

**AMENDMENT TO RULES COMMITTEE PRINT 119–****8****OFFERED BY MR. SMITH OF NEW JERSEY**

At the end of subtitle B of title XVII, insert the following new section:

**1 SEC. 17\_\_\_\_. STATE LAW ENFORCEMENT COOPERATION FOR**  
**2 MITIGATION OF UNMANNED AIRCRAFT SYS-**  
**3 TEMS.**

**4 (a) IN GENERAL.**—In coordination with the Sec-  
**5 retary of Defense, the Administrator of the Federal Avia-**  
**6 tion Administration, and the Attorney General, the Sec-**  
**7 retary of Homeland Security shall establish such necessary**  
**8 and appropriate policies, procedures, and protocols for the**  
**9 State law enforcement agency of a State to have authority**  
**10 to conduct operations with respect to unmanned aircraft**  
**11 systems or unmanned aircraft in accordance with this sec-**  
**12 tion.**

**13 (b) APPLICATIONS.**—The State law enforcement  
**14 agency of a State shall submit an application for the au-**  
**15 thority described in subsection (a) to the Secretary of**  
**16 Homeland Security, who may grant such authority,**  
**17 through a process established by the Secretary in coordi-**  
**18 nation with the Secretary of Defense, the Administrator**

1 of the Federal Aviation Administration, and the Attorney  
2 General.

3 (c) REQUIREMENTS.—

4 (1) AGREEMENT.—The Secretary of Homeland  
5 Security may not approve an application submitted  
6 pursuant to subsection (b) unless the State law en-  
7 forcement agency that submitted the application en-  
8 ters into an agreement with the Secretary that speci-  
9 fies the following:

10 (A) The mitigation system, equipment, or  
11 technology that the State law enforcement  
12 agency may operate with respect to threats  
13 posed by unmanned aircraft systems or un-  
14 manned aircraft.

15 (B) The State law, regulation, or other au-  
16 thority under which the State law enforcement  
17 agency may conduct operations with respect to  
18 unmanned aircraft systems or unmanned air-  
19 craft.

20 (C) The dates, times, and circumstances  
21 during which the State law enforcement agency  
22 may conduct operations using the system,  
23 equipment, or technology described in para-  
24 graph (1).

1 (D) Such other terms and conditions with  
2 respect to the deployment and operation of the  
3 system, equipment, or technology described in  
4 paragraph (1), and with respect to any other  
5 system, equipment, or technology related to un-  
6 manned aircraft systems or unmanned aircraft,  
7 that the Secretary determines to be necessary  
8 to ensure public safety.

9 (E) The frequency with which an appro-  
10 priate agent, representative, or official des-  
11 ignated by the Secretary may conduct visits or  
12 inspections to ensure compliance of the State  
13 law enforcement agency with the agreement.

14 (2) AIRSPACE CONSIDERATIONS.—The Adminis-  
15 trator of the Federal Aviation Administration shall  
16 make a location-specific determination with respect  
17 to an application submitted pursuant to subsection  
18 (b) to ensure that any proposed use of the mitiga-  
19 tion system, equipment, or technology referred to in  
20 the agreement under paragraph (1) shall not inter-  
21 fere with, or adversely affect, the safe operation of  
22 the national airspace system and any airport located  
23 in the State.

24 (3) DENIAL OF APPLICATION.—The Secretary  
25 of Homeland Security shall deny an application sub-

mitted pursuant to subsection (b) if the Administrator of the Federal Aviation Administration determines that an interference or adverse effect under paragraph (2) cannot be safely mitigated.

(d) AUTHORITY OF APPROVED STATE LAW ENFORCEMENT AGENCIES.—Subject to subsection (h) and notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, and 1367 and chapters 119 and 206 of title 18, United States Code, the head of a State law enforcement agency with authority granted under subsection (b) may take, and may authorize personnel of the agency with assigned duties that include the security or protection of people, facilities, or assets to take, such actions as are described in subsection (e) that are necessary to detect, identify, monitor, track, or mitigate a credible threat that an unmanned aircraft system or unmanned aircraft poses in the State.

(e) AUTHORIZED ACTIONS.—The actions authorized under subsection (d) are the following:

(1) During the operation of the unmanned aircraft system or unmanned aircraft, detect, identify, monitor, or track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic

1 communication used to control the unmanned air-  
2 craft system or unmanned aircraft.

3 (2) Warn the operator of an unmanned aircraft  
4 system or unmanned aircraft, including by passive  
5 or active, and direct or indirect physical, electronic,  
6 radio, and electromagnetic means.

