

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 4687

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS (for himself, Mr. JOHNSON, and Mr. PORTMAN)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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 Oversight and
26 Reform, the Committee on Energy and Com-

1 merce, and the Committee on the Judiciary of
2 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;

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

1 “(V) the security or protection
2 functions for facilities, assets, and op-
3 erations of Homeland Security Inves-
4 tigations;

5 “(ii) missions authorized to be per-
6 formed by the Department of Justice, con-
7 sistent with governing statutes, regula-
8 tions, and orders issued by the Attorney
9 General, pertaining to—

10 “(I) personal protection oper-
11 ations by—

12 “(aa) the Federal Bureau of
13 Investigation as specified in sec-
14 tion 533 of title 28, United
15 States Code; or

16 “(bb) the United States
17 Marshals Service as specified in
18 section 566 of title 28, United
19 States Code;

20 “(II) protection of penal, deten-
21 tion, and correctional facilities and
22 operations conducted by the Federal
23 Bureau of Prisons and prisoner oper-
24 ations and transport conducted by the
25 United States Marshals Service;

1 erings, that is limited to a specified
2 duration and location, within available
3 resources, and without delegating any
4 authority under this section to State,
5 local, Tribal, or territorial law en-
6 forcement;

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

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

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

1 the Secretary of the Department in which
2 the Coast Guard is operating; and

3 “(v) responsibilities of State, local,
4 Tribal, and territorial law enforcement
5 agencies designated pursuant to subsection
6 (d)(2) pertaining to—

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

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

20 “(III) protection of government
21 buildings, assets, or facilities in the
22 jurisdiction of the State, local, Tribal,
23 or territorial law enforcement agency;
24 or

1 “(IV) protection of disaster re-
2 sponse in the jurisdiction of the State,
3 local, Tribal, or territorial law en-
4 forcement agency.

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

9 “(7) The terms ‘electronic communication’,
10 ‘intercept’, ‘oral communication’, and ‘wire commu-
11 nication’ have the meanings given those terms in
12 section 2510 of title 18, United States Code.

13 “(8) The term ‘homeland security or justice
14 budget materials’, with respect to a fiscal year,
15 means the materials submitted to Congress by the
16 Secretary and the Attorney General in support of
17 the budget for that fiscal year.

18 “(9)(A) The term ‘personnel’ means—

19 “(i) an officer, employee, or contractor of
20 the Department or the Department of Justice,
21 who is authorized to perform duties that include
22 safety, security, or protection of people, facili-
23 ties, or assets; or

24 “(ii) an employee who—

1 “(I) is authorized to perform law en-
2 forcement and security functions on behalf
3 of a State, local, Tribal, or territorial law
4 enforcement agency designated under sub-
5 section (d)(2); and

6 “(II) is trained and certified to per-
7 form those duties, including training spe-
8 cific to countering unmanned aircraft
9 threats and mitigating risks in the national
10 airspace, including with respect to pro-
11 tecting privacy and civil liberties.

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

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

18 “(ii) operate at a government-owned or
19 government-leased facility or asset;

20 “(iii) not conduct inherently governmental
21 functions;

22 “(iv) be trained to safeguard privacy and
23 civil liberties; and

24 “(v) be trained and certified by the De-
25 partment or the Department of Justice to meet

1 the established guidance and regulations of the
2 Department or the Department of Justice, re-
3 spectively.

4 “(C) For purposes of subsection (c)(1), the
5 term ‘personnel’ includes any officer, employee, or
6 contractor who is authorized to perform duties that
7 include the safety, security, or protection of people,
8 facilities, or assets, of—

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

11 “(ii) an owner or operator of an airport or
12 critical infrastructure.

13 “(10) The term ‘risk-based assessment’ means
14 an evaluation of threat information specific to a cov-
15 ered facility or asset and, with respect to potential
16 impacts on the safety and efficiency of the national
17 airspace system and the needs of law enforcement
18 and national security at each covered facility or
19 asset identified by the Secretary or the Attorney
20 General, respectively, of each of the following fac-
21 tors:

22 “(A) Potential impacts to safety, efficiency,
23 and use of the national airspace system, includ-
24 ing potential effects on manned aircraft and un-
25 manned aircraft systems or unmanned aircraft,

1 aviation safety, airport operations, infrastruc-
2 ture, and air navigation services relating to the
3 use of any system or technology for carrying
4 out the actions described in subsection (e)(2).

