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Part 1

COUNTER-UAS AUTHORITY SECURITY, SAFETY, AND REAUTHORIZATION ACT

SEPTEMBER 20, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 8610]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 8610) to reauthorize and reform counter-unmanned aircraft system authorities, to improve transparency, security, safety, and accountability related to such authorities, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Counter-UAS Authority Security, Safety, and Reauthorization Act".

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

SEC. 2. DEFINITIONS.

(a) APPLICATION OF TERMS.—Unless otherwise specified, the terms in section 44801 of title 49, United States Code, shall apply to this Act.

(b) IN GENERAL.—In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) COVERED AIRPORT.—The term "covered airport" means—

(A) a large hub airport (as defined in section 47102 of title 49, United States Code);

(B) a medium hub airport (as defined in section 47102 of title 49, United States Code); or

(C) an airport with a total annual landed weight of all-cargo of more than 7,500,000,000 pounds in 2021 or any year thereafter.

(3) COVERED ENTITY.—The term "covered entity" means—

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

(B) with respect to a public gathering, the organizing entity of such gathering.

(4) COVERED SITE.—The term "covered site" means—

(A) a fixed site facility related to—

(i) critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities;

(ii) oil refineries and chemical facilities;

(iii) amusement parks; or

(iv) State prisons;

(B) the location of a large public gathering described in section 44812(c) of title 49, United States Code; or

(C) the site with respect to which a flight restriction is maintained pursuant to section 521 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 40103 note).

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

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

(1) in subsection (a) by striking "(as defined by the Secretary or the Attorney General, in consultation with the Secretary of Transportation)" and inserting "(as defined by the Secretary and the Attorney General, in coordination with the Secretary of Transportation)";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting "or unmanned aircraft" after "During the operation of the unmanned aircraft system";

(ii) in subparagraph (D) by striking "Seize or exercise control of" and inserting "Seize, exercise control of, or otherwise confiscate";

(iii) by striking subparagraph (E); and

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

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

"(2) COORDINATION.—

"(A) IN GENERAL.—The Secretary and the Attorney General shall coordinate with the Secretary of Transportation in carrying out the actions described in paragraph (1).

"(B) DETERMINATION BY ADMINISTRATOR OF FEDERAL AVIATION ADMINISTRATION.—Before the Secretary and the Attorney General may take or authorize the taking of an action under this section, the Administrator of the Federal Aviation Administration shall determine if such action would result in an adverse impact on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system. If the Administration determines such action would not result in such an adverse impact, the Secretary and the Attorney General may take or authorize the taking of such action. If the Administrator determines such action would result in such an adverse impact, the Secretary and the Attorney General shall coordinate with the Administrator to take any necessary action to ensure that such an adverse impact can be sufficiently mitigated.

"(3) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

"(A) IN GENERAL.—The Secretary, the Attorney General, and the Secretary of Transportation may conduct research on, testing on, training on, and evaluation of equipment, including electronic equipment, and technology to determine the capability and utility of such equipment or technology for any action described in paragraph (1), including prior to the initial use of such equipment or technology.

"(B) COORDINATION.—The Secretary, the Attorney General, and the Secretary of Transportation shall coordinate activities under this paragraph and mutually share data and results from such activities.

"(4) LIST OF AUTHORIZED EQUIPMENT AND TECHNOLOGIES.—

"(A) LIST.—Not later than 1 year after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Secretary, in coordination with the Attorney General and the Administrator of the Federal Aviation Administration, shall maintain a list of approved makes and models of counter-UAS detection and mitigation systems, equipment, and technology. Such list shall include the following:

"(i) A description of the specific detection or mitigation functions of each such system, equipment, or technology that enable each such system, equipment, or technology to carry out an action described in paragraph (1).

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

"(iii) Any conditions or restrictions generally applicable to the use, location, or positioning of each such system, equipment, or technology, including whether and how each such system, equipment, or technology may be suitable for use in terminal airspace.

"(B) IMPACT DETERMINATION BY ADMINISTRATOR.—A counter-UAS detection or mitigation system, equipment, or technology may not be included on the list maintained under subparagraph (A) unless the Administrator of the Federal Aviation Administration makes a written determination that—

"(i)(I) the system, equipment, or technology meets any applicable minimum performance requirements as described in section 44810(e) of title 49, United States Code; and

"(II) the use of such system, equipment, or technology does not present an adverse impact on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system; or

"(ii) in the event the Administrator identifies such an adverse impact from such system, equipment, or technology, such an adverse impact can be sufficiently mitigated and the mitigation activities are described in the list maintained under subparagraph (A) or in a manner determined by the Administrator.

"(C) SPECTRUM IMPACT CONSULTATION.—The Secretary, the Attorney General, and the Administrator of the Federal Aviation Administration shall

consult with the Federal Communications Commission or the Administrator of the National Telecommunications and Information Administration, as appropriate, to determine whether the use of a counter-UAS detection or mitigation system, equipment, or technology on the list maintained under subparagraph (A)—

"(i) does not present an adverse impact on civilian telecommunications, communications spectrum, internet technology, or radio communications networks or systems; or

"(ii) in the event that such an adverse impact is identified, such impact can be sufficiently mitigated, or the system, equipment, or technology is excluded from the list maintained under subparagraph (A) until such an adverse impact is sufficiently mitigated.

"(D) LIMITATION ON INCLUSION OF COUNTER-UAS SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTERPRISES.—

"(i) LIMITATION.—The Secretary may not include on the list maintained under subparagraph (A) a counter-UAS detection and mitigation systems, equipment, and technology, manufactured or developed by a covered manufacturer.

"(ii) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements in effect as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.

"(iii) AUTHORIZED UTILIZATION.—Upon the inclusion of a counter-UAS detection or mitigation system, equipment, or technology on the list maintained under subparagraph (A), the Secretary and the Attorney General may utilize such system, equipment, or technology for any action described in paragraph (1).

"(iv) EXCEPTION.—The Secretary of Homeland Security is exempt from the limitation under this subsection if the Secretary determines that the operation or procurement of such system is for the sole purpose of research, evaluation, training, testing, or analysis.

"(v) DEFINITIONS.—In this subparagraph:

"(I) COVERED MANUFACTURER.—The term 'covered manufacturer' means an entity that is owned by, controlled by, is a subsidiary of, or is otherwise related legally or financially to, a person based in a country that—

"(aa) is identified as a nonmarket economy country (as defined in section 771 of the Tariff Act of 1930 (19 U.S.C. 1677)) as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act;

"(bb) was identified by the United States Trade Representative in the most recent report required under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of such section; and

"(cc) is subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

"(II) OTHERWISE RELATED LEGALLY OR FINANCIALLY.—The term 'otherwise related legally or financially' does not include a minority stake relationship or investment.

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prevent the Secretary, the Attorney General, or the Administrator of the Federal Aviation Administration from exercising any authority to counter unmanned aircraft systems in effect prior to the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.";

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

"(2) COORDINATION.—The Secretary, the Secretary of Transportation, and the Attorney General shall coordinate to develop their respective regulations and guidance under paragraph (1) before issuing any such regulation or guidance.";

(4) in subsection (e)—

(A) by striking paragraph (3) and inserting the following:

"(3) records of such communications are disposed of immediately following an action described in subsection (b)(1) to mitigate a credible threat referred to in subsection (a), except that if the Secretary or the Attorney General determines that maintenance of such records is necessary to investigate or prosecute a violation of law is required by Federal law or for the purpose of litigation, such records may be maintained for not more than 90 days;"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A) by striking "are not disclosed outside the Department of Homeland Security or the Department of Justice unless" and inserting "are not shared outside of personnel of the department in possession of such communications, except if"; and

(ii) in subparagraph (B) by striking ", or any regulatory, statutory, or other enforcement action relating to";

(5) in subsection (f) by striking "within the Department of Homeland Security or the Department of Justice";

(6) in subsection (g)—

(A) in paragraph (1) by striking "the Secretary and the Attorney General shall, respectively," and inserting "the Secretary, the Attorney General, and the Secretary of Transportation shall jointly";

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

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

"(A) The number of instances and a description of each instance in which actions described in subsection (b)(1) have been taken, including all such instances that—

"(i) equipment, system, or technology disrupted the transmission of radio or electronic signals, including and disaggregated by whether any such disruption was minimized;

"(ii) may have resulted in harm, damage, or loss to a person or to private property, including and disaggregated by whether any such harm, damage, or loss was minimized;

"(iii) resulted in successful seizure, exercise of control, or confiscation under subsection (b)(1)(D); or

"(iv) required the use of reasonable force under subsection (b)(1)(E).

"(B) The frequency and nature of instances in which communications were intercepted or acquired during the course of actions described in subsection (b)(1), including the following:

"(i) The approximate number and nature of incriminating communications intercepted.

"(ii) The approximate number and nature of other communications intercepted.

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

"(i) shared with the Department of Justice or another Federal law enforcement agency, including a list of receiving Federal law enforcement agencies; or

"(ii) maintained for more than 90 days.

"(D) The number of instances and a description of each instance in which the Secretary, Secretary of Transportation, or the Attorney General have engaged with Federal, State, or local law enforcement agencies to implement the authority under this section, including the number of instances that resulted in a criminal investigation or litigation.

"(E) Information on the on the implementation of paragraphs (3) and (4)(A) of subsection (b), including regarding equipment or technology, including electronic equipment to address emerging trends and changes in unmanned aircraft system or unmanned aircraft system-related security threats.";

(C) in paragraph (5)—

(i) in the first sentence—

(I) by striking "new technology" and inserting "counter-UAS detection and mitigation system, equipment, or technology approved under subsection (b)(4)"; and

(II) by striking "the Secretary and the Attorney General shall, respectively," and inserting "the Secretary, in coordination with the Secretary of Transportation and the Attorney General, shall"; and

(ii) in the second sentence, by striking "to the national airspace system" and inserting "to the safety and operation of the national airspace system"; and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(7) by striking subsection (i) and inserting the following:

"(i) TERMINATION.—The authority under this section shall terminate on October 1, 2029.";

(8) in subsection (k)—

(A) in paragraph (1)(B) by striking "the Committee on Energy and Commerce,";

(B) in paragraph (3)—

(i) in subparagraph (A) by striking "the Secretary or the Attorney General, in coordination with the Secretary of Transportation" and inserting "the Secretary, in coordination with the Secretary of Transportation and the Attorney General,";

(ii) in subparagraph (C)—

(I) in clause (i)—

(aa) in subclause (II), by striking "or" after the semicolon; and

(bb) by adding at the end the following:

"(IV) the security or protection functions for facilities, assets, and operations of Homeland Security Investigations; or

"(V) the security and protection of public airports (as such term is defined in section 47102 of title 49, United States Code) under section 7 of the Counter-UAS Authority Security, Safety, and Reauthorization Act;"; and

(II) in clause (ii)—

(aa) in subclause (I)—

(AA) in item (aa), by striking "section 533 of title 28, United States Code" and inserting "paragraph (2) or (3) of section 533 of title 28, United States Code, and that is limited to a specified period of time and location"; and

(BB) in item (bb), by inserting before the semicolon the following: ", and that is limited to a specified period of time and location"; and

(bb) in subclause (III), by striking ", as specified in" and inserting "pursuant to";

(C) in paragraph (6), by striking "purposes of subsection (a)" and inserting "purposes of subsection (a) and paragraph (4) of subsection (e)"; and

(D) in paragraph (8) in the matter preceding subparagraph (A)—

(i) by striking "and efficiency of the national airspace system" and inserting ", efficiency, and operation of the national airspace system"; and

(ii) by striking "the Secretary or the Attorney General, respectively," and inserting "the Secretary, in coordination with the Secretary of Transportation and the Attorney General,"; and

(9) by striking subsection (l) and inserting the following:

"(l) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, and annually thereafter, the Secretary, in coordination with the Secretary of Transportation and the Attorney General, shall submit to the appropriate congressional committees a report that contains the following:

"(1) The information required under subsection (g)(2).

"(2) A description of any guidance, policies, programs, and procedures to mitigate or eliminate any adverse impact of the activities carried out pursuant to this section, or the use of any counter-UAS detection or mitigation system, equipment, or technology, on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system.

"(3) A description of the guidance, policies, programs, and procedures established to address privacy, civil rights, and civil liberties issues implicated by the activities carried out pursuant to this section."; and

(10) by adding at the end the following:

"(m) COUNTER-UAS SYSTEM TRAINING.—The Attorney General, in coordination with the Secretary of Homeland Security (acting through the Director of the Federal Law Enforcement Training Centers) may—

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

"(2) establish or designate 1 or more facilities or training centers for the purpose described in paragraph (1).

"(n) COUNTER-UAS DETECTION AND MITIGATION SYSTEM OPERATOR QUALIFICATION AND TRAINING CRITERIA.—

"(1) IN GENERAL.—The Secretary and Attorney General, in coordination with the Administrator of the Federal Aviation Administration, shall establish standards for initial and recurring training programs or certifications for individuals seeking to operate counter-UAS detection and mitigation systems, equipment, or technology.

"(2) TRAINING CRITERIA.—In carrying out paragraph (1), the Secretary and the Attorney General shall, at a minimum—

"(A) consider the potential impacts of such systems, equipment, or technology to aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the civilian use of airspace, and appropriate actions to maintain aviation safety, as determined by the Administrator;

"(B) establish interagency coordination requirements prior to deployment of such systems, equipment, or technology; and

"(C) establish the frequency at which an individual authorized to operate counter-UAS detection and mitigation systems, equipment, or technology shall complete and renew such training or certification.".

SEC. 4. FAA COUNTER-UAS ACTIVITIES.

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

"§ 44810. Counter-UAS activities

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may take such actions as described in paragraph (2) that are necessary to—

"(A) detect or mitigate a credible threat (as defined by the Secretary of Homeland Security and Attorney General, in consultation with the Administrator) that an operation of an unmanned aircraft or an unmanned aircraft system poses to the safe and efficient operation of the national airspace system; or

"(B) test or evaluate the potential adverse impacts or interference of a counter-UAS detection or mitigation system, equipment, or technology on or with safe airport operations, aircraft navigation, air traffic services, or the safe and efficient operation of the national airspace system.

"(2) AUTHORIZED ACTIONS.—In carrying out paragraph (1), the Administrator may take the following actions:

"(A) Detect, identify, monitor, and track an unmanned aircraft system or unmanned aircraft, without prior consent from the operator of such system or aircraft, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

"(B) Contact or warn the operator of an unmanned aircraft system of a potential counter-UAS action authorized under this subsection.

"(C) Seize, exercise control of, or otherwise confiscate an unmanned aircraft system or unmanned aircraft.

"(D) Disrupt control of, disable, damage, or destroy an unmanned aircraft or unmanned aircraft system, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft or unmanned aircraft system.

"(b) APPLICABILITY OF OTHER LAWS.—

"(1) IN GENERAL.—Section 46502 of this title or sections 32, 1030, and 1367 and chapters 119 and 206 of title 18 shall not apply to activities authorized by the Administrator pursuant to this section.

"(2) PRIVACY PROTECTION.—In implementing the requirements of this section, the Administrator, in coordination with the Attorney General and Secretary of Homeland Security, shall ensure that—

"(A) the interception or acquisition of, or access to, or maintenance or use of, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and applicable provisions of Federal law;

"(B) communications to or from an unmanned aircraft system are intercepted or acquired only to the extent necessary to support an action as described under subsection (a)(2);

"(C) records of such communications are disposed of immediately following herein authorized activity to mitigate a credible threat, unless the Administrator, the Secretary of Homeland Security, or the Attorney General determine that maintenance of such records—

"(i) is necessary to investigate or prosecute a violation of law;

"(ii) would directly support the Department of Defense, a Federal law enforcement agency, or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to an action described in subsection (a)(2);

"(iii) is between the Secretary of Homeland Security and the Attorney General in the course of a security or protection operation of either agency or a joint operation of such agencies; or

"(iv) is otherwise required by law; and

"(D) to the extent necessary, the Secretary of Homeland Security and the Attorney General are authorized to share threat information, which shall not include communications described in this subsection, with State, local, territorial, or tribal law enforcement agencies in the course of a security or protection operation.

