

118TH CONGRESS
2D SESSION

H. R. 7586

To establish a Department of State Domestic Protection Mission relating to unmanned aircraft system and unmanned aircraft.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2024

Mr. MILLS (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Department of State Domestic Protection Mission relating to unmanned aircraft system and unmanned aircraft.

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. DEPARTMENT OF STATE DOMESTIC PROTEC-**
4 **TION MISSION.**

5 (a) **AUTHORITY.**—Notwithstanding section 46502 of
6 title 49, United States Code, sections 32, 1030, 1367, and
7 chapters 119 and 206 of title 18, United States Code, or
8 section 705 of the Communications Act of 1934, the Sec-

1 retary of State may take, and may authorize appropriate
2 personnel, including Bureau of Diplomatic Security per-
3 sonnel and contractors, with assigned duties that include
4 safety, security, or protection of personnel, facilities, or
5 assets, to take, such actions described in subsection (b)(1)
6 that are necessary to mitigate a credible threat (as defined
7 by the Secretary of State, in consultation with the Federal
8 Aviation Administration) that an unmanned aircraft sys-
9 tem or unmanned aircraft poses to the safety or security
10 of a covered facility or asset.

11 (b) ACTIONS DESCRIBED.—

12 (1) IN GENERAL.—The actions described in this
13 paragraph are the following:

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

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

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

3 (C) Disrupt control of the unmanned air-
4 craft system or unmanned aircraft, without
5 prior consent, including by disabling the un-
6 manned aircraft system or unmanned aircraft
7 by intercepting, interfering, or causing inter-
8 ference with wire, oral, electronic, or radio com-
9 munications used to control the unmanned air-
10 craft system or unmanned aircraft.

11 (D) Seize or exercise control of the un-
12 manned aircraft system or unmanned aircraft.

13 (E) Seize or otherwise confiscate the un-
14 manned aircraft system or unmanned aircraft.

15 (F) Use reasonable force to disable, dam-
16 age, or destroy the unmanned aircraft system
17 or unmanned aircraft.

18 (2) RESEARCH, TESTING, TRAINING, AND EVAL-
19 UATION.—

20 (A) IN GENERAL.—Notwithstanding sec-
21 tion 46502 of title 49, United States Code, sec-
22 tions 32, 1030, 1367, and chapters 119 and
23 206 of title 18, United States Code, or section
24 705 of the Communications Act of 1934, the
25 Secretary of State shall conduct research, test-

1 ing, training on, and evaluation of any equip-
2 ment, including any electronic equipment, to de-
3 termine its capability and utility prior to the
4 use of any such technology for any action de-
5 scribed in paragraph (1). Personnel, including
6 contractors, who do not have duties that include
7 the safety, security, or protection of people, fa-
8 cilities, or assets may engage in research, test-
9 ing, training, and evaluation activities pursuant
10 to this section.

11 (B) COORDINATION.—The Secretary shall
12 coordinate procedures governing research, test-
13 ing, training, and evaluation for carrying out
14 any provision in this section with the Adminis-
15 trator of the Federal Aviation Administration
16 before initiating such activities so the Adminis-
17 trator may ensure the activities do not ad-
18 versely impact or interfere with safe airport op-
19 erations, navigation, air traffic services, or the
20 safe and efficient operation of the national air-
21 space system.

22 (c) FORFEITURE.—Any unmanned aircraft system or
23 unmanned aircraft described in subsection (a) that is
24 seized by the Secretary of State is subject to forfeiture

1 to the United States pursuant to the provisions of chapter
2 46 of title 18, United States Code.

3 (d) REGULATIONS AND GUIDANCE.—The Secretary
4 of State and the Secretary of Transportation, in consulta-
5 tion with the Assistant Secretary of Commerce for Com-
6 munications and Information of the National Tele-
7 communications and Information Administration, may
8 prescribe regulations and shall issue guidance in the re-
9 spective areas of each Secretary to carry out this section.

