

118TH CONGRESS
1ST SESSION

S. _____

To prevent the misuse of drones, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. KELLY, Mr. CASSIDY, Ms. CORTEZ MASTO, Ms. HASSAN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prevent the misuse of drones, 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 “Drone Act of 2023”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) drone technology has the potential to revo-
8 lutionize commerce, military operations, law enforce-
9 ment, and various industries, as well as recreation in
10 general;

1 (2) drone technology also presents a potential
2 danger to public safety and national security;

3 (3) drone technology is increasingly being used
4 by drug trafficking and human trafficking organiza-
5 tions at the southern border—

6 (A) to assist in smuggling into the United
7 States high-value items;

8 (B) for conducting reconnaissance; and

9 (C) even as offensive weapons against com-
10 peting criminal organizations;

11 (4) drone technology has been used to deliver
12 into Federal correctional centers contraband such as
13 cell phones, wire cutters, screwdrivers, and hack-
14 saws;

15 (5) there were 875 drone sightings in restricted
16 airport airspace in 2020, and 766 such sightings in
17 the first half of 2021, including 36 such sightings in
18 the vicinities of runways; and

19 (6) while existing Federal law includes some
20 criminal provisions relating to misuse of drones,
21 those provisions are fragmentary in nature and
22 therefore fail to restrain and deter the most serious
23 drone-related crimes.

24 **SEC. 3. DRONE OFFENSES.**

25 Part I of title 18, United States Code, is amended—

1 (1) in section 39B(a)—

2 (A) in paragraph (1)—

3 (i) by striking “operation of, an air-
4 craft” and inserting the following: “oper-
5 ation of—

6 “(A) an aircraft”;

7 (ii) by striking the period at the end
8 and inserting a semicolon; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(B) a vessel of the United States, or a
12 vessel subject to the jurisdiction of the United
13 States, as those terms are defined in section
14 70502 of title 46, carrying 1 or more occu-
15 pants, in a manner that poses an imminent
16 safety hazard to such occupants, shall be pun-
17 ished as provided in subsection (c);

18 “(C) a motor vehicle that is used, oper-
19 ated, or employed in interstate or foreign com-
20 merce and is carrying 1 or more occupants, in
21 a manner that poses an imminent safety hazard
22 to such occupants, shall be punished as pro-
23 vided in subsection (c); or

24 “(D) a vehicle used or designed for flight
25 or navigation in space described in section 7(6),

1 shall be punished as provided in subsection
2 (c).”; and

3 (B) in paragraph (2)—

4 (i) by striking “operation of, an air-
5 craft” and inserting the following: “oper-
6 ation of—

7 “(A) an aircraft”;

8 (ii) by striking the period at the end
9 and inserting a semicolon; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(B) a vessel of the United States, or a
13 vessel subject to the jurisdiction of the United
14 States, as those terms are defined in section
15 70502 of title 46, carrying 1 or more occu-
16 pants, in a manner that poses an imminent
17 safety hazard to such occupants, shall be pun-
18 ished as provided in subsection (c);

19 “(C) a motor vehicle that is used, oper-
20 ated, or employed in interstate or foreign com-
21 merce and is carrying 1 or more occupants, in
22 a manner that poses an imminent safety hazard
23 to such occupants, shall be punished as pro-
24 vided in subsection (c); or

1 “(D) a vehicle used or designed for flight
2 or navigation in space described in section 7(6),
3 shall be punished as provided in subsection
4 (c).”;
5 (2) in section 40A—

6 (A) in the heading, by striking “**Oper-**
7 **ation of unauthorized unmanned air-**
8 **craft over wildfires**” and inserting “**In-**
9 **terference by unauthorized un-**
10 **manned aircraft with law enforce-**
11 **ment, emergency response, and mili-**
12 **tary activities**”; and

13 (B) in subsection (a)—

14 (i) by striking “operates an unmanned
15 aircraft and knowingly or recklessly” and
16 inserting the following: “operates an un-
17 manned aircraft and—

18 “(1) knowingly or recklessly”;

19 (ii) by striking the period at the end
20 and inserting “; or”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(2) knowingly or recklessly interferes with a
24 law enforcement, emergency response, or military
25 operation or activity of a unit or agency of the

1 United States Government or of a State, tribal, or
2 local government (other than a wildfire suppression
3 or law enforcement or emergency response efforts re-
4 lated to a wildfire suppression) shall be fined under
5 this title, imprisoned for not more than 2 years, or
6 both.”;

7 (3) by inserting after section 40A the following:

8 **“§ 40B. Misuse of unmanned aircraft**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘aircraft’, notwithstanding section
11 31(a)(1), means any device, craft, vehicle, or contriv-
12 ance that is—

13 “(A) invented, used, or designed to navi-
14 gate, fly, or travel in the air; or

15 “(B) used or intended to be used for flight
16 in the air;

17 “(2) the term ‘airport’ has the meaning given
18 the term in section 40102(a)(9) of title 49;

19 “(3) the term ‘contraband’ has the meaning
20 given the term in section 80302(a) of title 49;