5 “(B) Options for mitigating any identified
6 impacts to the national airspace system relating
7 to the use of any system or technology, includ-
8 ing minimizing, when possible, the use of any
9 technology that disrupts the transmission of
10 radio or electronic signals, for carrying out the
11 actions described in subsection (e)(2).

12 “(C) Potential consequences of the impacts
13 of any actions taken under subsection (e)(1) to
14 the national airspace system and infrastructure
15 if not mitigated.

16 “(D) The ability to provide reasonable ad-
17 vance notice to aircraft operators consistent
18 with the safety of the national airspace system
19 and the needs of law enforcement and national
20 security.

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

23 “(i) whether the covered facility or
24 asset is located in a populated area or near
25 other structures;

1 “(ii) whether the covered facility or
2 asset is open to the public;

3 “(iii) whether the covered facility or
4 asset is used for nongovernmental func-
5 tions; and

6 “(iv) any potential for interference
7 with wireless communications or for injury
8 or damage to persons or property.

9 “(F) The setting, character, duration, and
10 national airspace system impacts of National
11 Special Security Event and Special Event As-
12 sessment Rating events, to the extent not al-
13 ready discussed in the National Special Security
14 Event and Special Event Assessment Rating
15 nomination process.

16 “(G) Potential consequences to national se-
17 curity, public safety, or law enforcement if
18 threats posed by unmanned aircraft systems or
19 unmanned aircraft are not mitigated or de-
20 feated.

21 “(H) Civil rights and civil liberties guaran-
22 teed by the First and Fourth Amendments to
23 the Constitution of the United States.

24 “(11) The terms ‘unmanned aircraft’ and ‘un-
25 manned aircraft system’ have the meanings given

1 those terms in section 44801 of title 49, United
2 States Code.

3 “(b) AUTHORITY OF THE DEPARTMENT OF HOME-
4 LAND SECURITY AND DEPARTMENT OF JUSTICE.—Not-
5 withstanding section 46502 of title 49, United States
6 Code, or sections 32, 1030, 1367, and chapters 119 and
7 206 of title 18, United States Code, the Secretary and
8 the Attorney General may, for their respective Depart-
9 ments, take, and may authorize personnel with assigned
10 duties that include the safety, security, or protection of
11 people, facilities, or assets to take, actions described in
12 subsection (e)(2) that are necessary to detect, identify,
13 monitor, track, and mitigate a credible threat (as defined
14 by the Secretary and the Attorney General, in consultation
15 with the Secretary of Transportation through the Admin-
16 istrator of the Federal Aviation Administration) that an
17 unmanned aircraft system or unmanned aircraft poses to
18 the safety or security of a covered facility or asset.

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

21 “(1) IN GENERAL.—Subject to paragraphs (2)
22 and (3), and notwithstanding sections 1030 and
23 1367 and chapters 119 and 206 of title 18, United
24 States Code, any State, local, Tribal, or territorial
25 law enforcement agency, the Department of Justice,

1 the Department, and any owner or operator of an
2 airport or critical infrastructure may authorize per-
3 sonnel, with assigned duties that include the safety,
4 security, or protection of people, facilities, or assets,
5 to use equipment authorized under this subsection to
6 take actions described in subsection (e)(1) that are
7 necessary to detect, identify, monitor, or track an
8 unmanned aircraft system or unmanned aircraft
9 within the respective areas of responsibility or juris-
10 diction of the authorized personnel.