10 (e) COORDINATION.—

11 (1) IN GENERAL.—The Secretary of State shall
12 develop the actions described in subsection (b)(1) in
13 coordination with the Secretary of Transportation
14 (through the Administrator of the Federal Aviation
15 Administration), and the Assistant Secretary of
16 Commerce for Communications and Information of
17 the National Telecommunications and Information
18 Administration.

19 (2) FURTHER COORDINATION.—The Secretary
20 of State shall coordinate with the Administrator of
21 the Federal Aviation Administration prior to any ac-
22 tion authorized by this section so the Administrator
23 may ensure the action does not adversely impact or
24 interfere with safe airport operations, navigation, air

1 traffic services, or the safe and efficient operation of
2 the national airspace system.

3 (3) FURTHER COORDINATION.—The Secretary
4 of State shall coordinate the development of guid-
5 ance and regulations under subsection (d) with the
6 Federal Aviation Administration, the Federal Com-
7 munications Commission, and the National Tele-
8 communications and Information Administration.

9 (4) FURTHER COORDINATION.—Before issuing
10 any guidance under subsection (d), or otherwise im-
11 plementing this section, the Secretary of State shall
12 coordinate with the Administrator of the Federal
13 Aviation Administration to ensure such guidance or
14 implementation is designed to preserve safe airport
15 operations, navigation, air traffic services, and the
16 safe and efficient operation of the national airspace
17 system.

18 (f) PRIVACY PROTECTION.—The regulations pre-
19 scribed or guidance issued under subsection (d) shall en-
20 sure that—

21 (1) the interception or acquisition of, access to,
22 or maintenance or use of communications to or from
23 an unmanned aircraft system under this section is
24 conducted in a manner consistent with the First and

1 Fourth Amendments to the Constitution and appli-
2 cable provisions of Federal law;

3 (2) communications to or from an unmanned
4 aircraft system are intercepted, acquired, or accessed
5 only to the extent necessary to support the actions
6 described in subsection (b);

7 (3) records of such communications are main-
8 tained only for as long as necessary, and in no event
9 more than 180 days, unless the Secretary of State
10 determines that maintenance of such records—

11 (A) is necessary to investigate or assist in
12 the prosecution of a violation of law;

13 (B) is necessary to directly support an on-
14 going security, law enforcement, or national de-
15 fense operations; or

16 (C) is required under Federal statute, regu-
17 lation, or for the purpose of litigation; and

18 (4) such communications are not disclosed out-
19 side the Department of State unless the disclosure—

20 (A) is necessary to investigate or assist in
21 the prosecution of a violation of law;

22 (B) would support the Department of De-
23 fense, a Federal law enforcement, intelligence,
24 or security agency, or a State, local, tribal, or
25 territorial law enforcement agency;

1 (C) would support the enforcement activi-
2 ties of a regulatory agency of the Federal Gov-
3 ernment in connection with a criminal or civil
4 investigation of, or any regulatory, statutory, or
5 other enforcement action relating to, an action
6 described in subsection (b);

7 (D) is between the Department of State
8 and a Federal, State, local, tribal, or territorial
9 law enforcement agency in the course of a secu-
10 rity or protection operation of either agency or
11 a joint operations of such agencies; or

12 (E) is otherwise required by law.

13 (g) BUDGET.—The Secretary of State shall submit
14 to Congress, as a part of the budget presentation docu-
15 ments for each fiscal year following the enactment of this
16 provision, a consolidated funding display that identifies
17 the funding source for the actions described in subsection
18 (b)(1) within the Department of State. The funding dis-
19 play shall be in unclassified form but may contain a classi-
20 fied annex.

