
SHIELD-U Act

There have been several recent, notable drone incidents.¹ A 2018 drone disruption at Gatwick Airport in the United Kingdom led to the cancellation of 1,000 flights with disruption to 140,000 passengers. In 2020, Air Force One was nearly hit by a small drone as it approached Joint Base Andrews for landing.² And in July 2022, an unauthorized drone briefly shut down air traffic at Ronald Reagan Washington National Airport mere miles from the nation's capital.³

Unfortunately, these incidents are on the rise and the ability to detect and takedown a drone threat remains limited to only the Department of Defense (DOD), Department of Homeland Security (DHS), Department of Justice (DOJ), and Department of Energy (DOE).⁴ To make matters worse, these agencies are also limited in what they may protect from drone threats; and surprisingly, not even an airport is covered.

According to a Blue Ribbon Task Force Report, commissioned by the Association for Unmanned Vehicle Systems International (AUVSI) and Airports Council International-North America (ACI-NA), one challenge in meeting current drone threats is the federal government's lack of human resources or capital to invest in and operate counter drone technology at airports.⁵ Protection outside the airport environment is even worse as federal law prohibits state or local law enforcement from countering a drone threat.⁶

To protect against the growing threats of counter-unmanned aircraft systems (C-UAS), Sen. Lee is introducing the "Stopping Harmful Incidents to Enforce Lawful Drone Use (SHIELD-U) Act."

Bill Specifics:

- Authorizes the DHS, state and local law enforcement, and airport law enforcement to have C-UAS authority to detect, identify, and mitigate a drone threat on commercial service airport property, including the airspace necessary to ensure safety in the takeoff and landing of aircraft at the airport.
 - Requires each commercial service airport director to convene a task force to update the airport's emergency action preparedness plan to include the development of drone threat levels, standard operating procedures for mitigating such threats, and designation of first responders.
 - Allows Airport Improvement Program funds to be used to purchase C-UAS equipment.
 - Requires the FAA and TSA to publish guidance on best practices for use of C-UAS equipment.
- Authorizes state or local law enforcement to carry out C-UAS activities to mitigate drone threats within their jurisdiction.
 - Updates the Unmanned Traffic Management (UTM) System to create a process for a state or local government to notify and coordinate with the FAA on the mitigation of a drone threat.
- Allows DOD, DHS, DOJ, and DOE to contract with private companies for C-UAS work.
- Expands the Federal Law Enforcement Training Center (FLETC) curriculum to include use of C-UAS authorities as well as the ability for state and local law enforcement to attend such training.
- Allows state and local law enforcement to use jamming technology, in consultation with the FCC and the NTIA, for the purposes of mitigating a drone threat.

¹ The Department of Homeland Security has noted that drone threats can include: "weaponized or smuggling payloads, prohibited surveillance and reconnaissance, intellectual property theft, or intentional disruption or harassment." See: <https://www.cisa.gov/uas-critical-infrastructure>

² Bloomberg, *Trump's Plane Was Nearly Hit by a Small Drone Sunday, Witnesses Say* <https://www.bloomberg.com/news/articles/2020-08-17/trump-s-plane-nearly-hit-by-small-drone-on-sunday-witnesses-say>

³ Politico, *Errant drone briefly shuts down D.C. airport*, <https://www.politico.com/news/2022/07/21/drone-dc-airport-shutdown-00047213>

⁴ 10 USC 130(i) (Department of Defense), 50 USC 2661 (Department of Energy), and 6 USC 124(n) (Department of Justice and Department of Homeland Security).

⁵ October 2019, Blue Ribbon Task Force on UAS Mitigation at Airports, Final Report. <https://uasmitigationatairports.org/wp-content/uploads/2019/10/BRTF-Report2019.pdf>

⁶ August 2020, Advisory on the Application of Federal Laws to the Acquisition and Use of Technology To Detect and Mitigate Unmanned Aircraft Systems;

https://www.faa.gov/sites/faa.gov/files/uas/resources/c_uas/Interagency_Legal_Advisory_on_UAS_Detection_and_Mitigation_Technologies.pdf