(I) The Office of Operations Coordination.

(J) The Office of the General Counsel.

(K) The Office of Intelligence and Analysis.

(L) The Office of Strategy, Policy, and Plans.

(M) The Science and Technology Directorate.

(N) The Office for State and Local Law Enforcement.

(O) The Privacy Office.

(P) The Office for Civil Rights and Civil Liberties.

(Q) Other departmental offices and programs as determined appropriate by the Secretary.

(d) Meetings

The Board shall—

(1) meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners; and

(2) make recommendations to the Secretary.

(e) Terrorism alerts

The Board shall advise the Secretary on the issuance of terrorism alerts under section 124 of this title.

(f) Prohibition on additional funds

No additional funds are authorized to carry out this section.

(Pub. L. 107–296, title II, § 210F, as added Pub. L. 116–260, div. U, title VI, § 602(a), Dec. 27, 2020, 134 Stat. 2294.)

Editorial Notes

PRIOR PROVISIONS

A prior section 210F of Pub. L. 107–296 was renumbered section 210E and is classified to section 124m of this title.

Statutory Notes and Related Subsidiaries

NOTICE REGARDING MECHANISMS TO COORDINATE THREATS

Pub. L. 116–260, div. U, title VI, § 602(d), Dec. 27, 2020, 134 Stat. 2295, provided that: ''The Secretary of Homeland Security shall provide written notification to and brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on any changes to or introductions of new mechanisms to coordinate threats across the Department of Homeland Security.''

§ 124n. Protection of certain facilities and assets from unmanned aircraft

(a) Authorities

(1) Authority of the Department of Homeland Security and Department of Justice

Notwithstanding section 46502 of title 49 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, the Secretary and the Attorney General may, for their respective Departments, take and may authorize personnel to take such actions as are described in subsection (b)(1) that are necessary to enforce the law, protect the public, or to mitigate a credible threat that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(2) Authority of State, local, Tribal, and territorial law enforcement and correctional agencies

Notwithstanding section 46502 of title 49 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, notwithstanding the laws of any particular State, local, Tribal, or territorial jurisdiction, and after completing the training detailed in subsection (d)(2), any State, local, Tribal, or territorial law enforcement or correctional agency may, subject to subsection (d)(2), take, and 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 that an unmanned aircraft system or unmanned aircraft poses to the safety or security of people, facilities, and assets, a venue or set of venues used for large-scale public gatherings or events, critical infrastructure, or correctional facilities.

(b) Actions described

(1) In general

The actions authorized in subsection (a) are the following:

(A) During the operation of the unmanned aircraft system, 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, electromagnetic means, and through the use of remote identification broadcast or other 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 the unmanned aircraft system or unmanned aircraft.

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

(F) 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.

(c) Forfeiture

(1) Federal agencies

Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary or the Attorney General pursuant to subsection (a)(1) is subject to forfeiture to the United States.

(2) Other agencies

Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by a State, local, Tribal, or territorial law enforcement or correctional agency pursuant to subsection (a)(2) is subject to forfeiture under the laws of the agency's jurisdiction.

(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, the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency to carry out this section.

(2) State, local, Tribal, and territorial law enforcement training and certification

(A) Training and certification required

(i) In general

Only State, local, Tribal, or territorial law enforcement and correctional officers who have been trained and certified by the Attorney General, or the Attorney General's designee, in coordination with the Secretary of Homeland Security through a national schoolhouse which will serve as the sole certifying authority for State, local, Tribal, territorial, and correctional officers in the use of the authority granted under subsection (a)(2), may exercise authorities in subsection (b)(1)(C), (D), and (F).

(ii) Training and certification procedures

The Attorney General, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Transportation, shall, not later than 180 days after December 18, 2025, develop training and certification procedures for the use of the authority described in subsection (a)(2) that State, local, Tribal, and territorial law enforcement and correctional officers shall be required to satisfy before taking any actions described in subsection (b)(1).

