

117TH CONGRESS
2D SESSION

S. _____

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PETERS (for himself, Mr. JOHNSON, Ms. SINEMA, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding the
5 Homeland from the Threats Posed by Unmanned Aircraft
6 Systems Act of 2022”.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY UN-**
2 **MANNED AIRCRAFT SYSTEM DETECTION AND**
3 **MITIGATION ENFORCEMENT AUTHORITY.**

4 Subtitle A of title II of the Homeland Security Act
5 of 2002 (6 U.S.C. 121 et seq.) is amended by striking
6 section 210G (6 U.S.C. 124n) and inserting the following:

7 **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-**
8 **SETS FROM UNMANNED AIRCRAFT.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) The term ‘air navigation facility’ has the
11 meaning given the term in section 40102(a)(4) of
12 title 49, United States Code.

13 “(2) The term ‘airport’ has the meaning given
14 the term in section 47102(2) of title 49, United
15 States Code.

16 “(3) The term ‘appropriate committees of Con-
17 gress’ means—

18 “(A) the Committee on Homeland Security
19 and Governmental Affairs, the Committee on
20 Commerce, Science, and Transportation, and
21 the Committee on the Judiciary of the Senate;
22 and

23 “(B) the Committee on Homeland Secu-
24 rity, the Committee on Transportation and In-
25 frastructure, the Committee on Energy and

1 Commerce, and the Committee on the Judiciary
2 of the House of Representatives.

3 “(4) The term ‘budget’, with respect to a fiscal
4 year, means the budget for that fiscal year that is
5 submitted to Congress by the President under sec-
6 tion 1105(a) of title 31, United States Code.

7 “(5) The term ‘covered facility or asset’ means
8 any facility or asset that—

9 “(A) is identified as high-risk and a poten-
10 tial target for unlawful unmanned aircraft or
11 unmanned aircraft system activity by the Sec-
12 retary or the Attorney General, or by the chief
13 executive of the jurisdiction in which a State,
14 local, Tribal, or territorial law enforcement
15 agency designated pursuant to subsection (d)(2)
16 operates after review and approval of the Sec-
17 retary or the Attorney General, in coordination
18 with the Secretary of Transportation with re-
19 spect to potentially impacted airspace, through
20 a risk-based assessment for purposes of this
21 section (except that in the case of the missions
22 described in clauses (i)(II) and (iii)(I) of sub-
23 paragraph (C), such missions shall be presumed
24 to be for the protection of a facility or asset
25 that is assessed to be high-risk and a potential

1 target for unlawful unmanned aircraft or un-
2 manned aircraft system activity);

3 “(B) is located in the United States; and

4 “(C) directly relates to 1 or more—

5 “(i) missions authorized to be per-
6 formed by the Department, consistent with
7 governing statutes, regulations, and orders
8 issued by the Secretary, pertaining to—

9 “(I) security or protection func-
10 tions of the U.S. Customs and Border
11 Protection, including securing or pro-
12 tecting facilities, aircraft, and vessels,
13 whether moored or underway;

14 “(II) United States Secret Serv-
15 ice protection operations pursuant to
16 sections 3056(a) and 3056A(a) of title
17 18, United States Code, and the Pres-
18 idential Protection Assistance Act of
19 1976 (18 U.S.C. 3056 note);

20 “(III) protection of facilities pur-
21 suant to section 1315(a) of title 40,
22 United States Code; or

23 “(IV) transportation security
24 functions of the Transportation Secu-
25 rity Administration;

1 Federal courts, as specified in section
2 566 of title 28, United States Code;
3 or

4 “(IV) protection of an airport or
5 air navigation facility;

6 “(iii) missions authorized to be per-
7 formed by the Department or the Depart-
8 ment of Justice, acting together or sepa-
9 rately, consistent with governing statutes,
10 regulations, and orders issued by the Sec-
11 retary or the Attorney General, respec-
12 tively, pertaining to—

13 “(I) protection of a National
14 Special Security Event and Special
15 Event Assessment Rating event;

16 “(II) the provision of support to
17 a State, local, Tribal, or territorial law
18 enforcement agency, upon request of
19 the chief executive officer of the State
20 or territory, to ensure protection of
21 people and property at mass gath-
22 erings, that is limited to a specified
23 duration and location, within available
24 resources, and without delegating any
25 authority under this section to State,

1 local, Tribal, or territorial law en-
2 forcement;

3 “(III) protection of an active
4 Federal law enforcement investigation,
5 emergency response, or security func-
6 tion, that is limited to a specified du-
7 ration and location; or

8 “(IV) the provision of security or
9 protection support to critical infra-
10 structure owners or operators, for
11 static critical infrastructure facilities
12 and assets upon the request of the
13 owner or operator;

14 “(iv) missions authorized to be per-
15 formed by the United States Coast Guard,
16 including those described in clause (iii) as
17 directed by the Secretary, and as further
18 set forth in section 528 of title 14, United
19 States Code, and consistent with governing
20 statutes, regulations, and orders issued by
21 the Secretary of the Department in which
22 the Coast Guard is operating; and

23 “(v) responsibilities of State, local,
24 Tribal, and territorial law enforcement

1 agencies designated pursuant to subsection
2 (d)(2) pertaining to—

3 “(I) protection of National Spe-
4 cial Security Event and Special Event
5 Assessment Rating events or other
6 mass gatherings in the jurisdiction of
7 the State, local, Tribal, or territorial
8 law enforcement agency;

9 “(II) protection of critical infra-
10 structure assessed by the Secretary as
11 high-risk for unmanned aircraft sys-
12 tems or unmanned aircraft attack or
13 disruption, including airports in the
14 jurisdiction of the State, local, Tribal,
15 or territorial law enforcement agency;
16 or

17 “(III) protection of sensitive gov-
18 ernment buildings, assets, or facilities
19 in the jurisdiction of the State, local,
20 Tribal, or territorial law enforcement
21 agency.