11 “(2) AUTHORIZED EQUIPMENT.—Equipment
12 authorized for unmanned aircraft system detection,
13 identification, monitoring, or tracking under this
14 subsection shall be limited to systems or tech-
15 nologies—

16 “(A) tested and evaluated by the Depart-
17 ment or the Department of Justice, including
18 evaluation of any potential counterintelligence
19 or cybersecurity risks;

20 “(B) that are annually reevaluated for any
21 changes in risks, including counterintelligence
22 and cybersecurity risks;

23 “(C) determined by the Federal Commu-
24 nications Commission and the National Tele-
25 communications and Information Administra-

1 tion not to adversely impact the use of the com-
2 munications spectrum;

3 “(D) determined by the Federal Aviation
4 Administration not to adversely impact the use
5 of the aviation spectrum or otherwise adversely
6 impact the national airspace system; and

7 “(E) that are included on a list of author-
8 ized equipment maintained by the Department,
9 in coordination with the Department of Justice,
10 the Federal Aviation Administration, the Fed-
11 eral Communications Commission, and the Na-
12 tional Telecommunications and Information Ad-
13 ministration.

14 “(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL
15 COMPLIANCE.—Each State, local, Tribal, or terri-
16 torial law enforcement agency or owner or operator
17 of an airport or critical infrastructure acting pursu-
18 ant to this subsection shall—

19 “(A) prior to any such action, issue a writ-
20 ten policy certifying compliance with the privacy
21 protections of subparagraphs (A) through (D)
22 of subsection (j)(2);

23 “(B) certify compliance with such policy to
24 the Secretary and the Attorney General annu-
25 ally, and immediately notify the Secretary and

1 Attorney General of any noncompliance with
2 such policy or the privacy protections of sub-
3 paragraphs (A) through (D) of subsection
4 (j)(2); and

5 “(C) comply with any additional guidance
6 issued by the Secretary or the Attorney General
7 relating to implementation of this subsection.

8 “(4) PROHIBITION.—Nothing in this subsection
9 shall be construed to authorize the taking of any ac-
10 tion described in subsection (e) other than the ac-
11 tions described in paragraph (1) of that subsection.

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

14 “(1) IN GENERAL.—The Secretary and the At-
15 torney General may carry out a pilot program to
16 evaluate the potential benefits of State, local, Tribal,
17 and territorial law enforcement agencies taking ac-
18 tions that are necessary to mitigate a credible threat
19 (as defined by the Secretary and the Attorney Gen-
20 eral, in consultation with the Secretary of Transpor-
21 tation through the Administrator of the Federal
22 Aviation Administration) that an unmanned aircraft
23 system or unmanned aircraft poses to the safety or
24 security of a covered facility or asset.

25 “(2) DESIGNATION.—

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

16 “(B) DESIGNATION PROCESS.—

17 “(i) NUMBER OF AGENCIES AND DU-
18 RATION.—On and after the date that is
19 180 days after the date of enactment of
20 the Safeguarding the Homeland from the
21 Threats Posed by Unmanned Aircraft Sys-
22 tems Act of 2022, the Secretary and the
23 Attorney General, pursuant to subpara-
24 graph (A), may designate not more than
25 12 State, local, Tribal, and territorial law

1 enforcement agencies for participation in
2 the pilot program, and may designate 12
3 additional State, local, Tribal, and terri-
4 torial law enforcement agencies each year
5 thereafter, provided that not more than 60
6 State, local, Tribal, and territorial law en-
7 forcement agencies in total may be des-
8 ignated during the 5-year period of the
9 pilot program.

10 “(ii) REVOCATION.—The Secretary
11 and the Attorney General, in consultation
12 with the Secretary of Transportation
13 (through the Administrator of the Federal
14 Aviation Administration)—

15 “(I) may revoke a designation
16 under subparagraph (A) if the Sec-
17 retary, Attorney General, and Sec-
18 retary of Transportation (through the
19 Administrator of the Federal Aviation
20 Administration) concur in the revoca-
21 tion; and

22 “(II) shall revoke a designation
23 under subparagraph (A) if the Sec-
24 retary, the Attorney General, or the
25 Secretary of Transportation (through

1 the Administrator of the Federal
2 Aviation Administration) withdraws
3 concurrence.

4 “(3) TERMINATION OF PILOT PROGRAM.—

5 “(A) DESIGNATION.—The authority to
6 designate an agency for inclusion in the pilot
7 program established under this subsection shall
8 terminate after the 5-year period beginning on
9 the date that is 180 days after the date of en-
10 actment of the Safeguarding the Homeland
11 from the Threats Posed by Unmanned Aircraft
12 Systems Act of 2022.

