

AMENDMENT TO H.R. 8610
OFFERED BY MR. WILLIAMS OF NEW YORK

Strike section 6 and insert the following:

1 **SEC. 6. PILOT PROGRAM FOR STATE, LOCAL, TRIBAL, AND**
2 **TERRITORIAL LAW ENFORCEMENT.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity and the Attorney General may carry out a pilot pro-
5 gram to evaluate the potential benefits of State, local,
6 Tribal, and territorial law enforcement agencies taking ac-
7 tions that are necessary to mitigate a credible threat (as
8 defined by the Secretary and the Attorney General, in con-
9 sultation with the Secretary of Transportation, acting
10 through the Administrator of the Federal Aviation Admin-
11 istration) that an unmanned aircraft system or unmanned
12 aircraft poses to the safety or security of a covered facility
13 or asset.

14 (b) DESIGNATION.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security or the Attorney General, with the concur-
17 rence of the Secretary of Transportation (acting
18 through the Administrator of the Federal Aviation
19 Administration), may, under the pilot program es-
20 tablished under subsection (a), designate 1 or more

1 State, local, Tribal, or territorial law enforcement
2 agencies approved by the respective chief executive
3 officer of the State, local, Tribal, or territorial law
4 enforcement agency to engage in the activities au-
5 thORIZED in subsection (d) under the direct oversight
6 of the Department or the Department of Justice.

7 (2) DESIGNATION PROCESS.—

8 (A) NUMBER OF AGENCIES AND DURA-
9 TION.—On and after the date that is 180 days
10 after the date of enactment of this Act, the Sec-
11 retary and the Attorney General, pursuant to
12 paragraph (1), may designate a combined total
13 of not more than 12 State, local, Tribal, and
14 territorial law enforcement agencies for partici-
15 pation in the pilot program, and may designate
16 12 additional State, local, Tribal, and territorial
17 law enforcement agencies each year thereafter,
18 provided that not more than 60 State, local,
19 Tribal, and territorial law enforcement agencies
20 in total may be designated during the 5-year
21 period of the pilot program.

22 (B) REVOCATION.—The Secretary and the
23 Attorney General, in consultation with the Sec-
24 retary of Transportation (acting through the

1 Administrator of the Federal Aviation Adminis-
2 tration)—

3 (i) may revoke a designation under
4 paragraph (1) if the Secretary, Attorney
5 General, and Secretary of Transportation
6 (acting through the Administrator of the
7 Federal Aviation Administration) concur in
8 the revocation; and

9 (ii) shall revoke a designation under
10 paragraph (1) if the Secretary, the Attor-
11 ney General, or the Secretary of Transpor-
12 tation (acting through the Administrator
13 of the Federal Aviation Administration)
14 withdraws concurrence.

15 (c) TERMINATION OF PILOT PROGRAM.—

16 (1) DESIGNATION.—The authority to designate
17 an agency for inclusion in the pilot program estab-
18 lished under this section shall terminate 5 years
19 after the date that is 180 days after the date of en-
20 actment of this Act.

21 (2) AUTHORITY OF PILOT PROGRAM AGEN-
22 CIES.—The authority of an agency designated under
23 the pilot program established under this section to
24 exercise any of the authorities granted under the
25 pilot program shall terminate not later than 6 years

1 after the date that is 180 days after the date of en-
2 actment of this Act, or upon revocation subsection
3 (b)(2)(B).

4 (d) AUTHORIZATION.—Notwithstanding section
5 46502 of title 49, United States Code, or sections 32,
6 1030, 1367 and chapters 119 and 206 of title 18, United
7 States Code, any State, local, Tribal, or territorial law en-
8 forcement agency designated pursuant to subsection (b)
9 may authorize personnel with assigned duties that include
10 the safety, security, or protection of people, facilities, or
11 assets that are necessary to detect, identify, monitor,
12 track, or mitigate a credible threat (as defined by the Sec-
13 retary and the Attorney General, in consultation with the
14 Secretary of Transportation, acting through the Adminis-
15 trator of the Federal Aviation Administration) that an un-
16 manned aircraft system or unmanned aircraft poses to the
17 safety or security of a covered facility or asset.

18 (e) EXEMPTION.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 the Chair of the Federal Communications Commis-
21 sion, in consultation with the Administrator of the
22 National Telecommunications and Information Ad-
23 ministration, shall implement a process for consid-
24 ering the exemption of 1 or more law enforcement
25 agencies designated under subsection (b), or any sta-

1 tion operated by the agency, from any provision of
2 title III of the Communications Act of 1934 (47
3 U.S.C. 151 et seq.) and may establish conditions or
4 requirements for such exemption.