22 “(6) The term ‘critical infrastructure’ has the
23 meaning given the term in section 1016(e) of the
24 Critical Infrastructure Protection Act of 2001 (42
25 U.S.C. 5195c(e)).

1 threats and mitigating risks in the national
2 airspace.

3 “(B) To qualify for use of the authorities de-
4 scribed in subsection (b) or (c), respectively, a con-
5 tractor conducting operations described in those sub-
6 sections must—

7 “(i) be directly contracted by the Depart-
8 ment or the Department of Justice;

9 “(ii) operate at a government-owned or
10 government-leased facility or asset;

11 “(iii) not conduct inherently governmental
12 functions; and

13 “(iv) be trained and certified by the De-
14 partment or the Department of Justice to meet
15 the established guidance and regulations of the
16 Department or the Department of Justice, re-
17 spectively.

18 “(C) For purposes of subsection (c)(1), the
19 term ‘personnel’ includes any officer, employee, or
20 contractor who is authorized to perform duties that
21 include the safety, security, or protection of people,
22 facilities, or assets, of—

23 “(i) a State, local, Tribal, or territorial law
24 enforcement agency; and

1 “(ii) an owner or operator of an airport or
2 critical infrastructure.

3 “(10) The term ‘risk-based assessment’ means
4 an evaluation of threat information specific to a cov-
5 ered facility or asset and, with respect to potential
6 impacts on the safety and efficiency of the national
7 airspace system and the needs of law enforcement
8 and national security at each covered facility or
9 asset identified by the Secretary or the Attorney
10 General, respectively, of each of the following fac-
11 tors:

12 “(A) Potential impacts to safety, efficiency,
13 and use of the national airspace system, includ-
14 ing potential effects on manned aircraft and un-
15 manned aircraft systems or unmanned aircraft,
16 aviation safety, airport operations, infrastruc-
17 ture, and air navigation services relating to the
18 use of any system or technology for carrying
19 out the actions described in subsection (e)(2).

20 “(B) Options for mitigating any identified
21 impacts to the national airspace system relating
22 to the use of any system or technology, includ-
23 ing minimizing, when possible, the use of any
24 technology that disrupts the transmission of

1 radio or electronic signals, for carrying out the
2 actions described in subsection (e)(2).

3 “(C) Potential consequences of the impacts
4 of any actions taken under subsection (e)(1) to
5 the national airspace system and infrastructure
6 if not mitigated.

7 “(D) The ability to provide reasonable ad-
8 vance notice to aircraft operators consistent
9 with the safety of the national airspace system
10 and the needs of law enforcement and national
11 security.

12 “(E) The setting and character of any cov-
13 ered facility or asset, including—

14 “(i) whether the covered facility or
15 asset is located in a populated area or near
16 other structures;

17 “(ii) whether the covered facility or
18 asset is open to the public;

19 “(iii) whether the covered facility or
20 asset is used for nongovernmental func-
21 tions; and

22 “(iv) any potential for interference
23 with wireless communications or for injury
24 or damage to persons or property.

1 “(F) The setting, character, duration, and
2 national airspace system impacts of National
3 Special Security Event and Special Event As-
4 sessment Rating events, to the extent not al-
5 ready discussed in the National Special Security
6 Event and Special Event Assessment Rating
7 nomination process.

8 “(G) Potential consequences to national se-
9 curity, public safety, or law enforcement if
10 threats posed by unmanned aircraft systems or
11 unmanned aircraft are not mitigated or de-
12 feated.

13 “(11) The terms ‘unmanned aircraft’ and ‘un-
14 manned aircraft system’ have the meanings given
15 those terms in section 44801 of title 49, United
16 States Code.

17 “(b) AUTHORITY OF THE DEPARTMENT OF HOME-
18 LAND SECURITY AND DEPARTMENT OF JUSTICE.—Not-
19 withstanding section 46502 of title 49, United States
20 Code, or sections 32, 1030, 1367, and chapters 119 and
21 206 of title 18, United States Code, the Secretary and
22 the Attorney General may, for their respective Depart-
23 ments, take, and may authorize personnel with assigned
24 duties that include the safety, security, or protection of
25 people, facilities, or assets to take, actions described in

1 subsection (e)(2) that are necessary to detect, identify,
2 monitor, track, and mitigate a credible threat (as defined
3 by the Secretary and the Attorney General, in consultation
4 with the Secretary of Transportation through the Admin-
5 istrator of the Federal Aviation Administration) that an
6 unmanned aircraft system or unmanned aircraft poses to
7 the safety or security of a covered facility or asset.

8 “(c) ADDITIONAL LIMITED AUTHORITY FOR DETEC-
9 TION, IDENTIFICATION, MONITORING, AND TRACKING.—

10 “(1) IN GENERAL.—Subject to paragraphs (2)
11 and (3), and notwithstanding sections 1030 and
12 1367 and chapters 119 and 206 of title 18, United
13 States Code, any State, local, Tribal, or territorial
14 law enforcement agency, the Department of Justice,
15 the Department, and any owner or operator of an
16 airport or critical infrastructure may authorize per-
17 sonnel, with assigned duties that include the safety,
18 security, or protection of people, facilities, or assets,
19 to use equipment authorized under this subsection to
20 take actions described in subsection (e)(1) that are
21 necessary to detect, identify, monitor, or track an
22 unmanned aircraft system or unmanned aircraft
23 within the respective areas of responsibility or juris-
24 diction of the authorized personnel.