21 (h) ASSISTANCE AND SUPPORT.—

22 (1) FACILITIES AND SERVICES OF OTHER
23 AGENCIES AND NON-FEDERAL ENTITIES.—The Sec-
24 retary is authorized to use, solicit, or accept from
25 any other Federal agency, or any other public or pri-

1 vate entity, supplies, services, or funds to facilitate
2 or take the actions provided for in subsection (b).
3 The Secretary may use, solicit, or accept such sup-
4 plies, services, or funds with or without reimburse-
5 ment and notwithstanding any provision of law that
6 would prevent such use or acceptance. The Secretary
7 in implementing subsection (1)(3)(C) may enter into
8 agreements with other executive agencies and with
9 appropriate officials of other non-Federal public or
10 private agencies or entities, as may be necessary and
11 proper to carry out their responsibilities under this
12 section.

13 (2) MUTUAL SUPPORT.—The Secretary is au-
14 thorized to provide support or assistance, upon the
15 request of an agency or department conducting a
16 mission specified in section 210G of the Homeland
17 Security Act of 2002 (6 U.S.C. 124n), section 130i
18 of title 10, United States Code, or section 4510 of
19 the Atomic Energy Defense Act (50 U.S.C. 2661),
20 in fulfilling the requesting agency’s or department’s
21 roles and responsibilities for that mission, when exi-
22 gent circumstances exist, limited to a specified time-
23 frame and location, within available resources, on a
24 reimbursable or non-reimbursable basis, in coordina-
25 tion with the Federal Aviation Administration.

1 (i) SEMIANNUAL BRIEFINGS.—

2 (1) IN GENERAL.—On a semiannual basis be-
3 ginning six months following the enactment of this
4 provision during the seven-year period beginning
5 upon enactment of this provision, the Secretary of
6 State and the Secretary of Transportation shall
7 jointly provide a briefing to the appropriate congres-
8 sional committees on the activities carried out pursu-
9 ant to this section. Such briefings shall include a de-
10 scription of—

11 (A) policies, programs, and procedures to
12 mitigate or eliminate impacts of such activities
13 to the National Airspace System;

14 (B) instances where actions described in
15 subsection (b)(1) have been taken;

16 (C) the guidance, policies, or procedures
17 established to address privacy, civil rights, and
18 civil liberties issues implicated by the actions
19 authorized under this section and any changes
20 or subsequent efforts that would significantly
21 affect privacy, civil rights, or civil liberties;

22 (D) how the Secretaries have informed the
23 public as to the possible use of authorities
24 under this section;

1 (E) how the Secretaries have engaged with
2 Federal, State, and local law enforcement agen-
3 cies to implement and use such authorities; and

4 (F) a description of the impact of the au-
5 thorities granted under this section on lawful
6 operator access to national airspace and UAS
7 integration into the national airspace system.

8 (2) FORM.—Each briefing under paragraph (1)
9 shall be in unclassified form but may be accom-
10 panied by an additional classified briefing.

11 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to—

13 (1) vest in the Secretary of State any authority
14 of the Secretary of Transportation or the Adminis-
15 trator of the Federal Aviation Administration under
16 title 49, United States Code; and

17 (2) vest in the Secretary of Transportation or
18 the Administrator of the Federal Aviation Adminis-
19 tration any authority of the Secretary of State.

20 (k) TERMINATION.—The authority provided by sub-
21 section (a) shall terminate on the date that is 7 years after
22 the enactment of this Act.

23 (l) DEFINITIONS.—In this section—

24 (1) the term “appropriate congressional com-
25 mittees” means—

1 (A) the Senate Foreign Relations Com-
2 mittee and the House Foreign Affairs Com-
3 mittee;

4 (B) the Select Committee on Intelligence,
5 the Committee on the Judiciary, and the Com-
6 mittee on Commerce, Science, and Transpor-
7 tation of the Senate; and

8 (C) the Permanent Select Committee on
9 Intelligence, the Committee on the Judiciary,
10 and the Committee on Transportation and In-
11 frastructure of the House of Representatives;

12 (2) the term “budget”, with respect to a fiscal
13 year, means the budget for that fiscal year that is
14 submitted to Congress by the President under sec-
15 tion 1105(a) of title 31, United States Code;

