

119TH CONGRESS
2D SESSION

S. _____

To grant authority to use counter-unmanned aircraft system technologies to private owners of critical infrastructure facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To grant authority to use counter-unmanned aircraft system technologies to private owners of critical infrastructure facilities, 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 “Critical Infrastructure
5 Airspace Defense Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The North American electric grid and other
9 critical infrastructure sectors face growing threats
10 from unmanned aircraft systems.

1 (2) Counter-unmanned aircraft systems activi-
2 ties are authorized for Federal agencies and for
3 trained State, local, Tribal, and territorial law en-
4 forcement, but private owners and operators of crit-
5 ical infrastructure lack clear statutory authority to
6 independently detect, track, and mitigate in-flight
7 unmanned aircraft systems threats.

8 (3) Prompt action is required to close this gap
9 and protect the reliability of the bulk power system
10 and other critical infrastructure.

11 **SEC. 3. DRONE COUNTERMEASURES FOR CRITICAL INFRA-**
12 **STRUCTURE OWNERS AND OPERATORS.**

13 Section 210G of the Homeland Security Act of 2002
14 (6 U.S.C. 124n) is amended—

15 (1) in subsection (a), by adding at the end the
16 following:

17 “(3) **AUTHORITY OF CRITICAL INFRASTRUC-**
18 **TURE OWNERS AND OPERATORS.**—Notwithstanding
19 section 46502 of title 49, United States Code, or
20 sections 32, 1030, 1367, and chapters 119 and 206
21 of title 18, United States Code, and after completing
22 the training and certification detailed in subsection
23 (d)(3), any owner or operator of a covered critical
24 infrastructure facility (or designated security per-
25 sonnel or contractors of such owner or operator)

1 may, subject to subsection (d)(3), take, and author-
2 ize personnel to take, such actions as are described
3 in subsection (b)(1) that are necessary to mitigate a
4 credible threat that an unmanned aircraft system or
5 unmanned aircraft poses to the safety or security of
6 a covered critical infrastructure facility.”;

7 (2) in subsection (c), by adding at the end the
8 following:

9 “(3) CRITICAL INFRASTRUCTURE.—Any un-
10 manned aircraft system or unmanned aircraft seized
11 pursuant to subsection (a)(3) shall be subject to for-
12 feiture under the laws of the jurisdiction in which
13 the seizure occurred, consistent with procedures es-
14 tablished by the Secretary.”;

15 (3) in subsection (d)—

16 (A) in paragraph (2)(D), by striking
17 “counter-UAS” each place it appears and in-
18 serting “counter-unmanned aircraft system”;

19 (B) by redesignating paragraph (3) as
20 paragraph (4); and

21 (C) by inserting after paragraph (2) the
22 following:

23 “(3) CRITICAL INFRASTRUCTURE TRAINING
24 AND CERTIFICATION.—

1 “(A) REQUIREMENT.—Only personnel who
2 have been trained and certified by the Secretary
3 (in coordination with the Secretary of Energy
4 and the Administrator of the Federal Aviation
5 Administration) may exercise the authorities
6 granted under subsection (a)(3).

7 “(B) PROCEDURES.—Not later than 180
8 days after the date of enactment of the Critical
9 Infrastructure Airspace Defense Act, the Sec-
10 retary, in coordination with the Secretary of
11 Energy, the Attorney General, the Secretary of
12 Defense, and the Secretary of Transportation,
13 shall establish a national certification program,
14 which may utilize or expand the national school-
15 house established under paragraph (2), that in-
16 cludes—

17 “(i) standards for legal, operational,
18 and technical proficiency;

19 “(ii) use of only counter-unmanned
20 aircraft system technologies included on
21 the joint authorized list described in para-
22 graph (2)(A)(iii); and

23 “(iii) mandatory coordination proto-
24 cols with the Federal Aviation Administra-

1 tion to protect the national airspace sys-
2 tem.