21 “(4) the term ‘dangerous weapon’ has the
22 meaning given the term in section 930;

23 “(5) the term ‘explosive’ means any thing with-
24 in the scope of the definition of ‘explosive materials’
25 in section 841;

1 “(6) the term ‘firearm’ has the meaning given
2 the term in section 921;

3 “(7) the term ‘Federal law’ includes any form
4 of Federal law, including any Federal statute, rule,
5 regulation, or order;

6 “(8) the term ‘personnel of the United States’
7 means any Federal officer, employee, or contractor,
8 or any person assisting such an officer, employee, or
9 contractor in the performance of duties;

10 “(9) the terms ‘prison’ and ‘prohibited object’
11 have the meanings given those terms in section
12 1791;

13 “(10) the term ‘restricted electromagnetic
14 weapon’ means any type of device, instrument, tech-
15 nology, or contrivance that—

16 “(A) can generate or emit electromagnetic
17 radiation or fields that are capable of jamming,
18 disrupting, degrading, damaging, or interfering
19 with the operation of any technological or elec-
20 tronic asset, system, network, or infrastructure,
21 or any component or subcomponent thereof;
22 and

23 “(B) is classified as a restricted electro-
24 magnetic weapon by the Attorney General, in
25 consultation with the Secretary of Defense;

1 “(11) the term ‘serious bodily injury’ has the
2 meaning given the term in section 1365;

3 “(12) the term ‘United States corporation or
4 legal entity’ means any corporation or other entity
5 organized under the laws of the United States or
6 any State;

7 “(13) the term ‘unmanned aircraft’ has the
8 meaning given the term in section 44801 of title 49;

9 “(14) the term ‘vessel’ means any craft or con-
10 trivance used, capable of being used, or designed to
11 be used for transportation in, on, or through water;
12 and

13 “(15) the term ‘weapon of mass destruction’
14 has the meaning given the term in section 2332a.

15 “(b) OFFENSES.—

16 “(1) WEAPONIZATION.—It shall be unlawful, in
17 a circumstance described in subsection (c), to know-
18 ingly—

19 “(A) equip or arm an unmanned aircraft
20 with a firearm, explosive, dangerous weapon, re-
21 stricted electromagnetic weapon, or weapon of
22 mass destruction;

23 “(B) possess, receive, transfer, operate, or
24 produce an unmanned aircraft that is equipped
25 or armed with a firearm, explosive, dangerous

1 weapon, restricted electromagnetic weapon, or
2 weapon of mass destruction;

3 “(C) discharge or deploy a firearm, explo-
4 sive, dangerous weapon, restricted electro-
5 magnetic weapon, or weapon of mass destruc-
6 tion using an unmanned aircraft; or

7 “(D) use an unmanned aircraft to cause—

8 “(i) serious bodily injury or death to
9 a person; or

10 “(ii) damage to—

11 “(I) property in an amount that
12 exceeds \$5,000; or

13 “(II) critical infrastructure (as
14 defined in section 1016 of the USA
15 PATRIOT Act (42 U.S.C. 5195c)).

16 “(2) OPERATION OF DRONE TO COMMIT FEL-
17 ONY.—It shall be unlawful to knowingly operate an
18 unmanned aircraft in furtherance of the commission
19 of a crime punishable by death or imprisonment of
20 more than 1 year under a law of the United States
21 or a State, if Federal law requires that the aircraft
22 be registered and the aircraft is not registered.

23 “(3) IMPAIRMENT OF IDENTIFICATION OR
24 LIGHTING.—It shall be unlawful to, in violation of
25 Federal law, knowingly and willfully—

1 “(A) remove, obliterate, tamper with, or
2 alter the identification number of the unmanned
3 aircraft;

4 “(B) disable or fail to effect any required
5 identification transmission or signaling of the
6 unmanned aircraft; or

7 “(C) disable or obscure any required anti-
8 collision lighting of the unmanned aircraft or
9 fail to have or illuminate such lighting as re-
10 quired.

11 “(4) INTRUSION ON PROTECTED SPACES.—It
12 shall be unlawful for any person, knowing that the
13 conduct of the person is unlawful, to—

14 “(A) operate an unmanned aircraft in any
15 airspace, or cause the takeoff or landing of an
16 unmanned aircraft in any place, in violation of
17 Federal law, including all applicable rules, regu-
18 lations, and orders of the Federal Aviation Ad-
19 ministration and the Department of Homeland
20 Security; or

21 “(B) operate an unmanned aircraft across
22 a border of the United States or its territories
23 or possessions without complying with the re-
24 quirements of Federal law, including all appli-
25 cable rules, regulations, and orders of the Fed-

1 eral Aviation Administration and the Depart-
2 ment of Homeland Security.

3 “(5) TRANSPORTATION OF CONTRABAND.—It
4 shall be unlawful to knowingly use an unmanned air-
5 craft to—

6 “(A) transport contraband; or

7 “(B) introduce a prohibited object into a
8 prison.