(iii) Technologies

Technologies used by State, local, Tribal, and territorial law enforcement or correctional agencies to take actions described in subsection (b)(1) shall be limited to systems or technologies that are included on a list of authorized technologies maintained jointly by the Department of Justice, the Department of Homeland Security, the Department of Defense, the Department of Transportation, the Federal Communications Commission, and the National Telecommunications and Information Administration.

(B) Oversight

The Attorney General, in coordination with the Secretary of Homeland Security and the Administrator of the Federal Aviation Administration, shall oversee compliance with the requirements set forth in subsection (e) with respect to the use of the authority granted under subsection (a)(2) by each State, local, Tribal, and territorial law enforcement agency that has been certified pursuant to the training and certification requirements described in subparagraph (A).

(C) State, local, Tribal, and territorial law enforcement and correctional agencies mitigation notification requirement

(i) In general

Any State, local, Tribal, or territorial law enforcement or correctional agency exercising authority under subsection (a)(2) shall, within 48 hours of taking any mitigation action described in subsection (b)(1), submit a notification to the Attorney General and the Secretary of Homeland Security containing—

(I) the date, time, and geographic location of the mitigation action;

(II) a brief description of the credible threat or safety concern necessitating such action;

(III) the type of mitigation capability employed; and

(IV) any known operational effects, including the seizure, disabling, or destruction of an unmanned aircraft system or unmanned aircraft.

(ii) Report mechanism

The Attorney General and the Secretary of Homeland Security shall establish a streamlined and secure submission mechanism to support the notification requirement under clause (i).

(D) Reports

Not later than 1 year after December 18, 2025, and biannually thereafter, the Attorney General, in coordination with the Secretary of Homeland Security and the Secretary of Transportation, shall submit to the appropriate congressional committees an unclassified report with a classified annex on ac-

tivities carried out by State, local, Tribal, and territorial law and correctional enforcement agencies exercising the authority granted under subsection (a)(2) and subject to the training and certification requirements described in subparagraph (A), including—

(i) a description of the training and certification procedures developed and implemented pursuant to subparagraph (A)(ii);

(ii) a list of State, local, Tribal, and territorial law enforcement and correctional agencies that applied for and were certified to exercise the authorities granted by subsection (a)(2);

(iii) a list of currently authorized technologies pursuant to subparagraph (A)(iii);

(iv) the frequency, location, and circumstances of State, local, Tribal, territorial, and correctional officers mitigation deployments and types of mitigation employed;

(v) a list of any aviation security or safety incidents that occurred due to State, local, Tribal, territorial, and correctional officers deployment of counter-UAS technologies;

(vi) recommendations for improving State, local, Tribal, and territorial law and correctional agencies counter-UAS training, oversight, compliance, and execution and the compliance audits required by section 8606(b)(2) of the SAFER SKIES Act; and

(vii) a determination on if State, local, Tribal, and territorial law and correctional agencies are able to fully protect critical infrastructure from the drone threat and if not, recommendations on how to expand counter-UAS authorities to critical infrastructure owners.

(3) 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.

(e) Privacy protection

The regulations or guidance issued to carry out actions authorized under subsection (b) by each Secretary, the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency, 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, the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency determine[1] 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, State, local, Tribal, or territorial law (as applicable), or for the purpose of any litigation;

(4) such communications are not disclosed outside the Department of Homeland Security[2] the Department of Justice, or the State, local, Tribal, or territorial law enforcement or correctional agency unless 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 other than those of an aeronautical communications system, as allowed for in section 2511(2)(g)(ii)(IV) of title 18 or information readily available to the public 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 consolidated 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 October 5, 2018, and

[1] So in original. Probably should be ''determines''.

[2] So in original. Probably should be followed by a comma.

ending on the date specified in subsection (i), the Secretary and the Attorney General shall, respectively, 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;[3]

(G) how the Secretary, the Attorney General, and the Secretary of Transportation have engaged with Federal, State, Tribal, territorial, and local law enforcement agencies to implement and use such authorities, including those exercised under subsection (a)(2).

