

PROTECTING CRITICAL INFRASTRUCTURE AGAINST
 DRONES AND EMERGING THREATS ACT

SEPTEMBER 25, 2018.—Committed to the Committee of the Whole House on the
 State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
 submitted the following

R E P O R T

[To accompany H.R. 6620]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6620) to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	2
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Congressional Budget Office Estimate	3
Statement of General Performance Goals and Objectives	3
Duplicative Federal Programs	4
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	4
Federal Mandates Statement	4
Preemption Clarification	4
Disclosure of Directed Rule Makings	4
Advisory Committee Statement	4
Applicability to Legislative Branch	4
Section-by-Section Analysis of the Legislation	4
Changes in Existing Law Made by the Bill, as Reported	5
Committee Correspondence	6

PURPOSE AND SUMMARY

The purpose of H.R. 6620 is to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes.

H.R. 6620 requires the Under Secretary for Intelligence and Analysis (I&A) of the Department of Homeland Security (DHS) to develop and disseminate a threat assessment, informed by information gathered from Federal, state, local, and private sector partners, regarding the threats posed by unmanned aircraft systems (UAS) and other emerging threats. Further, it directs the Under Secretary for I&A, in conjunction with the DHS Chief Information Officer (CIO) and other relevant entities, to establish a secure communications infrastructure for receiving and analyzing such threat information, along with a voluntary mechanism for critical infrastructure owners and operators to report information on emerging threats, such as UAS, to DHS. H.R. 6620 also requires the Under Secretary to submit a UAS threat assessment and report to Congress no later than one year after its enactment into law.

BACKGROUND AND NEED FOR LEGISLATION

Recent UAS incidents have shed light on growing security concerns associated with the increased availability and expanded use of these technologies. For instance, UAS have been weaponized by cartels and used to carry out smuggling operations, intrusions at National Football League (NFL) and Olympic stadiums, and damage to electrical grid infrastructure.

Federal and State regulators have struggled to keep pace with the exponential growth in the use of UAS. Currently, several DHS offices and components participate in interagency and industry UAS working groups, which promote information sharing, research, and joint problem-solving initiatives. However, recent testimony provided to the Subcommittee on Cybersecurity and Infrastructure Protection revealed that critical infrastructure owners and operators do not have a clear, consistent mechanism for reporting unauthorized UAS activity on their properties to DHS.¹ H.R. 6620 would advance the Department's work in this field by requiring the Under Secretary for I&A to develop and disseminate a threat assessment regarding the threats posed by UAS and other new technologies, and directing DHS to establish a channel for critical infrastructure owners and operators to voluntarily report information on emerging threats.

HEARINGS

The Subcommittee on Oversight and Management Efficiency did not hold any hearings specifically on this legislation. However, the issue was discussed at the Subcommittee on Cybersecurity and Infrastructure hearing entitled "Industry Views of the Chemical Facility Anti-Terrorism Standards Program," held on February 15, 2018. Testimony was heard from Mr. Chet Thompson, President, American Fuel and Petrochemical Manufacturers; Ms. Kirsten Meskill, Director of Corporate Security, BASF Corporation, Testi-

¹U.S. House of Representatives Committee on Homeland Security Subcommittee on Cybersecurity and Infrastructure Protection hearing entitled *Industry Views of the Chemical Facility Anti-Terrorism Standards Program* (Feb. 15, 2018).

fyng on behalf of the American Chemistry Council; Mr. Pete Mutschler, Environment, Health and Safety Director, CHS Inc.; and Mr. Paul Orum, Chemical Safety Advocate, Coalition to Prevent Chemical Disasters.

COMMITTEE CONSIDERATION

The Committee met on September 13, 2018, to consider H.R. 6620 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 6620.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 6620, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 6620 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The goal of H.R. 6220 is for the Under Secretary for Intelligence and Analysis of the Department to develop and disseminate a threat assessment regarding the threats posed by unmanned aircraft systems (UAS) and other emerging threats, and to establish secure communications and information technology infrastructure in order to access, receive, and analyze data and information on emerging threats including by establishing a voluntary mechanism whereby critical infrastructure owners and operators may report information.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 6620 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 6620 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 6620 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Protecting Critical Infrastructure Against Drones and Emerging Threats Act.”

Sec. 2. Drone and emerging threat assessment

Subsection (a) requires the DHS Under Secretary for I&A, not later than 120 days after the enactment of this bill, to request additional information from Federal, State, and local agencies, as well

as private sector entities related to UAS threats, and other emerging threats associated with new technologies. The Committee expects the Under Secretary to carry out this requirement in consultation with relevant officials of the Department. This subsection also requires the Under Secretary, in consultation with relevant officials of the Department and other appropriate Federal agencies, to develop and disseminate a security threat assessment regarding UAS and other emerging threats associated with such technology.

Subsection (a) also directs the Under Secretary for I&A and the Chief Information Officer to establish and utilize a secure communications and information technology infrastructure to share and assess information related to threats posed by UAS. The Committee intends that the Department utilize or augment existing information sharing systems to accomplish elements of this directive. For instance, the Department operates the Homeland Security Information Network (HSIN) to securely share information with other Federal agencies, law enforcement, and the private sector among others. Additionally, there are multiple data-mining and analytic tools utilized across the Department that may be appropriate for use in identifying and sharing information related to UAS threats.

Subsection (b) requires the Under Secretary to prepare an unmanned aircraft systems threat assessment and report for the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate no later than one year after the enactment of this bill. The Committee intends that this threat assessment and report include information gathered from critical infrastructure owners and operators, as well as other Federal, State, and local agencies.

Subsection (c) defines the terms “critical infrastructure” and “unmanned aircraft system” using the definitions in Section 106(e) of Public Law 107–56 (42 U.S.C. 5195c(e)) and Section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note; Public Law 112–95) respectively.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported H.R. 6620 makes no changes to existing law.

COMMITTEE CORRESPONDENCE



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Banking Member

Christopher W. Vlesou, Staff Director

September 21, 2018

Katherine W. Dedrick, Democratic Staff Director

The Honorable Michael McCaul
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman McCaul:

I write concerning H.R. 6620, the *Protecting Critical Infrastructure Against Drones and Emerging Threats Act*. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 6620, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the *Congressional Record* during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

Bill Shuster
Chairman

cc: The Honorable Paul D. Ryan
The Honorable Peter A. DeFazio
The Honorable Bennie Thompson
Mr. Thomas J. Wickham, Jr., Parliamentarian

MICHAEL T. McCAUL, TEXAS
CHAIRMAN



BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515
September 21, 2018

The Honorable Bill Shuster
Chairman, Committee on Transportation and Infrastructure
2251 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Shuster,

Thank you for your letter regarding H.R.6620, the "Protecting Critical Infrastructure Against Drones and Emerging Threats Act." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee.

I will insert copies of this exchange in the *Congressional Record* during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael T. McCaul".

MICHAEL T. McCAUL
Chairman

cc: The Honorable Paul Ryan, Speaker
The Honorable Bennie G. Thompson, Ranking Member, Committee on Homeland Security
The Honorable Peter A. DeFazio, Ranking Member, Committee on Transportation and Infrastructure
Mr. Thomas J. Wickham, Parliamentarian