"(c) OFFICE OF COUNTER-UAS ACTIVITIES.—

"(1) IN GENERAL.—There is established within the Federal Aviation Administration an Office of Counter-UAS Activities for purposes of managing and directing the counter-UAS activities of the Administration.

"(2) DIRECTOR.—The Administrator shall designate a Director of Counter-UAS Activities, who shall be the head of the Office.

"(3) DUTIES.—In carrying out the activities described in paragraph (1), the Director shall—

"(A) coordinate with other offices of the Administration to ensure that such activities do not adversely impact aviation safety or the efficiency of the national airspace system;

"(B) lead the development and implementation of counter-UAS activity strategic planning within the Federal Aviation Administration; and

"(C) serve as the Administration's primary point of contact for coordinating counter-UAS activities, including such activities of—

"(i) Federal and State agencies;

"(ii) covered airports; and

"(iii) other relevant stakeholders; and

"(D) carry out other such counter-UAS activities as the Administrator may prescribe.

"(d) INTERAGENCY COORDINATION.—

"(1) IN GENERAL.—The Administrator shall coordinate with the Secretary of Homeland Security and the Attorney General to carry out this section, subject to any restrictions of the Secretary or Attorney General's authority to acquire, deploy, and operate counter-UAS systems, equipment, or technology.

"(2) NON-DELEGATION.—Nothing under this section shall permit the Administrator to delegate any authority granted to the Administrator to any other Federal agency.

"(e) COUNTER-UAS DETECTION AND MITIGATION SYSTEM PERFORMANCE REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Administrator, in coordination with the Secretary and the Attorney General, shall establish minimum performance requirements for the safe and reliable deployment or use of counter-UAS detection and mitigation systems, equipment, and technology within the national airspace system.

"(2) CONSIDERATIONS.—

"(A) AVIATION SAFETY.—In establishing minimum performance requirements under paragraph (1), the Administrator shall—

"(i) leverage data collected in testing and evaluation activities conducted under this section and any other relevant testing and evaluation data determined appropriate by the Administrator;

"(ii) determine the extent to which a counter-UAS detection or mitigation system, equipment, or technology can safely operate without disrupting or interfering with the operation of aircraft or other national airspace system users; and

"(iii) establish specific requirements for the deployment and use of such systems, equipment, or technology in terminal airspace.

"(B) EFFICACY.—In establishing minimum performance requirements under subsection (a), the Administrator shall consider criteria, as determined by the Secretary of Homeland Security, to determine the degree to which counter-UAS detection and mitigation systems, equipment, or technology reliable and effective in detecting or mitigating unauthorized unmanned aircraft system operations independent of data or information provided by the system manufacturer of such unmanned aircraft system.

"(C) OTHER INTERFERENCE.—In establishing minimum performance requirements under subsection (a), the Administrator shall consider criteria, as determined by the Federal Communications Commission, to determine the extent to which counter-UAS detection and mitigation systems, equipment, or technology can be safely operated without disrupting or interfering with the operation of civilian communications and information technology networks and systems, including such networks and systems that rely on radio frequency or cellular network communications links.

"(3) DEMONSTRATION.—The Administrator shall develop a standardized process by which a manufacturer or end-user of a counter-UAS detection or mitigation system, equipment, or technology may demonstrate that such system, equipment, or technology meets the requirements established pursuant to paragraph (1), which may include validation by an independent third party.

"(4) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall require the Administrator to conduct a rulemaking in publishing minimum performance requirements under such paragraph.

"(f) COUNTER-UAS SYSTEM TESTING, EVALUATION, AND VALIDATION.—

"(1) EVALUATION AND VALIDATION.—The Administrator may conduct such testing, evaluation, and validation of counter-UAS detection and mitigation systems, equipment, and technology as necessary to ensure—

"(A) such systems, equipment, and technology will not have an adverse impact on the safe and efficient operation of the national airspace system or transportation safety; and

"(B) such systems, equipment, and technology meet minimum performance requirements under subsection (e).

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

"(3) AIRSPACE HAZARD MITIGATION PROGRAM.—

"(A) TESTING PROGRAM.—In order to test and evaluate counter-UAS systems, equipment, or technology that detect or mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such systems or technology at 5 airports, as appropriate, and any other location the Administrator determines appropriate.

"(B) TESTING AND EVALUATION.—Notwithstanding section 46502 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, the Administrator of the Federal Aviation Administration may conduct testing and evaluation of any counter-UAS detection or mitigation system, equipment, or technology to assess potential impacts on, or interference with, safe airport operations, aircraft and air traffic navigation, air traffic services, or the safe and efficient operation of the national airspace system.

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

"(g) LIMITATIONS ON OPERATION OF COUNTER-UAS SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTERPRISES.—

"(1) LIMITATION.—Notwithstanding any other provision of this section, the Administrator may not acquire, deploy, or operate, or authorize the acquisition, deployment, or operation of, a counter-UAS system or any associated elements, including software, manufactured or developed by a covered manufacturer.

"(2) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements in place on the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.

"(3) EXCEPTION.—The Secretary of Transportation is exempt from the limitation under this subsection if the Secretary determines that the operation or procurement of such system supports the safe, secure, or efficient operation of the national airspace system or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence Center of Excellence, FAA-authorized unmanned aircraft systems test ranges, and any other testing and evaluation activity deemed to support the safe, secure, or efficient operation of the national airspace system or maintenance of public safety, as determined by the Secretary.

"(4) DEFINITIONS.—In this subsection:

"(A) COVERED MANUFACTURER.—The term 'covered manufacturer' means an entity that is owned by, controlled by, is a subsidiary of, or is otherwise related legally or financially to, a person based in a country that—

"(i) is identified as a nonmarket economy country (as defined in section 771 of the Tariff Act of 1930 (19 U.S.C. 1677)) as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act;

"(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

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

"(B) OTHERWISE RELATED LEGALLY OR FINANCIALLY.—The term 'otherwise related legally or financially' does not include a minority stake relationship or investment.

"(h) BRIEFINGS.—

"(1) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

"(A) IN GENERAL.—The Administrator shall provide the specified committees of Congress a briefing not less than once every 6 months on the activities carried out pursuant to this section.

"(B) CONTENT.—Each briefing required under this paragraph shall include—

"(i) the number of instances and a description of each instance in which actions described in subsection (a)(2) have been taken, including all such instances that—

"(I) equipment, systems, or technology disrupted the transmission of radio or electronic signals, including and disaggregated by whether any such disruption was minimized;

"(II) may have resulted in harm, damage, or loss to a person or to private property, including and disaggregated by whether any such harm, damage, or loss was minimized;

"(III) resulted in the successful seizure, exercise of control, or confiscation under subsection (a)(2); or

"(IV) required the use of reasonable force under subsection (a)(2);

"(ii) the frequency and nature of instances in which communications were intercepted or acquired during the course of actions described in subsection (a)(2), including—

"(I) the approximate number and nature of incriminating communications intercepted;

"(II) the approximate number and nature of other communications intercepted; and

"(III) the total number of instances in which records of communications intercepted or acquired during the course of actions described in subsection (a)(2) were—

"(aa) shared with the Department of Justice or another Federal law enforcement agency, including a list of receiving Federal law enforcement agencies; or

"(bb) maintained for more than 90 days;

"(iii) the number of instances and a description of each instance in which Administrator of the Federal Aviation Administration has engaged with Federal, State, or local law enforcement agencies to implement the authority under this section, including the number of instances that resulted in a criminal investigation or litigation; and

"(iv) information on the actions carried out under subparagraphs (C) and (D) of subsection (a)(2), including equipment or technology to address emerging trends and changes in unmanned aircraft system or unmanned aircraft system-related security threats.

"(C) CLASSIFICATION.—

"(i) IN GENERAL.—Each briefing required under this subsection shall be in an unclassified form, but shall be accompanied by an additional classified briefing at the request of the Chair or Ranking Member of any specified committee of Congress.

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

"(I) a description of instances in which an active mitigation action under this section has been taken, including all such instances that may have resulted in harm, damage, or loss to an individual or to private property; and

"(II) a description of each covered site, including the capabilities of counter-UAS systems used at such sites.

"(2) NOTIFICATION.—Beginning 180 days after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Administrator shall—

"(A) notify the specified committees of Congress of any newly authorized acquisition, deployment, or operation of a counter-UAS system, equipment or technology under this section not later than 90 days after such newly authorized acquisition, deployment, or operation; and

"(B) in providing a notification under subparagraph (A), include a description of options considered to mitigate any identified impacts to the national

airspace system related to the use of any counter-UAS system, technology, or equipment operated at a covered site, including the minimization of the use of any technology, equipment or system that disrupts the transmission of radio or electronic signals.

"(i) DEFINITIONS.—In this section:

"(1) SPECIFIED COMMITTEES OF CONGRESS.—The term 'specified committees of Congress' means—

"(A) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

"(B) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

"(2) STATE.—The term 'State' means a State, the District of Columbia, and a territory or possession of the United States.

"(j) SUNSET.—This section ceases to be effective on October 1, 2029.".

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

"44810. Counter-UAS activities.".

SEC. 5. ADDITIONAL LIMITED AUTHORITY FOR DETECTION, IDENTIFICATION, MONITORING, AND TRACKING.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Administrator of the Federal Aviation Administration and the Attorney General, may authorize the acquisition, deployment, and operation of approved counter-UAS detection systems, equipment or technology intended to be used for the detection of unmanned aircraft systems by a covered entity.

(b) REQUIRED APPLICATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security, in coordination with the Administrator and the Attorney General, not later than 180 days after the establishment of the list of approved makes and models of counter-UAS detection systems, equipment, and technology, shall establish an application process to authorize the acquisition, deployment, and operation of an approved counter-UAS detection system, equipment, or technology by a Federal, State, local, territorial, or Tribal law enforcement agency, in partnership with a covered entity, at a covered site.

(2) APPLICATION REQUIREMENTS.—The application described in paragraph (1) shall contain—

(A) a justifiable need (based on a threat posed by an unmanned aircraft or unmanned aircraft system to a covered site) to detect an unmanned aircraft system with an approved counter-UAS detection system, equipment, or technology;

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

(i) be subject to the approval of the Secretary of Homeland Security, the Administrator of the Federal Aviation Administration, and the Attorney General; and

(ii) include—

(I) a description of the covered site or sites at which the counter-UAS detection system, equipment, or technology will be deployed and operated;

(II) a description of the time periods and dates during which the counter-UAS detection system, equipment, or technology will be operated;

(C) a written agreement between the covered entity and a Federal, State, local, or Tribal law enforcement agency to operate such approved counter-UAS detection system, equipment, or technology at a covered site on behalf of such covered entity;

(D) proof of completion of initial and recurrent training or certification requirements under section 210G(n) of the Homeland Security Act of 2002 (6 U.S.C. 124n(n)); and

(E) any other requirements the Secretary determines appropriate.

(c) AGREEMENTS.—Upon approval of an application required under subsection (b) by the Secretary of Homeland Security, the Secretary shall enter into an agreement with the applicable covered entity to authorize the acquisition, deployment, and operation of an approved counter-UAS detection system, equipment, or technology, that shall specify, at a minimum—

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

(2) the covered site or sites at which the system, equipment, or technology may be operated;

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

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

(d) REVOCATION.—The Secretary shall revoke the authorization or approval for the deployment and operation of an approved counter-UAS detection system, equipment, or technology pursuant to this section if the Secretary determines that the covered entity has not—

(1) maintained an agreement that is acceptable to the Secretary with a Federal, State, local, or Tribal law enforcement agency to operate such approved counter-UAS detection system, equipment, or technology on behalf of the covered entity;

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

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

(e) COORDINATION.—The Secretary shall coordinate with the Administrator of the Federal Aviation Administration and the Attorney General in carrying out the application and agreement processes under this section.

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

(g) PREVIOUSLY ACQUIRED COUNTER-UAS SYSTEMS.—If the Administrator finds that a covered entity acquired and operated a counter-UAS detection system, equipment, or technology prior to the date of enactment of this Act, the Secretary may authorize the use of such system, equipment, or technology if—

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

(2) such covered entity submits an application under subsection (b) and enters into required agreements under subsection (c).

(h) AUDITS.—Not later than 18 months after the date of enactment of this Act, and every 18 months thereafter, the inspectors general of the Department of Transportation, the Department of Homeland Security, and the Department of Justice shall conduct a joint audit of the implementation of the requirements of this section, section 6, or section 7.

(i) REPORT TO CONGRESS.—Not later than 90 days after the date on which the inspectors general complete each audit required under subsection (h), the inspector generals shall submit to the appropriate committees of Congress a report on the findings of such audit and any recommendations related to the administration of this section.

(j) TERMINATION OF AUTHORITY.—The authorities under this section shall terminate on October 1, 2029.

(k) SAVINGS CLAUSE.—

(1) RULES OF CONSTRUCTION.—

(A) SAFETY AND EFFICIENCY.—Nothing in this section or section 6 shall be construed to limit or restrict the Administrator of the Federal Aviation Administration from ensuring the safety and efficiency of the national airspace system.

(B) PRECLUSION.—Nothing in this section or section 7 shall be construed to preclude a covered entity from acquiring and operating an approved counter-UAS detection system, equipment, or technology without an authorization if the lawful operation of such system, equipment, or technology does not—

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

(ii) adversely impact the safe operation of the national airspace system.

(2) SUSPENSION OF AUTHORITY.—

(A) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Attorney General, may suspend the authority provided under this section or section 6 if the Administrator—

(i) determines that the exercise of such authority threatens the safety or efficiency of the national airspace system; and

(ii) conveys in writing the determination to the Secretary of Homeland Security.

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

(l) APPROVED COUNTER-UAS DETECTION SYSTEM DEFINED.—In this section, the term "approved counter-UAS detection system" means a counter-UAS detection system approved under section 210G(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that meets the minimum performance requirements established pursuant to section 44810(e) of title 49, United States Code.

SEC. 6. COUNTER-UAS MITIGATION LAW ENFORCEMENT PILOT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, not later than 180 days after the first determination that a counter-UAS system with mitigation capabilities meets the requirements of section 44810(e) of title 49, United States Code, the Secretary of Homeland Security, in coordination with the Attorney General and the Administrator of the Federal Aviation Administration, shall establish a pilot program to assess the efficacy of approved counter-UAS mitigation systems at covered sites and determine the appropriate policies, procedures, and protocols necessary to allow State and covered local law enforcement agencies (in coordination with the Secretary, Attorney General, and Administrator) to acquire, deploy, and operate approved counter-UAS mitigation systems and mitigate unauthorized UAS operations on behalf of covered entities.

(b) REQUIRED APPLICATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security, in coordination with the Attorney General and the Administrator, shall establish an application process to authorize the acquisition, deployment, and operation of an approved counter-UAS mitigation system, equipment, or technology by a State or covered local law enforcement agency, in partnership with a covered entity, at a covered site.

(2) APPLICATION REQUIREMENTS.—The application described in paragraph (1) shall contain—

(A) a justifiable need (based on a threat posed by an unmanned aircraft or unmanned aircraft system to a covered site) to mitigate an unmanned aircraft system with an approved counter-UAS mitigation system, equipment, or technology;

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

(i) be subject to the approval of the Secretary of Homeland Security, the Attorney General, and the Administrator of the Federal Aviation Administration; and

(ii) include—

(I) a description of the covered site or sites at which the counter-UAS mitigation system, equipment, or technology will be deployed and operated; and

(II) a description of the time periods and dates during which the counter-UAS mitigation system, equipment, or technology will be operated;

(C) a written agreement between the covered entity and a State or covered local law enforcement agency to operate such approved counter-UAS mitigation system, equipment, or technology at a covered site on behalf of such covered entity;

(D) proof of completion of initial and recurrent training or certification requirements under section 210G(n) of the Homeland Security Act of 2002 (6 U.S.C. 124n(n));

(E) proof that the airspace above such covered site is restricted by a temporary flight restriction, a determination under section 2209 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note), or any other similar restriction determined appropriate by the Secretary; and

(F) any other requirements the Secretary determines appropriate.