(4) Unclassified form

Each briefing required under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

(5) Notification

Within 30 days of deploying any new technology to carry out the actions described in subsection (b)(1), the Secretary and the Attorney General shall, respectively, 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 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) Applicability of other laws to activities related to the mitigation of threats from unmanned aircraft systems or unmanned aircraft

Sections 32, 1030, and 1367 and chapters 119 and 206 of title 18 and section 46502 of title 49 may not be construed to apply to activities of the Coast Guard, whether under this section or any other provision of law, that—

(1) are conducted outside the United States; and

(2) are related to the mitigation of threats from unmanned aircraft systems or unmanned aircraft.

(j) Terminations

(1) Counter-UAS authority

The authority to carry out this section with respect to a covered facility or asset, protecting the public, and enforcing the law shall terminate on September 30, 2031.

(2) State, local, tribal, and territorial law enforcement and correctional agencies

Authority of State, local, tribal, and territorial law enforcement and correctional agencies under subsection (a)(2) shall terminate on December 31, 2031.

(k) 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).

***(l)* Definitions**

In this section:

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

(A) the Committee on Homeland Security and Governmental Affairs, the Committee

[3] So in original. Probably should be followed by ''and''.

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 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 a Federal law enforcement, correctional, and homeland security agency mission necessary to enforce the law, protect the public or 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 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;

(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; 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;

(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 section 566(a) of title 28;

(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[4]

(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[5] of title 14, 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[6] given those terms in section 2510 of title 18.

(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)(A) For purposes of subsection (a)(1), the term ''personnel'' means officers, employees, contractors, detailed personnel, and deputized personnel who perform Federal law enforcement, correctional, homeland or national security duties.

(B) For purposes of subsection (a)(2), the term ''personnel'' means officers and employees of State, local, Tribal, and territorial law enforcement and correctional agencies.

(7) The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801,[7] of title 49.

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[4] So in original. Probably should be ''or''.

[5] See References in Text note below.

[6] So in original. Probably should be ''meanings''.

[7] So in original. The comma probably should not appear.

(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 and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary 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, 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.

(9) The term ''correctional facility'' means any jail, prison, or any other penal or detention facility operated by a State, local, Tribal, or territorial law enforcement agency, or by a private party that is under contract with a State, local, Tribal, or territorial law enforcement agency, and used to house individuals who have been arrested, detained, held, or charged with or convicted of criminal offenses.

(10) The term ''critical infrastructure'' has the meaning given the term in subsection (e) of section 5195c of title 42.

(m) Department of Homeland Security assessment

(1) Report

Not later than 1 year after October 5, 2018, 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 chapter) and to domestic large hub airports (as defined in section 40102 of title 49);

(B) an evaluation of current Federal and[8] 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 Department 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.

(n) Reimbursement program

Not later than 180 days of after[9] December 18, 2025, the Secretary of Homeland Security and the Attorney General shall provide the appropriate congressional committees with a plan to establish a reimbursement program for Federal agencies providing counter-UAS protection to events that are not organized or operated by the Federal Government.

(Pub. L. 107–296, title II, § 210G, as added Pub. L. 115–254, div. H, § 1602(a), Oct. 5, 2018, 132 Stat. 3522; amended Pub. L. 118–15, div. B, title II, § 2221, Sept. 30, 2023, 137 Stat. 86; Pub. L. 118–22, div. B, title III, § 601, Nov. 17, 2023, 137 Stat. 123; Pub. L. 118–35, div. B, title III, § 301, Jan. 19, 2024, 138 Stat. 7; Pub. L. 118–41, title III, § 301, Mar. 8, 2024, 138 Stat. 24; Pub. L. 118–63, title XI, § 1112, May 16, 2024, 138 Stat. 1419; Pub. L. 118–83, div. B, title I, § 101, Sept. 26, 2024, 138 Stat. 1534; Pub. L. 118–158, div. E, § 5102, Dec. 21, 2024, 138 Stat. 1771; Pub. L. 119–4, div. C, § 3102, Mar. 15, 2025, 139 Stat. 46; Pub. L. 119–60, div. H, title LXXXVI, § 8602, Dec. 18, 2025, 139 Stat. 1938.)

