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

**A BILL**

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drone Act of 2023”.

SEC. 2. FINDINGS.

Congress finds that—

(1) drone technology has the potential to revolutionize commerce, military operations, law enforcement, and various industries, as well as recreation in general;
(2) drone technology also presents a potential
danger to public safety and national security;

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

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

(B) for conducting reconnaissance; and

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

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

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

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

SEC. 3. DRONE OFFENSES.

Part I of title 18, United States Code, is amended—
(1) in section 39B(a)—

(A) in paragraph (1)—

(i) by striking “operation of, an aircraft” and inserting the following: “operation of—

“(A) an aircraft”;

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

(iii) by adding at the end the following:

“(B) a vessel of the United States, or a vessel subject to the jurisdiction of the United States, as those terms are defined in section 70502 of title 46, carrying 1 or more occupants, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c); “(C) a motor vehicle that is used, operated, or employed in interstate or foreign commerce and is carrying 1 or more occupants, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c); or “(D) a vehicle used or designed for flight or navigation in space described in section 7(6),
shall be punished as provided in subsection (e).”; and

(B) in paragraph (2)—

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

“(A) an aircraft”;

(ii) by striking the period at the end

and inserting a semicolon; and

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

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

“(C) a motor vehicle that is used, oper-
ated, or employed in interstate or foreign com-
merce and is carrying 1 or more occupants, in
a manner that poses an imminent safety hazard
to such occupants, shall be punished as pro-
vided in subsection (c); or
“(D) a vehicle used or designed for flight or navigation in space described in section 7(6), shall be punished as provided in subsection (e).”;

(2) in section 40A—

(A) in the heading, by striking “Operation of unauthorized unmanned aircraft over wildfires” and inserting “Interference by unauthorized unmanned aircraft with law enforcement, emergency response, and military activities”; and

(B) in subsection (a)—

(i) by striking “operates an unmanned aircraft and knowingly or recklessly” and inserting the following: “operates an unmanned aircraft and—

“(1) knowingly or recklessly”;

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

(iii) by adding at the end the following:

“(2) knowingly or recklessly interferes with a law enforcement, emergency response, or military operation or activity of a unit or agency of the
United States Government or of a State, tribal, or local government (other than a wildfire suppression or law enforcement or emergency response efforts related to a wildfire suppression) shall be fined under this title, imprisoned for not more than 2 years, or both.”;

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

“§ 40B. Misuse of unmanned aircraft

“(a) DEFINITIONS.—In this section—

“(1) the term ‘aircraft’, notwithstanding section 31(a)(1), means any device, craft, vehicle, or contrivance that is—

“(A) invented, used, or designed to navigate, fly, or travel in the air; or

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

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

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

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

“(5) the term ‘explosive’ means any thing within the scope of the definition of ‘explosive materials’ in section 841;
“(6) the term ‘firearm’ has the meaning given
the term in section 921;

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

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

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

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

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

“(B) is classified as a restricted electro-
magnetic weapon by the Attorney General, in
consultation with the Secretary of Defense;
“(11) the term ‘serious bodily injury’ has the meaning given the term in section 1365;

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

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

“(14) the term ‘vessel’ means any craft or contrivance used, capable of being used, or designed to be used for transportation in, on, or through water; and

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

“(b) OFFENSES.—

“(1) WEAPONIZATION.—It shall be unlawful, in a circumstance described in subsection (c), to knowingly—

“(A) equip or arm an unmanned aircraft with a firearm, explosive, dangerous weapon, restricted electromagnetic weapon, or weapon of mass destruction;

“(B) possess, receive, transfer, operate, or produce an unmanned aircraft that is equipped or armed with a firearm, explosive, dangerous
weapon, restricted electromagnetic weapon, or
weapon of mass destruction;

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

“(D) use an unmanned aircraft to cause—

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

“(ii) damage to—

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

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

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

“(3) IMPAIRMENT OF IDENTIFICATION OR
LIGHTING.—It shall be unlawful to, in violation of
Federal law, knowingly and willfully—
“(A) remove, obliterate, tamper with, or alter the identification number of the unmanned aircraft;

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

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

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

“(A) operate an unmanned aircraft in any airspace, or cause the takeoff or landing of an unmanned aircraft in any place, in violation of Federal law, including all applicable rules, regulations, and orders of the Federal Aviation Administration and the Department of Homeland Security; or

“(B) operate an unmanned aircraft across a border of the United States or its territories or possessions without complying with the requirements of Federal law, including all applicable rules, regulations, and orders of the Fed-
eral Aviation Administration and the Depart-
ment of Homeland Security.

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

“(A) transport contraband; or

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

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

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

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

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

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

“(5) involves—

“(A) any use of the electromagnetic spec-
trum that is subject to the jurisdiction of the
Federal Communications Commission or the National Telecommunications and Information Administration; or

“(B) any aircraft or airspace use that is subject to the jurisdiction of the Federal Aviation Administration;

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

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

“(B) an aircraft in the special aircraft jurisdiction of the United States (as defined in section 46501 of title 49);

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

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

“(d) PENALTIES.—Any person who violates subsection (b)—
“(1) in the case of a violation of paragraph (2), (3), or (4) of that subsection, shall be imprisoned for not more than 5 years, fined under this title, or both;

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

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

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

“(e) INCOHATE OFFENSES.—

“(1) IN GENERAL.—Whoever threatens, attempts, or conspires to commit an offense under subsection (b) shall be subject to the same punishment under subsection (d) as for a completed offense.

“(2) FEDERAL JURISDICTION.—In the case of a threat, attempt, or conspiracy to commit an offense
under subsection (b), the requirement that a circumstance described in subsection (c) exists shall be satisfied if any of the circumstances described in that subsection would have existed had the offense been carried out.

“(f) EXCEPTIONS.—

“(1) GOVERNMENT-AUTHORIZED CONDUCT.—Subsection (b) shall not apply to conduct by or under the authority of, authorized by, or pursuant to a contract with, the United States or a State, Tribal, or local government, or any department or agency of the United States or a State, Tribal, or local government.

“(2) WEAPONIZATION FOR AUTHORIZED OR LICENSED ACTIVITIES.—Subsection (b)(1), as that subsection applies to firearms, explosives, and other dangerous weapons, shall not apply to—

“(A) conduct related to avalanche mitigation; or

“(B) any other conduct in which the use of the firearm, explosive, or dangerous weapon is licensed or otherwise permitted for the mitigation of dangers associated with hazardous environments.
“(3) AUTHORIZED PROPERTY DAMAGE.—Subsection (b)(1)(D) shall not apply to conduct consisting 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
40B (relating to misuse of unmanned aircraft),” before “section 43”.

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