1 “(2) AUTHORIZED EQUIPMENT.—Equipment
2 authorized for unmanned aircraft system detection,
3 identification, monitoring, or tracking under this
4 subsection shall be limited to systems or tech-
5 nologies—

6 “(A) tested and evaluated by the Depart-
7 ment or the Department of Justice, including
8 evaluation of any potential counterintelligence
9 or cybersecurity risks;

10 “(B) that are annually reevaluated for any
11 changes in risks, including counterintelligence
12 and cybersecurity risks;

13 “(C) determined by the Federal Commu-
14 nications Commission and the National Tele-
15 communications and Information Administra-
16 tion not to adversely impact the use of the com-
17 munications spectrum;

18 “(D) determined by the Federal Aviation
19 Administration not to adversely impact the use
20 of the aviation spectrum or otherwise adversely
21 impact the national airspace system; and

22 “(E) that are included on a list of author-
23 ized equipment maintained by the Department,
24 in coordination with the Department of Justice,
25 the Federal Aviation Administration, the Fed-

1 eral Communications Commission, and the Na-
2 tional Telecommunications and Information Ad-
3 ministration.

4 “(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL
5 COMPLIANCE.—Each State, local, Tribal, or terri-
6 torial law enforcement agency or owner or operator
7 of an airport or critical infrastructure acting pursu-
8 ant to this subsection shall—

9 “(A) prior to any such action, issue a writ-
10 ten policy certifying compliance with the privacy
11 protections of subparagraphs (A) through (D)
12 of subsection (j)(2); and

13 “(B) comply with any additional guidance
14 issued by the Secretary or the Attorney General
15 relating to implementation of this subsection.

16 “(4) PROHIBITION.—Nothing in this subsection
17 shall be construed to authorize the taking of any ac-
18 tion described in subsection (e) other than the ac-
19 tions described in paragraph (1) of that subsection.

20 “(d) PILOT PROGRAM FOR STATE, LOCAL, TRIBAL,
21 AND TERRITORIAL LAW ENFORCEMENT.—

22 “(1) IN GENERAL.—The Secretary and the At-
23 torney General may carry out a pilot program to
24 evaluate the potential benefits of State, local, Tribal,
25 and territorial law enforcement agencies taking ac-

1 tions that are necessary to mitigate a credible threat
2 (as defined by the Secretary and the Attorney Gen-
3 eral, in consultation with the Secretary of Transpor-
4 tation through the Administrator of the Federal
5 Aviation Administration) that an unmanned aircraft
6 system or unmanned aircraft poses to the safety or
7 security of a covered facility or asset.

8 “(2) DESIGNATION.—

9 “(A) IN GENERAL.—The Secretary or the
10 Attorney General, with the concurrence of the
11 Secretary of Transportation (through the Ad-
12 ministrator of the Federal Aviation Administra-
13 tion), may, under the pilot program established
14 under paragraph (1), designate 1 or more
15 State, local, Tribal or territorial law enforce-
16 ment agencies approved by the respective chief
17 executive officer of the State, local, Tribal, or
18 territorial law enforcement agency to engage in
19 the activities authorized in paragraph (4) under
20 the direct oversight of the Department or the
21 Department of Justice, in carrying out the re-
22 sponsibilities authorized under subsection
23 (a)(5)(C)(v).

24 “(B) DESIGNATION PROCESS.—

1 retary, Attorney General, and Sec-
2 retary of Transportation (through the
3 Administrator of the Federal Aviation
4 Administration) concur in the revoca-
5 tion; and

6 “(II) shall revoke a designation
7 under subparagraph (A) if the Sec-
8 retary, the Attorney General, or the
9 Secretary of Transportation (through
10 the Administrator of the Federal
11 Aviation Administration) withdraws
12 concurrence.

13 “(3) TERMINATION OF PILOT PROGRAM.—

14 “(A) DESIGNATION.—The authority to
15 designate an agency for inclusion in the pilot
16 program established under this subsection shall
17 terminate after the 5-year period beginning on
18 the date that is 180 days after the date of en-
19 actment of the Safeguarding the Homeland
20 from the Threats Posed by Unmanned Aircraft
21 Systems Act of 2022.

22 “(B) AUTHORITY OF PILOT PROGRAM
23 AGENCIES.—The authority of an agency des-
24 ignated under the pilot program established
25 under this subsection to exercise any of the au-

1 thorities granted under the pilot program shall
2 terminate not later than 6 years after the date
3 that is 180 days after the date of enactment of
4 the Safeguarding the Homeland from the
5 Threats Posed by Unmanned Aircraft Systems
6 Act of 2022, or upon revocation pursuant to
7 paragraph (2)(B)(ii).

8 “(4) AUTHORIZATION.—Notwithstanding sec-
9 tion 46502 of title 49, United States Code, or sec-
10 tions 32, 1030, 1367 and chapters 119 and 206 of
11 title 18, United States Code, any State, local, Trib-
12 al, or territorial law enforcement agency designated
13 pursuant to paragraph (2) may authorize personnel
14 with assigned duties that include the safety, secu-
15 rity, or protection of people, facilities, or assets to
16 take such actions as are described in subsection
17 (e)(2) that are necessary to detect, identify, monitor,
18 track, or mitigate a credible threat (as defined by
19 the Secretary and the Attorney General, in consulta-
20 tion with the Secretary of Transportation, through
21 the Administrator of the Federal Aviation Adminis-
22 tration) that an unmanned aircraft system or un-
23 manned aircraft poses to the safety or security of a
24 covered facility or asset under subsection
25 (a)(5)(C)(v).

1 “(5) EXEMPTION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Chair of the Federal Commu-
4 nications Commission, in consultation with the
5 Administrator of the National Telecommuni-
6 cations and Information Administration, shall
7 implement a process for considering the exemp-
8 tion of 1 or more law enforcement agencies des-
9 igned under paragraph (2), or any station op-
10 erated by the agency, from any provision of title
11 III of the Communications Act of 1934 (47
12 U.S.C. 151 et seq.) to the extent that the des-
13 igned law enforcement agency takes such ac-
14 tions as are described in subsection (e)(2) and
15 may establish conditions or requirements for
16 such exemption.