[8] So in original. Probably should be ''Federal,''.

[9] So in original.

Editorial Notes

REFERENCES IN TEXT

Section 8606(b)(2) of the SAFER SKIES Act, referred to in subsec. (d)(2)(D)(vi), is section 8606(b)(2) of Pub. L. 119–60, div. H, title LXXXVI, which is set out in a note below.

The Presidential Protection Assistance Act of 1976, referred to in subsec. (*l*)(3)(C)(i)(II), is Pub. L. 94–524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

Section 104 of title 14, referred to in subsec. (*l*)(3)(C)(iv), was redesignated section 528 of title 14 by Pub. L. 115–282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 104 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115–282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115–282 note preceding section 101 of Title 14, Coast Guard.

This chapter, referred to in subsec. (m)(1)(A), was in the original ''this Act'', meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

AMENDMENTS

2025—Subsec. (a). Pub. L. 119–60, §8602(1), added subsec. (a) and struck out former subsec. (a) which related to the authorities of the Secretary and the Attorney General.

Subsec. (b)(1)(B). Pub. L. 119–60, §8602(2), substituted ''electromagnetic means, and through the use of remote identification broadcast or other means'' for ''and electromagnetic means''.

Subsec. (c). Pub. L. 119–60, §8602(3), inserted ''pursuant to subsection (a)(1)'' after ''Attorney General'', designated existing provisions as par. (1) and inserted heading, and added par. (2).

Subsec. (d)(1). Pub. L. 119–60, §8602(4)(A), substituted '', the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency'' for ''or the Attorney General''.

Subsec. (d)(2), (3). Pub. L. 119–60, §8602(4)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsec. (e). Pub. L. 119–60, §8602(5)(A), substituted '', the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency'' for ''or the Attorney General'' in introductory provisions.

Subsec. (e)(3). Pub. L. 119–60, §8602(5)(B), substituted '', the Attorney General, or any State, local, Tribal, or territorial law enforcement or correctional agency'' for ''or the Attorney General'' and inserted '', State, local, Tribal, or territorial'' after ''Federal'' and ''(as applicable)'' after ''law''.

Subsec. (e)(4). Pub. L. 119–60, §8602(5)(C), substituted ''the Department of Justice, or the State, local, Tribal, or territorial law enforcement or correctional agency'' for ''or the Department of Justice'' in introductory provisions.

Subsec. (e)(5). Pub. L. 119–60, §8602(5)(D), substituted ''Tribal'' for ''tribal'' and inserted ''other than those of an aeronautical communications system, as allowed for in section 2511(2)(g)(ii)(IV) of title 18 or information readily available to the public'' after ''which shall not include communications''.

Subsec. (g)(3)(G). Pub. L. 119–60, §8602(6), inserted ''Tribal, territorial,'' after ''State,'' and '', including those exercised under subsection (a)(2)'' after ''authorities''.

Subsec. (i). Pub. L. 119–60, §8602(8), added subsec. (i) and struck out former subsec. (i). Prior to amendment, text read as follows: ''The authority to carry out this section with respect to a covered facility or asset specified in subsection (k)(3) shall terminate on September 30, 2025.''

Pub. L. 119–4 substituted ''September 30, 2025'' for ''March 14, 2025''.

Subsec. (j). Pub. L. 119–60, §8602(8), added subsec. (j). Former subsec. (j) redesignated (k).

Subsecs. (k), (*l*). Pub. L. 119–60, §8602(7), redesignated subsecs. (j) and (k) as (k) and (*l*), respectively.