13 “(B) AUTHORITY OF PILOT PROGRAM
14 AGENCIES.—The authority of an agency des-
15 ignated under the pilot program established
16 under this subsection to exercise any of the au-
17 thorities granted under the pilot program shall
18 terminate not later than 6 years after the date
19 that is 180 days after the date of enactment of
20 the Safeguarding the Homeland from the
21 Threats Posed by Unmanned Aircraft Systems
22 Act of 2022, or upon revocation pursuant to
23 paragraph (2)(B)(ii).

24 “(4) AUTHORIZATION.—Notwithstanding sec-
25 tion 46502 of title 49, United States Code, or sec-

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

17 “(5) EXEMPTION.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the Chair of the Federal Commu-
20 nications Commission, in consultation with the
21 Administrator of the National Telecommuni-
22 cations and Information Administration, shall
23 implement a process for considering the exemp-
24 tion of 1 or more law enforcement agencies des-
25 ignated under paragraph (2), or any station op-

1 erated by the agency, from any provision of title
2 III of the Communications Act of 1934 (47
3 U.S.C. 151 et seq.) to the extent that the des-
4 ignated law enforcement agency takes such ac-
5 tions as are described in subsection (e)(2) and
6 may establish conditions or requirements for
7 such exemption.

8 “(B) REQUIREMENTS.—The Chair of the
9 Federal Communications Commission, in con-
10 sultation with the Administrator of the Na-
11 tional Telecommunications and Information Ad-
12 ministration, may grant an exemption under
13 subparagraph (A) only if the Chair of the Fed-
14 eral Communications Commission in consulta-
15 tion with the Administrator of the National
16 Telecommunications and Information Adminis-
17 tration finds that the grant of an exemption—

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

20 “(ii) will serve the public interest.

21 “(C) REVOCATION.—Any exemption grant-
22 ed under subparagraph (A) shall terminate
23 automatically if the designation granted to the
24 law enforcement agency under paragraph
25 (2)(A) is revoked by the Secretary or the Attor-

1 ney General under paragraph (2)(B)(ii) or is
2 terminated under paragraph (3)(B).

3 “(6) REPORTING.—Not later than 2 years after
4 the date on which the first law enforcement agency
5 is designated under paragraph (2), and annually
6 thereafter for the duration of the pilot program, the
7 Secretary and the Attorney General shall inform the
8 appropriate committees of Congress in writing of the
9 use by any State, local, Tribal, or territorial law en-
10 forcement agency of any authority granted pursuant
11 to paragraph (4), including a description of any pri-
12 vacy or civil liberties complaints known to the Sec-
13 retary or Attorney General in connection with the
14 use of that authority by the designated agencies.

15 “(7) RESTRICTIONS.—Any entity acting pursu-
16 ant to the authorities granted under this sub-
17 section—

18 “(A) may do so only using equipment au-
19 thorized by the Department, in coordination
20 with the Department of Justice, the Federal
21 Communications Commission, the National
22 Telecommunications and Information Adminis-
23 tration, and the Department of Transportation
24 (through the Federal Aviation Administration)

1 according to the criteria described in subsection
2 (c)(2);

3 “(B) shall, prior to any such action, issue
4 a written policy certifying compliance with the
5 privacy protections of subparagraphs (A)
6 through (D) of subsection (j)(2);

7 “(C) shall ensure that all personnel under-
8 taking any actions listed under this subsection
9 are properly trained in accordance with the cri-
10 teria that the Secretary and Attorney General
11 shall collectively establish, in consultation with
12 the Secretary of Transportation, the Adminis-
13 trator of the Federal Aviation Administration,
14 the Chair of the Federal Communications Com-
15 mission, the Assistant Secretary of Commerce
16 for Communications and Information, and the
17 Administrator of the National Telecommuni-
18 cations and Information Administration; and

19 “(D) shall comply with any additional
20 guidance relating to compliance with this sub-
21 section issued by the Secretary or Attorney
22 General.