(c) AGREEMENTS.—Upon approval of an application required under subsection (b) by the Secretary of Homeland Security, the Secretary shall enter into an agreement with the applicable covered entity and State or covered local law enforcement agency to authorize the acquisition, deployment, operation of an approved counter-UAS mitigation system, equipment, or technology, that shall specify, at a minimum—

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

(2) the covered site or sites at which the system, equipment, or technology may be operated;

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

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

(5) the frequency with which the appropriate Federal agency representatives shall conduct periodic site visits to ensure compliance with the approved terms and conditions of deployment and operations of the approved counter-UAS mitigation system, equipment, or technology;

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

(7) the post-event reporting requirements specified in subsection (d)(3).

(d) REQUIRED COORDINATION AND NOTIFICATION.—

(1) IN GENERAL.—Until the date that is 270 days after the initial deployment of an authorized counter-UAS system, equipment, or technology, the Secretary of Homeland Security shall expressly approve, on a case-by-case basis, the mitigation of unmanned aircraft system by a State or covered local law enforcement agency under this section.

(2) VERIFICATION AND NOTIFICATION.—In carrying out paragraph (1), the Secretary of Homeland Security shall—

(A) verify that there is a justifiable threat that warrants the use of such counter-UAS system, equipment, or technology;

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

(i) be conducted in a manner consistent with the agreement between the Secretary and the State or covered local law enforcement agency; and

(ii) abide by all safety protocols, terms, and conditions established for the use of such system, equipment, or technology at the covered site; and

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

(3) REPORT.—

(A) IN GENERAL.—Not later than 24 hours after each mitigation of a UAS conducted under the authorities in this section, the relevant State or covered local law enforcement agency shall submit to the Secretary of Homeland Security, the Administrator of the Federal Aviation Administration, and the Attorney General a post-event report.

(B) CONTENTS.—The report under subparagraph (A) shall include all relevant information pertaining to the event, including the drone operation, and subsequent mitigation and enforcement actions, and subsequent enforcement actions, as specified by the Secretary.

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

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

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

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

(f) COORDINATION.—The Secretary shall coordinate with the Administrator of the Federal Aviation Administration and the Attorney General in carrying out the application, agreement, and revocation processes under this section.

(g) SELECTION CRITERIA.—

(1) AIRSPACE CONSIDERATIONS.—

(A) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Secretary of Homeland Security and the Attorney General, shall make a site-specific determination for each covered site selected under the pilot program established under this section to ensure that any potential use of counter-UAS mitigation systems, equipment, or technology at the covered site will not adversely impact the safe oper-

ation of the national airspace system, including any airport that is located near the covered site.

(B) INELIGIBILITY FOR PARTICIPATION.—If an adverse impact is identified under subparagraph (A) and cannot be safely mitigated to the satisfaction of the Administrator, the covered site is not eligible for participation in the pilot program established under this section.

(2) PROGRAM SIZE, REVIEW, AND EXPANSION.—

(A) INITIAL SIZE.—The program established under subsection (a) may include not more than 5 State or covered local law enforcement agencies.

(B) RESTRICTION.—No State or covered local law enforcement agency participating in the pilot program established under subsection (a) may operate approved counter-UAS mitigation systems, equipment, or technology at more than 4 covered sites.

(C) REVIEW AND EXPANSION.—Not later than 18 months after approved counter-UAS mitigation systems, equipment, or technology are deployed for use by State or covered local law enforcement agencies participating in the pilot program established under subsection (a), the Secretary, in coordination with the Administrator and the Attorney General, shall review the preliminary results of such pilot program and, if appropriate, take such actions as may be necessary to revise or expand, subject to the availability of trained personnel, the number of law enforcement agencies permitted to participate in the program by 10.

(3) REVIEW AND EXPANSION.—Not later than 3 years after approved counter-UAS mitigation systems, equipment, or technology are deployed at the 5 covered sites selected under subsection (a), the Secretary, in coordination with the Administrator and the Attorney General, shall review the preliminary results of such pilot program and, if appropriate, take such actions as may be necessary to revise or expand counter-UAS system mitigation authorities, subject to the availability of trained personnel, to not more than 20 covered sites under the pilot program.

(h) REQUIRED BRIEFING.—Not later than 6 months after the establishment of the pilot program under this section, and every 6 months thereafter, the Secretary shall brief the appropriate committees of Congress on the progress and findings of the pilot program established under this section, including a description of all mitigation events reported under subsection (d).

(i) SUNSET.—The authority under this section shall terminate on October 1, 2029.

(j) DEFINITIONS.—In this section:

(1) APPROVED COUNTER-UAS DETECTION SYSTEM.—The term "approved counter-UAS detection system" means a counter-UAS detection system approved under section 210G(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that meets the minimum performance requirements established pursuant to section 44810(e) of title 49, United States Code.

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

SEC. 7. COUNTER-UAS SYSTEM PLANNING AND DEPLOYMENT AT AIRPORTS.

(a) STRATEGIC AIRPORT PLANNING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Homeland Security and the Attorney General, shall develop a plan for operations at covered airports of counter-UAS detection and mitigation systems, equipment, or technology that meet the performance requirements described in section 44810(e) of title 49, United States Code, for purposes of—

(A) ensuring the safety and security of aircraft; and

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

(2) CONTENTS.—The plan required under paragraph (1) shall consider, at a minimum—

(A) the roles and responsibilities of—

(i) Federal agency personnel, including air traffic control personnel and Federal Air Marshal resources;

(ii) relevant airport personnel; and

(iii) any other stakeholder the Administrator determines appropriate in the terminal airspace;

(B) operational procedures, protocols, policies, and guidelines pertaining to the deployment of such systems, equipment, or technology;

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

(D) funding responsibilities and mechanisms for the acquisition, deployment, and operation of such systems, equipment or technology;

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

(F) reporting requirements associated with the use of such systems, equipment, or technology;

(G) initial operator training and recurrent training requirements;

(H) how the remote identification of unmanned aircraft systems can be leveraged for the operation of counter-UAS systems, equipment or technology; and

(I) any other content as determined necessary by the Administrator, the Secretary, and the Attorney General.

(3) COORDINATION.—In developing the plan described in paragraph (1), the Administrator—

(A) shall coordinate with the Secretary of Homeland Security and the Attorney General to consider, and if determined appropriate by the Administrator, include requirements and procedures for—

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

(ii) developing airport-specific coordination and communication requirements with Federal agencies, local law enforcement, and airport personnel appropriate for the scope of such plan;

(iii) tactical response and status reporting during events within the scope of such plan; and

(iv) acquisition and deployment of counter-UAS systems, equipment, or technology within the scope of such plan; and

(B) shall consult with airport and law enforcement stakeholders, including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, as appropriate.

(4) PERIODIC UPDATE.—In carrying out this subsection, the Administrator shall review and update such plan not less than annually.

(b) COUNTER-UAS DETECTION SYSTEMS AT AIRPORTS.—

(1) IN GENERAL.—Pursuant to the plan required in subsection (a) and subject to available appropriations, the Administrator, in coordination with the Secretary of Homeland Security, the Attorney General, and other relevant Federal agencies, shall provide for the deployment of approved counter-UAS detection systems, equipment, or technology within the terminal airspace of—

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

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

(C) each medium hub airport (as defined in section 47102 of title 49, United States Code), not later than 4 years after the publication of the performance requirements described in section 44810(e) of title 49, United States Code.

(2) PRE-DEPLOYMENT ACTIVITIES.—The Administrator of the Federal Aviation Administration, in consultation with the Federal Communications Commission, the National Telecommunications and Information Administration, and other Federal agencies as appropriate, shall conduct site-specific spectrum and suitability assessments for each selected airport under the program, based on the specific counter-UAS detection systems, equipment, or technology intended to be deployed.

(c) COUNTER-UAS MITIGATION AT AIRPORTS.—

(1) ESTABLISHMENT.—Pursuant to the plan required in subsection (a), the Secretary of Homeland Security, jointly with the Administrator of the Federal Aviation Administration and in coordination with the Attorney General, shall, subject to the availability of appropriations, establish a pilot program to assess the feasibility of deploying approved counter-UAS mitigation systems, equipment, and technology capable of mitigating unmanned aircraft and unmanned aircraft systems for purposes of responding to a persistent disruption of air traffic operations caused by unauthorized unmanned aircraft system activity.

(2) DEPLOYMENT OF COUNTER-UAS MITIGATION SYSTEMS.—The pilot program shall include deployment of approved counter-UAS mitigation systems, equip-

ment, or technology at up to 5 covered airports not later than 2 years after the publication of the performance requirements described in section 44810(e) of title 49, United States Code.

(3) SELECTION.—The Administrator shall provide the Secretary of Homeland Security a list of covered airports eligible for inclusion in the pilot program, based on the suitability of each such airport for counter-UAS system, equipment, or technology deployment.

(4) PRE-DEPLOYMENT ACTIVITIES.—The Administrator shall, in consultation with the Federal Communications Commission, the National Telecommunications and Information Administration, and other Federal agencies as appropriate, conduct site-specific spectrum and suitability assessments for each selected airport under the program, based on the specific counter-UAS mitigation systems, equipment, or technology to be deployed, prior to the operation of such systems at each selected airport.

(5) LIMITATIONS ON MITIGATION ACTIVITIES.—

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

(B) EMERGENCY, TEMPORARY DEPLOYMENT.—The Secretary of Homeland Security or the Administrator, may, on a case-by-case basis, authorize an emergency, temporary deployment and operation of systems, equipment, or technology capable of mitigating unmanned aircraft and unmanned aircraft systems to a public airport (as defined under section 47102 of title 49, United States Code) not participating in the pilot program for purposes of responding to a persistent disruption of air traffic operations caused by unauthorized unmanned aircraft system activity.

(d) SITE SPECIFIC PLANNING.—

(1) IN GENERAL.—Prior to the deployment and operation of a counter-UAS detection or mitigation system, equipment, or technology at an airport as described in subsection (b) and paragraph (1) of subsection (c), the Secretary and the Administrator shall coordinate with airport personnel, including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, State law enforcement, and other relevant stakeholders to develop a site-specific plan for the use of counter-UAS detection and mitigation systems, equipment, or technology at such airport.

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

(A) roles and responsibilities of—

(i) Federal agency personnel, including air traffic control personnel;

(ii) airport law enforcement and security personnel;

(iii) State law enforcement personnel;

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

(v) any other stakeholder in a terminal airspace the Secretary and Administrator determine appropriate;

(B) operational procedures, protocols, policies, and guidelines pertaining to the deployment, use, and maintenance of such systems, equipment, or technology;

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

(D) reporting requirements associated with the use of such systems, equipment, or technology;

(E) initial and recurring counter-UAS operator training requirements;

(F) appropriate consideration of, and updates to, counter-UAS emergency response plans for an airport; and

(G) any other content as determined necessary by the Secretary and the Administrator.

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

(f) PREVIOUSLY ACQUIRED COUNTER-UAS SYSTEMS.—If the Administrator finds that an airport acquired and operated a counter-UAS detection system, equipment, or technology prior to the date of enactment of this Act, the Administrator may authorize the use of such system, equipment, or technology under this subsection if—

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

(2) such airport agrees to such terms and conditions as the Administrator may prescribe under this subsection.

(g) DEFINITIONS.—In this section:

(1) APPROVED COUNTER-UAS DETECTION SYSTEM DEFINED.—The term "approved counter-UAS detection system" means a system approved under section 210G(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that meets the minimum performance requirements established pursuant to section 44810(e) of title 49, United States Code.

(2) APPROVED COUNTER-UAS MITIGATION SYSTEM DEFINED.—The term "approved counter-UAS mitigation system" means a system approved under section 210G(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 124n(b)(4)) and that meets the minimum performance requirements established pursuant to section 44810(e) of title 49, United States Code.

SEC. 8. UAS DETECTION AND MITIGATION ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, is amended by adding at the end the following:

"§ 44815. Unmanned aircraft system detection and mitigation enforcement

"(a) PROHIBITION.—

"(1) IN GENERAL.—No person may carelessly or recklessly operate a system, equipment, or technology to detect, identify, monitor, track, or mitigate an unmanned aircraft system or unmanned aircraft in a manner that adversely impacts or interferes with safe airport operations, navigation, or air traffic services, or the safe and efficient operation of the national airspace system.

"(2) ACTIONS BY THE ADMINISTRATOR.—The Administrator of the Federal Aviation Administration may take such action as may be necessary to address the adverse impacts or interference of operations that violate paragraph (1).

"(b) RULE OF CONSTRUCTION.—The term 'person' as used in this section does not include—

"(1) the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government; or

"(2) an officer, employee, or contractor of the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government if the officer, employee, or contractor is authorized by the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government to operate a system or technology referred to in subsection (a)(1).".

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

"(9) PENALTIES RELATING TO THE OPERATION OF UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGATION TECHNOLOGIES.—Notwithstanding paragraphs (1) and (5) of subsection (a), the maximum civil penalty for a violation of section 44815 committed by a person described in such section, including an individual or small business concern, shall be the maximum civil penalty authorized under subsection (a)(1) of this section for persons other than an individual or small business concern.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 448 of title 49, United States Code, is amended by adding at the end the following:

"44815. Unmanned aircraft system detection and mitigation enforcement".

SEC. 9. REPORTING ON COUNTER-UAS ACTIVITIES.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall issue, in coordination with the Administrator of the Federal Aviation Administration and the Attorney General, a public report summarizing the results of all counter-UAS detection and mitigation activities conducted pursuant to this Act during the previous year.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) information on any violation of, or failure to comply with, this Act or the amendments made by this Act by personnel authorized to conduct detection and mitigation activities, including a description of any such violation or failure;

(2) data on the number of detection activities conducted, the number of mitigation activities conducted, and the number of instances of communications interception from an unmanned aircraft system;

(3) whether any unmanned aircraft that experienced mitigation was engaged in First Amendment-protected activities, and whether any unmanned aircraft or unmanned aircraft systems were properly or improperly seized, disabled, damaged, or destroyed as well as methods used to seize, disable, damage, or destroy such aircraft or systems; and

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

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

PURPOSE OF LEGISLATION

The purpose of H.R. 8610 is to reauthorize and reform counter-unmanned aircraft system authorities, to improve transparency, security, safety, and accountability related to such authorities, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 8610 reauthorizes and improves oversight of the current counter unmanned aircraft system (counter-UAS) authorities of the Department of Homeland Security (DHS) and Department of Justice (DOJ), expands limited counter-UAS authorities to the Federal Aviation Administration (FAA), and gradually expands authorities for counter-UAS detection and mitigation to eligible non-Federal entities, including certain critical infrastructure facilities.

The market for unmanned aircraft systems, commonly referred to as "drones" or "UAS", has grown substantially over the last five years. It is expected that the market for, and use of, UAS in the United States will only continue to grow as the industry awaits several key final rules from the FAA to safely scale more complex drone operations, such as those conducted beyond an operator's visual line of sight (BVLOS).[1] In 2016, the FAA reportedly certified a total of 20,000 remote pilot's (RP's), today, that number has grown to over 400,000.[2] Additionally, as of August 8, 2024, over 785,000 UAS are registered with the FAA.[3] Agency forecasts predict that number will grow in excess of one million in a few short years.[4] UAS are a revolutionary aviation technology that has the potential to improve traditional models of infrastructure inspection, agricultural applications, and commercial delivery of both medical goods and consumer commodities. As UAS continue to integrate into the National Airspace System (NAS), it is critical that Federal agencies are equipped with the necessary resources and authorities to handle unlawful, malicious, and even potentially dangerous UAS operations.