Subsec. (*l*)(3)(C). Pub. L. 119–60, §8602(9)(A), inserted ''a Federal law enforcement, correctional, and homeland security agency mission necessary to enforce the law, protect the public or to'' after ''directly relates to''.

Subsec. (*l*)(6). Pub. L. 119–60, §8602(9)(B), added par. (6) and struck out former par. (6) which read as follows: ''For purposes of subsection (a), the term 'personnel' means officers and employees of the Department of Homeland Security or the Department of Justice.''

Subsec. (*l*)(9), (10). Pub. L. 119–60, §8602(9)(C), added pars. (9) and (10).

Subsec. (n). Pub. L. 119–60, §8602(10), added subsec. (n).

2024—Subsec. (i). Pub. L. 118–158 substituted ''March 14, 2025'' for ''December 20, 2024''.

Pub. L. 118–83 substituted ''December 20, 2024'' for ''October 1, 2024''.

Pub. L. 118–63 substituted ''October 1, 2024'' for ''May 11, 2024''.

Pub. L. 118–41 substituted ''May 11, 2024'' for ''March 9, 2024''.

Pub. L. 118–35 substituted ''March 9, 2024'' for ''February 3, 2024''.

2023—Subsec. (i). Pub. L. 118–22 substituted ''February 3, 2024'' for ''November 18, 2023''.

Pub. L. 118–15 substituted ''on November 18, 2023'' for ''on the date that is 4 years after October 5, 2018''.

Statutory Notes and Related Subsidiaries

TERMINATION DATE

Pub. L. 117–328, div. F, title V, §547, Dec. 29, 2022, 136 Stat. 4758, provided that former subsec. (i) of this section would be applied by substituting ''September 30, 2023'' for ''the date that is 4 years after the date of enactment of this section''.

RULEMAKING AND IMPLEMENTATION

Pub. L. 119–60, div. H, title LXXXVI, §8606, Dec. 18, 2025, 139 Stat. 1944, provided that:

''(a) RULEMAKING AUTHORITY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 18, 2025], the Secretary of Homeland Security and the Attorney General, in coordination with the Secretary of Defense and the Secretary of Transportation, shall develop and publish regulations governing counter-UAS authority for SLTT law enforcement agencies and correctional agencies under this title [see Short Title of 2025 Amendment note set out under section 101 of this title] and the amendments made by this title.

''(2) ROLE OF FAA.—In carrying out the rulemaking in paragraph (1), the Secretary of Homeland Security and the Attorney General shall coordinate with the Administrator of the Federal Aviation Administration on any aspect of the rulemaking that affects aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

''(3) SAVING CLAUSE.—Nothing in this section shall be construed to vest in the Secretary or the Attorney General any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration.

''(4) AUTHORIZED EQUIPMENT AND TECHNOLOGY.—The Secretary of Homeland Security, the Attorney General, the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, the Chairman of the Federal Communications Commission, and the Administrator of National Telecommunications and Information Administrator shall authorize equipment and technology to be used for actions in subparagraphs (B), (C), (D), and (F) of section 210G(b)(1) of the Homeland Security Act of 2002 [6 U.S.C. 124n(b)(1)].

''(b) TRAINING AND COMPLIANCE.—

''(1) IN GENERAL.—The Attorney General, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Department of Transportation, shall approve standards for training programs for SLTT law enforcement agencies or correctional agencies for the safe and lawful interception of drones. Such training programs shall include instruction on the legal, operational, and technological aspects of counter-UAS operations.

''(2) COMPLIANCE AUDITS.—The Attorney General and the Secretary of Homeland Security shall periodically conduct compliance audits to prevent misuse of counter-UAS authority.

''(c) DEFINITIONS.—In this section:

''(1) SLTT LAW ENFORCEMENT AGENCY.—The term 'SLTT law enforcement agency' means a State, local, Tribal, or territorial law enforcement agency.