7 (3) Disrupt control of the unmanned aircraft  
8 system or unmanned aircraft, without prior consent,  
9 including by disabling the unmanned aircraft system  
10 or unmanned aircraft by intercepting, interfering, or  
11 causing interference with wire, oral, electronic, or  
12 radio communications used to control the unmanned  
13 aircraft system or unmanned aircraft.

14 (4) Seize or exercise control of the unmanned  
15 aircraft system or unmanned aircraft.

16 (5) Seize or otherwise confiscate the unmanned  
17 aircraft system or unmanned aircraft.

18 (6) Use reasonable force, if necessary, to dis-  
19 able, damage, or destroy the unmanned aircraft sys-  
20 tem or unmanned aircraft.

21 (f) AUTHORIZED EQUIPMENT.—A State law enforce-  
22 ment agency with authority granted under subsection (b)  
23 shall carry out the actions described in subsection (e)  
24 using equipment authorized for such purposes by the Sec-  
25 retary of Homeland Security, the Secretary of Defense,

1 or the Administrator of the Federal Aviation Administra-  
2 tion.

3 (g) DURATION OF AUTHORITY.—The authority  
4 granted to a State law enforcement agency based on an  
5 application submitted pursuant to subsection (b) shall ex-  
6 pire not later than the date that is 180 days after the  
7 first deployment of the mitigation system, equipment, or  
8 technology described in the agreement referred to in sub-  
9 section (c)(1) with respect to the application.

10 (h) COORDINATION AND NOTIFICATION.—

11 (1) IN GENERAL.—The head of a State law en-  
12 forcement agency, or an official of the agency des-  
13 ignated by the head, may not carry out an action de-  
14 scribed in subsection (e) to mitigate a credible threat  
15 posed by an unmanned aircraft system or unmanned  
16 aircraft unless the Secretary of Homeland Security  
17 approves the mitigation of the credible threat on a  
18 case-by-case basis.

19 (2) VERIFICATION AND NOTIFICATION.—In pro-  
20 viding the approval described in paragraph (1), the  
21 Secretary of Homeland Security shall—

22 (A) verify that a credible threat (as defined  
23 by the Secretary, in consultation with the Ad-  
24 ministrator of the Federal Aviation Administra-  
25 tion) justifies the use of a mitigation system,

1 equipment, or technology with respect to un-  
2 manned aircraft systems or unmanned aircraft;

3 (B) verify that the use of the mitigation  
4 system, equipment, or technology shall—

5 (i) in a manner consistent with the  
6 agreement referred to in subsection (c)(1)  
7 with respect to the application for which  
8 the State law enforcement agency was  
9 granted authority under subsection (b);  
10 and

11 (ii) abide by all safety protocols,  
12 terms, and conditions established for the  
13 mitigation system, equipment, or tech-  
14 nology; and

15 (C) immediately notify the Secretary of  
16 Defense, the Administrator of the Federal Avia-  
17 tion Administration, and the Attorney General  
18 of the approval.

19 (3) REPORT.—

20 (A) IN GENERAL.—Not later than 24  
21 hours after conducting the first action described  
22 in subsection (e) to mitigate a credible threat  
23 posed by an unmanned aircraft system or un-  
24 manned aircraft, the head of the State law en-  
25 forcement agency concerned shall submit to the

1 Secretary of Homeland Security, the Secretary  
2 of Defense, the Administrator of the Federal  
3 Aviation Administration, and the Attorney Gen-  
4 eral a report on the actions taken for mitigation  
5 of the credit threat.

6 (B) CONTENTS.—The report under sub-  
7 paragraph (A) shall include all relevant infor-  
8 mation with respect to the credible threat con-  
9 cerned, including the drone operation and sub-  
10 sequent mitigation and enforcement actions, as  
11 required by the Secretary.

12 (i) REVOCATION.—The Secretary of Homeland Secu-  
13 rity shall revoke the authority granted to a State law en-  
14 forcement agency pursuant to an application submitted  
15 under subsection (b) if the Secretary determines that the  
16 State law enforcement agency has not complied with the  
17 agreement referred to in subsection (c)(1) with respect to  
18 the application or with the privacy protections specified  
19 under section 210G(e) of the Homeland Security Act of  
20 2002 (6 U.S.C. 124n(e)).

21 (j) COORDINATION.—The Secretary of Homeland Se-  
22 curity shall coordinate with the Secretary of Defense, the  
23 Administrator of the Federal Aviation Administration,  
24 and the Attorney General in carrying out this section.



1       (k) TERMINATION.—The authority to carry out this  
2 section shall terminate on the date specified in section  
3 210G(i) of the Homeland Security Act of 2002 (6 U.S.C.  
4 124n(i)).

