



August 1, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Leader McCarthy, Leader Schumer, and Leader McConnell:

The U.S. Chamber of Commerce (“the Chamber”) appreciates your consideration of the *White House’s Domestic Counter-UAS National Action Plan* (Action Plan) and the importance of counter-UAS (“CUAS”) to address security risks posed by unmanned aircraft systems (“UAS”). We support the responsible expansion of CUAS detection and mitigation authorities with appropriate guardrails to ensure aviation safety, provide for continued federal regulation of the national airspace, and protect authorized commercial activity.

The Chamber believes that the Action Plan is a step in the right direction to secure the national airspace and protect against UAS threats. While UAS provide significant benefits such as increased productivity, enhanced infrastructure inspections, and new business models such as UAS delivery, risks including economic espionage, threats to aviation safety, terrorist and criminal activity, and other illicit conduct are clearly present. A comprehensive CUAS approach is necessary to mitigate risks posed by UAS and to also ensure public trust in the technology.

Moreover, the introduction of counter-UAS technologies and responsible expansion of CUAS authorities contributes to the broader federal program for safe and secure integration of the UAS into the national airspace. This includes through protecting critical infrastructure facilities under the federal framework established under Section 2209 of the FAA Extension, Safety, Security Act of 2016 as well as protecting other assets, like aviation facilities, that are essential for the free flow of commerce.

The Chamber encourages Congress to move expeditiously to advance the key pillars of the Action Plan and provide for a comprehensive approach to CUAS. At the same time, we urge Congress to extend existing CUAS authorities that are set to expire in October 2022. As Congress considers legislation to implement the Action Plan, the Chamber seeks to highlight

several key aspects of the Action Plan important to the business community as well as note several other important considerations.

- **Extend Existing Authorities:** The Preventing Emerging Threats Act temporarily authorized the Departments of Homeland Security and Justice to conduct domestic detection and mitigation activities. Congress must extend, or make permanent, these detection and mitigation authorities to ensure these agencies can continue to execute critical homeland and national security missions.
- **Responsibly Expand Detection and Mitigation Authorities:** The Action Plan takes a graduated approach towards expanding detection and mitigation authorities to provide for a wholistic approach to UAS security. In particular, the Chamber strongly supports expanding these authorities to allow the Transportation Security Administration to protect transportation facilities, such as airports, allow for federal support for requests to provide UAS detection and CUAS mitigation to protect critical infrastructure facilities, and expand CUAS detection-only to critical infrastructure owners and state and local law enforcement. Furthermore, the Chamber supports the Action Plan's recommendation to create a pilot program for state and local law enforcement to carry out CUAS mitigation activities. In expanding authorities, Congress must ensure robust coordination with the Federal Aviation Administration (FAA) and that any changes do not impede the FAA's statutory mandate to regulate safety of the national airspace.
- **Ensure an Effective Equipment Authorization List:** Certain CUAS detection and mitigation solutions may present unacceptable risks to the safety of the national airspace and to the use of communications spectrum. The Chamber supports the Action Plan's proposal to create a process establishing equipment authorization lists for detection and mitigation solutions. Policymakers need to ensure the equipment authorization lists are well-defined and transparent to industry. Moreover, the Chamber recommends that agencies make available locations to allow for the safe domestic testing of CUAS detection and mitigation solutions to evaluate compliance with list requirements.
- **Establish a Comprehensive and Workable Approach to Enforcement:** A comprehensive and workable framework to provide for criminal and civil penalties for misuse of UAS is crucial to deter illicit behavior and ensure accountability. The Chamber believes that any such framework should establish proportionate penalties and limit the risk of excessive liability on commercial UAS operators.
- **Oppose a Domestic Point of Sale Tracking Requirement:** The Action Plan briefly notes the establishment of a process to create a domestic point of sale tracking requirement for UAS. The Chamber is concerned that creating such a system is likely to be duplicative of the FAA's registration requirement and will place additional regulatory burdens on the business community.

The Chamber appreciates the opportunity to share our view of the Administration's Action Plan to ensure the security of the national airspace. We look forward to collaborating with Congress and the Administration to ensure the effective implementation of the Action Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK', with a long horizontal flourish extending to the right.

Tom Quaadman
Senior Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce

Cc: The Honorable Maria Cantwell, Chair, Senate Committee on Commerce, Science and Transportation
The Honorable Roger Wicker, Ranking Member, Senate Committee on Commerce, Science and Transportation
The Honorable Peter DeFazio, Chairman, House Committee on Transportation and Infrastructure
The Honorable Sam Graves, Ranking Member, House Committee on Transportation, and Infrastructure
The Honorable Gary Peters, Chairman, Senate Committee on Homeland Security and Governmental Affairs
The Honorable Rob Portman, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs
The Honorable Bennie Thompson, Chairman, House Committee on Homeland Security
The Honorable John Katko, Ranking Member, House Committee on Homeland Security
The Honorable Dick Durbin, Chairman, Senate Committee on Judiciary
The Honorable Chuck Grassley, Ranking Member, Senate Committee on Judiciary
The Honorable Jerry Nadler, Chairman, House Committee on the Judiciary
The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary