

119TH CONGRESS
2D SESSION

S. 4380

To grant authority to use counter-unmanned aircraft system technologies to private owners of critical infrastructure facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2026

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To grant authority to use counter-unmanned aircraft system technologies to private owners of critical infrastructure facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Critical Infrastructure
5 Airspace Defense Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The North American electric grid and other
9 critical infrastructure sectors face growing threats
10 from unmanned aircraft systems.

(2) Counter-unmanned aircraft systems activities are authorized for Federal agencies and for trained State, local, Tribal, and territorial law enforcement, but private owners and operators of critical infrastructure lack clear statutory authority to independently detect, track, and mitigate in-flight unmanned aircraft systems threats.

(3) Prompt action is required to close this gap and protect the reliability of the bulk power system and other critical infrastructure.

**SEC. 3. DRONE COUNTERMEASURES FOR CRITICAL INFRA-
STRUCTURE OWNERS AND OPERATORS.**

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

(1) in subsection (a), by adding at the end the following:

“(3) **AUTHORITY OF CRITICAL INFRASTRUCTURE OWNERS AND OPERATORS.**—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367, and chapters 119 and 206 of title 18, United States Code, and after completing the training and certification detailed in subsection (d)(3), any owner or operator of a covered critical infrastructure facility (or designated security personnel or contractors of such owner or operator)

1 may, subject to subsection (d)(3), take, and author-
 2 ize personnel to take, such actions as are described
 3 in subsection (b)(1) that are necessary to mitigate a
 4 credible threat that an unmanned aircraft system or
 5 unmanned aircraft poses to the safety or security of
 6 a covered critical infrastructure facility.”;

7 (2) in subsection (c), by adding at the end the
 8 following:

9 “(3) CRITICAL INFRASTRUCTURE.—Any un-
 10 manned aircraft system or unmanned aircraft seized
 11 pursuant to subsection (a)(3) shall be subject to for-
 12 feiture under the laws of the jurisdiction in which
 13 the seizure occurred, consistent with procedures es-
 14 tablished by the Secretary.”;

15 (3) in subsection (d)—

16 (A) in paragraph (2)(D), by striking
 17 “counter-UAS” each place it appears and in-
 18 serting “counter-unmanned aircraft system”;

19 (B) by redesignating paragraph (3) as
 20 paragraph (4); and

21 (C) by inserting after paragraph (2) the
 22 following:

23 “(3) CRITICAL INFRASTRUCTURE TRAINING
 24 AND CERTIFICATION.—

1 “(A) REQUIREMENT.—Only personnel who
2 have been trained and certified by the Secretary
3 (in coordination with the Secretary of Energy
4 and the Administrator of the Federal Aviation
5 Administration) may exercise the authorities
6 granted under subsection (a)(3).

7 “(B) PROCEDURES.—Not later than 180
8 days after the date of enactment of the Critical
9 Infrastructure Airspace Defense Act, the Sec-
10 retary, in coordination with the Secretary of
11 Energy, the Attorney General, the Secretary of
12 Defense, and the Secretary of Transportation,
13 shall establish a national certification program,
14 which may utilize or expand the national school-
15 house established under paragraph (2), that in-
16 cludes—

17 “(i) standards for legal, operational,
18 and technical proficiency;

19 “(ii) use of only counter-unmanned
20 aircraft system technologies included on
21 the joint authorized list described in para-
22 graph (2)(A)(iii); and

23 “(iii) mandatory coordination proto-
24 cols with the Federal Aviation Administra-

tion to protect the national airspace system.