In 2016, Congress began to contemplate an appropriate counter-UAS framework. Section 2209 of the *FAA Extension, Safety, and Security Act of 2016* (P.L. 114–190) required the Secretary of Transportation to establish a process through which applicants could petition the FAA to prohibit or restrict the operations of UAS in close proximity to a fixed site facility. Fixed sites facilities were defined in the law as critical infrastructure, oil refineries and chemical facilities, amusement parks, and other locations that war-

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[1] *FAA Reauthorization Act of 2024*, Pub. L. No. 118–63, § 930.

[2] EMERGING AVIATION ENTRANTS: UNMANNED AIRCRAFT SYSTEMS AND ADVANCED AIR MOBILITY, FEDERAL AVIATION ADMINISTRATION (2023), *available at* https://www.faa.gov/data_research/aviation/aerospace_forecasts/unmanned_aircraft_systems.pdf.

[3] U.S. DEP'T OF TRANSP., FEDERAL AVIATION ADMINISTRATION, *Drones by the Numbers* (last updated Aug. 8, 2024), *available at* https://www.faa.gov/node/54496.

[4] FEDERAL AVIATION ADMINISTRATION, *FAA Aerospace Forecast Fiscal Years 2023–2043*, (last updated July 2024), *available at* https://www.faa.gov/sites/faa.gov/files/2023-Unmanned%20Aircraft%20Systems%20and%20Advance%20Air%20Mobility_0.pdf.

ranted such a restriction.[5] Unfortunately, delays in implementing such a process continue as industry awaits a final rulemaking from the agency on this important and timely issue.

The *Preventing Emerging Threats Act of 2018* in Division H of the *FAA Reauthorization Act of 2018* (P.L. 115–254) built upon the work done in the *FAA Extension, Safety, and Security Act of 2016* (P.L. 114–190) and constituted one of the first major instances of Congressional action taken to address the need for a robust and comprehensive counter-UAS framework. The law provided DHS and DOJ with the authority to, in coordination with the Department of Transportation (DOT), protect certain critical facilities and assets from the threats posed by credible UAS threats.[6] Under this statute, the Departments are granted relief (known as title 18 relief) from Federal criminal laws and prohibitions related to aircraft sabotage and piracy; oral, wire, and electronic communications; and satellite interference, among others, to take counter-UAS detection and mitigation actions. The authorities provided to DHS and DOJ were modeled closely after existing authorities granted to the Department of Defense (DOD) and Department of Energy (DOE) to ensure they could carry out joint mission operations. Additionally, DHS was required to complete an assessment of (1) the drone threats to United States critical infrastructure and to large hub airports; (2) Federal, state, local, territorial or tribal law enforcement authorities to counter UAS threats and any changes to these authorities; (3) the effectiveness and efficiency of current procedures and resources available to critical infrastructure owners to mitigate drone threats; and (4) any additional research and development the Department needs to counter such threats.

Furthermore, the *FAA Reauthorization Act of 2024* (P.L. 118–63) included provisions related to counter-UAS capabilities. Section 935 of the law stood up a novel process by which eligible entities can petition the FAA for a temporary flight restriction (TFR) over large public gatherings, such as concerts and music festivals. Historically, outdoor events such as Major League Baseball, National Football League, and National Collegiate Athletic Association sporting events have been afforded TFRs. This section also extends such protections to large outdoor gatherings hosted in a stadium or venue through a tiered approach based on expected attendance.[7] Additionally, section 904 extends authorities of the FAA's Airport Safety and Airspace Hazard Mitigation and Enforcement program through September 30, 2028. This program was established under the *2018 FAA Reauthorization Act* to test and evaluate counter-UAS technologies and systems that could detect and mitigate safety risks posed by UAS at and near airports. Lastly, section 1112 extends the DHS' and DOJ's existing counter drone authorities through October 1, 2024.

Recent events have reignited discussions about the importance of counter-UAS detection and mitigation capabilities and have demonstrated the ease with which bad actors can buy cheap commercially available UAS to carry and drop explosive payloads, deliver harmful and illegal substances, and conduct surveillance. To date, numerous Federal agencies such as the United States Secret Serv-

[5] *FAA Extension, Safety, and Security Act of 2016*, Pub. L. No. 114–190, 130 Stat. 615.
[6] *FAA Reauthorization Act of 2018*, Pub. L. No. 115–254, 132 Stat. 3186.
[7] *FAA Reauthorization Act of 2024*, Pub. L. No. 118–63, § 935.

ice (USSS), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), United States Marshals Service (USMS), and the Federal Bureau of Prisons (BOP) utilize UAS to carry out their respective missions.[8]

H.R. 8610, the *Counter-UAS Authority Security, Safety, and Reauthorization Act,*[9] represents Congress's strongest effort, to date, to build a counter-UAS framework that will allow DHS, DOJ, FAA, and other eligible entities to respond to the UAS threats facing critical infrastructure, United States airports and other key sites. H.R. 8610 amends section 210G of the *Homeland Security Act of 2002* [10] to reauthorize, reform, and reasonably expand the counter-UAS authorities of DHS and DOJ through October 1, 2029. The legislation provides Homeland Security Investigations, the principal investigative component of DHS, with counter-UAS authorities and requires DHS to maintain a list of approved counter-UAS detection and mitigation systems. In establishing and maintaining such a list, DHS and DOJ are required to establish standards for counter-UAS system training programs and operator qualifications. Perhaps most importantly, the legislation increases Americans' privacy and civil liberty protections by ensuring that information gathered by approved counter-UAS systems is not misused or retained for extended periods of time.

Additionally, H.R. 8610 provides the FAA with counter-UAS authorities to ensure the safe and efficient operation of the NAS through October 1, 2029. To facilitate such responsibilities, the legislation establishes an Office of Counter-UAS Activities at the FAA which will manage coordination requirements with other Federal agencies and eligible entities and carry out the FAA's counter-UAS activities. The FAA is also required to establish minimum performance requirements for counter-UAS systems used by Federal agencies and other eligible entities to ensure aviation safety.

H.R. 8610 represents the first time that the Federal Government has contemplated how these counter-UAS detection and mitigation systems may be used by Federal, state, local, and territorial law enforcement agencies to protect covered sites from errant drone operations. In fact, the legislation establishes a first of its kind pilot program under which up to five state and local law enforcement agencies may operate approved counter-UAS mitigation systems, on behalf of a covered entity, at up to four sites. If the initial results are deemed successful by DHS, in coordination with FAA and DOJ, the program can expand operations to up to another ten law enforcement agencies, also at four sites each.

In addition, H.R. 8610 seeks to establish a framework for counter-UAS operations in an airport environment where safety is non-negotiable. It requires the FAA, in coordination with DHS and DOJ, to develop a plan for counter-UAS operations at airports. As part of the plan, FAA, in coordination with DHS and DOJ, shall deploy counter-UAS detection systems at large hub, medium hub, and at least three cargo mega hub airports once certain pre-deploy-

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[8] DEPARTMENT OF JUSTICE SUMMARY OF UNMANNED AIRCRAFT SYSTEMS (UAS) OPERATIONS DURING FISCAL YEAR 2022, UNITED STATES DEPARTMENT OF JUSTICE (2022), *available at* https://www.justice.gov/d9/pages/attachments/2023/04/03/uas_operations_during_fy_2022.pdf.

[9] *Counter-UAS Authority Security, Safety, and Reauthorization Act of 2024*, H.R. 8610, 118th Cong. (2024).

[10] *Homeland Security Act of 2002*, Pub. L. No. 107–296, 116 Stat. 2135.

ment activities are conducted. Going further, the language requires the FAA and DHS to establish a counter-UAS mitigation pilot program at up to five of the Core 30 airports to assess the feasibility of mitigating errant UAS operations within the airport environment. Furthermore, the bill prohibits non-Federal or unauthorized counter-UAS operations that may adversely impact aviation safety and authorizes the FAA to enforce such prohibition through civil penalties.

As UAS continue to integrate into the NAS, it is imperative that Congress and Federal agencies have the authorities and resources necessary to conduct oversight of these technologies to ensure the safety and efficiency of the NAS and the American people. H.R. 8610 represents Congress's most comprehensive, bipartisan counter-UAS undertaking to date and makes significant progress towards protecting the flying public and critical sites on the ground from credible UAS threats.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearing was used to develop or consider H.R. 8610:

On Thursday, March 30, 2023, the Subcommittee on Aviation held a hearing entitled, "*FAA Reauthorization: Harnessing the Evolution of Flight to Deliver for the American People.*" At the hearing, Members received testimony from two panels of witnesses. The first panel was comprised of Mr. Adam Woodworth, Chief Executive Officer, Wing; Dr. Catherine Cahill, Ph.D., Director, Alaska Center for UAS Integration, University of Alaska Fairbanks; Ms. Roxana Kennedy, Chief of Police, Chula Vista Police Department; and Dr. Stuart Ginn, M.D., Medical Director for WakeMed Health and Hospitals. This panel focused on the certification, operations, and safe integration of new entrants into the NAS in advance of Congress acting to reauthorize the FAA's statutory authorities. Members heard from stakeholders within the healthcare, law enforcement, consumer delivery, and test and evaluation industries and discussed potential legislative solutions for safely integrating UAS into the NAS and expanding counter-UAS authorities.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 8610, the "*Counter-UAS Authority Security, Safety, and Reauthorization Act*", was introduced in the United States House of Representatives on June 4, 2024, by Rep. Mark Green (R–TN–07), Rep. Bennie Thompson (D–MS–02), Rep. Sam Graves (R–MO–06), Rep. Rick Larsen (D–WA–02), and Rep. Jerrold Nadler (D–NY–12) and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary and the Committee on Homeland Security. Within the Committee on Transportation and Infrastructure, H.R. 8610 was referred to the Subcommittee on Aviation. The Subcommittee on Aviation was discharged from further consideration of H.R. 8610 on September 18, 2024.

The Committee considered H.R. 8610 on September 18, 2024, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by voice vote.

The following amendments were offered:

An en bloc Amendment to H.R. 8610, offered by Chairman Graves, including a manager's amendment offered by Chairman Graves and an amendment offered by Mr. Van Drew of New Jersey (Van Drew REVISION 2): Page 18, line 7, strike "2028" and insert "2029". Page 28, beginning on line 24, strike "The Administrator" and insert "Not later than 270 days after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Administrator". Page 31, after line 8, insert the following: "Rule of Construction.—Nothing in paragraph (1) shall require the Administrator to conduct a rulemaking in publishing minimum performance requirements under such paragraph". Page 40, line 17, strike "2028" and insert "2029". Page 41, line 15, insert "not later than 180 days after the establishment of the list of approved makes and models of counter-UAS detection systems, equipment, and technology," before "shall establish". Page 45, line 2, strike "or section 6" and insert "section 6, or section 7". Page 46, line 6, strike "2028" and insert "2029". Page 46, strike lines 8 through 12 and insert the following: "Rules of Construction.—(A) Safety and Efficiency.—Nothing in this section or section 6 shall be construed to limit or restrict the Administrator of the Federal Aviation Administration from ensuring the safety and efficiency of the national airspace system. (B) Preclusion.—Nothing in this section or section 7 shall be construed to preclude a covered entity from acquiring and operating an approved counter-UAS detection system, equipment, or technology without an authorization if the lawful operation of such system, equipment, or technology does not—(i) require the relief provided under subsection (f); and (ii) adversely impact the safe operation of the national airspace system". Page 47, line 14, strike "STATE". Page 47, beginning on line 23, strike "at not more than 5 covered sites". Page 47, line 25, strike "such". Page 48, line 2, insert "and covered local" after "State". Page 48, line 15, insert "or covered local" after "State". Page 49, line 19, insert "or covered local" after "State". Page 50, after line 2, insert the following (and redesignate the subsequent subparagraph accordingly): "Proof that the airspace above such covered site is restricted by a temporary flight restriction, a determination under section 2209 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note), or any other similar restriction determined appropriate by the Secretary". Page 50, line 8, insert "or covered local" after "State". Page 51, line 7, insert "or covered local" after "State". Page 51, line 18, insert "or covered local" after "State". Page 52, line 5, insert "or covered local" after "State". Mitigation systems, equipment, or technology are deployed for use by State or covered local law enforcement agencies participating in the pilot program established under subsection (a), the Secretary, in coordination with the Administrator and the Attorney General, shall review the preliminary results of such pilot program and, if appropriate, take such actions as may be necessary to revise or expand, subject to the availability of trained personnel, the number of law enforcement agencies permitted to participate in the program by 10. Page 55, line 16, strike "2028" and insert "2029". Page 55, strike lines 17 through 19 and insert the following: "Definitions.—In this section: (1) Approved Counter-UAS Detection System.—The term 'approved counter-UAS detection system' means a counter-UAS detection". Page 55, after

line 24, insert the following: "Covered Local Law Enforcement Agency.—The term 'covered local law enforcement agency' means a local law enforcement agency that has jurisdiction over an area containing a population of at least 650,000 people". Page 58, line 25, insert "including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code," before "as appropriate". Page 63, beginning on line 6, strike "air traffic personnel" and insert "including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code". Page 64, after line 17, insert the following (and redesignate the subsequent subsection accordingly): "Restriction.—No Federal agency may require an airport operator to procure, acquire, deploy, or operate an approved counter-UAS detection system, equipment, or technology, or approved counter-UAS mitigation system, equipment, or technology for or on behalf of the Federal agency". "Previously Acquired Counter-UAS Systems.—If the Administrator finds that an airport acquired and operated a counter-UAS detection system, equipment, or technology prior to the date of enactment of this Act, the Administrator may authorize the use of such system, equipment, or technology under this subsection if—(1) such system, equipment, or technology meets the minimum performance requirements issued pursuant to section 44810(e) of title 49, United States Code; and (2) such airport agrees to such terms and conditions as the Administrator may prescribe under this subsection". Page 52, line 18, insert "or covered local" after "State". Page 53, line 10, insert "or covered local" after "State". Page 54, line 14, insert "including any airport that is located near the covered site". Page 54, strike line 21 and all that follows through page 55, line 7, and insert the following: "Program Size, Review, and Expansion.—(A) Initial Size.—The program established under subsection (a) may include not more than 5 State or covered local law enforcement agencies. (B) Restriction.—No State or covered local law enforcement agency participating in the pilot program established under subsection (a) may operate approved counter-UAS mitigation systems, equipment, or technology at more than 4 covered sites. (C) Review and Expansion.—Not later than 18 months after approved counter-UAS Mitigation systems, equipment, or technology are deployed for use by State or covered local law enforcement agencies participating in the pilot program established under subsection (a), the Secretary, in coordination with the Administrator and the Attorney General, shall review the preliminary results of such pilot program and, if appropriate, take such actions as may be necessary to revise or expand, subject to the availability of trained personnel, the number of law enforcement agencies permitted to participate in the program by 10. Page 55, line 16, strike 2028 and insert 2029. Page 55, strike lines 17 through 19 and insert the following: (j) Definitions.—In this section: (1) Approved counter-UAS detection system.—The term approved counter-UAS detection system means a counter-UAS detection. Page 55, after line 24, insert the following: (2) Covered local law enforcement agency.—The term covered local law enforcement agency means a local law enforcement agency that Has jurisdiction over an area containing a population of at least 650,000 people. Page 58, line 25, insert including the exclusive bargaining representative of air traffic controllers certified under section 7111

of title 5, United States Code, before as appropriate. Page 63, beginning on line 6, strike air traffic personnel and insert including the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code. Page 64, after line 17, insert the following (and redesignate the subsequent subsection accordingly): (e) Restriction.—No Federal agency may require an airport operator to procure, acquire, deploy, or operate an approved counter-UAS detection system, equipment, or technology, or approved counter-UAS mitigation system, equipment, or technology for or on behalf of the Federal agency. (f) Previously Acquired Counter-UAS Systems.—If the Administrator finds that an airport acquired and operated a counter-UAS detection system, equipment, or technology prior to the date of enactment of this Act, the Administrator may authorize the use of Such system, equipment, or technology under this subsection if—(1) such system, equipment, or technology meets the minimum performance requirements issued pursuant to section 44810(e) of title 49, United States Code; and (2) such airport agrees to such terms and conditions as the Administrator may prescribe under this subsection.; and Strike page 3, line 19 through 21 and insert the following: (A) a fixed site facility related to—(i) critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities; (ii) oil refineries and chemical facilities; (iii) amusement parks; or (iv) State prisons; was AGREED TO, en bloc, by voice vote.

