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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To protect the United States and assets of the United States from incursions.

IN THE HOUSE OF REPRESENTATIVES

Mr. PFLUGER introduced the following bill; which was referred to the
Committee on _____

A BILL

To protect the United States and assets of the United States
from incursions.

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 “Comprehensive Oper-
5 ations for Unmanned-System Neutralization and Threat
6 Elimination Response Act” or the “COUNTER Act”.

1 **SEC. 2. PROTECTION OF UNITED STATES ASSETS FROM IN-**
2 **CURSIONS.**

3 Section 130i of title 10, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) by striking “Notwithstanding” and in-
7 serting “(1) Notwithstanding”;

8 (B) by striking “any provision of title 18”
9 and inserting “sections 32, 1030, and 1367 and
10 chapters 119 and 206 of title 18”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(2) The Secretary of Defense shall delegate the au-
14 thority under paragraph (1) to take actions described in
15 subsection (b)(1) to the commander of a unified combat-
16 ant command, the Secretary concerned, or such other offi-
17 cial of the Department of Defense as the Secretary of De-
18 fense considers appropriate.”;

19 (2) in subsection (b)(1)(B), by inserting before
20 the period at the end the follow: “, including
21 through the use of remote identification broadcast or
22 other means”;

23 (3) in subsection (e)(4)—

24 (A) in subparagraph (B), by striking “;
25 or” and inserting a semicolon;

1 (B) by redesignating subparagraph (C) as
2 subparagraph (D); and

3 (C) by inserting after subparagraph (B)
4 the following new subparagraph:

5 “(C) would support another Federal agen-
6 cy with authority to mitigate the threat of un-
7 manned aircraft systems or unmanned aircraft
8 in mitigating such threats; or”;

9 (4) by redesignating subsections (g), (h), (i),
10 and (j) as subsections (h), (j), (k) and (l), respec-
11 tively;

12 (5) by inserting after subsection (f) the fol-
13 lowing new subsection:

14 “(g) EXEMPTION FROM DISCLOSURE.—Information
15 pertaining to the technology, procedures, and protocols
16 used to carry out this section, including any regulations
17 or guidance issued to carry out this section, shall be ex-
18 empt from disclosure under section 552(b)(3) of title 5
19 and any State or local law requiring the disclosure of in-
20 formation.”;

21 (6) in subsection (h)(1), as so redesignated, in
22 the matter preceding subparagraph (A), by striking
23 “March 1, 2018” and inserting “January 1, 2026”;

1 (7) by inserting after subsection (h), as redesign-
2 nated by paragraph (4), the following new sub-
3 section:

4 “(i) APPLICABILITY OF OTHER LAWS TO ACTIVITIES
5 RELATED TO THE MITIGATION OF THREATS FROM UN-
6 MANNED AIRCRAFT SYSTEMS OR UNMANNED AIR-
7 CRAFT.—Sections 32, 1030, and 1367 and chapters 119
8 and 206 of title 18, and section 46502 of title 49, may
9 not be construed to apply to activities of the Department
10 of Defense or the Coast Guard, whether under this section
11 or any other provision of law, that—

12 “(1) are conducted outside the United States;

13 and

14 “(2) are related to the mitigation of threats
15 from unmanned aircraft systems or unmanned air-
16 craft.”;

17 (8) in subsection (k), as so redesignated—

18 (A) in paragraph (1)—

19 (i) by striking “subsection (j)(3)(C)”

20 and inserting “subsection (l)(3)(C)”; and

21 (ii) by striking “December 31, 2026”

22 and inserting “December 31, 2030”; and

23 (B) in paragraph (2)—

24 (i) by striking “180 days” and insert-

25 ing “one year”; and

1 (ii) by striking “November 15, 2026”

2 and inserting “November 15, 2030”; and

3 (9) in subsection (l), as so redesignated—

4 (A) in paragraph (1)—

5 (i) in subparagraph (B), by inserting

6 “the Committee on Homeland Security and

7 Governmental Affairs,” after “the Com-

8 mittee on the Judiciary,”; and

9 (ii) in subparagraph (C), by inserting

10 “the Committee on Homeland Security,”

11 after “the Committee on the Judiciary,”;

12 (B) by redesignating paragraphs (3)

13 through (6) as paragraphs (4) through (7), re-

14 spectively;

15 (C) by inserting after paragraph (2) the

16 following new paragraph (3):

17 “(3) The term ‘unified combatant command’

18 has the meaning given that term in section 161 of

19 this title.”; and

20 (D) in paragraph (4), as redesignated by

21 subparagraph (B)—

22 (i) in clause (viii), by striking “; or”

23 and inserting a semicolon;

1 (ii) in clause (ix), by striking the pe-
2 riod at the end and inserting a semicolon;
3 and

4 (iii) by adding at the end the fol-
5 lowing new clauses:

6 “(x) protection of the buildings,
7 grounds, and property to which the public
8 are not permitted regular, unrestricted ac-
9 cess and that are under the jurisdiction,
10 custody, or control of the Department of
11 Defense and the persons on that property
12 pursuant to section 2672 of this title;

13 “(xi) assistance to Federal, State, or
14 local officials in responding to incidents in-
15 volving nuclear, radiological, biological, or
16 chemical weapons, high-yield explosives, or
17 related materials or technologies, including
18 pursuant to section 282 of this title or the
19 Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C.
21 5121 et seq);

22 “(xii) activities listed in section
23 2692(b) of this title; or

1 “(xiii) emergency response that is lim-
2 ited to a specified timeframe and loca-
3 tion.”.