

117TH CONGRESS
2D SESSION

S. 4801

To authorize Counter-UAS activities on and off commercial service airport property, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2022

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize Counter-UAS activities on and off commercial service airport property, and for other purposes.

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 “Stopping Harmful In-
5 cidents to Enforce Lawful Drone Use Act” or the
6 “SHIELD U Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **COMMERCIAL SERVICE AIRPORT.**—The term
10 “commercial service airport” has the meaning given

1 that term in paragraph (7) of section 47102 of title
2 49, United States Code, and includes the area of
3 navigable airspace necessary to ensure safety in the
4 takeoff and landing of aircraft at the airport.

5 (2) COVERED AIR CARRIER.—The term “cov-
6 ered air carrier” means an air carrier or a foreign
7 air carrier as those terms are defined in section
8 40102 of title 49, United States Code.

9 (3) COUNTER-UAS ACTIVITIES.—The term
10 “Counter-UAS activities” means the following:

11 (A) Detecting, identifying, monitoring, and
12 tracking an unmanned aircraft or unmanned
13 aircraft system, without prior consent, including
14 by means of intercept or other access of a wire
15 communication, an oral communication, or an
16 electronic communication used to control the
17 unmanned aircraft or unmanned aircraft sys-
18 tem.

19 (B) Warning an operator of an unmanned
20 aircraft or unmanned aircraft system, including
21 by passive or active, and direct or indirect phys-
22 ical, electronic, radio, and electromagnetic
23 means.

24 (C) Disrupting control of an unmanned
25 aircraft or unmanned aircraft system, without

1 prior consent, including by disabling the un-
2 manned aircraft or unmanned aircraft system
3 by intercepting, interfering, or causing inter-
4 ference with wire, oral, electronic, or radio com-
5 munications used to control the unmanned air-
6 craft or unmanned aircraft system.

7 (D) Seizing or exercising control of an un-
8 manned aircraft or unmanned aircraft system.

9 (E) Seizing or otherwise confiscating an
10 unmanned aircraft or unmanned aircraft sys-
11 tem.

12 (F) Using reasonable force to disable,
13 damage, or destroy an unmanned aircraft or
14 unmanned aircraft system.

15 (4) NAVIGABLE AIRSPACE.—The term “navi-
16 gable airspace” has the meaning given that term in
17 paragraph (32) of section 40102 of title 49, United
18 States Code.

19 (5) NON-KINETIC EQUIPMENT.—The term
20 “non-kinetic equipment” means equipment that is
21 used to—

22 (A) intercept or otherwise access a wire
23 communication, an oral communication, an elec-
24 tronic communication, or a radio communica-

1 tion used to control an unmanned aircraft or
2 unmanned aircraft system; and

3 (B) disrupt control of the unmanned air-
4 craft or unmanned aircraft system, without
5 prior consent, including by disabling the un-
6 manned aircraft or unmanned aircraft system
7 by intercepting, interfering, or causing inter-
8 ference with wire, oral, electronic, or radio com-
9 munications that are used to control the un-
10 manned aircraft or unmanned aircraft system.

11 (6) THREATS POSED BY AN UNMANNED AIR-
12 CRAFT OR UNMANNED AIRCRAFT SYSTEM.—The
13 term “threats posed by an unmanned aircraft or un-
14 manned aircraft system” means an unauthorized ac-
15 tivity of an unmanned aircraft or unmanned aircraft
16 system that is reasonably believed to—

17 (A) create the potential for bodily harm to,
18 or loss of human life of, a person within prop-
19 erty under the jurisdiction of—

20 (i) a commercial service airport; or

21 (ii) a State or locality; or

22 (B) have the potential to cause severe eco-
23 nomic damage to—

24 (i) property of a commercial service
25 airport; or

1 (ii) property under the jurisdiction of
2 a State or locality.