An Amendment to H.R. 8610, offered by Mr. Bean of Florida (Bean 042): Page 47, line 23, insert "State law enforcement agency" before "pilot program". Page 47, beginning on line 23, strike "not more than 5 covered sites" and insert "covered sites in not more than 5 State law enforcement agency jurisdictions". Page 54, line 24, strike "covered sites" and insert "State law enforcement agency jurisdictions". Page 55, line 6, strike "covered sites" and insert "State law enforcement agency jurisdictions".; was WITHDRAWN.

An Amendment to H.R. 8610, offered by Mr. Williams of New York (Williams 064): Strike section 6 and insert the following: SEC. 6. PILOT PROGRAM FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL LAW ENFORCEMENT. (a) IN GENERAL.—The Secretary of Homeland Security and the Attorney General may carry out a pilot program to evaluate the potential benefits of State, local, Tribal, and territorial law enforcement agencies taking actions that are necessary to mitigate a credible threat (as defined by the Secretary and the Attorney General, in consultation with the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. (b) DESIGNATION.—(1) IN GENERAL.—The Secretary of Homeland Security or the Attorney General, with the concurrence of the Secretary of Transportation (acting through the Administrator of the Federal Aviation Administration), may, under the pilot program established under subsection (a), designate 1 or more State, local, Tribal, or territorial law enforcement agencies approved by the respective chief executive officer of the State, local, Tribal, or territorial law enforcement agency to engage in the activities authorized in subsection (d) under the direct oversight of the Department or the Department of Justice. (2) DESIGNATION

PROCESS.—(A) NUMBER OF AGENCIES AND DURATION.—On and after the date that is 180 days after the date of enactment of this Act, the Secretary and the Attorney General, pursuant to paragraph (1), may designate a combined total of not more than 12 State, local, Tribal, and territorial law enforcement agencies for participation in the pilot program, and may designate 12 additional State, local, Tribal, and territorial law enforcement agencies each year thereafter, provided that not more than 60 State, local, Tribal, and territorial law enforcement agencies in total may be designated during the 5-year period of the pilot program. (B) REVOCATION.—The Secretary and the Attorney General, in consultation with the Secretary of Transportation (acting through the Administrator of the Federal Aviation Administration)—(i) may revoke a designation under paragraph (1) if the Secretary, Attorney General, and Secretary of Transportation (acting through the Administrator of the Federal Aviation Administration) concur in the revocation; and (ii) shall revoke a designation under paragraph (1) if the Secretary, the Attorney General, or the Secretary of Transportation (acting through the Administrator of the Federal Aviation Administration) withdraws concurrence. (c) TERMINATION OF PILOT PROGRAM.—(1) DESIGNATION.—The authority to designate an agency for inclusion in the pilot program established under this section shall terminate 5 years after the date that is 180 days after the date of enactment of this Act. (2) AUTHORITY OF PILOT PROGRAM AGENCIES.—The authority of an agency designated under the pilot program established under this section to exercise any of the authorities granted under the pilot program shall terminate not later than 6 years after the date that is 180 days after the date of enactment of this Act, or upon revocation subsection (b)(2)(B). (d) AUTHORIZATION.—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, any State, local, Tribal, or territorial law enforcement agency designated pursuant to subsection (b) may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets that are necessary to detect, identify, monitor, track, or mitigate a credible threat (as defined by the Secretary and the Attorney General, in consultation with the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. (e) EXEMPTION.—(1) IN GENERAL.—Subject to paragraph (2), the Chair of the Federal Communications Commission, in consultation with the Administrator of the National Telecommunications and Information Administration, shall implement a process for considering the exemption of 1 or more law enforcement agencies designated under subsection (b), or any station operated by the agency, from any provision of title III of the Communications Act of 1934 (47 U.S.C. 151 et seq.) and may establish conditions or requirements for such exemption. (2) REQUIREMENTS.—The Chair of the Federal Communications Commission, in consultation with the Administrator of the National Telecommunications and Information Administration, may grant an exemption under paragraph (1) only if the Chair of the Federal Communications Commission in consultation with the Administrator of the National Telecommuni-

cations and Information Administration finds that the grant of an exemption—(A) is necessary to achieve the purposes of this section; and (B) will serve the public interest. (3) REVOCATION.—Any exemption granted under paragraph (1) shall terminate automatically if the designation granted to the law enforcement agency under subsection (b)(1) is revoked by the Secretary or the Attorney General under subsection (b)(2)(B) or is terminated under subsection (c)(2). (f) REPORTING.—Not later than 2 years after the date on which the first law enforcement agency is designated under subsection (b), and annually thereafter for the duration of the pilot program, the Secretary and the Attorney General shall inform the appropriate committees of Congress in writing of the use by any State, local, Tribal, or territorial law enforcement agency of any authority granted pursuant to subsection (d), including a description of any privacy or civil liberties complaints known to the Secretary or Attorney General in connection with the use of that authority by the designated agencies. (g) RESTRICTIONS.—Any entity acting pursuant to the authorities granted under this section—(1) may do so only using equipment authorized by the Department, in coordination with the Department of Justice, the Federal Communications Commission, the National Telecommunications and Information Administration, and the Department of Transportation (acting through the Federal Aviation Administration); (2) shall ensure that all personnel undertaking any actions listed under this section are properly trained in accordance with the criteria that the Secretary and Attorney General shall collectively establish, in consultation with the Secretary of Transportation, the Administrator of the Federal Aviation Administration, the Chair of the Federal Communications Commission, the Assistant Secretary of Commerce for Communications and Information, and the Administrator of the National Telecommunications and Information Administration; and (3) shall comply with any additional guidance relating to compliance with this section issued by the Secretary or Attorney General. (h) DEFINITIONS.—In this section: (1) The term "appropriate committees of Congress" means—(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate; and (B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, the Committee on Oversight and Accountability, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives. (2) The term "covered facility or asset" means any facility or asset that—(A) is identified as high-risk and a potential target for unlawful unmanned aircraft or unmanned aircraft system activity by the Secretary of Homeland Security or the Attorney General, or by the chief executive of the jurisdiction in which a State, local, Tribal, or territorial law enforcement agency designated pursuant to subsection (b) operates after review and approval of the Secretary or the Attorney General, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section (except that in the case of the missions described in clauses (i)(II) and (iii)(I) of subparagraph (C), such missions shall be presumed to be for the protection of a facility or asset that is assessed to be high-risk and a potential target for unlawful un-

manned aircraft or unmanned aircraft system activity); (B) is located in the United States; and (C) directly relates to 1 or more—(i) missions authorized to be performed by the Department, consistent with governing statutes, regulations, and orders issued by the Secretary, pertaining to—(I) security or protection functions of U.S. Customs and Border Protection, including securing or protecting facilities, aircraft, and vessels, whether moored or underway; (II) United States Secret Service protection operations pursuant to sections 3056(a) and 3056A(a) of title 18, United States Code, and the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); (III) protection of facilities pursuant to section 1315(a) of title 40, United States Code; (IV) transportation security functions of the Transportation Security Administration; or (V) the security or protection functions for facilities, assets, and operations of Homeland Security Investigations; (ii) missions authorized to be performed by the Department of Justice, consistent with governing statutes, regulations, and orders issued by the Attorney General, pertaining to—(I) personal protection operations by—(aa) the Federal Bureau of Investigation as specified in section 533 of title 28, United States Code; or (bb) the United States Marshals Service as specified in section 566 of title 28, United States Code; (II) protection of penal, detention, and correctional facilities and operations conducted by the Federal Bureau of Prisons and prisoner operations and transport conducted by the United States Marshals Service; (III) protection of the buildings and grounds leased, owned, or operated by or for the Department of Justice, and the provision of security for Federal courts, as specified in section 566 of title 28, United States Code; or (IV) protection of an airport or air navigation facility; (iii) missions authorized to be performed by the Department or the Department of Justice, acting together or separately, consistent with governing statutes, regulations, and orders issued by the Secretary or the Attorney General, respectively, pertaining to—(I) protection of National Special Security Events and Special Event Assessment Rating events; (II) the provision of support to a State, local, Tribal, or territorial law enforcement agency, upon request of the chief executive officer of the State or territory, to ensure protection of people and property at mass gatherings, that is limited to a specified duration and location, within available resources, and without delegating any authority under this section to State, local, Tribal, or territorial law enforcement; (III) protection of an active Federal law enforcement investigation, emergency response, or security function. (v) responsibilities of State, local, Tribal, and territorial law enforcement agencies designated pursuant to subsection (b) pertaining to—(I) protection of National Special Security Events and Special Event Assessment Rating events or other mass gatherings in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency; (II) protection of critical infrastructure facilities and assets within the jurisdiction; or (III) support of security or protection operations for facilities and assets upon the request of the Department of Homeland Security or the Department of Justice. (II) protection of critical infrastructure assessed by the Secretary as high-risk for unmanned aircraft systems or unmanned aircraft attack or disruption, including airports in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency; (III) protection of government buildings, as-

sets, or facilities in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency; or (IV) protection of disaster response in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency. (3) The term "critical infrastructure" has the meaning given the term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)). (4) The term "risk-based assessment" means an evaluation of threat information specific to a covered facility or asset and, with respect to potential vulnerabilities and consequences of a potential attack or disruption. impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary of Homeland Security or the Attorney General, respectively, of each of the following factors: (A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems or unmanned aircraft, aviation safety, airport operations, infrastructure, and air navigation services relating to the use of any system or technology. (B) Options for mitigating any identified impacts to the national airspace system relating to the use of any system or technology, including minimizing, when possible, the use of any technology that disrupts the transmission of radio or electronic signals. (C) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security. (D) The setting and character of any covered facility or asset, including—(i) whether the covered facility or asset is located in a populated area or near other structures; (ii) whether the covered facility or asset is open to the public; (iii) whether the covered facility or asset is used for nongovernmental functions; and (iv) any potential for interference with wireless communications or for injury or damage to persons or property. (E) The setting, character, duration, and national airspace system impacts of National Special Security Events and Special Event Assessment Rating events, to the extent not already discussed in the National Special Security Event and Special Event Assessment Rating nomination process. (F) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems or unmanned aircraft are not mitigated or defeated. (G) Civil rights and civil liberties guaranteed by the First and Fourth Amendments to the Constitution of the United States. (5) The terms "unmanned aircraft" and "unmanned aircraft system" have the meanings given those terms in section 44801 of title 49, United States Code.; was WITHDRAWN.

An Amendment to H.R. 8610, offered by Mr. Williams of New York (Williams 065): Page 3, line 14, strike "and". Page 3, line 16, strike "gathering." and insert "gathering; and". Page 3, after line 16 insert the following: "(C) a specified law enforcement agency." Page 4, after line 4 insert the following: "(5) SPECIFIED LAW ENFORCEMENT AGENCY.—The term 'specified law enforcement agency' means a Federal, State, local, territorial, or Tribal law enforcement agency authorized to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law, including a publicly-operated State correctional facility."; was WITHDRAWN.

An Amendment to H.R. 8610, offered by Mr. Williams of New York (Williams 066): Page 2, after line 19 insert the following (and redesignate subsequent paragraphs accordingly): "(2) CORRECTIONAL FACILITY.—The term 'correctional facility' means any jail, prison, or other penal or detention facility operated by a State, local, Tribal, or territorial law enforcement agency, the primary use of which is for the confinement of an individual who has been arrested, detained, held, or charged with or convicted of a criminal offense." Page 3, line 24, strike "or". Page 4, line 4, strike the period and insert "; or". Page 4, after line 4 insert the following: "(D) a correctional facility."; was WITHDRAWN.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET 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 has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal

and objective of this legislation is to provide to reauthorize and reform counter-unmanned aircraft system authorities, to improve transparency, security, safety, and accountability related to such authorities, and for other purposes.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 8610 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of 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(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 8610 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section. 1. Short title; table of contents

This section contains the bill's short title, *the Counter-UAS Authority Security, Safety, and Reauthorization Act*, and table of contents.

Sec. 2. Definitions

This section contains definitions for several terms used throughout the bill, including "covered site", "covered entity", and "covered airport".

Sec. 3. Protection of certain facilities and assets from unmanned aircraft systems

This section amends section 210G of the *Homeland Security Act of 2002* to reauthorize, reform, and reasonably expand the counter-UAS authorities of DHS and DOJ. This section extends these existing authorities through October 1, 2029. This section also clarifies and improves coordination requirements between DHS, DOJ, DOT, and the FAA.

Additionally, this section increases Americans' privacy and civil liberty protections by ensuring that information gathered by approved counter-UAS systems is not misused or retained for extended periods of time. This section provides Homeland Security Investigations, the principle investigative component of DHS, with counter-UAS authority. Under this section, DHS is provided with counter-UAS authority to protect public airports.

This section also requires DHS, in coordination with DOJ and FAA, to maintain a list of approved models of counter-UAS detection and mitigation systems, equipment, and technology that have been approved after evaluation for adverse aviation safety and spectrum impacts. In maintaining such a list, DHS and DOJ are required to establish standards for counter-UAS system training programs as well as operator qualifications for the use of counter-UAS detection and mitigation systems, equipment, or technology. Further, this section prohibits DHS and DOJ from using or authorizing the use of counter-UAS systems manufactured by certain foreign enterprises. Lastly, this section improves reporting requirements on counter-UAS activities conducted by the authorized Federal agencies.

Sec. 4. FAA counter-UAS activities

This section generally amends section 44810 of title 49, United States Code, to reauthorize and expand counter-UAS authorities and activities of the FAA. This counter-UAS authority, which sunsets on October 1, 2029, to ensure the safe and efficient operation of the NAS. Additionally, this section establishes an Office of Counter-UAS Activities to carry out the counter-UAS activities of the FAA, including managing the coordination requirements with other Federal agencies and eligible entities.

This section also requires the FAA to establish minimum performance requirements within 180 days of enactment for counter-UAS systems used by Federal agencies and other entities to ensure aviation safety. It also establishes privacy protections related to the use of counter-UAS systems. Lastly, this section prohibits the FAA

from using or authorizing the use of counter-UAS systems by certain foreign enterprises.

Sec. 5. Additional limited authority for detection, identification, monitoring, and tracking

This section allows DHS, in coordination with the FAA and DOJ, to authorize and establish an application process for the acquisition, deployment, and operation of counter-UAS systems that require title 18 relief by owners or operators of covered sites, including critical infrastructure. This section also requires a process to ensure that the approved acquirer of such systems enters into an agreement with a Federal, state, local, territorial, or tribal state law enforcement agency to operate their counter-UAS system. Section 5 also permits certain entities that previously acquired or operated counter-UAS systems prior to the enactment of this bill to continue to do so if certain conditions are met. The section also requires the DOT, DOJ and DHS inspector generals to conduct periodic audits of the activities required under this section, and to report any findings and recommendations to Congress. This authority sunsets on October 1, 2029.

Sec. 6. Counter-UAS mitigation state law enforcement pilot program

This section requires DHS, in coordination with the FAA and DOJ, to establish a counter-UAS mitigation pilot program under which five selected state or covered local law enforcement agencies may operate approved counter-UAS mitigation systems and mitigate unauthorized UAS operations on behalf of covered entities at up to four covered sites each. If the result of the pilot program are determined successful, DHS may increase the number of law enforcement agencies in the pilot program by 10, each of which may operate at four covered sites as well. To participate in this pilot program, eligible entities must comply with certain safety requirements and conduct pre-deployment activities. This authority sunsets on October 1, 2029.