23 “(e) ACTIONS DESCRIBED.—

24 “(1) IN GENERAL.—The actions authorized
25 under subsection (c) that may be taken by a State,

1 local, Tribal, or territorial law enforcement agency,
2 the Department, the Department of Justice, and any
3 owner or operator of an airport or critical infrastruc-
4 ture, are limited to actions during the operation of
5 an unmanned aircraft system, to detect, identify,
6 monitor, and track the unmanned aircraft system or
7 unmanned aircraft, without prior consent, including
8 by means of intercept or other access of a wire com-
9 munication, an oral communication, or an electronic
10 communication used to control the unmanned air-
11 craft system or unmanned aircraft.

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

14 “(A) During the operation of the un-
15 manned aircraft system or unmanned aircraft,
16 detect, identify, monitor, and track the un-
17 manned aircraft system or unmanned aircraft,
18 without prior consent, including by means of
19 intercept or other access of a wire communica-
20 tion, an oral communication, or an electronic
21 communication used to control the unmanned
22 aircraft system or unmanned aircraft.

23 “(B) Warn the operator of the unmanned
24 aircraft system or unmanned aircraft, including
25 by passive or active, and direct or indirect,

1 physical, electronic, radio, and electromagnetic
2 means.

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

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

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

17 “(F) Use reasonable force, if necessary, to
18 disable, damage, or destroy the unmanned air-
19 craft system or unmanned aircraft.

20 “(f) RESEARCH, TESTING, TRAINING, AND EVALUA-
21 TION.—

22 “(1) REQUIREMENT.—

23 “(A) IN GENERAL.—Notwithstanding sec-
24 tion 46502 of title 49, United States Code, or
25 any provision of title 18, United States Code,

1 the Secretary, the Attorney General, and the
2 heads of the State, local, Tribal, or territorial
3 law enforcement agencies designated pursuant
4 to subsection (d)(2) shall conduct research,
5 testing, training on, and evaluation of any
6 equipment, including any electronic equipment,
7 to determine the capability and utility of the
8 equipment prior to the use of the equipment in
9 carrying out any action described in subsection
10 (e).

11 “(B) COORDINATION.—Personnel and con-
12 tractors who do not have duties that include the
13 safety, security, or protection of people, facili-
14 ties, or assets may engage in research, testing,
15 training, and evaluation activities pursuant to
16 subparagraph (A).

17 “(2) TRAINING OF FEDERAL, STATE, LOCAL,
18 TERRITORIAL, AND TRIBAL LAW ENFORCEMENT
19 PERSONNEL.—The Attorney General, through the
20 Director of the Federal Bureau of Investigation,
21 may—

22 “(A) provide training relating to measures
23 to mitigate a credible threat that an unmanned
24 aircraft or unmanned aircraft system poses to
25 the safety or security of a covered facility or

1 asset to any personnel who are authorized to
2 take such measures, including personnel author-
3 ized to take the actions described in subsection
4 (e); and

5 “(B) establish or designate 1 or more fa-
6 cilities or training centers for the purpose de-
7 scribed in subparagraph (A).

8 “(3) COORDINATION FOR RESEARCH, TESTING,
9 TRAINING, AND EVALUATION.—

10 “(A) IN GENERAL.—The Secretary, the
11 Attorney General, and the heads of the State,
12 local, Tribal, or territorial law enforcement
13 agencies designated pursuant to subsection
14 (d)(2) shall coordinate procedures governing re-
15 search, testing, training, and evaluation to
16 carry out any provision under this subsection
17 with the Administrator of the Federal Aviation
18 Administration before initiating such activity in
19 order that the Administrator of the Federal
20 Aviation Administration may ensure the activity
21 does not adversely impact or interfere with safe
22 airport operations, navigation, air traffic serv-
23 ices, or the safe and efficient operation of the
24 national airspace system.

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

11 “(g) FORFEITURE.—Any unmanned aircraft system
12 or unmanned aircraft that is lawfully seized by the Sec-
13 retary or the Attorney General pursuant to subsection (b)
14 is subject to forfeiture to the United States pursuant to
15 the provisions of chapter 46 of title 18, United States
16 Code.

17 “(h) REGULATIONS AND GUIDANCE.—The Secretary,
18 the Attorney General, and the Secretary of Transpor-
19 tation—

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

23 “(2) in developing regulations and guidance de-
24 scribed in subparagraph (A), consult the Chair of
25 the Federal Communications Commission, the Ad-

1 administrator of the National Telecommunications and
2 Information Administration, and the Administrator
3 of the Federal Aviation Administration.