3 (7) UNMANNED AIRCRAFT, UNMANNED AIR-
4 CRAFT SYSTEM.—The terms “unmanned aircraft”
5 and “unmanned aircraft system” have the meanings
6 given those terms in section 44801 of title 49,
7 United States Code.

8 **SEC. 3. COUNTER-UAS ACTIVITIES ON COMMERCIAL SERV-
9 ICE AIRPORT PROPERTY.**

10 (a) COUNTER-UAS ACTIVITIES.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law and subject to paragraph (3), with
13 respect to a commercial service airport, the following
14 departments and agencies may, in a manner con-
15 sistent with the Fourth Amendment to the Constitu-
16 tion of the United States, carry out Counter-UAS
17 activities for purposes of detecting, identifying, and
18 mitigating the threats posed by an unmanned air-
19 craft or unmanned aircraft system to the safety or
20 security of the airport:

21 (A) The Department of Homeland Secu-
22 rity.

23 (B) The State and local law enforcement
24 agencies in the State in which the airport is lo-
25 cated.

1 (C) The law enforcement agency of the air-
2 port.

3 (2) TESTING AUTHORITY.—Subject to para-
4 graphs (3) and (4), the Secretary of Homeland Se-
5 curity, the heads of the State or local law enforce-
6 ment agencies of the State in which a commercial
7 service airport is located, or the law enforcement
8 agency of the commercial service airport, may re-
9 search, test, provide training on, and evaluate any
10 equipment, including any electronic equipment, to
11 determine the capability and utility of the equipment
12 to carry out Counter-UAS activities to detect, iden-
13 tify, and mitigate the threats posed by an unmanned
14 aircraft or unmanned aircraft system to the safety
15 or security of the airport.

16 (3) AIRPORT OPERATOR CONSENT REQUIRED.—
17 Activities permitted under paragraph (1) or (2) shall
18 only be carried out with the consent of, in consulta-
19 tion with, and with the participation of, the airport
20 operator.

21 (4) CONSULTATION REQUIREMENT FOR TEST-
22 ING OF NON-KINETIC EQUIPMENT.—Any testing of
23 non-kinetic equipment carried out under the author-
24 ity of this subsection shall be done in consultation
25 with the Federal Communications Commission and

1 the National Telecommunications and Information
2 Administration.

3 (b) NON-KINETIC EQUIPMENT.—

4 (1) IN GENERAL.—Before adopting any stand-
5 ard operating procedures within a tactical response
6 plan for use of non-kinetic equipment to carry out
7 a Counter-UAS activity under the authority of this
8 section, the Secretary of Homeland Security and the
9 heads of the State, local, or airport law enforcement
10 agencies of the State in which a commercial service
11 airport is located, shall do the following:

12 (A) Consult with the Federal Communica-
13 tions Commission and the National Tele-
14 communications and Information Administra-
15 tion about the use of non-kinetic equipment to
16 carry out a Counter-UAS activity consistent
17 with the tactical response plan updates required
18 under subsection (c).

19 (B) Jointly, with the Federal Communica-
20 tions Commission and the National Tele-
21 communications and Information Administra-
22 tion, create a process for an authorized des-
23 ignee of the commercial service airport to, con-
24 sistent with procedures outlined in the tactical
25 response plan (as updated under subsection

1 (c)), notify the Commission when non-kinetic
2 equipment has been used to carry out a
3 Counter-UAS activity.

4 (2) FCC AND NTIA DUTIES.—The Federal
5 Communications Commission and the National Tele-
6 communications and Information Administration
7 shall—

8 (A) not later than 30 days after the date
9 of enactment of this Act, assign to an office of
10 the Commission and to an office of the Admin-
11 istration, respectively, responsibility for car-
12 rying out the consultation regarding the use of
13 non-kinetic equipment to carry out Counter-
14 UAS activities required by paragraph (1)(A)
15 and the consultation regarding the testing of
16 non-kinetic equipment required by subsection
17 (a)(4); and

18 (B) not later than 180 days after the re-
19 sponsibility described in subparagraph (A) is
20 assigned to each such office—

21 (i) publicly designate an office of the
22 Commission and an office of the Adminis-
23 tration, respectively, to receive the notifica-
24 tions from commercial service airports re-
25 quired under paragraph (1)(B); and

1 (ii) make publicly available the proc-
2 ess for the Commission and the Adminis-
3 tration to carry out any follow up consulta-
4 tion, if necessary.

