

**Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2023**

**Section by Section**

*Section 1. Short Title.*

This section designates the name of the bill as the “Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2023.”

*Section 2. Department of Homeland Security Unmanned Aircraft System Detection and Mitigation Authority.*

This section amends Subtitle A of Title II of the Homeland Security Act of 2002 by striking section 210G and inserting a new section 210G in its place titled “Protection of Certain Facilities and Assets from Unmanned Aircraft.”

Section 210G, subsection (a) defines the terms “air navigation facility,” “airport,” “appropriate committees of Congress,” “budget,” “covered facility or asset,” “critical infrastructure,” “electronic communication,” “intercept,” “oral communication,” “wire communication,” “homeland security or justice budget materials,” “personnel,” “risk-based assessment,” “unmanned aircraft,” and “unmanned aircraft system.”

Section 210G, subsection (b) allows DHS and DOJ personnel whose duties involve safety, security, or protection of people, facilities, or assets to detect, identify, monitor, track, and mitigate a credible UAS threat. The subsection provides exemptions under section 46502 of title 49, United States Code, or sections 32, 1030, 1367, and chapters 119 and 206 of title 18, United States Code to allow DHS and DOJ to take these actions.

Section 210G, subsection (c) authorizes SLTT law enforcement and the owners and operators of airports or other critical infrastructure, including stadiums that support large sports events, to use UAS detection, identification, and monitoring equipment that may otherwise be prohibited by federal law. To qualify for these exceptions, the equipment must comport with a list of authorized equipment maintained by the Secretary of Homeland Security, Attorney General, FAA Administrator, and Secretary of Defense. The equipment must also have been tested and evaluated by DHS or DOJ and meet further standards of the NTIA, FCC, and FAA.

Section 210G, subsection (d) allows DHS and DOJ to carry out a pilot program whereby a limited number of SLTT law enforcement agencies are able to conduct both UAS detection and mitigation activities. Under the pilot program, DHS and DOJ may designate no more than 12 SLTT law enforcement agencies for participation in the pilot program per year for up to 5 years. The total number of SLTT law enforcement agencies participating in the pilot program may not total more than 60. Subject to federal safeguards and oversight, the pilot program authorized under this subsection would supplement DHS and DOJ’s C-UAS missions, which currently lack sufficient equipment and personnel to detect and mitigate UAS activity at all potential high-risk locations or potential targets. Additionally, this subsection provides detailed guidelines on when and how the programs are to be executed. Finally, the subsection requires DHS and DOJ to inform Congress of the use of any of the authorities by an SLTT law enforcement agency

participating in this pilot program beginning 2 years after the designation of the first SLTT law enforcement agency, and annually thereafter.

Section 210G, subsection (e) identifies the actions authorized entities may take to protect against drone threats.

Section 210G, subsection (f) directs the DHS, DOJ, and the heads of the law enforcement agencies participating in the pilot program under subsection (d) to study and test emerging UAS technologies and equipment prior to their use. Further, the subsection permits other relevant personnel and contractors to do their own research and testing pursuant to the same criteria that DHS, DOJ, and participating SLTT law enforcements agencies must abide by. The subsection also allows the FBI Director, on behalf of the Attorney General, to conduct trainings and establish training centers on steps to mitigate UAS-related threats. Finally, the subsection requires that DHS, DOJ, and the heads of the participating agencies within the SLTT pilot program coordinate their research, testing, training, and evaluation procedures such that those procedures satisfy FAA standards.

Section 210G, subsection (g) authorizes the forfeiture of lawfully seized UAS or unmanned aircraft by DHS or DOJ, pursuant to the provisions of chapter 46 of title 18, United States Code.

Section 210G, subsection (h) authorizes the Secretaries of Homeland Security and Transportation, and the Attorney General, to regulate and issue guidance for the use of UAS in consultation with the FCC, NTIA, and FAA.

Section 210G, subsection (i) expands and clarifies the requirements in the existing statute for the Secretary of Homeland Security and the Attorney General to coordinate actions with the Administrator of the FAA. It also applies to the heads of the SLTT law enforcement agencies designated under the new SLTT pilot program.

Section 210G, subsection (j) mandates privacy protections in the guidance and regulations issued by DHS and DOJ. This section reiterates that all interception or acquisition of communications or data be consistent with Fourth Amendment protections and applicable Federal laws. This section also limits the keeping of any records intercepted to no more than 180 days unless there is a law enforcement or criminal nexus. Records may not be disclosed outside of the respective Department unless it would support a safety or security function of the respective Department, or the mission of the Department of Defense or law enforcement. For agencies participating in the SLTT pilot program and for entities (outside the departments) acquiring detection-only equipment, the subsection requires comparable privacy protections.

Section 210G, subsection (k) requires the Secretary of Homeland Security and Attorney General to submit to Congress an annual “consolidated funding display” meeting certain conditions.

Section 210G, subsection (l) requires that a federal agency or SLTT law enforcement entity handling federal C-UAS operations keep records in compliance with the Freedom of Information Act. It provides details on what information is included under this provision and how that information may be disclosed.

Section 210G, subsection (m) authorizes DHS and DOJ to receive support provided by public and private sector entities in connection with authorized C-UAS activities. The subsection also authorizes mutual support activities by the departments.

Section 210G, subsection (n) details the semiannual briefings and notifications that the Secretary of Homeland Security and Attorney General, jointly with the Secretary of Transportation, must provide to the appropriate Congressional committees on the activities they have carried out pursuant to this legislation. The subsection also details the content to be conveyed in these briefings, including the gaps in authorities to C-UAS threats and the new federal government database for security-related UAS incidents. The subsection also requires these briefings to be unclassified but may be accompanied by an additional classified briefing. Finally, the subsection requires the Secretary of Homeland Security and the Attorney General, either separately or jointly, to notify appropriate Congressional committees no later than 30 days after an authorized department, agency, or owner or operator of an airport or critical infrastructure deploys new technology to carry out the actions described in subsection (e).

Section 210G, subsection (o) states that this bill does not vest existing authorities of the respective departments to any other department.

Section 210G, subsection (p) terminates the additional limited detection, identification, monitoring, and tracking authorities provided under subsection (c) 5 years and 6 months after the enactment of this legislation. This subsection provides a sunset of 7 years after enactment of the bill.

Section 210G, subsection (q) clarifies that nothing in the legislation gives the Secretary of Homeland Security or the Attorney General with additional authorities beyond those detailed in the legislation or defined under “covered facility or asset.”

Section 210G, subsection (r) authorizes DHS to develop a database of security-related UAS incidents that incur inside the United States. Incidents in the database may include information about UAS that repeatedly violate altitude or other federal aviation regulations in ways that may be dangerous or harmful to national defense or security.