4 “(i) COORDINATION.—

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

11 “(A) safe airport operations;

12 “(B) navigation;

13 “(C) air traffic services; or

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

16 “(2) GUIDANCE.—Before issuing any guidance,
17 or otherwise implementing this section, the Secretary
18 or the Attorney General shall, respectively, coordi-
19 nate with—

20 “(A) the Secretary of Transportation in
21 order that the Secretary of Transportation may
22 ensure the guidance or implementation does not
23 adversely impact or interfere with any critical
24 infrastructure relating to transportation; and

1 “(B) the Administrator of the Federal
2 Aviation Administration in order that the Ad-
3 ministrators may ensure the guidance or imple-
4 mentation does not adversely impact or inter-
5 fere with—

6 “(i) safe airport operations;

7 “(ii) navigation;

8 “(iii) air traffic services; or

9 “(iv) the safe and efficient operation
10 of the national airspace system.

11 “(3) COORDINATION WITH THE FAA.—The Sec-
12 retary and the Attorney General shall coordinate the
13 development of their respective guidance under sub-
14 section (h) with the Secretary of Transportation
15 (through the Administrator of the Federal Aviation
16 Administration).

17 “(4) COORDINATION WITH THE DEPARTMENT
18 OF TRANSPORTATION AND NATIONAL TELE-
19 COMMUNICATIONS AND INFORMATION ADMINISTRA-
20 TION.—The Secretary and the Attorney General,
21 and the heads of any State, local, Tribal, or terri-
22 torial law enforcement agencies designated pursuant
23 to subsection (d)(2), through the Secretary and the
24 Attorney General, shall coordinate the development
25 for their respective departments or agencies of the

1 actions described in subsection (e) with the Sec-
2 retary of Transportation (through the Administrator
3 of the Federal Aviation Administration), the Assist-
4 ant Secretary of Commerce for Communications and
5 Information, and the Administrator of the National
6 Telecommunications and Information Administra-
7 tion.

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

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

21 “(B) with the Administrator of the Federal
22 Aviation Administration in order that the Ad-
23 ministrator may ensure the action will have no
24 adverse impact, or will not, interfere with—

25 “(i) safe airport operations;

1 “(ii) navigation;

2 “(iii) air traffic services; or

3 “(iv) the safe and efficient operation
4 of the national airspace system; and

5 “(C) to allow the Department and the De-
6 partment of Justice to ensure that any action
7 authorized by this section is consistent with
8 Federal law enforcement and in the interest of
9 national security.

10 “(j) PRIVACY PROTECTION.—

11 “(1) IN GENERAL.—Any regulation or guidance
12 issued to carry out an action under subsection (e) by
13 the Secretary or the Attorney General, respectively,
14 shall ensure for the Department or the Department
15 of Justice, respectively, that—

16 “(A) the interception of, acquisition of, ac-
17 cess to, maintenance of, or use of any commu-
18 nication to or from an unmanned aircraft sys-
19 tem or unmanned aircraft under this section is
20 conducted in a manner consistent with the First
21 and Fourth Amendments to the Constitution of
22 the United States and any applicable provision
23 of Federal law;

24 “(B) any communication to or from an un-
25 manned aircraft system or unmanned aircraft

1 are intercepted or acquired only to the extent
2 necessary to support an action described in sub-
3 section (e);

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

10 “(i) required under Federal law;

11 “(ii) necessary for the purpose of liti-
12 gation; and

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

15 “(I) directly supporting an ongo-
16 ing security operation; or

17 “(II) protecting against dan-
18 gerous or unauthorized activity by un-
19 manned aircraft systems or unmanned
20 aircraft; and

21 “(D) a communication described in sub-
22 paragraph (B) is not disclosed to any person
23 not employed or contracted by the Department
24 or the Department of Justice unless the dislo-
25 sure—

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

3 “(ii) will support—

4 “(I) the Department of Defense;

5 “(II) a Federal law enforcement,
6 intelligence, or security agency;

7 “(III) a State, local, Tribal, or
8 territorial law enforcement agency; or

9 “(IV) another relevant entity or
10 person if the entity or person is en-
11 gaged in a security or protection oper-
12 ation;