5 (3) NONDUPLICATION.—To the greatest extent
6 practicable, the Federal Communications Commis-
7 sion and the National Telecommunications and In-
8 formation Administration shall coordinate with re-
9 spect to the consultations, process creation, follow
10 up consultations, and other requirements of this sub-
11 section and subsection (a)(4) so as to minimize du-
12 plication of requirements, efforts, and expenditures.

13 (c) TACTICAL RESPONSE PLAN UPDATES.—

14 (1) TASK FORCE.—Not later than 2 years after
15 the date of enactment of this Act, the airport direc-
16 tor of each commercial service airport shall convene
17 a task force for purposes of establishing or modi-
18 fying the emergency action preparedness plan for
19 the airport to include a tactical response plan for the
20 detection, identification, and mitigation of threats
21 posed by an unmanned aircraft or unmanned air-
22 craft system.

23 (2) REQUIRED COORDINATION.—Each task
24 force convened under paragraph (1) shall coordinate
25 the establishing or modifying of the airport's emer-

1 agency action preparedness plan with representatives
2 of the following:

3 (A) The Department of Transportation.

4 (B) The Federal Aviation Administration.

5 (C) The Department of Homeland Security.
6

7 (D) The State and local law enforcement
8 agencies in the State in which the airport is lo-
9 cated.

10 (E) The law enforcement agency of the air-
11 port.

12 (F) The covered air carriers operating at
13 the airport.

14 (G) Representatives of general aviation op-
15 erators at the airport.

16 (H) Representatives of providers of tele-
17 communications and broadband service with a
18 service area that covers the airport property or
19 the navigable airspace necessary to ensure safe-
20 ty in the takeoff and landing of aircraft at such
21 airport.

22 (3) DUTIES.—As part of the inclusion of a tac-
23 tical response plan in the emergency action pre-
24 paredness plan for a commercial service airport,

1 each task force convened under paragraph (1) shall
2 do the following:

3 (A) Create and define the various threat
4 levels posed by an unmanned aircraft or un-
5 manned aircraft system to the airport.

6 (B) Create the standard operating proce-
7 dures for responding to each threat level de-
8 fined under subparagraph (A) that include a re-
9 quirement to minimize collateral damage.

10 (C) Define and assign to each entity speci-
11 fied in paragraph (2), the role and responsibil-
12 ities of the entity in carrying out the standard
13 operating procedures for responding to a speci-
14 fied threat posed by an unmanned aircraft or
15 unmanned aircraft system to the airport.

16 (D) Designate the applicable State and
17 local law enforcement agencies, or the law en-
18 forcement agency of the airport, in coordination
19 with the Department of Homeland Security, as
20 the first responders to any specified threat
21 posed by an unmanned aircraft or unmanned
22 aircraft system to the airport.

23 (E) Narrowly tailor the use of non-kinetic
24 Counter-UAS equipment (if applicable under
25 the standard operating procedures) to only tem-

1 porary activities necessary to mitigate an imme-
2 diate threat posed by an unmanned aircraft or
3 unmanned aircraft system to the airport.

4 (F) Incorporate any existing Federal guid-
5 ance for updating airport emergency plans for
6 responding to unauthorized unmanned aircraft
7 system operations into 1 tactical response plan
8 for addressing threats posed by an unmanned
9 aircraft or unmanned aircraft system.

10 (4) RULE OF CONSTRUCTION.—Nothing in this
11 subsection shall be construed to require multiple tac-
12 tical response plans or emergency action prepared-
13 ness plans for addressing the threats posed by an
14 unmanned aircraft, an unmanned aircraft system, or
15 unauthorized unmanned aircraft system operations.