Sec. 7. Counter-UAS system planning and deployment at airports

This section requires the FAA, in coordination with DHS and DOJ, to develop a plan for counter-UAS operations at covered airports. This section also requires the FAA, in coordination with DHS and DOJ, to deploy counter-UAS detection systems at each large and medium hub airport, as well as at least three cargo mega hub airports. Additionally, this section requires DHS and FAA to jointly establish a counter-UAS mitigation pilot program at up to five Core 30 airports to assess the feasibility of mitigating UAS within the airport environment.

This section prevents a Federal agency from requiring an airport to procure, acquire, deploy, or operate an approved counter-UAS detection or mitigation system for or on behalf of the federal agency. Furthermore, the section permits airport operators that previously acquired or operated counter-UAS systems prior to the enactment of this bill to continue to do so if certain conditions are met. Finally, this section authorizes DHS and the FAA to deploy and operate counter-UAS systems at public airports on an emergency basis to respond to persistent disruptions of air traffic operations.

Sec. 8. UAS detection and mitigation enforcement authority

This section prohibits non-Federal operators of counter-UAS systems from operating such systems in a manner that adversely impacts aviation safety. This section also provides the FAA with the authority to enforce such prohibition through civil penalties.

Sec. 9. Reporting on counter-UAS activities

This section requires DHS, DOJ, and FAA to issue an annual report on their counter-UAS detection and mitigation activities, including the number of detections and mitigations conducted, descriptions of UAS operator noncompliance events, and how such detections and mitigations were conducted.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * * * *

TITLE II—INFORMATION ANALYSIS

* * * * * * *

Subtitle A—Information and Analysis; Access to Information

* * * * * * *

SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) AUTHORITY.—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, the Secretary and the Attorney General may, for their respective Departments, take, and may authorize personnel with assigned duties that include the security or protection of people, facilities, or assets, to take such actions as are described in subsection (b)(1) that are necessary to mitigate a credible threat [(as defined by the Secretary or the Attorney General, in consultation with the Secretary of Transportation)] *(as defined by the Secretary and the Attorney General, in*

coordination with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—The actions authorized in subsection (a) are the following:

(A) During the operation of the unmanned aircraft system *or unmanned aircraft*, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

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

(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

(D) ⟦Seize or exercise control of⟧ *Seize, exercise control of, or otherwise confiscate* the unmanned aircraft system or unmanned aircraft.

⟦(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.⟧

⟦(F)⟧ *(E)* Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

⟦(2) REQUIRED COORDINATION.—The Secretary and the Attorney General shall develop for their respective Departments the actions described in paragraph (1) in coordination with the Secretary of Transportation.

⟦(3) RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Secretary and the Attorney General shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine its capability and utility prior to the use of any such technology for any action described in subsection (b)(1).

⟦(4) COORDINATION.—The Secretary and the Attorney General shall coordinate with the Administrator of the Federal Aviation Administration when any action authorized by this section might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of the airspace.⟧

(2) COORDINATION.—

(A) IN GENERAL.—The Secretary and the Attorney General shall coordinate with the Secretary of Transportation in carrying out the actions described in paragraph (1).

(B) DETERMINATION BY ADMINISTRATOR OF FEDERAL AVIATION ADMINISTRATION.—Before the Secretary and the Attorney General may take or authorize the taking of an action

under this section, the Administrator of the Federal Aviation Administration shall determine if such action would result in an adverse impact on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system. If the Administration determines such action would not result in such an adverse impact, the Secretary and the Attorney General may take or authorize the taking of such action. If the Administrator determines such action would result in such an adverse impact, the Secretary and the Attorney General shall coordinate with the Administrator to take any necessary action to ensure that such an adverse impact can be sufficiently mitigated.

(3) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

(A) IN GENERAL.—The Secretary, the Attorney General, and the Secretary of Transportation may conduct research on, testing on, training on, and evaluation of equipment, including electronic equipment, and technology to determine the capability and utility of such equipment or technology for any action described in paragraph (1), including prior to the initial use of such equipment or technology.

(B) COORDINATION.—The Secretary, the Attorney General, and the Secretary of Transportation shall coordinate activities under this paragraph and mutually share data and results from such activities.

(4) LIST OF AUTHORIZED EQUIPMENT AND TECHNOLOGIES.—

(A) LIST.—Not later than 1 year after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Secretary, in coordination with the Attorney General and the Administrator of the Federal Aviation Administration, shall maintain a list of approved makes and models of counter-UAS detection and mitigation systems, equipment, and technology. Such list shall include the following:

(i) A description of the specific detection or mitigation functions of each such system, equipment, or technology that enable each such system, equipment, or technology to carry out an action described in paragraph (1).

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

(iii) Any conditions or restrictions generally applicable to the use, location, or positioning of each such system, equipment, or technology, including whether and how each such system, equipment, or technology may be suitable for use in terminal airspace.

(B) IMPACT DETERMINATION BY ADMINISTRATOR.—A counter-UAS detection or mitigation system, equipment, or technology may not be included on the list maintained under subparagraph (A) unless the Administrator of the Federal Aviation Administration makes a written determination that—

(i)(I) the system, equipment, or technology meets any applicable minimum performance requirements as de-

scribed in section 44810(e) of title 49, United States Code; and

(II) the use of such system, equipment, or technology does not present an adverse impact on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system; or

(ii) in the event the Administrator identifies such an adverse impact from such system, equipment, or technology, such an adverse impact can be sufficiently mitigated and the mitigation activities are described in the list maintained under subparagraph (A) or in a manner determined by the Administrator.

(C) SPECTRUM IMPACT CONSULTATION.—The Secretary, the Attorney General, and the Administrator of the Federal Aviation Administration shall consult with the Federal Communications Commission or the Administrator of the National Telecommunications and Information Administration, as appropriate, to determine whether the use of a counter-UAS detection or mitigation system, equipment, or technology on the list maintained under subparagraph (A)—

(i) does not present an adverse impact on civilian telecommunications, communications spectrum, internet technology, or radio communications networks or systems; or

(ii) in the event that such an adverse impact is identified, such impact can be sufficiently mitigated, or the system, equipment, or technology is excluded from the list maintained under subparagraph (A) until such an adverse impact is sufficiently mitigated.

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

(i) LIMITATION.—The Secretary may not include on the list maintained under subparagraph (A) a counter-UAS detection and mitigation systems, equipment, and technology, manufactured or developed by a covered manufacturer.

(ii) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements in effect as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.

(iii) AUTHORIZED UTILIZATION.—Upon the inclusion of a counter-UAS detection or mitigation system, equipment, or technology on the list maintained under subparagraph (A), the Secretary and the Attorney General may utilize such system, equipment, or technology for any action described in paragraph (1).

(iv) EXCEPTION.—The Secretary of Homeland Security is exempt from the limitation under this subsection if the Secretary determines that the operation or procurement of such system is for the sole purpose of research, evaluation, training, testing, or analysis.

(v) DEFINITIONS.—In this subparagraph:

(I) COVERED MANUFACTURER.—The term "covered manufacturer" means an entity that is owned by, controlled by, is a subsidiary of, or is otherwise related legally or financially to, a person based in a country that—

(aa) is identified as a nonmarket economy country (as defined in section 771 of the Tariff Act of 1930 (19 U.S.C. 1677)) as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act;

(bb) was identified by the United States Trade Representative in the most recent report required under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of such section; and

(cc) is subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(II) OTHERWISE RELATED LEGALLY OR FINANCIALLY.—The term "otherwise related legally or financially" does not include a minority stake relationship or investment.

(E) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prevent the Secretary, the Attorney General, or the Administrator of the Federal Aviation Administration from exercising any authority to counter unmanned aircraft systems in effect prior to the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.

(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary or the Attorney General is subject to forfeiture to the United States.

(d) REGULATIONS AND GUIDANCE.—

(1) IN GENERAL.—The Secretary, the Attorney General, and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary or the Attorney General to carry out this section.

[(2) COORDINATION.—

[(A) COORDINATION WITH DEPARTMENT OF TRANSPORTATION.—The Secretary and the Attorney General shall coordinate the development of their respective guidance under paragraph (1) with the Secretary of Transportation.

[(B) EFFECT ON AVIATION SAFETY.—The Secretary and the Attorney General shall respectively coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance, or otherwise implementing this section, if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.]

(2) COORDINATION.—The Secretary, the Secretary of Transportation, and the Attorney General shall coordinate to develop

their respective regulations and guidance under paragraph (1) before issuing any such regulation or guidance.

(e) PRIVACY PROTECTION.—The regulations or guidance issued to carry out actions authorized under subsection (b) by each Secretary or the Attorney General, as the case may be, shall ensure that—

(1) the interception or acquisition of, or access to, or maintenance or use of, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and applicable provisions of Federal law;

(2) communications to or from an unmanned aircraft system are intercepted or acquired only to the extent necessary to support an action described in subsection (b)(1);

[(3) records of such communications are maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary of Homeland Security or the Attorney General determine that maintenance of such records is necessary to investigate or prosecute a violation of law, directly support an ongoing security operation, is required under Federal law, or for the purpose of any litigation;**]**

(3) records of such communications are disposed of immediately following an action described in subsection (b)(1) to mitigate a credible threat referred to in subsection (a), except that if the Secretary or the Attorney General determines that maintenance of such records is necessary to investigate or prosecute a violation of law is required by Federal law or for the purpose of litigation, such records may be maintained for not more than 90 days;

(4) such communications **[**are not disclosed outside the Department of Homeland Security or the Department of Justice unless**]** *are not shared outside of personnel of the department in possession of such communications, except if* the disclosure—

(A) is necessary to investigate or prosecute a violation of law;

(B) would support the Department of Defense, a Federal law enforcement agency, or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of**[**, or any regulatory, statutory, or other enforcement action relating to**]** an action described in subsection (b)(1);

(C) is between the Department of Homeland Security and the Department of Justice in the course of a security or protection operation of either agency or a joint operation of such agencies; or

(D) is otherwise required by law; and

(5) to the extent necessary, the Department of Homeland Security and the Department of Justice are authorized to share threat information, which shall not include communications referred to in subsection (b), with State, local, territorial, or tribal law enforcement agencies in the course of a security or protection operation.

(f) BUDGET.—The Secretary and the Attorney General shall submit to Congress, as a part of the homeland security or justice budget materials for each fiscal year after fiscal year 2019, a consoli-

dated funding display that identifies the funding source for the actions described in subsection (b)(1) [within the Department of Homeland Security or the Department of Justice]. The funding display shall be in unclassified form, but may contain a classified annex.

(g) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

(1) IN GENERAL.—On a semiannual basis during the period beginning 6 months after the date of enactment of this section and ending on the date specified in subsection (i), [the Secretary and the Attorney General shall, respectively,] *the Secretary, the Attorney General, and the Secretary of Transportation shall jointly* provide a briefing to the appropriate congressional committees on the activities carried out pursuant to this section.

[(2) REQUIREMENT.—Each briefing required under paragraph (1) shall be conducted jointly with the Secretary of Transportation.

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

[(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

[(B) a description of instances in which actions described in subsection (b)(1) have been taken, including all such instances that may have resulted in harm, damage, or loss to a person or to private property;

[(C) a description of the guidance, policies, or procedures established to address privacy, civil rights, and civil liberties issues implicated by the actions allowed under this section, as well as any changes or subsequent efforts that would significantly affect privacy, civil rights or civil liberties;

[(D) a description of options considered and steps taken to mitigate any identified impacts to the national airspace system related to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b)(1);

[(E) a description of instances in which communications intercepted or acquired during the course of operations of an unmanned aircraft system were held for more than 180 days or shared outside of the Department of Justice or the Department of Homeland Security;

[(F) how the Secretary, the Attorney General, and the Secretary of Transportation have informed the public as to the possible use of authorities under this section;

[(G) how the Secretary, the Attorney General, and the Secretary of Transportation have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.]

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

(A) The number of instances and a description of each instance in which actions described in subsection (b)(1) have been taken, including all such instances that—

(i) equipment, system, or technology disrupted the transmission of radio or electronic signals, including and disaggregated by whether any such disruption was minimized;

(ii) may have resulted in harm, damage, or loss to a person or to private property, including and disaggregated by whether any such harm, damage, or loss was minimized;

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

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

(B) The frequency and nature of instances in which communications were intercepted or acquired during the course of actions described in subsection (b)(1), including the following:

(i) The approximate number and nature of incriminating communications intercepted.

(ii) The approximate number and nature of other communications intercepted.

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

(i) shared with the Department of Justice or another Federal law enforcement agency, including a list of receiving Federal law enforcement agencies; or

(ii) maintained for more than 90 days.

(D) The number of instances and a description of each instance in which the Secretary, Secretary of Transportation, or the Attorney General have engaged with Federal, State, or local law enforcement agencies to implement the authority under this section, including the number of instances that resulted in a criminal investigation or litigation.

(E) Information on the on the implementation of paragraphs (3) and (4)(A) of subsection (b), including regarding equipment or technology, including electronic equipment to address emerging trends and changes in unmanned aircraft system or unmanned aircraft system-related security threats.

[(4)**]** *(3)* UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

[(5)**]** *(4)* NOTIFICATION.—Within 30 days of deploying any **[**new technology**]** *counter-UAS detection and mitigation system, equipment, or technology approved under subsection (b)(4)* to carry out the actions described in subsection (b)(1), **[**the Secretary and the Attorney General shall, respectively,**]** *the Secretary, in coordination with the Secretary of Transportation and the Attorney General, shall* submit a notification to the appropriate congressional committees. Such notification shall include a description of options considered to mitigate any identified impacts **[**to the national airspace system**]** *to the safety and operation of the national airspace system* related to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio

or electronic signals, for carrying out the actions described in subsection (b)(1).

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) vest in the Secretary or the Attorney General any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration;

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary or the Attorney General;

(3) vest in the Secretary of Homeland Security any authority of the Attorney General;

(4) vest in the Attorney General any authority of the Secretary of Homeland Security; or

(5) provide a new basis of liability for any State, local, territorial, or tribal law enforcement officers who participate in the protection of a mass gathering identified by the Secretary or Attorney General under subsection (k)(3)(C)(iii)(II), act within the scope of their authority, and do not exercise the authority granted to the Secretary and Attorney General by this section.

[(i) TERMINATION.—The authority to carry out this section with respect to a covered facility or asset specified in subsection (k)(3) shall terminate on October 1, 2024.**]**

(i) TERMINATION.—The authority under this section shall terminate on October 1, 2029.

(j) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Secretary or the Attorney General with additional authorities beyond those described in subsections (a) and (k)(3)(C)(iii).

(k) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, **[**the Committee on Energy and Commerce,**]** and the Committee on the Judiciary of the House of Representatives.

