

U.S. Government C-UAS Authority Reference

Which Federal Agencies Can Down Drones | At Which Sites | What They Can Do | FY2026 NDAA SAFER SKIES Act | Tom Cotton Bill | 2026

This reference maps current U.S. government and law enforcement counter-drone defeat authority agency by agency, site by site, as of May 2026. The FY2026 NDAA (signed December 18, 2025) made the most significant changes to federal C-UAS authority since 2018, including the SAFER SKIES Act which for the first time extended defeat authority to state and local law enforcement under certification requirements. A pending bill by Sen. Tom Cotton would further extend limited defeat authority to designated private CNI operators. This document covers what each agency can do, at which sites, under which legal authority.

Critical context: *Despite the new authorities, real-world coordination failures are documented. In March 2026, the DoD used a counter-drone laser near El Paso without FAA notification, forcing an airspace shutdown. Two weeks later, the military downed a DHS/CBP drone because CBP failed to notify DoD of its own operations. Sen. Cantwell publicly demanded immediate interagency coordination reform. These failures illustrate the gap between authority on paper and operational readiness in practice.*

Federal Agency Counter-Drone Authority — Who Can Do What, Where

AGENCY	AUTHORITY LEVEL	DETECT / IDENTIFY	MITIGATE (Jam/Spooftakeover)	KINETIC DEFEAT	COVERED SITES AND SCOPE
DoD — Military Installations (10 U.S.C. §130i)	FULL	YES	YES	YES	Nuclear deterrence facilities (ICBMs, submarine bases, nuclear storage). Missile defense sites. National security space (classified). Special operations activities. High-yield explosives facilities. Intelligence activities. Certain DoD contractors. NDAA FY2026 Section 1707: expanded to additional military installations and now permits certain contractors to mitigate UAS threats. JIATF-401 established Dec 2025 to coordinate DoD-wide C-UAS policy. PROBLEM: DoD IG report Jan 2026 found 'bureaucratic confusion' leaves ~50% of bases unprotected — Luke AFB (75% of world's F-35 training) was not a 'covered facility.' NORTHCOM fly-away C-UAS kit deployed to bases on request.
DoD — All Installations (Post-NDAA FY2026 expansion)	EXPANDED	YES	YES	LIMITED (ROE required)	NDAA FY2026 Section 1707 expanded 'covered facility' definition to include more installations. However, for sites not formally designated, defeat still requires establishing 'hostile intent or hostile act' — a high legal bar. Commander discretion applies. IG report recommends consolidated DoD policy with clear ROE for all 500+ U.S. bases.
Department of Energy — Nuclear Sites (NDAA FY2026 Section 3111)	FULL	YES	YES	YES	All DOE facilities storing or using special nuclear material. Operating nuclear power plants, fuel cycle facilities, spent nuclear fuel storage, isotope production, and research reactors. NDAA FY2026 Section 3111 provides explicit statutory authority: detect, identify, monitor, track; intercept drone communications; warn operators; disrupt, seize, confiscate, or use reasonable force to disable or destroy threatening drones. Implementing regulations being developed with DOT. Previously authority was implied — now explicit. CRITICAL for U.S. nuclear power plant operators.
DHS — Customs and Border Protection (CBP)	FULL	YES	YES	YES	Border zones, ports of entry, CBP operational areas. Long-standing authority. CBP operates C-UAS systems at the southwest border. CAUTION: CBP-DoD coordination failure March 2026 (CBP drone downed by military) illustrates ongoing interagency deconfliction problems.