17 “(B) REQUIREMENTS.—The Chair of the
18 Federal Communications Commission, in con-
19 sultation with the Administrator of the Na-
20 tional Telecommunications and Information Ad-
21 ministration, may grant an exemption under
22 subparagraph (A) only if the Chair of the Fed-
23 eral Communications Commission in consulta-
24 tion with the Administrator of the National

1 Telecommunications and Information Adminis-
2 tration finds that the grant of an exemption—

3 “(i) is necessary to achieve the pur-
4 poses of this subsection; and

5 “(ii) will serve the public interest.

6 “(C) REVOCATION.—Any exemption grant-
7 ed under subparagraph (A) shall terminate
8 automatically if the designation granted to the
9 law enforcement agency under paragraph
10 (2)(A) is revoked by the Secretary or the Attor-
11 ney General under paragraph (2)(B)(ii) or is
12 terminated under paragraph (3)(B).

13 “(6) REPORTING.—Not later than 2 years after
14 the date on which the first law enforcement agency
15 is designated under paragraph (2), the Secretary
16 and the Attorney General shall inform the appro-
17 priate committees of Congress in writing of the use
18 by any State, local, Tribal, or territorial law enforce-
19 ment agency of any authority granted pursuant to
20 paragraph (4).

21 “(7) RESTRICTIONS.—Any entity acting pursu-
22 ant to the authorities granted under this sub-
23 section—

24 “(A) may do so only using equipment au-
25 thorized by the Department, in coordination

1 with the Department of Justice, the Federal
2 Communications Commission, the National
3 Telecommunications and Information Adminis-
4 tration, and the Department of Transportation
5 (through the Federal Aviation Administration)
6 according to the criteria described in subsection
7 (c)(2);

8 “(B) shall, prior to any such action, issue
9 a written policy certifying compliance with the
10 privacy protections of subparagraphs (A)
11 through (D) of subsection (j)(2);

12 “(C) shall ensure that all personnel under-
13 taking any actions listed under this subsection
14 are properly trained in accordance with the cri-
15 teria that the Secretary and Attorney General
16 shall collectively establish, in consultation with
17 the Secretary of Transportation, the Adminis-
18 trator of the Federal Aviation Administration,
19 the Chair of the Federal Communications Com-
20 mission, and the Assistant Secretary of Com-
21 merce for Communications and Information of
22 the National Telecommunications and Informa-
23 tion Administration; and

24 “(D) shall comply with any additional
25 guidance relating to compliance with this sub-

1 section issued by the Secretary or Attorney
2 General.

3 “(e) ACTIONS DESCRIBED.—

4 “(1) IN GENERAL.—The actions authorized
5 under subsection (c) that may be taken by a State,
6 local, Tribal, or territorial law enforcement agency,
7 the Department, the Department of Justice, and any
8 owner or operator of an airport or critical infrastruc-
9 ture, are limited to actions during the operation of
10 an unmanned aircraft system, to detect, identify,
11 monitor, and track the unmanned aircraft system or
12 unmanned aircraft, without prior consent, including
13 by means of intercept or other access of a wire com-
14 munication, an oral communication, or an electronic
15 communication used to control the unmanned air-
16 craft system or unmanned aircraft.

17 “(2) CLARIFICATION.—The actions authorized
18 in subsections (b) and (d)(4) are the following:

19 “(A) During the operation of the un-
20 manned aircraft system or unmanned aircraft,
21 detect, identify, monitor, and track the un-
22 manned aircraft system or unmanned aircraft,
23 without prior consent, including by means of
24 intercept or other access of a wire communica-
25 tion, an oral communication, or an electronic

1 communication used to control the unmanned
2 aircraft system or unmanned aircraft.

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

8 “(C) Disrupt control of the unmanned air-
9 craft system or unmanned aircraft, without
10 prior consent of the operator of the unmanned
11 aircraft system or unmanned aircraft, including
12 by disabling the unmanned aircraft system or
13 unmanned aircraft by intercepting, interfering,
14 or causing interference with wire, oral, elec-
15 tronic, or radio communications used to control
16 the unmanned aircraft system or unmanned air-
17 craft.

18 “(D) Seize or exercise control of the un-
19 manned aircraft system or unmanned aircraft.

20 “(E) Seize or otherwise confiscate the un-
21 manned aircraft system or unmanned aircraft.

22 “(F) Use reasonable force, if necessary, to
23 disable, damage, or destroy the unmanned air-
24 craft system or unmanned aircraft.

1 “(f) RESEARCH, TESTING, TRAINING, AND EVALUA-
2 TION.—

3 “(1) REQUIREMENT.—

4 “(A) IN GENERAL.—Notwithstanding sec-
5 tion 46502 of title 49, United States Code, or
6 any provision of title 18, United States Code,
7 the Secretary, the Attorney General, and the
8 heads of the State, local, Tribal, or territorial
9 law enforcement agencies designated pursuant
10 to subsection (d)(2) shall conduct research,
11 testing, training on, and evaluation of any
12 equipment, including any electronic equipment,
13 to determine the capability and utility of the
14 equipment prior to the use of the equipment in
15 carrying out any action described in subsection
16 (e).

17 “(B) COORDINATION.—Personnel and con-
18 tractors who do not have duties that include the
19 safety, security, or protection of people, facili-
20 ties, or assets may engage in research, testing,
21 training, and evaluation activities pursuant to
22 subparagraph (A).

23 “(2) TRAINING OF FEDERAL, STATE, LOCAL,
24 TERRITORIAL, AND TRIBAL LAW ENFORCEMENT
25 PERSONNEL.—The Attorney General, through the

1 Director of the Federal Bureau of Investigation,
2 may—

3 “(A) provide training relating to measures
4 to mitigate a credible threat that an unmanned
5 aircraft or unmanned aircraft system poses to
6 the safety or security of a covered facility or
7 asset to any personnel who are authorized to
8 take such measures, including personnel author-
9 ized to take the actions described in subsection
10 (e); and

11 “(B) establish or designate 1 or more fa-
12 cilities or training centers for the purpose de-
13 scribed in subparagraph (A).