(2) The term "budget", with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(3) The term "covered facility or asset" means any facility or asset that—

(A) is identified as high-risk and a potential target for unlawful unmanned aircraft activity by **[**the Secretary or the Attorney General, in coordination with the Secretary of Transportation**]** *the Secretary, in coordination with the Secretary of Transportation and the Attorney General,* with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section (except that in the case of the missions described in subparagraph (C)(i)(II) and (C)(iii)(I), such missions shall be presumed to be for the protection of a facility or asset that is assessed

to be high-risk and a potential target for unlawful unmanned aircraft activity);

(B) is located in the United States (including the territories and possessions, territorial seas or navigable waters of the United States); and

(C) directly relates to one or more—

(i) missions authorized to be performed by the Department of Homeland Security, consistent with governing statutes, regulations, and orders issued by the Secretary, pertaining to—

(I) security or protection functions of the U.S. Customs and Border Protection, including securing or protecting facilities, aircraft, and vessels, whether moored or underway;

(II) United States Secret Service protection operations pursuant to sections 3056(a) and 3056A(a) of title 18, United States Code, and the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); **[**or**]**

(III) protection of facilities pursuant to section 1315(a) of title 40, United States Code;

(IV) the security or protection functions for facilities, assets, and operations of Homeland Security Investigations; or

(V) the security and protection of public airports (as such term is defined in section 47102 of title 49, United States Code) under section 7 of the Counter-UAS Authority Security, Safety, and Reauthorization Act;

(ii) missions authorized to be performed by the Department of Justice, consistent with governing statutes, regulations, and orders issued by the Attorney General, pertaining to—

(I) personal protection operations by—

(aa) the Federal Bureau of Investigation as specified in **[**section 533 of title 28, United States Code**]** *paragraph (2) or (3) of section 533 of title 28, United States Code, and that is limited to a specified period of time and location*; and

(bb) the United States Marshals Service of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice, as specified in section 566(e)(1)(A) of title 28, United States Code*, and that is limited to a specified period of time and location*;

(II) protection of penal, detention, and correctional facilities and operations conducted by the Federal Bureau of Prisons; or

(III) protection of the buildings and grounds leased, owned, or operated by or for the Department of Justice, and the provision of security for Federal courts**[**, as specified in**]** *pursuant to* section 566(a) of title 28, United States Code;

(iii) missions authorized to be performed by the Department of Homeland Security or the Department of Justice, acting together or separately, consistent with governing statutes, regulations, and orders issued by the Secretary or the Attorney General, respectively, pertaining to—

(I) protection of a National Special Security Event and Special Event Assessment Rating event;

(II) the provision of support to State, local, territorial, or tribal law enforcement, upon request of the chief executive officer of the State or territory, to ensure protection of people and property at mass gatherings, that is limited to a specified timeframe and location, within available resources, and without delegating any authority under this section to State, local, territorial, or tribal law enforcement; or

(III) protection of an active Federal law enforcement investigation, emergency response, or security function, that is limited to a specified timeframe and location; and

(iv) missions authorized to be performed by the United States Coast Guard, including those described in clause (iii) as directed by the Secretary, and as further set forth in section 104 of title 14, United States Code, and consistent with governing statutes, regulations, and orders issued by the Secretary of the Department in which the Coast Guard is operating.

(4) The terms "electronic communication", "intercept", "oral communication", and "wire communication" have the meaning given those terms in section 2510 of title 18, United States Code.

(5) The term "homeland security or justice budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary and the Attorney General in support of the budget for that fiscal year.

(6) For [purposes of subsection (a)] *purposes of subsection (a) and paragraph (4) of subsection (e)*, the term "personnel" means officers and employees of the Department of Homeland Security or the Department of Justice.

(7) The terms "unmanned aircraft" and "unmanned aircraft system" have the meanings given those terms in section 44801, of title 49, United States Code.

(8) For purposes of this section, the term "risk-based assessment" includes an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety [and efficiency of the national airspace system], *efficiency, and operation of the national airspace system* and the needs of law enforcement and national security at each covered facility or asset identified by [the Secretary or the Attorney General, respectively,] *the Secretary, in coordination with the Secretary of Transportation and the Attorney General,* of each of the following factors:

(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems, aviation safety, airport operations, infrastructure, and air navigation services related to the use of any system or technology for carrying out the actions described in subsection (b)(1).

(B) Options for mitigating any identified impacts to the national airspace system related to the use of any system or technology, including minimizing when possible the use of any technology which disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b)(1).

(C) Potential consequences of the impacts of any actions taken under subsection (b)(1) to the national airspace system and infrastructure if not mitigated.

(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

(E) The setting and character of any covered facility or asset, including whether it is located in a populated area or near other structures, whether the facility is open to the public, whether the facility is also used for nongovernmental functions, and any potential for interference with wireless communications or for injury or damage to persons or property.

(F) The setting, character, timeframe, and national airspace system impacts of National Special Security Event and Special Event Assessment Rating events.

(G) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems are not mitigated or defeated.

[(l) DEPARTMENT OF HOMELAND SECURITY ASSESSMENT.—

[(1) REPORT.—Not later than 1 year after the date of the enactment of this section, the Secretary shall conduct, in coordination with the Attorney General and the Secretary of Transportation, an assessment to the appropriate congressional committees, including—

[(A) an evaluation of the threat from unmanned aircraft systems to United States critical infrastructure (as defined in this Act) and to domestic large hub airports (as defined in section 40102 of title 49, United States Code);

[(B) an evaluation of current Federal and State, local, territorial, or tribal law enforcement authorities to counter the threat identified in subparagraph (A), and recommendations, if any, for potential changes to existing authorities to allow State, local, territorial, and tribal law enforcement to assist Federal law enforcement to counter the threat where appropriate;

[(C) an evaluation of the knowledge of, efficiency of, and effectiveness of current procedures and resources available to owners of critical infrastructure and domestic large hub airports when they believe a threat from unmanned aircraft systems is present and what additional actions, if any, the Department of Homeland Security or the Depart-

ment of Transportation could implement under existing authorities to assist these entities to counter the threat identified in subparagraph (A);

[(D) an assessment of what, if any, additional authorities are needed by each Department and law enforcement to counter the threat identified in subparagraph (A); and

[(E) an assessment of what, if any, additional research and development the Department needs to counter the threat identified in subparagraph (A).

[(2) UNCLASSIFIED FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.]

(l) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, and annually thereafter, the Secretary, in coordination with the Secretary of Transportation and the Attorney General, shall submit to the appropriate congressional committees a report that contains the following:

(1) The information required under subsection (g)(2).

(2) A description of any guidance, policies, programs, and procedures to mitigate or eliminate any adverse impact of the activities carried out pursuant to this section, or the use of any counter-UAS detection or mitigation system, equipment, or technology, on aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the use of the national airspace system.

(3) A description of the guidance, policies, programs, and procedures established to address privacy, civil rights, and civil liberties issues implicated by the activities carried out pursuant to this section.

(m) COUNTER-UAS SYSTEM TRAINING.—The Attorney General, in coordination with the Secretary of Homeland Security (acting through the Director of the Federal Law Enforcement Training Centers) may—

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

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

(n) COUNTER-UAS DETECTION AND MITIGATION SYSTEM OPERATOR QUALIFICATION AND TRAINING CRITERIA.—

(1) IN GENERAL.—The Secretary and Attorney General, in coordination with the Administrator of the Federal Aviation Administration, shall establish standards for initial and recurring training programs or certifications for individuals seeking to operate counter-UAS detection and mitigation systems, equipment, or technology.

(2) TRAINING CRITERIA.—In carrying out paragraph (1), the Secretary and the Attorney General shall, at a minimum—

(A) consider the potential impacts of such systems, equipment, or technology to aviation safety, civil aviation and aerospace operations, aircraft airworthiness, or the civilian use of airspace, and appropriate actions to maintain aviation safety, as determined by the Administrator;

(B) establish interagency coordination requirements prior to deployment of such systems, equipment, or technology; and

(C) establish the frequency at which an individual authorized to operate counter-UAS detection and mitigation systems, equipment, or technology shall complete and renew such training or certification.

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TITLE 49, UNITED STATES CODE

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART iii—SAFETY

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CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.
44801. Definitions.

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[44810. Airport safety and airspace hazard mitigation and enforcement.]
44810. Counter-UAS activities.

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44815. Unmanned aircraft system detection and mitigation enforcement.

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[§ 44810. Airport safety and airspace hazard mitigation and enforcement

[(a) COORDINATION.—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

[(b) PLAN.—

[(1) IN GENERAL.—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

[(2) CONTENTS.—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

[(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an aviation rulemaking committee chartered under this paragraph.

[(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

[(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data, and any other location the Administrator determines appropriate.

[(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

[(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

[(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

[(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),[1] sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection (c) and (d).

[(h) SUNSET.—This section ceases to be effective September 30, 2028.

[(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport

sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.]

§ 44810. Counter-UAS activities

(a) AUTHORITY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may take such actions as described in paragraph (2) that are necessary to—

(A) detect or mitigate a credible threat (as defined by the Secretary of Homeland Security and Attorney General, in consultation with the Administrator) that an operation of an unmanned aircraft or an unmanned aircraft system poses to the safe and efficient operation of the national airspace system; or

(B) test or evaluate the potential adverse impacts or interference of a counter-UAS detection or mitigation system, equipment, or technology on or with safe airport operations, aircraft navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(2) AUTHORIZED ACTIONS.—In carrying out paragraph (1), the Administrator may take the following actions:

(A) Detect, identify, monitor, and track an unmanned aircraft system or unmanned aircraft, without prior consent from the operator of such system or aircraft, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

(B) Contact or warn the operator of an unmanned aircraft system of a potential counter-UAS action authorized under this subsection.

(C) Seize, exercise control of, or otherwise confiscate an unmanned aircraft system or unmanned aircraft.

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

(b) APPLICABILITY OF OTHER LAWS.—

(1) IN GENERAL.—Section 46502 of this title or sections 32, 1030, and 1367 and chapters 119 and 206 of title 18 shall not apply to activities authorized by the Administrator pursuant to this section.

(2) PRIVACY PROTECTION.—In implementing the requirements of this section, the Administrator, in coordination with the Attorney General and Secretary of Homeland Security, shall ensure that—

(A) the interception or acquisition of, or access to, or maintenance or use of, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and applicable provisions of Federal law;

(B) communications to or from an unmanned aircraft system are intercepted or acquired only to the extent necessary to support an action as described under subsection (a)(2);

(C) records of such communications are disposed of immediately following herein authorized activity to mitigate a credible threat, unless the Administrator, the Secretary of Homeland Security, or the Attorney General determine that maintenance of such records—

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

(ii) would directly support the Department of Defense, a Federal law enforcement agency, or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to an action described in subsection (a)(2);

(iii) is between the Secretary of Homeland Security and the Attorney General in the course of a security or protection operation of either agency or a joint operation of such agencies; or

(iv) is otherwise required by law; and

(D) to the extent necessary, the Secretary of Homeland Security and the Attorney General are authorized to share threat information, which shall not include communications described in this subsection, with State, local, territorial, or tribal law enforcement agencies in the course of a security or protection operation.

(c) OFFICE OF COUNTER-UAS ACTIVITIES.—

(1) IN GENERAL.—There is established within the Federal Aviation Administration an Office of Counter-UAS Activities for purposes of managing and directing the counter-UAS activities of the Administration.

(2) DIRECTOR.—The Administrator shall designate a Director of Counter-UAS Activities, who shall be the head of the Office.

(3) DUTIES.—In carrying out the activities described in paragraph (1), the Director shall—

(A) coordinate with other offices of the Administration to ensure that such activities do not adversely impact aviation safety or the efficiency of the national airspace system;

(B) lead the development and implementation of counter-UAS activity strategic planning within the Federal Aviation Administration; and

(C) serve as the Administration's primary point of contact for coordinating counter-UAS activities, including such activities of—

(i) Federal and State agencies;

(ii) covered airports; and

(iii) other relevant stakeholders; and

(D) carry out other such counter-UAS activities as the Administrator may prescribe.

(d) INTERAGENCY COORDINATION.—

(1) IN GENERAL.—The Administrator shall coordinate with the Secretary of Homeland Security and the Attorney General

to carry out this section, subject to any restrictions of the Secretary or Attorney General's authority to acquire, deploy, and operate counter-UAS systems, equipment, or technology.

(2) NON-DELEGATION.—Nothing under this section shall permit the Administrator to delegate any authority granted to the Administrator to any other Federal agency.

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

(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Administrator, in coordination with the Secretary and the Attorney General, shall establish minimum performance requirements for the safe and reliable deployment or use of counter-UAS detection and mitigation systems, equipment, and technology within the national airspace system.

(2) CONSIDERATIONS.—

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

(i) leverage data collected in testing and evaluation activities conducted under this section and any other relevant testing and evaluation data determined appropriate by the Administrator;

(ii) determine the extent to which a counter-UAS detection or mitigation system, equipment, or technology can safely operate without disrupting or interfering with the operation of aircraft or other national airspace system users; and

(iii) establish specific requirements for the deployment and use of such systems, equipment, or technology in terminal airspace.

(B) EFFICACY.—In establishing minimum performance requirements under subsection (a), the Administrator shall consider criteria, as determined by the Secretary of Homeland Security, to determine the degree to which counter-UAS detection and mitigation systems, equipment, or technology reliable and effective in detecting or mitigating unauthorized unmanned aircraft system operations independent of data or information provided by the system manufacturer of such unmanned aircraft system.

(C) OTHER INTERFERENCE.—In establishing minimum performance requirements under subsection (a), the Administrator shall consider criteria, as determined by the Federal Communications Commission, to determine the extent to which counter-UAS detection and mitigation systems, equipment, or technology can be safely operated without disrupting or interfering with the operation of civilian communications and information technology networks and systems, including such networks and systems that rely on radio frequency or cellular network communications links.

(3) DEMONSTRATION.—The Administrator shall develop a standardized process by which a manufacturer or end-user of a counter-UAS detection or mitigation system, equipment, or technology may demonstrate that such system, equipment, or tech-

nology meets the requirements established pursuant to paragraph (1), which may include validation by an independent third party.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall require the Administrator to conduct a rulemaking in publishing minimum performance requirements under such paragraph.

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

(1) EVALUATION AND VALIDATION.—The Administrator may conduct such testing, evaluation, and validation of counter-UAS detection and mitigation systems, equipment, and technology as necessary to ensure—

(A) such systems, equipment, and technology will not have an adverse impact on the safe and efficient operation of the national airspace system or transportation safety; and

(B) such systems, equipment, and technology meet minimum performance requirements under subsection (e).

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

(3) AIRSPACE HAZARD MITIGATION PROGRAM.—

(A) TESTING PROGRAM.—In order to test and evaluate counter-UAS systems, equipment, or technology that detect or mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such systems or technology at 5 airports, as appropriate, and any other location the Administrator determines appropriate.

(B) TESTING AND EVALUATION.—Notwithstanding section 46502 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, the Administrator of the Federal Aviation Administration may conduct testing and evaluation of any counter-UAS detection or mitigation system, equipment, or technology to assess potential impacts on, or interference with, safe airport operations, aircraft and air traffic navigation, air traffic services, or the safe and efficient operation of the national airspace system.

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

(g) LIMITATIONS ON OPERATION OF COUNTER-UAS SYSTEMS MANUFACTURED BY CERTAIN FOREIGN ENTERPRISES.—

(1) LIMITATION.—Notwithstanding any other provision of this section, the Administrator may not acquire, deploy, or operate, or authorize the acquisition, deployment, or operation of, a counter-UAS system or any associated elements, including software, manufactured or developed by a covered manufacturer.

(2) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements in place on the

date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act.

(3) EXCEPTION.—The Secretary of Transportation is exempt from the limitation under this subsection if the Secretary determines that the operation or procurement of such system supports the safe, secure, or efficient operation of the national airspace system or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence Center of Excellence, FAA-authorized unmanned aircraft systems test ranges, and any other testing and evaluation activity deemed to support the safe, secure, or efficient operation of the national airspace system or maintenance of public safety, as determined by the Secretary.

(4) DEFINITIONS.—In this subsection:

(A) COVERED MANUFACTURER.—The term "covered manufacturer" means an entity that is owned by, controlled by, is a subsidiary of, or is otherwise related legally or financially to, a person based in a country that—

(i) is identified as a nonmarket economy country (as defined in section 771 of the Tariff Act of 1930 (19 U.S.C. 1677)) as of the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act;

(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

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

(B) OTHERWISE RELATED LEGALLY OR FINANCIALLY.—The term "otherwise related legally or financially" does not include a minority stake relationship or investment.

(h) BRIEFINGS.—

(1) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

(A) IN GENERAL.—The Administrator shall provide the specified committees of Congress a briefing not less than once every 6 months on the activities carried out pursuant to this section.