3 “(C) REPORTS.—Not later than 1 year
4 after the date of enactment of the Critical In-
5 frastructure Airspace Defense Act, and bian-
6 nually thereafter, the Secretary, in coordination
7 with the Secretary of Energy, the Attorney
8 General, the Secretary of Defense, and the Sec-
9 retary of Transportation, shall submit to the
10 appropriate congressional committees an un-
11 classified report with a classified annex on ac-
12 tivities carried out by critical infrastructure
13 owners and operators exercising the authority
14 granted by subsection (a)(3) and subject to the
15 training and certification requirements de-
16 scribed in this paragraph, including—

17 “(i) a description of the training and
18 certification procedures developed and im-
19 plemented pursuant to this paragraph; and

20 “(ii) a list of personnel that applied
21 for and were certified to exercise the au-
22 thorities granted by subsection (a)(3).”;

23 (4) in subsection (e), by striking “each Sec-
24 retary” and inserting “the Secretary, the Secretary
25 of Transportation”;

1 (5) in subsection (g)(3), by striking “subsection
2 (a)(2)” and inserting “paragraph (2) or (3) of sub-
3 section (a)”;

4 (6) in subsection (h), by striking “subsection
5 (k)(3)(C)(iii)” and inserting “subsection
6 (l)(3)(C)(iii)”;

7 (7) in subsection (j), by adding at the end the
8 following:

9 “(3) CRITICAL INFRASTRUCTURE AUTHOR-
10 ITY.—The authority relating to critical infrastruc-
11 ture facilities established under subsection (a)(3)
12 shall terminate on September 30, 2031.”;

13 (8) in subsection (k), by striking “subsection
14 (k)(3)(C)(iii)” and inserting “subsection
15 (l)(3)(C)(iii)”;

16 (9) in subsection (l)—

17 (A) by striking paragraph (10);

18 (B) by redesignating paragraphs (3), (4),
19 (5), (6), (7), (8), and (9) as paragraphs (4),
20 (6), (7), (8), (10), (9), and (5), respectively,
21 and moving the paragraphs so as to appear in
22 numerical order;

23 (C) by inserting after paragraph (2) the
24 following:

1 “(3) The term ‘covered critical infrastructure
2 facility’ means a critical infrastructure facility des-
3 ignated by the Secretary of Homeland Security, in
4 consultation with the Secretary of Energy, as a
5 high-risk site, including, at a minimum, nuclear gen-
6 erating stations, key substations, transformer sta-
7 tions, and control centers of the bulk power sys-
8 tem.”;

9 (D) in paragraph (6), as so redesignated,
10 by striking “meaning” and inserting “mean-
11 ings”;

12 (E) in paragraph (8), as so redesignated,
13 by adding at the end the following:

14 “(C) For purposes of subsection (a)(3), the
15 term ‘personnel’ means officers, employees, or
16 contractors of the owner or operator of a cov-
17 ered critical infrastructure facility who are as-
18 signed duties that include the security or pro-
19 tection of the facility.”; and

20 (F) in paragraph (10), as so redesignated,
21 by striking the comma after “44801”.

22 **SEC. 4. CRITICAL INFRASTRUCTURE COUNTER-UNMANNED**
23 **AIRCRAFT SYSTEM GRANT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity, in coordination with the Secretary of Energy, shall

1 establish a counter-unmanned aircraft system grant pro-
2 gram for critical infrastructure owners and operators to
3 purchase, install, and operate approved counter-unmanned
4 aircraft systems.

5 (b) ELIGIBILITY.—Grants may be awarded to owners
6 and operators of covered critical infrastructure facilities,
7 as defined in subsection (l)(3) of section 210G of the
8 Homeland Security Act of 2002 (6 U.S.C. 124n), as added
9 by this Act.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$250,000,000 for fiscal
12 years 2027 through 2031 to carry out this section.

13 **SEC. 5. LIABILITY PROTECTION.**

14 Any action taken in accordance with the authorities
15 granted under subsection (a)(3) of section 210G of the
16 Homeland Security Act of 2002 (6 U.S.C. 124n), as added
17 by this Act, shall be deemed to be a Federal action for
18 purposes of liability protection, and no owner, operator,
19 or authorized personnel, as defined in subsection (l) of
20 such section 210G, as added by this Act, shall be liable
21 for any civil or criminal claim arising from such author-
22 ized action, except in cases of gross negligence or willful
23 misconduct.

1 **SEC. 6. RULEMAKING AND IMPLEMENTATION.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Homeland Security, in coordi-
4 nation with the Secretary of Energy, the Attorney Gen-
5 eral, and the Administrator of the Federal Aviation Ad-
6 ministration, shall issue regulations and guidance to im-
7 plement this Act, including procedures for real-time co-
8 ordination with the national airspace system.