16 (d) AIRPORT IMPROVEMENT PROGRAM ELIGI-
17 BILITY.—Notwithstanding section 47102 of title 49,
18 United States Code, the definition of the term “airport
19 development” under that section shall include the pur-
20 chase of equipment necessary to carry out Counter-UAS
21 activities at commercial service airports.

22 (e) BEST PRACTICES.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Administrator
25 of the Federal Aviation Administration and the Ad-

1 administrator of the Transportation Security Adminis-
2 tration acting jointly and in collaboration with air-
3 port directors of commercial service airports, shall—

4 (A) publish guidance regarding best prac-
5 tices for use of Counter-UAS Activities at com-
6 mercial service airports; and

7 (B) make such guidance available to the
8 airport director for each commercial service air-
9 port in the United States.

10 (2) ANNUAL UPDATES.—The guidance issued
11 under this subsection shall be annually updated to
12 incorporate the most recent results and conclusions
13 regarding best practices for the use of Counter-UAS
14 activities at commercial service airports.

15 **SEC. 4. COUNTER-UAS ACTIVITIES OFF COMMERCIAL SERV-**
16 **ICE AIRPORT PROPERTY.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, with respect to a State, the State and local
19 law enforcement agencies in the State may, in a manner
20 consistent with the Fourth Amendment to the Constitu-
21 tion of the United States, carry out Counter-UAS activi-
22 ties for purposes of detecting, identifying, and mitigating
23 the threats posed by an unmanned aircraft or unmanned
24 aircraft system within the jurisdiction of the State or lo-
25 cality.

1 (b) TESTING AUTHORITY.—

2 (1) IN GENERAL.—

3 (A) STATES AND LOCALITIES.—Subject to
4 paragraphs (2) and (3), any State or locality of
5 a State may establish testing areas for purposes
6 of researching, testing, providing training on,
7 and evaluating of any equipment, including any
8 electronic equipment, to determine the capa-
9 bility and utility of the equipment to carry out
10 Counter-UAS activities to detect, identify, and
11 mitigate the threats posed by an unmanned air-
12 craft or unmanned aircraft system within the
13 jurisdiction of the State or locality.

14 (B) PRIVATE SECTOR ENTITIES.—Subject
15 to paragraphs (2) and (3), any private sector
16 entity may establish testing areas for purposes
17 of researching, testing, providing training on,
18 and evaluating of any equipment, including any
19 electronic equipment, to determine the capa-
20 bility and utility of the equipment to carry out
21 Counter-UAS activities to detect, identify, and
22 mitigate the threats posed by an unmanned air-
23 craft or unmanned aircraft system, so long as
24 such activities are carried out in accordance
25 with applicable State and local laws.

1 (2) FAA COOPERATION.—The Federal Aviation
2 Administration shall cooperate with any action by a
3 State, a locality of a State, or a private sector entity
4 to designate airspace to be used for testing under
5 paragraph (1) unless the State, locality, or entity
6 designates an area of airspace that would create a
7 significant safety hazard to airport operations, air
8 navigation facilities, air traffic control systems, or
9 other components of the national airspace system
10 that facilitate the safe and efficient operation of
11 manned civil, commercial, or military aircraft within
12 the United States.

13 (3) CONSULTATION REQUIREMENT FOR TEST-
14 ING OF NON-KINETIC EQUIPMENT.—Any testing of
15 non-kinetic equipment carried out under the author-
16 ity of this subsection shall be done in consultation
17 with the Federal Communications Commission and
18 the National Telecommunications and Information
19 Administration.

