

PROTECTING CRITICAL INFRASTRUCTURE AGAINST
DRONES AND EMERGING THREATS ACT

NOVEMBER 22, 2019.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 4432]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4432) to require the Department of Homeland Security to prepare a terrorism threat assessment relating to unmanned aircraft systems, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Critical Infrastructure Against Drones and Emerging Threats Act”.

SEC. 2. DRONE AND EMERGING THREAT ASSESSMENT.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall—

(1) in consultation with other relevant officials of the Department, request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of unmanned aircraft systems and other emerging threats associated with such new technologies;

(2) in consultation with relevant officials of the Department and other appropriate agencies of the Federal Government, develop and disseminate a security threat assessment regarding unmanned aircraft systems and other emerging threats associated with such new technologies; and

(3) establish and utilize, in conjunction with the Chief Information Officer of the Department and other relevant entities, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, including by establishing a voluntary mechanism whereby critical infrastructure owners and operators may report information on emerging threats, such as the threat posed by unmanned aircraft systems.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall prepare a threat assessment and report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the threat posed by unmanned aircraft systems, including information collected from critical infrastructure owners and operators and Federal, State, and local government agencies. Such assessment and report shall also include a classified plan to mitigate such threat, as appropriate.

(c) **DEFINITIONS.**—

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

(2) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” has the meaning given such term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note; Public Law 112–95).

PURPOSE AND SUMMARY

H.R. 4432, the “Protecting Critical Infrastructure Against Drones and Emerging Threats Act,” requires the Under Secretary for Intelligence and Analysis of the Department of Homeland Security (DHS) to partner with other Federal agencies, State and local governments, and private sector entities to obtain terrorism threat information relating to unmanned aircraft systems and other emerging technologies. Additionally, the bill requires DHS to develop a threat assessment of the amassed information and create a secure information sharing platform where the agency can collect and analyze data from its partners and critical infrastructure owners and operators.

BACKGROUND AND NEED FOR LEGISLATION

In September 2019, Iranian-backed forces used drones to strike Saudi Arabian crude oil infrastructure, disrupting the production of almost six million barrels of oil per day.¹ This incident served as an important reminder about the threats unauthorized unmanned

¹Ben Hubbard, et al., *Two Major Saudi Oil Installations Hit by Drone Strike, and U.S. Blames Iran*, N.Y. Times (Sep.15, 2019), <https://www.nytimes.com/2019/09/14/world/middleeast/saudi-arabia-refineries-drone-attack.html>.

aerial systems, or drones, pose to critical infrastructure globally. As the world's leader in crude oil and natural gas production, the global economy is tied to the success and security of the U.S. energy infrastructure. Pipelines, refineries, storage facilities, and petrochemical production plants all face security risks from unmanned aircraft systems.

Energy infrastructure is only one of several Federally-designated critical infrastructure sectors that, if targeted, could pose a significant threat to national security. Transportation, water, electric energy, and dams are all critical infrastructure systems that may be susceptible to kinetic attacks, particularly by drones. Currently, however, there is no central location where the owners and operators of critical infrastructure can submit information on threats that they observe. Representative Cedric Richmond (D-LA) introduced H.R. 4432 to ensure that owners and operators of critical infrastructure assets can share such threat information with DHS.

HEARINGS

For the purposes of section 103(i) of H. Res 6. of the 116th Congress, the following hearings were used to develop H.R. 4432:

- On June 25, 2019, the Committee held a hearing entitled “Cybersecurity Challenges for State and Local Governments: Assessing How the Federal Government Can Help.” The Committee received testimony from Keisha Lance Bottoms, Mayor, City of Atlanta; Thomas Duffy, Senior Vice President of Operations and Chair of Multi-State ISAC, Center for Internet Security; Ahmad Sultan, Affiliated Researcher, Center for Long Term Cybersecurity, University of California, Berkeley; and Frank J. Cilluffo, Director, McCrary Institute for Cyber and Critical Infrastructure Security, Auburn University.

- On September 10, 2019, the Committee held a hearing entitled “Global Terrorism: Threats to the Homeland, Part I.” The Committee received testimony from Peter Bergen, Vice President, Global Studies and Fellows, New America; Ali Soufan, Founder, the Soufan Center; Brian Levin, Director, Center for the Study of Hate and Extremism; and Thomas Joscelyn, Senior Fellow, Foundation for the Defense of Democracies.

COMMITTEE CONSIDERATION

The Committee met on September 25, 2019, with a quorum being present, to consider H.R. 4432 and ordered the measure to be reported to the House with a favorable recommendation, with an amendment, by unanimous consent.

The following amendment was offered and agreed to by unanimous consent:

An amendment offered by Mr. Crenshaw.

Page 3, line 13, insert the following after “agencies.”: “Such assessment and report shall also include a classified plan to mitigate such threat, as appropriate.”.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4432.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET AUTHORITY,
ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2019.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4432, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4432, Protecting Critical Infrastructure Against Drones and Emerging Threats Act			
As ordered reported by the House Committee on Homeland Security on September 25, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 4432 would require the Department of Homeland Security (DHS) to prepare assessments of the threats presented by unarmed aircraft systems (or drones) and other emerging threats associated with such new technologies. DHS is currently carrying out activities similar to those required by the bill. Any new activities required under the bill would not require substantial action by the department and would cost less than \$500,000, CBO estimates.

The CBO staff for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4432 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 4432 is to improve terrorism threat information sharing relating to unmanned aircraft systems and emerging technology between the Department of Homeland Security, Federal, state and local governments, and critical infrastructure owner and operators through the dissemination of threat assessments and by developing a platform for the voluntary sharing of threat information from critical infrastructure owners and operators.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Protecting Critical Infrastructure Against Drones and Emerging Threats Act.”

Sec 2. Drone and emerging threat assessment

This section requires the Under Secretary for Intelligence and Analysis (I&A) of the Department of Homeland Security to gather information from across the Federal government, State and local government agencies, and the private sector relating to terrorism threats from unmanned aircraft systems and other emerging terrorism threats associated with new technologies.

The I&A Under Secretary is directed to develop and disseminate, in consultation with relevant Federal agencies, a terrorism threat assessment regarding unmanned aircraft systems and other emerging terrorism threats associated with new technologies.

Further, the I&A Under Secretary is required to develop a secure information sharing platform for the access, receipt, and analysis of data and threat information by DHS. Additionally, DHS must establish a voluntary mechanism where critical infrastructure owners and operators may report information on emerging terrorism threats.

The I&A Under Secretary is also required to prepare, within one year, and share with Federal, State, and local governments, a terrorism threat assessment on the terrorism threat posed by unmanned aircraft systems.

Lastly, this section exempts activities related to the Drone and Emerging Threat Assessment from the “Paperwork Reduction Act,” and defines the terms “critical infrastructure” and “unmanned aircraft system.”