14 “(3) COORDINATION FOR RESEARCH, TESTING,
15 TRAINING, AND EVALUATION.—

16 “(A) IN GENERAL.—The Secretary, the
17 Attorney General, and the heads of the State,
18 local, Tribal, or territorial law enforcement
19 agencies designated pursuant to subsection
20 (d)(2) shall coordinate procedures governing re-
21 search, testing, training, and evaluation to
22 carry out any provision under this subsection
23 with the Administrator of the Federal Aviation
24 Administration before initiating such activity in
25 order that the Administrator of the Federal

1 Aviation Administration may ensure the activity
2 does not adversely impact or interfere with safe
3 airport operations, navigation, air traffic serv-
4 ices, or the safe and efficient operation of the
5 national airspace system.

6 “(B) STATE, LOCAL, TRIBAL, AND TERRI-
7 TORIAL LAW ENFORCEMENT AGENCY COORDI-
8 NATION.—Each head of a State, local, Tribal,
9 or territorial law enforcement agency designated
10 pursuant to subsection (d)(2) shall coordinate
11 the procedures governing research, testing,
12 training, and evaluation of the law enforcement
13 agency through the Secretary and the Attorney
14 General, in coordination with the Federal Avia-
15 tion Administration.

16 “(g) FORFEITURE.—Any unmanned aircraft system
17 or unmanned aircraft that is seized by the Secretary or
18 the Attorney General pursuant to subsection (b) is subject
19 to forfeiture to the United States pursuant to the provi-
20 sions of chapter 46 of title 18, United States Code.

21 “(h) REGULATIONS AND GUIDANCE.—The Secretary,
22 the Attorney General, and the Secretary of Transpor-
23 tation—

1 “(1) may prescribe regulations and shall issue
2 guidance in the respective areas of each Secretary or
3 the Attorney General to carry out this section; and

4 “(2) in developing regulations and guidance de-
5 scribed in subparagraph (A), consult the Chair of
6 the Federal Communications Commission, the Ad-
7 ministrator of the National Telecommunications and
8 Information Administration, and the Administrator
9 of the Federal Aviation Administration.

10 “(i) COORDINATION.—

11 “(1) IN GENERAL.—The Secretary and the At-
12 torney General shall coordinate with the Adminis-
13 trator of the Federal Aviation Administration before
14 carrying out any action authorized under this section
15 in order that the Administrator may ensure the ac-
16 tion does not adversely impact or interfere with—

17 “(A) safe airport operations;

18 “(B) navigation;

19 “(C) air traffic services; or

20 “(D) the safe and efficient operation of the
21 national airspace system.

22 “(2) GUIDANCE.—Before issuing any guidance,
23 or otherwise implementing this section, the Secretary
24 or the Attorney General shall, respectively, coordi-
25 nate with—

1 “(A) the Secretary of Transportation in
2 order that the Secretary of Transportation may
3 ensure the guidance or implementation does not
4 adversely impact or interfere with any critical
5 infrastructure relating to transportation; and

6 “(B) the Administrator of the Federal
7 Aviation Administration in order that the Ad-
8 ministrators may ensure the guidance or imple-
9 mentation does not adversely impact or inter-
10 fere with—

11 “(i) safe airport operations;

12 “(ii) navigation;

13 “(iii) air traffic services; or

14 “(iv) the safe and efficient operation
15 of the national airspace system.

16 “(3) COORDINATION WITH THE FAA.—The Sec-
17 retary and the Attorney General shall coordinate the
18 development of their respective guidance under sub-
19 section (h) with the Secretary of Transportation
20 (through the Administrator of the Federal Aviation
21 Administration).

22 “(4) COORDINATION WITH THE DEPARTMENT
23 OF TRANSPORTATION AND NATIONAL TELE-
24 COMMUNICATIONS AND INFORMATION ADMINISTRA-
25 TION.—The Secretary and the Attorney General,

1 and the heads of any State, local, Tribal, or terri-
2 torial law enforcement agencies designated pursuant
3 to subsection (d)(2), through the Secretary and the
4 Attorney General, shall coordinate the development
5 for their respective departments or agencies of the
6 actions described in subsection (e) with the Sec-
7 retary of Transportation (through the Administrator
8 of the Federal Aviation Administration) and the As-
9 sistant Secretary of Commerce for Communications
10 and Information of the National Telecommuni-
11 cations and Information Administration.

12 “(5) STATE, LOCAL, TRIBAL, AND TERRITORIAL
13 IMPLEMENTATION.—Prior to taking any action au-
14 thorized under subsection (d)(4), each head of a
15 State, local, Tribal, or territorial law enforcement
16 agency designated under subsection (d)(2) shall co-
17 ordinate, through the Secretary and the Attorney
18 General—

19 “(A) with the Secretary of Transportation
20 in order that the Administrators of non-aviation
21 modes of the Department of Transportation
22 may evaluate whether the action may have ad-
23 verse impacts on critical infrastructure relating
24 to non-aviation transportation;

1 “(B) with the Administrator of the Federal
2 Aviation Administration in order that the Ad-
3 ministrators may ensure the action will have no
4 adverse impact, or will not, interfere with—

5 “(i) safe airport operations;

6 “(ii) navigation;

7 “(iii) air traffic services; or

8 “(iv) the safe and efficient operation
9 of the national airspace system; and

10 “(C) to allow the Department and the De-
11 partment of Justice to ensure that any action
12 authorized by this section is consistent with
13 Federal law enforcement and in the interest of
14 national security.

