established under this
21 section.

22 (5) DURATION.—The authority of the Secretary
23 to authorize a State or local law enforcement agency
24 to deploy or operate an approved counter-UAS miti-
25 gation system under this subsection shall terminate

1 upon the conclusion of the relevant covered multi-
2 national sporting event.

3 (6) NOTIFICATION.—Not later than 30 days
4 prior to the commencement of a covered multi-
5 national sporting event, the Secretary, in coordina-
6 tion with the Attorney General and the Adminis-
7 trator of the Federal Aviation Administration, shall
8 notify the appropriate committees of Congress of the
9 approval and denial of all applications from State
10 and local law enforcement agencies under this sub-
11 section.

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

17 (A) the actions taken by the Secretary and
18 State or local law enforcement agencies under
19 the program; and

20 (B) lessons learned that the Secretary in-
21 tends to integrate into the administration of the
22 pilot program established under subsection (a).

23 (8) TRANSFER INTO LAW ENFORCEMENT PILOT
24 PROGRAM.—

1 (A) IN GENERAL.—Upon the conclusion of
2 the relevant multinational sporting event, the
3 Secretary may transfer the following State or
4 covered local law enforcement agencies to the
5 pilot program established under subsection (a):

6 (i) 11 State or covered local law en-
7 forcement agencies associated with the
8 multinational sporting event described in
9 paragraph (1)(A).

10 (ii) 2 State or covered local law en-
11 forcement agencies associated with the
12 multinational sporting event described in
13 paragraph (1)(B).

14 (B) PROGRAM SIZE.—A State or covered
15 local law enforcement agency that is transferred
16 to such pilot program under subparagraph (A)
17 shall not be counted for purposes of the pilot
18 program size restrictions in subparagraph (A)
19 or (C) of subsection (h)(2).

20 (C) AGENCY SELECTION.—In selecting
21 agencies to transfer to the pilot program estab-
22 lished under subsection (a), the Secretary shall,
23 to the maximum extent practicable, ensure that
24 1 State or covered local law enforcement agency

1 with jurisdiction over each of the sites of a mul-
2 tinational sporting event is selected.

3 (D) RESTRICTION.—The Secretary shall
4 not transfer an agency under subparagraph (A)
5 if the Secretary, in coordination with the Attor-
6 ney General and the Administrator of the Fed-
7 eral Aviation Administration, finds that an
8 agency participating in the program established
9 under this subsection—

10 (i) violated the terms of an agreement
11 under subsection (c); or

12 (ii) takes an action that would lead to
13 a revocation under subsection (e).

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

17 (l) ASSESSMENT.—

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

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

5 (B) a determination as to whether—

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

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

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

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

22 (i) the size and scope of such regu-
23 latory structure;

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

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

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

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

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

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

23 (m) DEFINITIONS.—In this section:

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

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

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

12 **SEC. 7. COUNTER-UAS SYSTEM PLANNING AND DEPLOY-**
13 **MENT AT AIRPORTS.**

14 (a) STRATEGIC AIRPORT PLANNING.—

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

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

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

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

8 (A) the roles and responsibilities of—

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

12 (ii) relevant airport personnel; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (5) LIMITATIONS ON MITIGATION ACTIVITIES.—

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

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

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

8 (d) SITE-SPECIFIC PLANNING.—

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

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

24 (A) roles and responsibilities of—

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

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

5 (iii) State law enforcement personnel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (g) DEFINITIONS.—In this section:

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

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

21 **SEC. 8. UAS DETECTION AND MITIGATION ENFORCEMENT**
22 **AUTHORITY.**

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

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

3 “(a) PROHIBITION.—

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

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

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

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

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

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

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

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

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

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

21 **SEC. 9. REPORTING ON COUNTER-UAS ACTIVITIES.**

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

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

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

7 (1) to the extent unrelated to any pending
8 criminal proceedings, information on any violation
9 of, or failure to comply with, this Act or the amend-
10 ments made by this Act by personnel authorized to
11 conduct detection and mitigation activities, including
12 a description of any such violation or failure;

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

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

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

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

8 **SEC. 10. DRONE SAFETY STATEMENT MODERNIZATION.**

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

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

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

15 “(i) SAFETY STATEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(3) EXAMPLE STATEMENT.—

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

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

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

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

17 **SEC. 11. APPLICABILITY.**

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

23 (1) section 5 or 6 of this Act;

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