20 (c) NON-KINETIC EQUIPMENT.—

21 (1) IN GENERAL.—Before adopting any stand-
22 ard operating procedures for using any non-kinetic
23 equipment to carry out a Counter-UAS activity
24 under the authority of this section, a State or local
25 law enforcement agency shall do the following:

1 (A) Consult with the Federal Communica-
2 tions Commission and the National Tele-
3 communications and Information Administra-
4 tion about the use of non-kinetic equipment to
5 carry out a Counter-UAS activity and the
6 standard operating procedures that the State or
7 local law enforcement agency will follow for use
8 of such equipment.

9 (B) Jointly, with the Federal Communica-
10 tions Commission and the National Tele-
11 communications and Information Administra-
12 tion create a process for an authorized designee
13 of the State or local law enforcement agency to
14 notify the Commission when non-kinetic equip-
15 ment has been used to carry out a Counter-
16 UAS activity.

17 (2) FCC AND NTIA DUTIES.—The Federal
18 Communications Commission shall—

19 (A) not later than 30 days after the date
20 of enactment of this Act, assign to an office of
21 the Commission and to an office of the Admin-
22 istration, respectively, responsibility for car-
23 rying out the consultation regarding the use of
24 non-kinetic equipment to carry out Counter-
25 UAS activities required under paragraph (1)(A)

1 and the consultation regarding the testing of
2 non-kinetic equipment required by subsection
3 (b)(3); and

4 (B) not later than 180 days after the re-
5 sponsibility described in subparagraph (A) is
6 assigned to each such office—

7 (i) publicly designate an office of the
8 Commission and an office of the Adminis-
9 tration, respectively, to receive the notifica-
10 tions from State or local law enforcement
11 agencies required under paragraph (1)(B);
12 and

13 (ii) make publicly available the proc-
14 ess for the Commission and the Adminis-
15 tration to carry out any follow up consulta-
16 tion, if necessary.

17 (3) NONDUPLICATION.—To the greatest extent
18 practicable, the Federal Communications Commis-
19 sion and the National Telecommunications and In-
20 formation Administration shall coordinate with re-
21 spect to the consultations, process creation, follow
22 up consultations, and other requirements of this sub-
23 section and subsection (a)(4) so as to minimize du-
24 plication of requirements, efforts, and expenditures.

1 (d) COORDINATION WITH THE FAA.—Section 376 of
2 the FAA Reauthorization Act of 2018 (49 U.S.C. 44802
3 note) is amended—

4 (1) in subsection (b), by adding at the end the
5 following:

6 “(4) Permit a process for an applicable State or
7 local law enforcement agency to notify and coordi-
8 nate with the Federal Aviation Administration on
9 actions being taken by the State or local law en-
10 forcement agency to exercise the Counter-UAS ac-
11 tivities authority established under section 4(a) of
12 the SHIELD U Act.”; and

13 (2) in subsection (c)—

14 (A) in paragraph (3)(G), by striking “and”
15 after the semicolon;

16 (B) in paragraph (4), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(5) establish a process that allows for collabo-
20 ration and coordination between the Federal Avia-
21 tion Administration and the law enforcement of a
22 State or local government with respect to the use of
23 the Counter-UAS activities authority established
24 under section 4(a) of the SHIELD U Act.”.

25 (e) INTERIM NOTIFICATION PLAN.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Administrator
3 of the Federal Aviation Administration shall estab-
4 lish a process under which—

5 (A) the law enforcement agency of a State
6 or local government may notify the Adminis-
7 trator of an active threat posed by an un-
8 manned aircraft or unmanned aircraft system
9 within the jurisdiction of the State or local law
10 enforcement agency and the intent of the agen-
11 cy to facilitate Counter-UAS activities;

12 (B) the Administrator, based on notice
13 made pursuant to subparagraph (A), shall issue
14 immediate warnings to operators of both
15 manned and unmanned aircraft operating with-
16 in the area of airspace where the law enforce-
17 ment agency’s Counter-UAS activities are tak-
18 ing place; and

19 (C) the Administrator and the State and
20 local law enforcement agency notify UAS opera-
21 tors and manned operators in the area that an
22 area of airspace is clear once the State and
23 local law enforcement have concluded the
24 Counter-UAS activities to mitigate the threat.

1 (2) SUNSET.—The process established under
2 paragraph (1) shall terminate on the date on which
3 the unmanned aircraft systems traffic management
4 system required under section 376 of the FAA Re-
5 authorization Act of 2018 (49 U.S.C. 44802 note)
6 is fully implemented.

7 **SEC. 5. AUTHORITY TO ENTER INTO CONTRACTS TO PRO-**
8 **TECT FACILITIES FROM UNMANNED AIR-**
9 **CRAFT.**

10 (a) AUTHORITY.—The following Federal departments
11 are authorized to enter into contracts to carry out the fol-
12 lowing authorities:

13 (1) The Department of Defense for the purpose
14 of carrying out activities under section 130i of title
15 10, United States Code.

16 (2) The Department of Homeland Security for
17 the purpose of carrying out activities under section
18 210G of the Homeland Security Act of 2002 (6
19 U.S.C. 124n).

20 (3) The Department of Justice for the purpose
21 of carrying out activities under section 210G of the
22 Homeland Security Act of 2002 (6 U.S.C. 124n).

23 (4) The Department of Energy for the purpose
24 of carrying out activities under section 4510 of the
25 Atomic Energy Defense Act (50 U.S.C. 2661).

1 (b) FEDERAL ACQUISITION REGULATION.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Federal Acquisition Regulatory Council shall amend
4 the Federal Acquisition Regulation to implement the au-
5 thority provided under subsection (a).

6 (c) ANNUAL PUBLICATION OF RECOMMENDED VEN-
7 DORS AND EQUIPMENT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, and annually
10 thereafter, the Director of the Office of Management
11 and Budget, in consultation with the Secretary of
12 Defense, the Secretary of Homeland Security, the
13 Attorney General, the Secretary of Energy, the Sec-
14 retary of Transportation, and the heads of such
15 other Federal departments or agencies as deter-
16 mined appropriate by the Director of the Office of
17 Management and Budget, shall publish and make
18 available to State and local governments the fol-
19 lowing:

20 (A) A list of vendors that are eligible
21 under the Federal Acquisition Regulation to
22 enter into contracts with the Federal Govern-
23 ment to carry out Counter-UAS activities.

1 (B) A list of Counter-UAS equipment that
2 is recommended by the Federal Government to
3 carry out Counter-UAS activities.

4 (2) ANNUAL RISK ASSESSMENT.—The Director
5 of the Office of Management and Budget, in con-
6 sultation with the heads of the applicable Federal
7 departments and agencies, shall review and reassess
8 the vendors and equipment specified on the lists re-
9 quired to be published and made available under
10 paragraph (1) based on a risk assessment that is
11 jointly considered by the applicable agencies as part
12 of each annual update of such lists.

13 **SEC. 6. FEDERAL LAW ENFORCEMENT TRAINING.**

14 Section 884(c) of the Homeland Security Act of 2002
15 (6 U.S.C. 464(c)) is amended—

16 (1) in paragraph (9), by striking “and” at the
17 end;

18 (2) by redesignating paragraph (10) as para-
19 graph (11); and

20 (3) by inserting after paragraph (9) the fol-
21 lowing:

22 “(10) develop and implement homeland security
23 and law enforcement training curricula related to
24 the use of Counter-UAS activities (as defined in sec-
25 tion 2 of the SHIELD U Act) to protect against a

1 threat from an unmanned aircraft or unmanned air-
 2 craft system (as such terms are defined in section
 3 210G), which shall—

4 “(A) include—

5 “(i) training on the use of both ki-
 6 netic and non-kinetic equipment;

7 “(ii) training on the tactics used to
 8 detect, identify, and mitigate a threat from
 9 an unmanned aircraft or unmanned air-
 10 craft system; and

11 “(iii) such other curricula or training
 12 the Director believes necessary; and

13 “(B) be made available to Federal, State,
 14 local, Tribal, and territorial law enforcement
 15 and security agencies and private sector secu-
 16 rity agencies; and”.