15 “(j) PRIVACY PROTECTION.—

16 “(1) IN GENERAL.—Any regulation or guidance
17 issued to carry out an action under subsection (e) by
18 the Secretary or the Attorney General, respectively,
19 shall ensure for the Department or the Department
20 of Justice, respectively, that—

21 “(A) the interception of, acquisition of, ac-
22 cess to, maintenance of, or use of any commu-
23 nication to or from an unmanned aircraft sys-
24 tem or unmanned aircraft under this section is
25 conducted in a manner consistent with the First

1 and Fourth Amendments to the Constitution of
2 the United States and any applicable provision
3 of Federal law;

4 “(B) any communication to or from an un-
5 manned aircraft system or unmanned aircraft
6 are intercepted or acquired only to the extent
7 necessary to support an action described in sub-
8 section (e);

9 “(C) any record of a communication de-
10 scribed in subparagraph (B) is maintained only
11 for as long as necessary, and in no event for
12 more than 180 days, unless the Secretary or
13 the Attorney General, as applicable, determines
14 that maintenance of the record is—

15 “(i) required under Federal law;

16 “(ii) necessary for the purpose of liti-
17 gation; and

18 “(iii) necessary to investigate or pros-
19 ecute a violation of law, including by—

20 “(I) directly supporting an ongo-
21 ing security operation; or

22 “(II) protecting against dan-
23 gerous or unauthorized activity by un-
24 manned aircraft systems or unmanned
25 aircraft; and

1 “(D) a communication described in sub-
2 paragraph (B) is not disclosed to any person
3 not employed or contracted by the Department
4 or the Department of Justice unless the disclo-
5 sure—

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

8 “(ii) will support—

9 “(I) the Department of Defense;

10 “(II) a Federal law enforcement,
11 intelligence, or security agency;

12 “(III) a State, local, Tribal, or
13 territorial law enforcement agency; or

14 “(IV) another relevant entity or
15 person if the entity or person is en-
16 gaged in a security or protection oper-
17 ation;

18 “(iii) is necessary to support a depart-
19 ment or agency listed in clause (ii) in in-
20 vestigating or prosecuting a violation of
21 law;

22 “(iv) will support the enforcement ac-
23 tivities of a Federal regulatory agency re-
24 lating to a criminal or civil investigation of,
25 or any regulatory, statutory, or other en-

1 enforcement action relating to, an action de-
2 scribed in subsection (e);

3 “(v) is between the Department and
4 the Department of Justice in the course of
5 a security or protection operation of either
6 department or a joint operation of those
7 departments; or

8 “(vi) is otherwise required by law;

9 “(2) LOCAL PRIVACY PROTECTION.—In exer-
10 cising any authority described in subsection (c) or
11 (d), a State, local, Tribal, or territorial law enforce-
12 ment agency designated under subsection (d)(2) or
13 owner or operator of an airport or critical infrastruc-
14 ture shall ensure that—

15 “(A) the interception of, acquisition of, ac-
16 cess to, maintenance of, or use of communica-
17 tions to or from an unmanned aircraft system
18 or unmanned aircraft under this section is con-
19 ducted in a manner consistent with—

20 “(i) the First and Fourth Amend-
21 ments to the Constitution of the United
22 States; and

23 “(ii) applicable provisions of Federal,
24 and where required, State, local, Tribal,
25 and territorial law;

1 unmanned aircraft system or un-
2 manned aircraft; and

3 “(D) the communication is not disclosed
4 outside the agency or entity unless the disclo-
5 sure—

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

8 “(ii) would support the Department of
9 Defense, a Federal law enforcement, intel-
10 ligence, or security agency, or a State,
11 local, Tribal, or territorial law enforcement
12 agency;

13 “(iii) would support the enforcement
14 activities of a Federal regulatory agency in
15 connection with a criminal or civil inves-
16 tigation of, or any regulatory, statutory, or
17 other enforcement action relating to, an
18 action described in subsection (e);

19 “(iv) is to the Department or the De-
20 partment of Justice in the course of a se-
21 curity or protection operation of either the
22 Department or the Department of Justice,
23 or a joint operation of the Department and
24 Department of Justice; or

25 “(v) is otherwise required by law.

1 “(k) BUDGET.—

2 “(1) IN GENERAL.—The Secretary and the At-
3 torney General shall submit to Congress, as a part
4 of the homeland security or justice budget materials
5 for each fiscal year after fiscal year 2023, a consoli-
6 dated funding display that identifies the funding
7 source for the actions described in subsection (e)
8 within the Department and the Department of Jus-
9 tice.

10 “(2) CLASSIFICATION.—Each funding display
11 submitted under paragraph (1) shall be in unclassi-
12 fied form but may contain a classified annex.

13 “(l) PUBLIC DISCLOSURES.—

14 “(1) IN GENERAL.—Notwithstanding any provi-
15 sion of State, local, Tribal, or territorial law, infor-
16 mation shall be governed by the disclosure obliga-
17 tions set forth in section 552 of title 5, United
18 States Code (commonly known as the ‘Freedom of
19 Information Act’), if the information relates to—

20 “(A) any capability, limitation, or sensitive
21 detail of the operation of any technology used
22 to carry out an action described in subsection
23 (e)(1) of this section; or

24 “(B) an operational procedure or protocol
25 used to carry out this section.

1 “(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL
2 AGENCY USE.—

3 “(A) CONTROL.—Information described in
4 paragraph (1) that is obtained by a State, local,
5 Tribal, or territorial law enforcement agency
6 from a Federal agency under this section—

7 “(i) shall remain subject to the con-
8 trol of the Federal agency, notwithstanding
9 that the State, local, Tribal, or territorial
10 law enforcement agency has the informa-
11 tion described in paragraph (1) in the pos-
12 session of the State, local, Tribal, or terri-
13 torial law enforcement agency; and

14 “(ii) shall not be subject to any State,
15 local, Tribal, or territorial law authorizing
16 or requiring disclosure of the information
17 described in paragraph (1).

