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119TH CONGRESS
1ST SESSION

# H. R. 3463

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2025

Mr. PFLUGER (for himself and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, 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

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# A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Comprehensive Operations for Unmanned-System Neutralization and Threat Elimination Response Act'' or the ''COUNTER Act''.

**SEC. 2. PROTECTION OF UNITED STATES ASSETS FROM INCURSIONS.**

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

(1) in subsection (a)—

(A) by striking ''Notwithstanding'' and inserting ''(1) Notwithstanding'';

(B) by striking ''any provision of title 18'' and inserting ''sections 32, 1030, and 1367 and chapters 119 and 206 of title 18''; and

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

''(2) The Secretary of Defense shall delegate the authority under paragraph (1) to take actions described in subsection (b)(1) to the commander of a unified combatant command, the Secretary concerned, or such other official of the Department of Defense as the Secretary of Defense considers appropriate.'';

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

(3) in subsection (e)(4)—

(A) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

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

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

''(C) would support another Federal agency with authority to mitigate the threat of unmanned aircraft systems or unmanned aircraft in mitigating such threats; or'';

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

(5) by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FROM DISCLOSURE.—Information pertaining to the technology, procedures, and protocols used to carry out this section, including any regulations or guidance issued to carry out this section, shall be exempt from disclosure under section 552(b)(3) of title 5 and any State or local law requiring the disclosure of information.'';

(6) in subsection (h)(1), as so redesignated, in the matter preceding subparagraph (A), by striking ''March 1, 2018'' and inserting ''January 1, 2026'';

(7) by inserting after subsection (h), as redesignated by paragraph (4), the following new subsection:

''(i) APPLICABILITY OF OTHER LAWS TO ACTIVITIES RELATED TO THE MITIGATION OF THREATS FROM UNMANNED AIRCRAFT SYSTEMS OR UNMANNED AIRCRAFT.—Sections 32, 1030, and 1367 and chapters 119 and 206 of title 18, and section 46502 of title 49, may not be construed to apply to activities of the Department of Defense or the Coast Guard, whether under this section or any other provision of law, that—

''(1) are conducted outside the United States; and

''(2) are related to the mitigation of threats from unmanned aircraft systems or unmanned aircraft.'';

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

(A) in paragraph (1)—

(i) by striking ''subsection (j)(3)(C)'' and inserting ''subsection (l)(3)(C)''; and

(ii) by striking ''December 31, 2026'' and inserting ''December 31, 2030''; and

(B) in paragraph (2)—

(i) by striking ''180 days'' and inserting ''one year''; and

(ii) by striking ''November 15, 2026'' and inserting ''November 15, 2030''; and

(9) in subsection (l), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''the Committee on Homeland Security and Governmental Affairs,'' after ''the Committee on the Judiciary,''; and

(ii) in subparagraph (C), by inserting ''the Committee on Homeland Security,'' after ''the Committee on the Judiciary,'';

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

''(3) The term 'unified combatant command' has the meaning given that term in section 161 of this title.''; and

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

(i) in clause (viii), by striking ''; or'' and inserting a semicolon;

(ii) in clause (ix), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new clauses:

''(x) protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access 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) activities listed in section 2692(b) of this title; or

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

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