''(2) CORRECTIONAL AGENCY.—The term 'correctional agency' means a Federal, State, local, Tribal, or territorial government body responsible for operating correctional facilities or a private party that is under contract with a State, local, Tribal, or territorial law enforcement agency to operate such facilities.

''(3) CORRECTIONAL FACILITY.—The term 'correctional facility' means any jail, prison, or any other penal or detention facility operated by a State, local, Tribal, or territorial law enforcement agency, or by a private party that is under contract with a State, local, Tribal, or territorial law enforcement agency, and used to house individuals who have been arrested, detained, held, or charged with or convicted of criminal offenses.''

SEVERABILITY

Pub. L. 119–60, div. H, title LXXXVI, § 8607, Dec. 18, 2025, 139 Stat. 1945, provided that: ''If any provision of this title [see Short Title of 2025 Amendment note set out under section 101 of this title], or the application of any provision of this title to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this title shall not be affected thereby.''

§ 124n–1. Penalties

(a) Definition

In this section, the term ''unmanned aircraft'' has the meaning given the term in section 44801 of title 49.

(b) Omitted

(c) Increased penalties for operation of unmanned aircraft to facilitate felony offense

If a person who is convicted of a felony offense (other than an offense based solely on the operation of an unmanned aircraft) knowingly operated an unmanned aircraft during, in relation to, or in furtherance of such offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 5 years, whichever is less.

(d) Increased penalties for use of unmanned aircraft to introduce contraband into prisons

If a defendant who is convicted under section 1791 of title 18 knowingly used an unmanned aircraft to provide a prohibited object to an inmate of a prison, the maximum imprisonment otherwise provided by law for that offense shall be increased by 5 years.

(e) Directive to United States Sentencing Commission: enhanced sentencing range for use of unmanned aircraft

(1) In general

To carry out the purposes of this section, during the Sentencing Commission's amendment cycle in progress at the time this Act is enacted, the Commission shall, under section 994 of title 28—

(A) promulgate guidelines, or amendments to guidelines, that substantially increase the sentencing range for all offenses involving the use of an unmanned aircraft; and

(B) as necessary, promulgate policy statements, or amendments to policy statements to assist in the application of this section.

(2) Enhanced penalties

In any case in which the enhanced penalties of subsection (c) apply, the guidelines and amendments issued under paragraph (1) shall call for an increase of at least 6 levels in the base offense level and in all other cases, the base offense level shall be increased by at least 4 levels.

(f) Penalties for unauthorized counter-UAS actions

Any entity or individual authorized to take such actions to mitigate the threat posed by an unmanned aircraft system or unmanned aircraft pursuant to section 124n of this title who knowingly engages in such actions without Federal coordination as required by those statutes, shall be subject to—

(1) a civil fine up to $100,000 per violation; or

(2) suspension of counter-UAS authority pending review by the Attorney General or Secretary of Homeland Security.

(g) Civil enforcement

The Attorney General is authorized to bring a civil action in a United States district court to collect fines and enforce civil penalties imposed under this section.

(h) Effective date

This section and the amendments made by this section shall take effect 30 days after December 18, 2025.

(Pub. L. 119–60, div. H, title LXXXVI, § 8605, Dec. 18, 2025, 139 Stat. 1943.)

CODIFICATION

Section was enacted as part of the SAFER SKIES Act, and also as part of the National Defense Authorization Act for Fiscal Year 2026, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Section is comprised of section 8605 of Pub. L. 119–60. Subsec. (b) of section 8605 of Pub. L. 119–60 amended section 46307 of Title 49, Transportation. Subsec. (e) of section 8605 of Pub. L. 119–60 is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 125. Annual report on intelligence activities of the Department of Homeland Security

(a) In general

For each fiscal year and along with the budget materials submitted in support of the budget of the Department of Homeland Security pursuant to section 1105(a) of title 31, the Under Secretary for Intelligence and Analysis of the Department shall submit to the congressional intelligence committees a report for such fiscal year on each intelligence activity of each intelligence component of the Department, as designated by the Under Secretary, that includes the following: