

118TH CONGRESS  
1ST SESSION

# S. 896

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

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

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

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## 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.