5 (2) REQUIREMENTS.—The Chair of the Federal
6 Communications Commission, in consultation with
7 the Administrator of the National Telecommuni-
8 cations and Information Administration, may grant
9 an exemption under paragraph (1) only if the Chair
10 of the Federal Communications Commission in con-
11 sultation with the Administrator of the National
12 Telecommunications and Information Administration
13 finds that the grant of an exemption—

14 (A) is necessary to achieve the purposes of
15 this section; and

16 (B) will serve the public interest.

17 (3) REVOCATION.—Any exemption granted
18 under paragraph (1) shall terminate automatically if
19 the designation granted to the law enforcement
20 agency under subsection (b)(1) is revoked by the
21 Secretary or the Attorney General under subsection
22 (b)(2)(B) or is terminated under subsection (c)(2).

23 (f) REPORTING.—Not later than 2 years after the
24 date on which the first law enforcement agency is des-
25 ignated under subsection (b), and annually thereafter for

1 the duration of the pilot program, the Secretary and the
2 Attorney General shall inform the appropriate committees
3 of Congress in writing of the use by any State, local, Trib-
4 al, or territorial law enforcement agency of any authority
5 granted pursuant to subsection (d), including a description
6 of any privacy or civil liberties complaints known to the
7 Secretary or Attorney General in connection with the use
8 of that authority by the designated agencies.

9 (g) RESTRICTIONS.—Any entity acting pursuant to
10 the authorities granted under this section—

11 (1) may do so only using equipment authorized
12 by the Department, in coordination with the Depart-
13 ment of Justice, the Federal Communications Com-
14 mission, the National Telecommunications and In-
15 formation Administration, and the Department of
16 Transportation (acting through the Federal Aviation
17 Administration);

18 (2) shall ensure that all personnel undertaking
19 any actions listed under this section are properly
20 trained in accordance with the criteria that the Sec-
21 retary and Attorney General shall collectively estab-
22 lish, in consultation with the Secretary of Transpor-
23 tation, the Administrator of the Federal Aviation
24 Administration, the Chair of the Federal Commu-
25 nications Commission, the Assistant Secretary of

1 Commerce for Communications and Information,
2 and the Administrator of the National Telecommuni-
3 cations and Information Administration; and

4 (3) shall comply with any additional guidance
5 relating to compliance with this section issued by the
6 Secretary or Attorney General.

7 (h) DEFINITIONS.—In this section:

8 (1) The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Homeland Security
11 and Governmental Affairs, the Committee on
12 Commerce, Science, and Transportation, and
13 the Committee on the Judiciary of the Senate;
14 and

15 (B) the Committee on Homeland Security,
16 the Committee on Transportation and Infra-
17 structure, the Committee on Oversight and Ac-
18 countability, the Committee on Energy and
19 Commerce, and the Committee on the Judiciary
20 of the House of Representatives.

21 (2) The term “covered facility or asset” means
22 any facility or asset that—

23 (A) is identified as high-risk and a poten-
24 tial target for unlawful unmanned aircraft or
25 unmanned aircraft system activity by the Sec-

1 retary of Homeland Security or the Attorney
2 General, or by the chief executive of the juris-
3 diction in which a State, local, Tribal, or terri-
4 torial law enforcement agency designated pursu-
5 ant to subsection (b) operates after review and
6 approval of the Secretary or the Attorney Gen-
7 eral, in coordination with the Secretary of
8 Transportation with respect to potentially im-
9 pacted airspace, through a risk-based assess-
10 ment for purposes of this section (except that
11 in the case of the missions described in clauses
12 (i)(II) and (iii)(I) of subparagraph (C), such
13 missions shall be presumed to be for the protec-
14 tion of a facility or asset that is assessed to be
15 high-risk and a potential target for unlawful
16 unmanned aircraft or unmanned aircraft system
17 activity);

18 (B) is located in the United States; and

19 (C) directly relates to 1 or more—

20 (i) missions authorized to be per-
21 formed by the Department, consistent with
22 governing statutes, regulations, and orders
23 issued by the Secretary, pertaining to—

24 (I) security or protection func-
25 tions of U.S. Customs and Border

1 Protection, including securing or pro-
2 tecting facilities, aircraft, and vessels,
3 whether moored or underway;

4 (II) United States Secret Service
5 protection operations pursuant to sec-
6 tions 3056(a) and 3056A(a) of title
7 18, United States Code, and the Pres-
8 idential Protection Assistance Act of
9 1976 (18 U.S.C. 3056 note);

10 (III) protection of facilities pur-
11 suant to section 1315(a) of title 40,
12 United States Code;

13 (IV) transportation security func-
14 tions of the Transportation Security
15 Administration; or

16 (V) the security or protection
17 functions for facilities, assets, and op-
18 erations of Homeland Security Inves-
19 tigation;

20 (ii) missions authorized to be per-
21 formed by the Department of Justice, con-
22 sistent with governing statutes, regula-
23 tions, and orders issued by the Attorney
24 General, pertaining to—

1 (I) personal protection operations
2 by—

3 (aa) the Federal Bureau of
4 Investigation as specified in sec-
5 tion 533 of title 28, United
6 States Code; or

7 (bb) the United States Mar-
8 shals Service as specified in sec-
9 tion 566 of title 28, United
10 States Code;

11 (II) protection of penal, deten-
12 tion, and correctional facilities and
13 operations conducted by the Federal
14 Bureau of Prisons and prisoner oper-
15 ations and transport conducted by the
16 United States Marshals Service;

17 (III) protection of the buildings
18 and grounds leased, owned, or oper-
19 ated by or for the Department of Jus-
20 tice, and the provision of security for
21 Federal courts, as specified in section
22 566 of title 28, United States Code;
23 or

24 (IV) protection of an airport or
25 air navigation facility;

1 (iii) missions authorized to be per-
2 formed by the Department or the Depart-
3 ment of Justice, acting together or sepa-
4 rately, consistent with governing statutes,
5 regulations, and orders issued by the Sec-
6 retary or the Attorney General, respec-
7 tively, pertaining to—

8 (I) protection of National Special
9 Security Events and Special Event
10 Assessment Rating events;

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

23 (III) protection of an active Fed-
24 eral law enforcement investigation,
25 emergency response, or security func-

1 tion, that is limited to a specified du-
2 ration and location; or

3 (IV) the provision of security or
4 protection support to critical infra-
5 structure owners or operators, for
6 static critical infrastructure facilities
7 and assets upon the request of the
8 owner or operator;

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

18 (v) responsibilities of State, local,
19 Tribal, and territorial law enforcement
20 agencies designated pursuant to subsection
21 (b) pertaining to—

22 (I) protection of National Special
23 Security Events and Special Event
24 Assessment Rating events or other
25 mass gatherings in the jurisdiction of

1 the State, local, Tribal, or territorial
2 law enforcement agency;

3 (II) protection of critical infra-
4 structure assessed by the Secretary as
5 high-risk for unmanned aircraft sys-
6 tems or unmanned aircraft attack or
7 disruption, including airports in the
8 jurisdiction of the State, local, Tribal,
9 or territorial law enforcement agency;

10 (III) protection of government
11 buildings, assets, or facilities in the
12 jurisdiction of the State, local, Tribal,
13 or territorial law enforcement agency;
14 or

15 (IV) protection of disaster re-
16 sponse in the jurisdiction of the State,
17 local, Tribal, or territorial law en-
18 forcement agency.

19 (3) The term “critical infrastructure” has the
20 meaning given the term in section 1016(e) of the
21 Critical Infrastructure Protection Act of 2001 (42
22 U.S.C. 5195c(e)).

23 (4) The term “risk-based assessment” means
24 an evaluation of threat information specific to a cov-
25 ered facility or asset and, with respect to potential

1 impacts on the safety and efficiency of the national
2 airspace system and the needs of law enforcement
3 and national security at each covered facility or
4 asset identified by the Secretary of Homeland Secu-
5 rity or the Attorney General, respectively, of each of
6 the following factors:

7 (A) Potential impacts to safety, efficiency,
8 and use of the national airspace system, includ-
9 ing potential effects on manned aircraft and un-
10 manned aircraft systems or unmanned aircraft,
11 aviation safety, airport operations, infrastruc-
12 ture, and air navigation services relating to the
13 use of any system or technology.

14 (B) Options for mitigating any identified
15 impacts to the national airspace system relating
16 to the use of any system or technology, includ-
17 ing minimizing, when possible, the use of any
18 technology that disrupts the transmission of
19 radio or electronic signals.

20 (C) The ability to provide reasonable ad-
21 vance notice to aircraft operators consistent
22 with the safety of the national airspace system
23 and the needs of law enforcement and national
24 security.

1 (D) The setting and character of any cov-
2 ered facility or asset, including—

3 (i) whether the covered facility or
4 asset is located in a populated area or near
5 other structures;

6 (ii) whether the covered facility or
7 asset is open to the public;

8 (iii) whether the covered facility or
9 asset is used for nongovernmental func-
10 tions; and

11 (iv) any potential for interference with
12 wireless communications or for injury or
13 damage to persons or property.

14 (E) The setting, character, duration, and
15 national airspace system impacts of National
16 Special Security Events and Special Event As-
17 sessment Rating events, to the extent not al-
18 ready discussed in the National Special Security
19 Event and Special Event Assessment Rating
20 nomination process.

21 (F) Potential consequences to national se-
22 curity, public safety, or law enforcement if
23 threats posed by unmanned aircraft systems or
24 unmanned aircraft are not mitigated or de-
25 feated.

1 (G) Civil rights and civil liberties guaran-
2 teed by the First and Fourth Amendments to
3 the Constitution of the United States.

4 (5) The terms “unmanned aircraft” and “un-
5 manned aircraft system” have the meanings given
6 those terms in section 44801 of title 49, United
7 States Code.

