

119TH CONGRESS
1ST SESSION

S. _____

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

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 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”.

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

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

11 (1) in subsection (a)—

2

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

3 (B) by striking “any provision of title 18”
4 and inserting “sections 32, 1030, and 1367 and
5 chapters 119 and 206 of title 18”; and

6 (C) by adding at the end the following new
7 paragraph:

8 “(2) The Secretary of Defense shall delegate the au-
9 thority under paragraph (1) to take actions described in
10 subsection (b)(1) to the commander of a combatant com-
11 mand, the Secretary concerned, or such other official of
12 the Department of Defense as the Secretary of Defense
13 considers appropriate.”;

14 (2) in subsection (b)(1)(B), by inserting before
15 the period at the end the follow: “, including
16 through the use of remote identification broadcast or
17 other means”;

18 (3) in subsection (e)(4)—

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

21 (B) by redesignating subparagraph (C) as
22 subparagraph (D); and

23 (C) by inserting after subparagraph (B)
24 the following new subparagraph:

1 “(C) would support another Federal agen-
2 cy with authority to mitigate the threat of un-
3 manned aircraft systems or unmanned aircraft
4 in mitigating such threats; or”;

5 (4) by redesignating subsections (g) through (j)
6 as subsections (h), (j), (k) and (l), respectively;

7 (5) by inserting after subsection (f) the fol-
8 lowing new subsection:

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

16 (6) by inserting after subsection (h), as redesign-
17 ated by paragraph (4), the following new sub-
18 section:

19 “(i) APPLICABILITY OF OTHER LAWS TO ACTIVITIES
20 RELATED TO THE MITIGATION OF THREATS FROM UN-
21 MANNED AIRCRAFT SYSTEMS OR UNMANNED AIR-
22 CRAFT.—Sections 32, 1030, and 1367 and chapters 119
23 and 206 of title 18, and section 46502 of title 49, may
24 not be construed to apply to activities of the Department

1 of Defense or the Coast Guard, whether under this section
2 or any other provision of law, that—

3 “(1) are conducted outside the United States;
4 and

5 “(2) are related to the mitigation of threats
6 from unmanned aircraft systems or unmanned air-
7 craft.”;

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

9 (A) in paragraph (1)—

10 (i) by striking “subsection (j)(3)(C)”
11 and inserting “subsection (l)(3)(C)”; and

12 (ii) by striking “December 31, 2026”
13 and inserting “December 31, 2030”; and

14 (B) in paragraph (2)—

15 (i) by striking “180 days” and insert-
16 ing “one year”; and

17 (ii) by striking “November 15, 2026”
18 and inserting “November 15, 2030”; and

19 (8) in subsection (l), as so redesignated—

20 (A) in paragraph (1)—

21 (i) in subparagraph (B), by inserting
22 “the Committee on Homeland Security and
23 Governmental Affairs,” after “the Com-
24 mittee on the Judiciary,”; and

1 (ii) in subparagraph (C), by inserting
2 “the Committee on Homeland Security,”
3 after “the Committee on the Judiciary,”;

4 (B) by redesignating paragraphs (3)
5 through (6) as paragraphs (4) through (7), re-
6 spectively;

7 (C) by inserting after paragraph (2) the
8 following new paragraph (3):

9 “(3) The term ‘combatant command’ has the
10 meaning given that term in section 161 of this
11 title.”; and

12 (D) in paragraph (4), as redesignated by
13 subparagraph (B)—

14 (i) in clause (viii), by striking “; or”
15 and inserting a semicolon;

16 (ii) in clause (ix)—

17 (I) by striking “sections” and in-
18 serting “section”; and

19 (II) by striking the period at the
20 end and inserting a semicolon; and

21 (iii) by adding at the end the fol-
22 lowing new clauses:

23 “(x) protection of the buildings,
24 grounds, and property to which the public
25 are not permitted regular, unrestricted ac-

cess and that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property pursuant to section 2672 of this title;

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

“(xii) transportation, storage, treatment, and disposal of explosives by the Department pursuant to section 2692(b) of this title; or

“(xiii) emergency response that is limited to a specified timeframe and location.”.