“(C) REPORTS.—Not later than 1 year after the date of enactment of the Critical Infrastructure Airspace Defense Act, and biannually thereafter, the Secretary, in coordination with the Secretary of Energy, the Attorney General, the Secretary of Defense, and the Secretary of Transportation, shall submit to the appropriate congressional committees an unclassified report with a classified annex on activities carried out by critical infrastructure owners and operators exercising the authority granted by subsection (a)(3) and subject to the training and certification requirements described in this paragraph, including—

“(i) a description of the training and certification procedures developed and implemented pursuant to this paragraph; and

“(ii) a list of personnel that applied for and were certified to exercise the authorities granted by subsection (a)(3).”;

(4) in subsection (e), by striking “each Secretary” and inserting “the Secretary, the Secretary of Transportation”;

(5) in subsection (g)(3), by striking “subsection (a)(2)” and inserting “paragraph (2) or (3) of subsection (a)”;

(6) in subsection (h), by striking “subsection (k)(3)(C)(iii)” and inserting “subsection (l)(3)(C)(iii)”;

(7) in subsection (j), by adding at the end the following:

“(3) CRITICAL INFRASTRUCTURE AUTHORITY.—The authority relating to critical infrastructure facilities established under subsection (a)(3) shall terminate on September 30, 2031.”;

(8) in subsection (k), by striking “subsection (k)(3)(C)(iii)” and inserting “subsection (l)(3)(C)(iii)”;

(9) in subsection (l)—

(A) by striking paragraph (10);

(B) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (4), (6), (7), (8), (10), (9), and (5), respectively, and moving the paragraphs so as to appear in numerical order;

(C) by inserting after paragraph (2) the following:

1 “(3) The term ‘covered critical infrastructure
 2 facility’ means a critical infrastructure facility des-
 3 ignated by the Secretary of Homeland Security, in
 4 consultation with the Secretary of Energy, as a
 5 high-risk site, including, at a minimum, nuclear gen-
 6 erating stations, key substations, transformer sta-
 7 tions, and control centers of the bulk power sys-
 8 tem.”;

9 (D) in paragraph (6), as so redesignated,
 10 by striking “meaning” and inserting “mean-
 11 ings”;

12 (E) in paragraph (8), as so redesignated,
 13 by adding at the end the following:

14 “(C) For purposes of subsection (a)(3), the
 15 term ‘personnel’ means officers, employees, or
 16 contractors of the owner or operator of a cov-
 17 ered critical infrastructure facility who are as-
 18 signed duties that include the security or pro-
 19 tection of the facility.”; and

20 (F) in paragraph (10), as so redesignated,
 21 by striking the comma after “44801”.

22 **SEC. 4. CRITICAL INFRASTRUCTURE COUNTER-UNMANNED**
 23 **AIRCRAFT SYSTEM GRANT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
 25 rity, in coordination with the Secretary of Energy, shall

1 establish a counter-unmanned aircraft system grant pro-
2 gram for critical infrastructure owners and operators to
3 purchase, install, and operate approved counter-unmanned
4 aircraft systems.

5 (b) ELIGIBILITY.—Grants may be awarded to owners
6 and operators of covered critical infrastructure facilities,
7 as defined in subsection (l)(3) of section 210G of the
8 Homeland Security Act of 2002 (6 U.S.C. 124n), as added
9 by this Act.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$250,000,000 for fiscal
12 years 2027 through 2031 to carry out this section.

13 **SEC. 5. LIABILITY PROTECTION.**

14 Any action taken in accordance with the authorities
15 granted under subsection (a)(3) of section 210G of the
16 Homeland Security Act of 2002 (6 U.S.C. 124n), as added
17 by this Act, shall be deemed to be a Federal action for
18 purposes of liability protection, and no owner, operator,
19 or authorized personnel, as defined in subsection (l) of
20 such section 210G, as added by this Act, shall be liable
21 for any civil or criminal claim arising from such author-
22 ized action, except in cases of gross negligence or willful
23 misconduct.

1 **SEC. 6. RULEMAKING AND IMPLEMENTATION.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Homeland Security, in coordi-
4 nation with the Secretary of Energy, the Attorney Gen-
5 eral, and the Administrator of the Federal Aviation Ad-
6 ministration, shall issue regulations and guidance to im-
7 plement this Act, including procedures for real-time co-
8 ordination with the national airspace system.

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