18 “(B) ACCESS.—Any request for public ac-
19 cess to information described in paragraph (1)
20 shall be submitted to the originating Federal
21 agency, which shall process the request as re-
22 quired under section 552(a)(3) of title 5,
23 United States Code.

24 “(m) ASSISTANCE AND SUPPORT.—

1 “(1) FACILITIES AND SERVICES OF OTHER
2 AGENCIES AND NON-FEDERAL ENTITIES.—

3 “(A) IN GENERAL.—The Secretary and the
4 Attorney General are authorized to use or ac-
5 cept from any other Federal agency, or any
6 other public or private entity, any supply or
7 service to facilitate or carry out any action de-
8 scribed in subsection (e).

9 “(B) REIMBURSEMENT.—In accordance
10 with subparagraph (A), the Secretary and the
11 Attorney General may accept any supply or
12 service with or without reimbursement to the
13 entity providing the supply or service and not-
14 withstanding any provision of law that would
15 prevent the use or acceptance of the supply or
16 service.

17 “(C) AGREEMENTS.—To implement the re-
18 quirements of subsection (a)(5)(C), the Sec-
19 retary or the Attorney General may enter into
20 1 or more agreements with the head of another
21 executive agency or with an appropriate official
22 of a non-Federal public or private agency or en-
23 tity, as may be necessary and proper to carry
24 out the responsibilities of the Secretary and At-
25 torney General under this section.

1 “(2) MUTUAL SUPPORT.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Secretary and the Attorney Gen-
4 eral are authorized to provide support or assist-
5 ance, upon the request of a Federal agency or
6 department conducting—

7 “(i) a mission described in subsection
8 (a)(5)(C);

9 “(ii) a mission described in section
10 130i of title 10, United States Code; or

11 “(iii) a mission described in section
12 4510 of the Atomic Energy Defense Act
13 (50 U.S.C. 2661).

14 “(B) REQUIREMENTS.—Any support or as-
15 sistance provided by the Secretary or the Attor-
16 ney General shall only be granted—

17 “(i) for the purpose of fulfilling the
18 roles and responsibilities of the Federal
19 agency or department that made the re-
20 quest for the mission for which the request
21 was made;

22 “(ii) when exigent circumstances exist;

23 “(iii) for a specified duration and lo-
24 cation;

25 “(iv) within available resources;

1 “(v) on a non-reimbursable basis; and

2 “(vi) in coordination with the Admin-
3 istrator of the Federal Aviation Adminis-
4 tration.

5 “(n) SEMIANNUAL BRIEFINGS AND NOTIFICA-
6 TIONS.—

7 “(1) IN GENERAL.—On a semiannual basis be-
8 ginning 180 days after the date of enactment of the
9 Safeguarding the Homeland from the Threats Posed
10 by Unmanned Aircraft Systems Act of 2022, the
11 Secretary and the Attorney General shall, respec-
12 tively, provide a briefing to the appropriate commit-
13 tees of Congress on the activities carried out pursu-
14 ant to this section.

15 “(2) REQUIREMENT.—The Secretary and the
16 Attorney General each shall conduct the briefing re-
17 quired under paragraph (1) jointly with the Sec-
18 retary of Transportation.

19 “(3) CONTENT.—Each briefing required under
20 paragraph (1) shall include—

21 “(A) policies, programs, and procedures to
22 mitigate or eliminate impacts of activities car-
23 ried out pursuant to this section to the national
24 airspace system and other critical infrastructure
25 relating to national transportation;

1 “(B) a description of—

2 “(i) each instance in which any action
3 described in subsection (e) has been taken,
4 including any instances that may have re-
5 sulted in harm, damage, or loss to a per-
6 son or to private property;

7 “(ii) the guidance, policies, or proce-
8 dures established by the Secretary or the
9 Attorney General to address privacy, civil
10 rights, and civil liberties issues implicated
11 by the actions permitted under this sec-
12 tion, as well as any changes or subsequent
13 efforts by the Secretary or the Attorney
14 General that would significantly affect pri-
15 vacy, civil rights, or civil liberties;

16 “(iii) options considered and steps
17 taken by the Secretary or the Attorney
18 General to mitigate any identified impacts
19 to the national airspace system relating to
20 the use of any system or technology, in-
21 cluding the minimization of the use of any
22 technology that disrupts the transmission
23 of radio or electronic signals, for carrying
24 out the actions described in subsection
25 (e)(2); and

1 “(iv) each instance in which a commu-
2 nication intercepted or acquired during the
3 course of operations of an unmanned air-
4 craft system or unmanned aircraft was—

5 “(I) held in the possession of the
6 Department or the Department of
7 Justice for more than 180 days; or

8 “(II) shared with any entity
9 other than the Department or the De-
10 partment of Justice;

11 “(C) an explanation of how the Secretary,
12 the Attorney General, and the Secretary of
13 Transportation have—

14 “(i) informed the public as to the pos-
15 sible use of authorities granted under this
16 section; and

17 “(ii) engaged with Federal, State,
18 local, Tribal, and territorial law enforce-
19 ment agencies to implement and use au-
20 thorities granted under this section;

21 “(D) an assessment of whether any gaps
22 or insufficiencies remain in laws, regulations,
23 and policies that impede the ability of the Fed-
24 eral Government or State, local, Tribal, and ter-
25 ritorial governments and owners or operators of

1 critical infrastructure to counter the threat
2 posed by the malicious use of unmanned air-
3 craft systems and unmanned aircraft;

4 “(E) an assessment of efforts to integrate
5 unmanned aircraft system threat assessments
6 within National Special Security Event and
7 Special Event Assessment Rating planning and
8 protection efforts;

9 “(F) recommendations to remedy any gaps
10 or insufficiencies described in subparagraph
11 (D), including recommendations relating to nec-
12 essary changes in law, regulations, or policies;

13 “(G) a description of the impact of the au-
14 thorities granted under this section on—

15 “(i) lawful operator access to national
16 airspace; and

17 “(ii) unmanned aircraft systems and
18 unmanned aircraft integration into the na-
19 tional airspace system; and

20 “(H) a summary from the Secretary of any
21 data and results obtained pursuant to sub-
22 section (r), including an assessment of—

23 “(i) how the details of the incident
24 were obtained; and

1 “(ii) whether the operation involved a
2 violation of Federal Aviation Administra-
3 tion aviation regulations.