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

(i) the number of instances and a description of each instance in which actions described in subsection (a)(2) have been taken, including all such instances that—

(I) equipment, systems, or technology disrupted the transmission of radio or electronic signals, including and disaggregated by whether any such disruption was minimized;

(II) may have resulted in harm, damage, or loss to a person or to private property, including and disaggregated by whether any such harm, damage, or loss was minimized;

(III) resulted in the successful seizure, exercise of control, or confiscation under subsection (a)(2); or

(IV) required the use of reasonable force under subsection (a)(2);

(ii) the frequency and nature of instances in which communications were intercepted or acquired during the course of actions described in subsection (a)(2), including—

(I) the approximate number and nature of incriminating communications intercepted;

(II) the approximate number and nature of other communications intercepted; and

(III) the total number of instances in which records of communications intercepted or acquired during the course of actions described in subsection (a)(2) were—

(aa) shared with the Department of Justice or another Federal law enforcement agency, including a list of receiving Federal law enforcement agencies; or

(bb) maintained for more than 90 days;

(iii) the number of instances and a description of each instance in which Administrator of the Federal Aviation Administration has engaged with Federal, State, or local law enforcement agencies to implement the authority under this section, including the number of instances that resulted in a criminal investigation or litigation; and

(iv) information on the actions carried out under subparagraphs (C) and (D) of subsection (a)(2), including equipment or technology to address emerging trends and changes in unmanned aircraft system or unmanned aircraft system-related security threats.

(C) CLASSIFICATION.—

(i) IN GENERAL.—Each briefing required under this subsection shall be in an unclassified form, but shall be accompanied by an additional classified briefing at the request of the Chair or Ranking Member of any specified committee of Congress.

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

(I) a description of instances in which an active mitigation action under this section has been taken, including all such instances that may have resulted in harm, damage, or loss to an individual or to private property; and

(II) a description of each covered site, including the capabilities of counter-UAS systems used at such sites.

(2) NOTIFICATION.—Beginning 180 days after the date of enactment of the Counter-UAS Authority Security, Safety, and Reauthorization Act, the Administrator shall—

(A) notify the specified committees of Congress of any newly authorized acquisition, deployment, or operation of a counter-UAS system, equipment or technology under this

section not later than 90 days after such newly authorized acquisition, deployment, or operation; and

(B) in providing a notification under subparagraph (A), include a description of options considered to mitigate any identified impacts to the national airspace system related to the use of any counter-UAS system, technology, or equipment operated at a covered site, including the minimization of the use of any technology, equipment or system that disrupts the transmission of radio or electronic signals.

(i) DEFINITIONS.—In this section:

(1) SPECIFIED COMMITTEES OF CONGRESS.—The term "specified committees of Congress" means—

(A) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) STATE.—The term "State" means a State, the District of Columbia, and a territory or possession of the United States.

(j) SUNSET.—This section ceases to be effective on October 1, 2029.

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§ 44815. Unmanned aircraft system detection and mitigation enforcement

(a) PROHIBITION.—

(1) IN GENERAL.—No person may carelessly or recklessly operate a system, equipment, or technology to detect, identify, monitor, track, or mitigate an unmanned aircraft system or unmanned aircraft in a manner that adversely impacts or interferes with safe airport operations, navigation, or air traffic services, or the safe and efficient operation of the national airspace system.

(2) ACTIONS BY THE ADMINISTRATOR.—The Administrator of the Federal Aviation Administration may take such action as may be necessary to address the adverse impacts or interference of operations that violate paragraph (1).

(b) RULE OF CONSTRUCTION.—The term "person" as used in this section does not include—

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

(2) an officer, employee, or contractor of the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government if the officer, employee, or contractor is authorized by the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government to operate a system or technology referred to in subsection (a)(1).

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SUBPART iv—ENFORCEMENT AND PENALTIES

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CHAPTER 463—PENALTIES

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§ 46301. Civil penalties

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil penalty of not more than $75,000 (or $1,100 if the person is an individual or small business concern) for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II or III of chapter 421, chapter 423, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), chapter 451, section 47107(a)(22) (including any assurance made under such section), section 47107(b) (including any assurance made under such section), or section 47133 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A separate violation occurs under this subsection for each day the violation (other than a violation of section 41719) continues or, if applicable, for each flight involving the violation (other than a violation of section 41719).

(3) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.

(4) AVIATION SECURITY VIOLATIONS.—Notwithstanding paragraph (1) of this subsection, the maximum civil penalty for violating chapter 449 shall be $10,000; except that the maximum civil penalty shall be $25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).

(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than $10,000 for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909), chapter 451, or section 46314(a) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

(B) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

(i) the transportation of hazardous material;

(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

(v) a violation of section 40127 or section 41705, relating to discrimination.

(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be $5,000 instead of $1,000.

(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary of Transportation by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be $2,500 for each violation.

(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed $10,000.

(7) PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES.—

(A) PENALTY FOR BODILY HARM OR DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID.—The amount of a civil penalty assessed under this section for a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount under this section for a violation of section 41705 to an amount not to exceed 3 times the maximum penalty otherwise allowed.

(B) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Notwithstanding paragraph (2), a separate violation of section 41705 occurs for each act of discrimination prohibited by that section.

(8) FAILURE TO CONTINUE OFFERING AVIATION FUEL.—Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 47107(a)(22) (including any assurance made under such section) committed by a person, including if the person is an individual or a small business concern, shall be $5,000 for each day that the person is in violation of that section.

(9) PENALTIES RELATING TO THE OPERATION OF UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGATION TECHNOLOGIES.—Notwithstanding paragraphs (1) and (5) of subsection (a), the maximum civil penalty for a violation of section 44815 committed by a person described in such section, including an individual or small business concern, shall be the maximum civil penalty authorized under subsection (a)(1) of this section for persons other than an individual or small business concern.

(b) SMOKE ALARM DEVICE PENALTY.—(1) A passenger may not tamper with, disable, or destroy a smoke alarm device located in a lavatory on an aircraft providing air transportation or intrastate air transportation.

(2) An individual violating this subsection is liable to the Government for a civil penalty of not more than $2,000.

(c) PROCEDURAL REQUIREMENTS.—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II of chapter 421, chapter 423, or section 44909 of this title.

(B) a violation of a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(C) a violation of any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title.

(D) a violation under subsection (a)(1) of this section related to the transportation of hazardous material.

(2) The Secretary shall give written notice of the finding of a violation and the civil penalty under paragraph (1) of this subsection.

(d) ADMINISTRATIVE IMPOSITION OF PENALTIES.—(1) In this subsection—

(A) "flight engineer" means an individual who holds a flight engineer certificate issued under part 63 of title 14, Code of Federal Regulations.

(B) "mechanic" means an individual who holds a mechanic certificate issued under part 65 of title 14, Code of Federal Regulations.

(C) "pilot" means an individual who holds a pilot certificate issued under part 61 of title 14, Code of Federal Regulations.

(D) "repairman" means an individual who holds a repairman certificate issued under part 65 of title 14, Code of Federal Regulations.

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 42121, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 451, section 46301(b), section 46302 (for a violation relating to section 46504), section 46318, section 46319, section 46320, or section 47107(b) (as further defined by the Secretary of Transportation under section 47107(k) and including any assurance made under section 47107(b)) of this title or a regulation prescribed

or order issued under any of those provisions. The Secretary of Homeland Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), section 46302 (except for a violation relating to section 46504), or section 46303 of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security or Administrator of the Federal Aviation Administration shall give written notice of the finding of a violation and the penalty.

(3) In a civil action to collect a civil penalty imposed by the Secretary of Homeland Security or Administrator of the Federal Aviation Administration under this subsection, the issues of liability and the amount of the penalty may not be reexamined.

(4) Notwithstanding paragraph (2) of this subsection, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty the Secretary of Homeland Security or Administrator of the Federal Aviation Administration initiates if—

(A) the amount in controversy is more than—

(i) $400,000 if the violation was committed by any person other than an individual or small business concern before the date of enactment of the FAA Reauthorization Act of 2024;

(ii) $50,000 if the violation was committed by an individual or small business concern before the date of enactment of the FAA Reauthorization Act of 2024;

(iii) $1,200,000 if the violation was committed by a person other than an individual or small business concern on or after the date of enactment of the FAA Reauthorization Act of 2024; or

(iv) $100,000 if the violation was committed by an individual on or after the date of enactment of the FAA Reauthorization Act of 2024;

(B) the action is in rem or another action in rem based on the same violation has been brought;

(C) the action involves an aircraft subject to a lien that has been seized by the Government; or

(D) another action has been brought for an injunction based on the same violation.

(5)(A) The Administrator of the Federal Aviation Administration may issue an order imposing a penalty under this subsection against an individual acting as a pilot, flight engineer, mechanic, or repairman only after advising the individual of the charges or any reason the Administrator of the Federal Aviation Administration relied on for the proposed penalty and providing the individual an opportunity to answer the charges and be heard about why the order shall not be issued.

(B) An individual acting as a pilot, flight engineer, mechanic, or repairman may appeal an order imposing a penalty under this subsection to the National Transportation Safety Board. After notice and an opportunity for a hearing on the record, the Board shall affirm, modify, or reverse the order. The Board may modify a civil penalty imposed to a suspension or revocation of a certificate.

(C) When conducting a hearing under this paragraph, the Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration but is bound by all validly adopted inter-

pretations of laws and regulations the Administrator of the Federal Aviation Administration carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(D) When an individual files an appeal with the Board under this paragraph, the order of the Administrator of the Federal Aviation Administration is stayed.

(6) An individual substantially affected by an order of the Board under paragraph (5) of this subsection, or the Administrator of the Federal Aviation Administration when the Administrator of the Federal Aviation Administration decides that an order of the Board under paragraph (5) will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator of the Federal Aviation Administration shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(7)(A) The Administrator of the Federal Aviation Administration may impose a penalty on a person (except an individual acting as a pilot, flight engineer, mechanic, or repairman) only after notice and an opportunity for a hearing on the record.

(B) In an appeal from a decision of an administrative law judge as the result of a hearing under subparagraph (A) of this paragraph, the Administrator of the Federal Aviation Administration shall consider only whether—

(i) each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence;

(ii) each conclusion of law is made according to applicable law, precedent, and public policy; and

(iii) the judge committed a prejudicial error that supports the appeal.

(C) Except for good cause, a civil action involving a penalty under this paragraph may not be initiated later than 2 years after the violation occurs.

(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

(i) a civil penalty shall not be assessed against an individual;

(ii) a civil penalty may be compromised as provided under subsection (f); and

(iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.

(8) The maximum civil penalty the Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, or Board may impose under this subsection is—

(A) $400,000 if the violation was committed by a person other than an individual or small business concern before the date of enactment of the FAA Reauthorization Act of 2024;

(B) $50,000 if the violation was committed by an individual or small business concern before the date of enactment of the FAA Reauthorization Act of 2024;

(C) $1,200,000 if the violation was committed by a person other than an individual or small business concern on or after

the date of enactment of the FAA Reauthorization Act of 2024; or

(D) $100,000 if the violation was committed by an individual on or after the date of enactment of the FAA Reauthorization Act of 2024.

(9) This subsection applies only to a violation occurring after August 25, 1992.

(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subsection (a)(3) of this section related to transportation of hazardous material, the Secretary of Transportation shall consider—

(1) the nature, circumstances, extent, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(3) other matters that justice requires.

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909), or chapter 451 of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) of this subparagraph applies.

(B) The Postal Service may compromise the amount of a civil penalty imposed under subsection (a)(1)(D) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(g) JUDICIAL REVIEW.—An order of the Secretary or the Administrator of the Federal Aviation Administration imposing a civil penalty may be reviewed judicially only under section 46110 of this title.

(h) NONAPPLICATION.—(1) This section does not apply to the following when performing official duties:

(A) a member of the armed forces of the United States.

(B) a civilian employee of the Department of Defense subject to the Uniform Code of Military Justice.

(2) The appropriate military authority is responsible for taking necessary disciplinary action and submitting to the Secretary (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) a timely report on action taken.

(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

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COMMITTEE CORRESPONDENCE

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Jack Ruddy, Staff Director

Rick Larsen
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

September 19, 2024

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Jordan:

I write concerning H.R. 8610, the *Counter-UAS Authority Security, Safety, and Reauthorization Act*. The bill was primarily referred to the Committee on Transportation and Infrastructure, with additional referrals to the Committee on Judiciary and the Committee on Homeland Security.

I ask that you allow the Committee on Judiciary to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Judiciary represented on the conference committee. Finally, I would be pleased to include this letter and any response in the Committee Report and *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for consideration of my request.

Sincerely,

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Jerrold Nadler, Ranking Member, Committee on Judiciary
The Honorable Jason Smith, Parliamentarian

JIM JORDAN, Ohio
CHAIRMAN

JERROLD NADLER, New York
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6216
(202) 225–6906
judiciary.house.gov

September 20, 2024

The Honorable Sam Graves
Chairman
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Graves:

I write regarding H.R. 8610, the Counter-UAS Authority Security, Safety, and Reauthorization Act. Provisions of this bill fall within the Judiciary Committee's Rule X jurisdiction, and I appreciate that you consulted with us on those provisions. The Judiciary Committee agrees that it shall be discharged from further consideration of the bill so that it may proceed expeditiously to the House floor.

The Committee takes this action with the understanding that forgoing further consideration of this measure does not in any way alter the Committee's jurisdiction or waive any future jurisdictional claim over these provisions or their subject matter. We also reserve the right to seek appointment of an appropriate number of conferees in the event of a conference with the Senate involving this measure or similar legislation.

I ask that you please include this letter in your committee's report to accompany this legislation or insert this letter in the *Congressional Record* during consideration of H.R. 8610 on the House floor. I appreciate the cooperative manner in which our committees have worked on this matter, and I look forward to working collaboratively in the future on matters of shared jurisdiction. Thank you for your attention to this matter.

Sincerely,

Jim Jordan
Chairman

cc:
The Honorable Jerrold Nadler, Ranking Member, Committee on the Judiciary
The Honorable Rick Larsen, Ranking Member, Committee on Transportation & Infrastructure
The Honorable Jason Smith, Parliamentarian

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Jack Ruddy, Staff Director

Rick Larsen
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

September 19, 2024

The Honorable Mark Green, MD
Chairman
Committee on Homeland Security
United States House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Green:

I write concerning H.R. 8610, the *Counter-UAS Authority Security, Safety, and Reauthorization Act*. The bill was primarily referred to the Committee on Transportation and Infrastructure, with additional referrals to the Committee on Judiciary and the Committee on Homeland Security.

I ask that you allow the Committee on Homeland Security to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Homeland Security represented on the conference committee. Finally, I would be pleased to include this letter and any response in the Committee Report and *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for consideration of my request.

Sincerely,

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Bennie Thompson, Ranking Member, Committee on Homeland Security
The Honorable Jason Smith, Parliamentarian

MARK E. GREEN, MD, TENNESSEE
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

September 19, 2024

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Graves:

Thank you for your letter concerning H.R. 8610, the "Counter-UAS Authority Security, Safety, and Reauthorization Act." The bill contains provisions within the jurisdiction of the Committee on Homeland Security. I appreciate you consulting with me concerning the provisions of the bill that fall within our Rule X jurisdiction. I agree to forgo consideration of the bill so that it may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 8610, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that we will be appropriately consulted and involved as the bill or similar legislation moves forward so we may address any remaining issues within our Rule X jurisdiction. Further, I request and appreciate your support for the appointment of conferees from the Committee on Homeland Security during any House-Senate conference on this or related legislation.

Finally, I support your inclusion of your letter confirming this understanding and ask that a copy of our exchange letters on this matter be included in the bill report filed by the Committee on Transportation and Infrastructure as well as in the *Congressional Record* during floor consideration thereof. Thank you for your cooperation on this matter.

Sincerely,

Mark E. Green, MD
Chairman

Cc: The Honorable Bennie Thompson, Ranking Member, Committee on Homeland Security
The Honorable Rick Larson, Ranking Member, Committee on Transportation and Infrastructure

MARK E. GREEN, MD, TENNESSEE
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

The Honorable Jason Smith, Parliamentarian

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