13 “(iii) is necessary to support a depart-
14 ment or agency listed in clause (ii) in in-
15 vestigating or prosecuting a violation of
16 law;

17 “(iv) will support the enforcement ac-
18 tivities of a Federal regulatory agency re-
19 lating to a criminal or civil investigation of,
20 or any regulatory, statutory, or other en-
21 forcement action relating to, an action de-
22 scribed in subsection (e);

23 “(v) is between the Department and
24 the Department of Justice in the course of
25 a security or protection operation of either

1 department or a joint operation of those
2 departments; or

3 “(vi) is otherwise required by law.

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

10 “(A) the interception of, acquisition of, ac-
11 cess to, maintenance of, or use of communica-
12 tions to or from an unmanned aircraft system
13 or unmanned aircraft under this section is con-
14 ducted in a manner consistent with—

15 “(i) the First and Fourth Amend-
16 ments to the Constitution of the United
17 States; and

18 “(ii) applicable provisions of Federal,
19 and where required, State, local, Tribal,
20 and territorial law;

21 “(B) any communication to or from an un-
22 manned aircraft system or unmanned aircraft is
23 intercepted or acquired only to the extent nec-
24 essary to support an action described in sub-
25 section (e);

1 “(C) any record of a communication de-
2 scribed in subparagraph (B) is maintained only
3 for as long as necessary, and in no event for
4 more than 180 days, unless the Secretary, the
5 Attorney General, or the head of a State, local,
6 Tribal, or territorial law enforcement agency
7 designated under subsection (d)(2) determines
8 that maintenance of the record is—

9 “(i) required to be maintained under
10 Federal, State, local, Tribal, or territorial
11 law;

12 “(ii) necessary for the purpose of any
13 litigation; or

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

16 “(I) directly supporting an ongo-
17 ing security or protection operation;
18 or

19 “(II) protecting against dan-
20 gerous or unauthorized activity by an
21 unmanned aircraft system or un-
22 manned aircraft; and

23 “(D) the communication is not disclosed
24 outside the agency or entity unless the dislo-
25 sure—

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

3 “(ii) would support the Department of
4 Defense, a Federal law enforcement, intel-
5 ligence, or security agency, or a State,
6 local, Tribal, or territorial law enforcement
7 agency;

8 “(iii) would support the enforcement
9 activities of a Federal regulatory agency in
10 connection with a criminal or civil inves-
11 tigation of, or any regulatory, statutory, or
12 other enforcement action relating to, an
13 action described in subsection (e);

14 “(iv) is to the Department or the De-
15 partment of Justice in the course of a se-
16 curity or protection operation of either the
17 Department or the Department of Justice,
18 or a joint operation of the Department and
19 Department of Justice; or

20 “(v) is otherwise required by law.

21 “(k) BUDGET.—

22 “(1) IN GENERAL.—The Secretary and the At-
23 torney General shall submit to Congress, as a part
24 of the homeland security or justice budget materials
25 for each fiscal year after fiscal year 2023, a consoli-

1 dated funding display that identifies the funding
2 source for the actions described in subsection (e)
3 within the Department and the Department of Jus-
4 tice.

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

8 “(1) PUBLIC DISCLOSURES.—

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

15 “(A) any capability, limitation, or sensitive
16 detail of the operation of any technology used
17 to carry out an action described in subsection
18 (e)(1) of this section; or

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

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

23 “(A) CONTROL.—Information described in
24 paragraph (1) that is obtained by a State, local,

1 Tribal, or territorial law enforcement agency
2 from a Federal agency under this section—

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

10 “(ii) shall not be subject to any State,
11 local, Tribal, or territorial law authorizing
12 or requiring disclosure of the information
13 described in paragraph (1).

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

20 “(m) ASSISTANCE AND SUPPORT.—

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

23 “(A) IN GENERAL.—The Secretary and the
24 Attorney General are authorized to use or ac-
25 cept from any other Federal agency, or any

1 other public or private entity, any supply or
2 service to facilitate or carry out any action de-
3 scribed in subsection (e).