4 “(4) UNCLASSIFIED FORM.—Each briefing re-
5 quired under paragraph (1) shall be in unclassified
6 form but may be accompanied by an additional clas-
7 sified briefing.

8 “(5) NOTIFICATION.—

9 “(A) IN GENERAL.—Not later than 30
10 days after an authorized department, agency, or
11 owner or operator of an airport or critical infra-
12 structure deploys any new technology to carry
13 out the actions described in subsection (e), the
14 Secretary and the Attorney General shall, re-
15 spectively or jointly, as appropriate, submit a
16 notification of the deployment to the appro-
17 priate committees of Congress.

18 “(B) CONTENTS.—Each notification sub-
19 mitted pursuant to subparagraph (A) shall in-
20 clude a description of options considered to
21 mitigate any identified impacts to the national
22 airspace system relating to the use of any sys-
23 tem or technology, including the minimization
24 of the use of any technology that disrupts the
25 transmission of radio or electronic signals in

1 carrying out the actions described in subsection
2 (e).

3 “(o) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to—

5 “(1) vest in the Secretary, the Attorney Gen-
6 eral, or any State, local, Tribal, or territorial law en-
7 forcement agency, authorized under subsection (c) or
8 designated under subsection (d)(2) any authority of
9 the Secretary of Transportation or the Adminis-
10 trator of the Federal Aviation Administration;

11 “(2) vest in the Secretary of Transportation,
12 the Administrator of the Federal Aviation Adminis-
13 tration, or any State, local, Tribal, or territorial law
14 enforcement agency designated under subsection
15 (d)(2) any authority of the Secretary or the Attor-
16 ney General;

17 “(3) vest in the Secretary any authority of the
18 Attorney General;

19 “(4) vest in the Attorney General any authority
20 of the Secretary; or

21 “(5) provide a new basis of liability with respect
22 to an officer of a State, local, Tribal, or territorial
23 law enforcement agency designated under subsection
24 (d)(2) or who participates in the protection of a
25 mass gathering identified by the Secretary or Attor-

1 ney General under subsection (a)(5)(C)(iii)(II),
2 who—

3 “(A) is acting in the official capacity of the
4 individual as an officer; and

5 “(B) does not exercise the authority grant-
6 ed to the Secretary and the Attorney General
7 by this section.

8 “(p) TERMINATION.—

9 “(1) TERMINATION OF ADDITIONAL LIMITED
10 AUTHORITY FOR DETECTION, IDENTIFICATION, MON-
11 ITORING, AND TRACKING.—The authority to carry
12 out any action authorized under subsection (c), if
13 performed by a non-Federal entity, shall terminate
14 on the date that is 5 years and 6 months after the
15 date of enactment of the Safeguarding the Home-
16 land from the Threats Posed by Unmanned Aircraft
17 Systems Act of 2022 and the authority for the pilot
18 program established under subsection (d) shall ter-
19 minate as provided for in paragraph (3) of that sub-
20 section.

21 “(2) TERMINATION OF AUTHORITIES WITH RE-
22 SPECT TO COVERED FACILITIES AND ASSETS.—The
23 authority to carry out this section with respect to a
24 covered facility or asset shall terminate on the date
25 that is 7 years after the date of enactment of the

1 Safeguarding the Homeland from the Threats Posed
2 by Unmanned Aircraft Systems Act of 2022.

3 “(q) SCOPE OF AUTHORITY.—Nothing in this section
4 shall be construed to provide the Secretary or the Attorney
5 General with any additional authority other than the au-
6 thorities described in subsections (a)(5)(C)(iii), (b), (c),
7 (d), and (f).

8 “(r) UNITED STATES GOVERNMENT DATABASE.—

9 “(1) AUTHORIZATION.—The Department is au-
10 thORIZED to develop a Federal database to enable the
11 transmission of data concerning security-related inci-
12 dents in the United States involving unmanned air-
13 craft and unmanned aircraft systems between Fed-
14 eral, State, local, Tribal, and territorial law enforce-
15 ment agencies for purposes of conducting analyses of
16 such threats in the United States.

17 “(2) POLICIES, PLANS, AND PROCEDURES.—

18 “(A) COORDINATION AND CONSULTA-
19 TION.—Before implementation of the database
20 developed under paragraph (1), the Secretary
21 shall develop policies, plans, and procedures for
22 the implementation of the database—

23 “(i) in coordination with the Attorney
24 General, the Secretary of Defense, and the
25 Secretary of Transportation (through the

1 Administrator of the Federal Aviation Ad-
2 ministration); and

3 “(ii) in consultation with State, local,
4 Tribal, and territorial law enforcement
5 agency representatives, including rep-
6 resentatives of fusion centers.

7 “(B) REPORTING.—The policies, plans,
8 and procedures developed under subparagraph
9 (A) shall include criteria for Federal, State,
10 local, Tribal, and territorial reporting of un-
11 manned aircraft systems or unmanned aircraft
12 incidents.

13 “(C) DATA RETENTION.—The policies,
14 plans, and procedures developed under subpara-
15 graph (A) shall ensure that data on security-re-
16 lated incidents in the United States involving
17 unmanned aircraft and unmanned aircraft sys-
18 tems that is retained as criminal intelligence in-
19 formation is retained based on the reasonable
20 suspicion standard, as permitted under part 23
21 of title 28, Code of Federal Regulations.”.