16 (3) the term “covered facility or asset” means
17 any facility or asset that—

18 (A) is identified as high-risk and a poten-
19 tial target for unlawful unmanned aircraft ac-
20 tivity by the Secretary of State, in coordination
21 with the Federal Aviation Administration, with
22 respect to potentially impacted airspace,
23 through a risk-based assessment for purposes of
24 this section;

1 (B) is located in the United States (includ-
2 ing the territories and possessions of the United
3 States);

4 (C) directly relates to the security and pro-
5 tective missions of the Department of State, in-
6 cluding those consistent with—

7 (i) the Omnibus Diplomatic Security
8 and Antiterrorism Act of 1986 (22 U.S.C.
9 4801, et seq.); and

10 (ii) section 37 of the State Depart-
11 ment Basic Authorities Act of 1956 (22
12 U.S.C. 2709); and

13 (D) when fulfilling personal protection re-
14 sponsibilities consistent with 22 U.S.C.
15 4802(a)(1)(D), 4802(a)(2)(B)(vii), 4802
16 (a)(2)(B)(viii), and 2709(a)(3), is limited to a
17 specified timeframe at a static location;

18 (4) the terms “electronic communication”,
19 “intercept”, “oral communication”, and “wire com-
20 munication” have the meanings given those terms in
21 section 2510 of title 18, United States Code;

22 (5) the term “personnel”—

23 (A) means officers, employees, and con-
24 tractors of the Department of State with as-
25 signed duties that include safety, security, or

1 protection of personnel, facilities, or assets and
2 who are trained and certified to perform such
3 duties, including training specific to countering
4 unmanned aircraft threats and mitigating risks
5 in the national airspace; and

6 (B) includes contractors conducting oper-
7 ations under subsections (a) and (b) if the con-
8 tractors are—

9 (i) directly contracted by the Depart-
10 ment of State;

11 (ii) operating at a government owned
12 or government leased facility;

13 (iii) not conducting inherently govern-
14 mental functions; and

15 (iv) trained and certified by the De-
16 partment of State as meeting established
17 Department guidance and regulations;

18 (6) the term “risk-based assessment” includes
19 an evaluation of threat information specific to a cov-
20 ered facility or asset and, with respect to potential
21 impacts on the safety and efficiency of the national
22 airspace system and the needs of law enforcement
23 and national security at each covered facility or
24 asset identified by the Secretary, of each of the fol-
25 lowing factors:

1 (A) Potential impacts to safety, efficiency,
2 and use of the national airspace system, includ-
3 ing potential effects on manned aircraft and un-
4 manned aircraft 30 systems, aviation safety,
5 airport operations, infrastructure, and air navi-
6 gation services related to the use of any system
7 or technology for carrying out the actions de-
8 scribed in subsection (b)(1).

9 (B) Options for mitigating any identified
10 impacts to the national airspace system related
11 to the use of any system or technology, includ-
12 ing minimizing when possible the use of any
13 technology which disrupts the transmission of
14 radio or electronic signals, for carrying out the
15 actions described in subsection (b)(1).

16 (C) Potential consequences of the impacts
17 of any actions taken under subsection (b)(1) to
18 the national airspace system and infrastructure
19 if not mitigated.

20 (D) 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 (E) The setting and character of any cov-
2 ered facility or asset, including whether it is lo-
3 cated in a populated area or near other struc-
4 tures, whether the facility is open to the public,
5 whether the facility is also used for nongovern-
6 mental functions, and any potential for inter-
7 ference with wireless communications or for in-
8 jury or damage to persons or property.

9 (F) Potential consequences to national se-
10 curity, public safety, or law enforcement if
11 threats posed by unmanned aircraft systems are
12 not mitigated or resolved; and

13 (7) the terms “unmanned aircraft” and “un-
14 manned aircraft system” have the meanings given
15 those terms in section 44801 of title 49, United
16 States Code.

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