AGENCY	AUTHORITY LEVEL	DETECT / IDENTIFY	MITIGATE (Jam/Spooof/Takeover)	KINETIC DEFEAT	COVERED SITES AND SCOPE
DHS — Secret Service	FULL	YES	YES	YES	All Secret Service protection operations. Protection of the President, Vice President, foreign heads of state, and designated protectees. All sites where protectees are present. National Special Security Events (NSSEs). White House and other protectee residences. Full defeat authority including kinetic.
DHS — Coast Guard	FULL	YES	YES	YES	Maritime zones, ports, waterways under Coast Guard jurisdiction. Coast Guard stations and facilities. Includes maritime critical infrastructure (offshore platforms, major port approaches).
DHS — TSA / Airport Security	LIMITED	YES	YES	LIMITED (with FAA coordination)	Commercial service airports under TSA jurisdiction. Full defeat authority in coordination with FAA. TSA and airport operators have expanded defeat authority for airport security perimeters. Requires FAA notification to protect airspace.
DHS — Program Executive Office UAS/C-UAS (Established Jan 12, 2026)	EXPANDED	YES	YES	YES	NEW: DHS established dedicated C-UAS acquisition office Jan 2026. \$1.5 billion contract vehicle announced Dec 2025 for DHS-wide C-UAS procurement. All DHS components (CBP, ICE, Secret Service, Coast Guard, TSA) now covered under expanded authority per SAFER SKIES Act. \$115M investment in final stages for FIFA World Cup and America250 events.
DOJ — FBI	FULL	YES	YES	YES	All FBI operational activities. FBI field offices and facilities. Counter-terrorism operations. Major event security (Super Bowl, NSSEs). FBI National Counter-UAS Training Center in Huntsville, Alabama provides certification training for SAFER SKIES Act qualified operators.
DOJ — U.S. Marshals Service	FULL	YES	YES	YES	Protection of jurists, court officers, witnesses, and threatened persons. All federal court buildings and DOJ facilities. Prisoner transport and operations. Witness Security Program sites.
DOJ — Bureau of Prisons	FULL	YES	YES	YES	All federal correctional institutions. Full defeat authority over BOP facilities. Contraband drone interdiction. DEDrone deployed at federal prisons. Note: State prisons added to FAA Section 2209 UAFR eligibility in 2024, but BOP has active defeat authority — state prisons do not.

AGENCY	AUTHORITY LEVEL	DETECT / IDENTIFY	MITIGATE (Jam/Spooof/Takeover)	KINETIC DEFEAT	COVERED SITES AND SCOPE
SAFER SKIES Act — State/Local/Tribal/Territorial Law Enforcement (NEW: NDAA FY2026)	NEW/CERT	YES	CERT REQUIRED	LIMITED (kinetic generally not)	MAJOR CHANGE: SAFER SKIES Act (Title LXXXVI, FY2026 NDAA, signed Dec 18 2025) extends defeat authority to certified SLTT law enforcement for the FIRST TIME. Covers: major public events (FIFA World Cup 2026, Olympics 2028, NSSEs, SEAR 1/2 events); airports; correctional facilities. Requirements: Individual officer certification at FBI National Counter-UAS Training Center (Huntsville, AL) — NOT agency-level certification; agencies may ONLY use systems on joint federal approved technology list (DOJ/DHS/DOD/DOT/FCC/NTIA); full reporting and compliance requirements; \$625M in FEMA grants to 11 FIFA host states in FY2026; \$500M FEMA C-UAS Grant Program FY2027 for all 56 states/territories. Boston PD: \$10.6M. Massachusetts State Police: \$6.7M. Foxborough alone: \$3.5M.
Tom Cotton Bill — Private CNI Operators (Introduced April/May 2026 — PENDING)	PENDING	YES	CERT REQUIRED (if enacted)	LIMITED (if enacted)	PENDING — NOT YET LAW. Sen. Cotton bill introduced in response to FY2026 NDAA momentum. Extends limited C-UAS defeat authority to owners/operators of designated 'covered critical infrastructure facilities' or their trained security personnel. Defined covered facilities: those designated by DHS as 'high risk' — at minimum nuclear plants, key substations, bulk-power system control centers. Actions permitted (if enacted): disruption, seizure, or destruction consistent with federal C-UAS guidance. Federal oversight required. Builds on FY2026 NDAA framework. If enacted, this is the legislation that directly enables private hyperscale data center and CNI operator defeat authority. WATCH THIS BILL.
FAA — Coordination Authority	LIMITED	YES	NO (coordination only)	NO (coordination only)	FAA has exclusive authority over the national airspace system. FAA does NOT have defeat authority but coordinates with all agencies when defeat actions are taken. The El Paso March 2026 incident (DoD laser used without FAA notification) forced an airspace shutdown because the FAA was not notified. FAA Section 2209 UAFR NPRM (May 2026): creates airspace restriction authority for CNI operators — does NOT authorize defeat. FAA must be coordinated with for ALL domestic defeat actions to prevent interference with manned aviation.

Covered Facilities and Sites — What Sites Are Protected Under U.S. Law

The concept of a 'covered facility' is central to U.S. counter-drone law. Agencies can only use defeat authority at sites that are formally designated as covered. Below maps the covered facility definitions by statute, which sites qualify, and critically — what is NOT covered and why that matters.

FACILITY / SITE TYPE	AGENCY WITH DEFEAT AUTHORITY	STATUTORY BASIS	DEFEAT AUTHORIZED	SCOPE AND NOTES
Nuclear deterrence facilities (ICBMs, nuclear subs, storage)	DoD	10 U.S.C. §130i (since 2017)	YES	Highest priority. Full defeat authority. Minot AFB (B-52s), Kirtland AFB (nuclear storage), Kings Bay Naval Base (submarine-launched ballistic missiles). NORTHCOM fly-away C-UAS kit deployed on request. F.E. Warren, Malmstrom, Minot — ICBM bases.
Nuclear reactors and DOE nuclear sites	DOE + DoD	NDA FY2026 Section 3111 (new)	YES	NEWLY EXPLICIT in FY2026 NDA. Operating nuclear power plants (93 commercial reactors), fuel cycle facilities, spent fuel storage, research reactors, isotope production. DOE may detect, intercept, warn, disrupt, seize, or use reasonable force. Implementing regulations being issued.
Missile defense sites	DoD	10 U.S.C. §130i	YES	THAAD batteries, GBI interceptor sites (Fort Greely AK, Vandenberg AFB CA), Aegis Ashore. Full defeat authority.
National security space facilities	DoD / NRO / USSF	10 U.S.C. §130i	YES	Classified launch facilities, satellite control stations, Space Force installations.
Special operations activities	DoD / JSOC	10 U.S.C. §130i	YES	JSOC and SOF operating areas within CONUS. Full defeat authority during designated operations.
High-yield explosives facilities	DoD	10 U.S.C. §130i	YES	Weapons storage areas, conventional munitions depots with high-yield explosives. Full defeat.
Federal prisons (BOP)	DOJ / BOP	18 U.S.C. C-UAS authority	YES	All federal Bureau of Prisons facilities. Full defeat for contraband interdiction and security. DEDrone widely deployed in federal prisons.
Federal courts and DOJ buildings	DOJ / USMS	18 U.S.C. authority	YES	All federal courthouses, DOJ headquarters and field offices.
Presidential and protectee sites	Secret Service	18 U.S.C. §3056	YES	White House, Vice Presidential residence, Camp David, all locations where protectees are present. Full defeat — Secret Service has among the broadest and longest-standing C-UAS defeat authority.
Border zones and ports of entry	CBP / DHS	8 U.S.C. authority	YES	Southwest border, northern border, all ports of entry, maritime approaches. CBP actively uses RF defeat systems at border. CAUTION: DoD-CBP deconfliction failure March 2026 (military downed CBP drone).

FACILITY / SITE TYPE	AGENCY WITH DEFEAT AUTHORITY	STATUTORY BASIS	DEFEAT AUTHORIZED	SCOPE AND NOTES
Commercial airports (major)	TSA / DHS + FAA	49 U.S.C. §44810 (FAA Reauth 2024)	YES (w/ FAA coord)	FAA counter-UAS testing at airports through Sept 2028 (Section 44810). TSA and airport operators have expanded defeat authority. REQUIRES FAA coordination — the El Paso March 2026 incident (laser without FAA notification) forced airspace shutdown.
National Special Security Events (NSSEs)	Secret Service lead with DHS/DOJ/FBI	18 U.S.C. §3056 + SAFER SKIES Act	YES	State of the Union, party conventions, G7/G20, major international summits. Secret Service has full defeat authority at NSSEs. SAFER SKIES Act now allows certified SLTT law enforcement to assist.
FIFA World Cup 2026 / Major Public Events	DHS + certified SLTT law enforcement	SAFER SKIES Act (NDAA FY2026)	CERT REQUIRED (SLTT certified)	SAFER SKIES Act first-ever deployment. 11 host cities: Atlanta, Foxborough, Arlington TX, Houston, Kansas City, Inglewood CA, Miami Gardens, East Rutherford NJ, Philadelphia, Santa Clara, Seattle. \$625M FEMA grants. State and local police defeat authority for the first time — with individual officer certification required from FBI Huntsville training center.
State prisons	State LE + DOJ	FAA Reauth 2024 + SAFER SKIES Act	CERT REQUIRED (SAFER SKIES cert)	State prisons added to FAA Section 2209 UAFR eligibility (2024). SAFER SKIES Act allows certified state correctional officers to mitigate drone threats. Not the same as BOP full defeat authority — requires individual certification and approved technology list.
Most commercial military bases (NOT 'covered facilities')	DoD — UNCLEAR	10 U.S.C. §130i (gaps identified)	LIMITED (ROE gap)	CRITICAL GAP: DoD IG report Jan 2026 found ~50% of U.S. military bases are NOT formally designated as covered facilities despite NDAA FY2026 expansion. Luke AFB (75% of F-35 training worldwide) was not a covered facility. Base commanders at uncovered sites cannot use C-UAS defeat capabilities — must meet 'hostile intent or hostile act' standard. JIATF-401 tasked with fixing this.
Private CNI operators (data centers, utilities, pipelines)	NONE currently	No statutory basis for private defeat	NO	NO defeat authority. Private operators including hyperscale data centers, substations, pipelines, water treatment, financial facilities have ZERO defeat authority under current law. Detection, ID, track, alert, document only. Tom Cotton bill (pending) would extend limited defeat to DHS-designated high-risk CNI facilities. FAA Section 2209 UAFR NPRM gives airspace restriction only — not defeat.
State and local law enforcement (non-SAFER SKIES certified)	NONE (unless certified)	SAFER SKIES Act (certification required)	NO (uncertified)	State and local police WITHOUT SAFER SKIES Act individual certification cannot use defeat technology. Certification is individual (not agency-level). FBI National Counter-UAS Training Center in Huntsville, AL. Training backlogs and implementing regulations due June 2026 creating urgency. Many agencies have funding (FEMA grants) but lack certified personnel.

SAFER SKIES Act — How Certification Works

Who qualifies: Certified state, local, tribal, and territorial (SLTT) law enforcement officers and correctional officers.

Individual certification (not agency-level): A single officer completing the FBI training does NOT authorize the entire agency. Certification is role-specific and individually held. This is a critical distinction — agencies receiving FEMA grants must plan for individual officer training pipelines.

Training location: FBI National Counter-UAS Training Center, Huntsville, Alabama. Training backlogs exist as of May 2026.

Technology restriction: Certified operators may ONLY use systems on the jointly maintained federal approved technology list (developed by DOJ, DHS, DoD, DOT, FCC, and NTIA). Agencies cannot purchase and use any C-UAS mitigation system they choose.

Penalty for unauthorized use: NDAA FY2026 Section 8605(f) — up to \$100,000 per violation for individuals or agencies conducting unauthorized C-UAS actions without required federal coordination.

Tom Cotton Bill — The Path to Private CNI Defeat Authority

Status (May 2026): Introduced. Not yet enacted. This is the legislative vehicle most likely to give private hyperscale data center and CNI operators defeat authority.

What it does: Extends limited C-UAS defeat authority to owners and operators of DHS-designated "high-risk" covered critical infrastructure facilities, or their trained security personnel.

Minimum covered facilities defined in the bill: Nuclear plants. Key electrical substations. Bulk-power system control centers. DHS designation process would determine additional qualifying facilities.

What defeat actions it permits (if enacted): Disruption, seizure, or destruction of threatening drones — consistent with existing federal C-UAS guidance. Not a blank check — federal oversight, training, and approved technology requirements would apply.

Why it matters for OpenAI: Data centers — especially those handling AI weight training and sensitive research — are not currently covered under any existing statute for defeat authority. If this bill passes, OpenAI's hyperscale facilities could qualify for DHS high-risk designation, enabling defeat capability. Build your detection and documentation infrastructure now to support a designation application when and if this passes.

Sources: NDAA FY2026 (P.L. 119-60, signed Dec 18 2025) — Sections 912, 1707, 3111, SAFER SKIES Act (Title LXXXVI), Sections 8601-8607; DoD IG Report (Jan 20 2026); DefenseScoop (Pentagon broadens C-UAS authorities Jan 2026); DroneLife (FY2026 NDAA C-UAS provisions Dec 2025); Airsight (Counter-Drone 2026 Guide); FEMA C-UAS Grant Program FAQ; DHS PEO UAS/C-UAS (Jan 2026); HSToday (DHS new drone office Jan 2026); Congressional Research Service (CRS IN12476); CBS News (Tom Cotton bill Apr/May 2026); Sen. Cantwell letter to DoD/DHS/FAA (March 2026). CoreBastion Security Consulting | U.S. Government C-UAS Authority Reference 2026 | Internal Use Only | May 2026