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

12 “(C) AGREEMENTS.—To implement the re-
13 quirements of subsection (a)(5)(C), the Sec-
14 retary or the Attorney General may enter into
15 1 or more agreements with the head of another
16 executive agency or with an appropriate official
17 of a non-Federal public or private agency or en-
18 tity, as may be necessary and proper to carry
19 out the responsibilities of the Secretary and At-
20 torney General under this section.

21 “(2) MUTUAL SUPPORT.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the Secretary and the Attorney Gen-
24 eral are authorized to provide support or assist-

1 ance, upon the request of a Federal agency or
2 department conducting—

3 “(i) a mission described in subsection
4 (a)(5)(C);

5 “(ii) a mission described in section
6 130i of title 10, United States Code; or

7 “(iii) a mission described in section
8 4510 of the Atomic Energy Defense Act
9 (50 U.S.C. 2661).

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

13 “(i) for the purpose of fulfilling the
14 roles and responsibilities of the Federal
15 agency or department that made the re-
16 quest for the mission for which the request
17 was made;

18 “(ii) when exigent circumstances exist;

19 “(iii) for a specified duration and lo-
20 cation;

21 “(iv) within available resources;

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

23 “(vi) in coordination with the Admin-
24 istrator of the Federal Aviation Adminis-
25 tration.

1 “(n) SEMIANNUAL BRIEFINGS AND NOTIFICA-
2 TIONS.—

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

11 “(2) REQUIREMENT.—The Secretary and the
12 Attorney General each shall conduct the briefing re-
13 quired under paragraph (1) jointly with the Sec-
14 retary of Transportation.

15 “(3) CONTENT.—Each briefing required under
16 paragraph (1) shall include—

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

22 “(B) a description of—

23 “(i) each instance in which any action
24 described in subsection (e) has been taken,
25 including any instances that may have re-

1 sulted in harm, damage, or loss to a per-
2 son or to private property;

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

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

22 “(iv) each instance in which a commu-
23 nication intercepted or acquired during the
24 course of operations of an unmanned air-
25 craft system or unmanned aircraft was—

1 “(I) held in the possession of the
2 Department or the Department of
3 Justice for more than 180 days; or

4 “(II) shared with any entity
5 other than the Department or the De-
6 partment of Justice;

7 “(C) an explanation of how the Secretary,
8 the Attorney General, and the Secretary of
9 Transportation have—

10 “(i) informed the public as to the pos-
11 sible use of authorities granted under this
12 section; and

13 “(ii) engaged with Federal, State,
14 local, Tribal, and territorial law enforce-
15 ment agencies to implement and use au-
16 thorities granted under this section;

17 “(D) an assessment of whether any gaps
18 or insufficiencies remain in laws, regulations,
19 and policies that impede the ability of the Fed-
20 eral Government or State, local, Tribal, and ter-
21 ritorial governments and owners or operators of
22 critical infrastructure to counter the threat
23 posed by the malicious use of unmanned air-
24 craft systems and unmanned aircraft;

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

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

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

12 “(i) lawful operator access to national
13 airspace; and

14 “(ii) unmanned aircraft systems and
15 unmanned aircraft integration into the na-
16 tional airspace system; and

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

20 “(i) how the details of the incident
21 were obtained; and

22 “(ii) whether the operation involved a
23 violation of Federal Aviation Administra-
24 tion aviation regulations.

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

5 “(5) NOTIFICATION.—

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

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

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

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

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

15 “(3) vest in the Secretary any authority of the
16 Attorney General;

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

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

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

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

6 “(p) TERMINATION.—

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

19 “(2) TERMINATION OF AUTHORITIES WITH RE-
20 SPECT TO COVERED FACILITIES AND ASSETS.—The
21 authority to carry out this section with respect to a
22 covered facility or asset shall terminate on the date
23 that is 7 years after the date of enactment of the
24 Safeguarding the Homeland from the Threats Posed
25 by Unmanned Aircraft Systems Act of 2022.

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

6 “(r) UNITED STATES GOVERNMENT DATABASE.—

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

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

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

21 “(i) in coordination with the Attorney
22 General, the Secretary of Defense, and the
23 Secretary of Transportation (through the
24 Administrator of the Federal Aviation Ad-
25 ministration); and

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

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

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