17 **SEC. 7. AUTHORIZED USE OF JAMMING TECHNOLOGY.**

18 Title III of the Communications Act of 1934 (47
 19 U.S.C. 301 et seq.) is amended—

20 (1) in section 301 (47 U.S.C. 301)—

21 (A) by striking “It is” and inserting the
 22 following:

23 “(a) IN GENERAL.—It is”; and

24 (B) by adding at the end the following:

1 “(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND
2 UNMANNED AIRCRAFT SYSTEM.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘covered equipment’ means
5 equipment that is used to—

6 “(i) intercept or otherwise access a
7 wire communication, an oral communica-
8 tion, an electronic communication, or a
9 radio communication used to control an
10 unmanned aircraft or unmanned aircraft
11 system; and

12 “(ii) disrupt control of an unmanned
13 aircraft or unmanned aircraft system,
14 without prior consent, including by dis-
15 abling the unmanned aircraft or unmanned
16 aircraft system by intercepting, interfering,
17 or causing interference with wire, oral,
18 electronic, or radio communications that
19 are used to control the unmanned aircraft
20 or unmanned aircraft system; and

21 “(B) the terms ‘unmanned aircraft’ and
22 ‘unmanned aircraft system’ have the meanings
23 given those terms in section 44801 of title 49,
24 United States Code.

1 “(2) EXCEPTION.—Subsection (a) shall not
2 apply with respect to actions taken by State or local
3 law enforcement or the law enforcement agency of a
4 commercial service airport using covered equipment
5 in consultation with the Commission to detect, iden-
6 tify, or mitigate a threat posed by an unmanned air-
7 craft or unmanned aircraft system.”;

8 (2) in section 302 (47 U.S.C. 302a), by adding
9 at the end the following:

10 “(g) EXCEPTION FOR AN UNMANNED AIRCRAFT AND
11 UNMANNED AIRCRAFT SYSTEM.—

12 “(1) DEFINITIONS.—In this subsection, the
13 terms ‘covered equipment’, ‘unmanned aircraft’, and
14 ‘unmanned aircraft system’ have the meanings given
15 those terms in section 301.

16 “(2) EXCEPTION.—The provisions of this sec-
17 tion shall not apply with respect to actions taken by
18 State or local law enforcement or the law enforce-
19 ment agency of a commercial service airport using
20 covered equipment in consultation with the Commis-
21 sion to detect, identify, or mitigate a threat posed by
22 an unmanned aircraft or unmanned aircraft sys-
23 tem.”; and

24 (3) in section 333 (47 U.S.C. 333)—

1 (A) by striking “No person” and inserting
2 the following:

3 “(a) IN GENERAL.—No person”; and

4 (B) by adding at the end the following:

5 “(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND
6 UNMANNED AIRCRAFT SYSTEM.—

7 “(1) DEFINITIONS.—In this subsection, the
8 terms ‘covered equipment’, ‘unmanned aircraft’, and
9 ‘unmanned aircraft system’ have the meanings given
10 those terms in section 301(b).

11 “(2) EXCEPTION.—Subsection (a) shall not
12 apply with respect to actions taken by State or local
13 law enforcement or the law enforcement agency of a
14 commercial service airport using covered equipment
15 in consultation with the Commission to detect, iden-
16 tify, or mitigate a threat posed by an unmanned air-
17 craft or unmanned aircraft system.”.

18 **SEC. 8. NO ABROGATION OF TRADITIONAL POLICE POW-**
19 **ERS.**

20 Nothing in this Act or the amendments made by this
21 Act shall be construed to abrogate the inherent authority
22 of a State government or subdivision thereof from using
23 their traditional police powers, including (but not limited

- 1 to) the authority to counter an imminent threat to public
- 2 health or safety.