9 “(c) CIRCUMSTANCES.—The circumstances described
10 in this subsection are that the offense—

11 “(1) is an offense under paragraph (2), (3),
12 (4), or (5) of subsection (b);

13 “(2) involves an unmanned aircraft, firearm,
14 explosive, dangerous weapon, restricted electro-
15 magnetic weapon, weapon of mass destruction, or
16 ammunition that has moved at any time in inter-
17 state or foreign commerce;

18 “(3) occurs in or affects interstate or foreign
19 commerce;

20 “(4) involves the movement of any person or
21 thing in, or use of any means or instrumentality of,
22 interstate or foreign commerce;

23 “(5) involves—

24 “(A) any use of the electromagnetic spec-
25 trum that is subject to the jurisdiction of the

1 Federal Communications Commission or the
2 National Telecommunications and Information
3 Administration; or

4 “(B) any aircraft or airspace use that is
5 subject to the jurisdiction of the Federal Avia-
6 tion Administration;

7 “(6) is committed, whether within or outside of
8 the United States, against—

9 “(A) the United States or any department,
10 agency, property, activity, or personnel of the
11 United States; or

12 “(B) an aircraft in the special aircraft ju-
13 risdiction of the United States (as defined in
14 section 46501 of title 49);

15 “(7) is committed outside of the United States
16 against any United States national, United States
17 corporation or legal entity, aircraft registered under
18 United States law, or vessel of the United States or
19 vessel subject to the jurisdiction of the United States
20 (as those terms are defined in section 70502 of title
21 46); or

22 “(8) is committed in the special maritime and
23 territorial jurisdiction of the United States.

24 “(d) PENALTIES.—Any person who violates sub-
25 section (b)—

1 “(1) in the case of a violation of paragraph (2),
2 (3), or (4) of that subsection, shall be imprisoned for
3 not more than 5 years, fined under this title, or
4 both;

5 “(2) in the case of a violation of paragraph
6 (1)(A), (1)(B), (1)(C), or (5) of that subsection,
7 shall be imprisoned for not more than 10 years,
8 fined under this title, or both;

9 “(3) subject to paragraph (4) of this sub-
10 section, in the case of a violation of paragraph
11 (1)(D) of that subsection, shall be imprisoned for
12 not more than 20 years, fined under this title, or
13 both; and

14 “(4) in the case of a violation of any paragraph
15 of that subsection, if death results, shall be sen-
16 tenced to death or imprisoned for any term of years
17 or for life, fined under this title, or both.

18 “(e) INCHOATE OFFENSES.—

19 “(1) IN GENERAL.—Whoever threatens, at-
20 tempts, or conspires to commit an offense under
21 subsection (b) shall be subject to the same punish-
22 ment under subsection (d) as for a completed of-
23 fense.

24 “(2) FEDERAL JURISDICTION.—In the case of a
25 threat, attempt, or conspiracy to commit an offense

1 under subsection (b), the requirement that a cir-
2 cumstance described in subsection (c) exists shall be
3 satisfied if any of the circumstances described in
4 that subsection would have existed had the offense
5 been carried out.

6 “(f) EXCEPTIONS.—

7 “(1) GOVERNMENT-AUTHORIZED CONDUCT.—
8 Subsection (b) shall not apply to conduct by or
9 under the authority of, authorized by, or pursuant to
10 a contract with, the United States or a State, Trib-
11 al, or local government, or any department or agen-
12 cy of the United States or a State, Tribal, or local
13 government.

14 “(2) WEAPONIZATION FOR AUTHORIZED OR LI-
15 CENSED ACTIVITIES.—Subsection (b)(1), as that
16 subsection applies to firearms, explosives, and other
17 dangerous weapons, shall not apply to—

18 “(A) conduct related to avalanche mitiga-
19 tion; or

20 “(B) any other conduct in which the use of
21 the firearm, explosive, or dangerous weapon is
22 licensed or otherwise permitted for the mitiga-
23 tion of dangers associated with hazardous envi-
24 ronments.

“(3) AUTHORIZED PROPERTY DAMAGE.—Sub-
section (b)(1)(D) shall not apply to conduct con-
sisting of injury to property, if engaged in by or with
the authorization or consent of the owner of the
property, including in any consensual competition in
which unmanned aircraft are deployed against each
other.”;

(4) in the chapter analysis for chapter 2, by striking the item relating to section 40A and inserting the following:

“40A. Interference by unauthorized unmanned aircraft with law enforcement, emergency response, and military activities.

“40B. Misuse of unmanned aircraft.”;

(5) in section 982(a)(6)(A), by inserting “39B (relating to unsafe operation of unmanned aircraft), 40A (relating to interference by unauthorized unmanned aircraft with law enforcement, emergency response, and military activities), 40B (relating to misuse of unmanned aircraft),” before “555”;

(6) in section 2332b(g)(5)(B), by inserting
 “40B(b)(1) (relating to weaponization of unmanned
 aircraft),” before “81”; and

(7) in section 2516(1)(c), by inserting “section 39B (relating to unsafe operation of unmanned aircraft), section 40A (relating to interference by unauthorized unmanned aircraft with law enforcement, emergency response, and military activities), section

- 1 40B (relating to misuse of unmanned aircraft),” be-
- 2 fore “section 43”.