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Unmanned Aircraft Systems

Definitions

- **Unmanned Aircraft System (UAS)**: An unmanned aircraft and its associated elements including communication links, an internal global positioning system, software, and the components that control the unmanned aircraft.
- **Unmanned Aerial Vehicle (UAV)**: An aircraft without any human pilot, crew, or passengers on board.
- **Counter Unmanned Aerial System (cUAS)**: A term that describes measures or actions taken to counter UAS activity or flight patterns.
- **Drone**: An informal term used to describe a UAV, and solely refers to an unmanned aircraft and no other related components that may or may not contribute to the vehicle's airworthiness.
- **Small Unmanned Aircraft**: Any unmanned aircraft that weighs less than 55 pounds.
- **Large Unmanned Aircraft**: Any unmanned aircraft that weighs 55 pounds or more.

What is a Unmanned Aircraft System or UAS?

An unmanned aircraft system is an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate the aircraft safely and efficiently in the national airspace system. An unmanned aircraft itself is a component, but not solely a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft (Public Law 112-95, Section 331(8)). The airworthy device at the center of this technology (unmanned aircraft) is more commonly referred to as a "drone." The term unmanned aircraft system was first defined and adopted into Federal law in 2005 by the Federal Aviation Administration (FAA) and the Department of Defense (DoD).

Unmanned aircraft come in all shapes and sizes and are not limited by any size or weight restrictions by the existing definition. A "small unmanned aircraft," is designated as an unmanned aircraft weighing less than 55 pounds, and a "large unmanned aircraft" is designated as an unmanned aircraft weighing 55 pounds or more. The DoD has a much larger variety of categories for unmanned aerial vehicles. However, these distinctions are solely for military purposes and are not necessarily relevant to public safety use. The average battery life of most unmanned aircraft sustains around 30 minutes of flight time, although this varies greatly depending on the size, model, and activity of the drone.

How do Law Enforcement Officers Utilize Unmanned Aircraft Systems?

According to studies, the number of public safety agencies with drones has drastically increased in recent years. Police Chief Magazine reports:

"*In 2017, 347 law enforcement agencies in 43 U.S. states were using UAVs (unmanned aerial vehicles) to assist officers in the field.*[1]*"* Since that year, drone usage in public safety pursuits has greatly increased. *"Police agencies are (increasingly) using UAVs for search and rescue, traffic collision reconstruction, investigations of active shooter incidents, crime scene analysis, surveillance, and crowd monitoring*[2]*. Despite this wide range of use cases, most law enforcement agencies currently deploying UAVs are using them only for preplanned operations and scene documentation.*"

Issues Surrounding Unmanned Aircraft Systems

One of the immediate issues surrounding unmanned aircraft systems is the technology's country of origin. Many lawmakers are considering bans and increased tariffs on various Chinese products due to China's recent adversarial stances. While there is an existing 25% tariff on Chinese UAS technology, many of these same lawmakers are considering increasing penalties to further combat their market dominance and national security concerns. Fueling anxieties over their market dominance, Chinese state-sponsored company Da-Jiang Innovations (DJI), the largest drone manufacturer in the world, now holds 70% of the global market share for these productsth[3]. The greatest of these two concerns, however, is public safety officials' use of Chinese technology, since it is viewed as a national security risk. These concerns primarily extend to the software of the UAS, rather than the hardware components. Last Congress, the House passed H.R 2864, the "Countering CCP Drones Act," which would have prohibited DJI products from using FCC-regulated bandwidth, effectively barring their operation within U.S. communications networks, although the bill was not considered in the Senate. Current law prohibits the use of Federal funding available through specified FCC programs for purchasing or maintaining listed equipment or services. The FOP is monitoring this issue in the current Congress for similar legislation.

Many State and local agencies, however, support the use of Chinese drone technology. They believe the national security risk is overstated and point out the lack of access to American UAS technology. With 70% of the global market share being owned by DJI, it is increasingly difficult to identify drone technology from alternative sources. Additionally, aside from the obvious supply issues, "many American commercial drones cost tens of thousands of dollars more each than a Chinese model[4]." This presents a formidable issue for the majority of departments that struggle to fund routine department equipment. Such funding concerns leave many departments only able to afford Chinese drones or leave them unable to afford any drones at all. The FOP has endorsed H.R. 1058, the "Directing Resources for Officers Navigating Emergencies (DRONE) Act" in the current Congress. This legislation would help State and local agencies afford drones by allowing them to be purchased with Byrne-JAG and COPS office grants. The link to our letter on this legislation can be found here.

Another serious concern is that there are no rules outlining law enforcement's place in taking counter-UAS (cUAS) actions in the interest of public safety. It is important that common-sense regulations are implemented so that the law allows law enforcement officers to perform their sworn duty and protect their communities, and the "Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act" aims to accomplish this goal. The bill has yet to be introduced in the current Congress, but is expected to be introduced in the Senate in the upcoming weeks.

Recent Executive Orders

President Trump recently signed two Executive Orders related to drones, titled "Unleashing American Drone Dominance" and "Restoring American Airspace Sovereignty."

Restoring American Airspace Sovereignty

This Executive Order establishes a Federal task force to counter threats posed by unmanned aircraft systems (UAS), particularly those used by criminals, drug cartels, and foreign adversaries. It directs the Federal Aviation Administration (FAA) to finalize rules restricting drone flights over critical infrastructure, make drone-related flight restrictions publicly accessible for geofencing, and coordinate national security assessments. It authorizes Federal enforcement of laws against unlawful drone use and requires recurring recommendations on strengthening criminal penalties for airspace violations. The order also ensures that Federal grant programs can be used by State and local agencies to purchase drone detection and tracking equipment. Additionally, it mandates updates to Federal guidance on drone mitigation technologies, provides real-time access to UAS remote ID data to appropriate authorities, and directs the development of guidance for private infrastructure operators. Finally, it calls for integrating counter-UAS efforts into Joint Terrorism Task Forces and advancing the establishment of a National Training Center for Counter-UAS operations.

Unleashing American Drone Dominance

This Executive order directs Federal agencies to accelerate the integration of unmanned aircraft systems (UAS) into the National Airspace System and expand domestic drone manufacturing. It also prioritizes the use of U.S.-made drones in Federal procurement, and includes provisions intended to strengthen the drone supply chain against foreign risks and promote the export of American-made UAS.

Legislation Facing Unmanned Aircraft Systems and Law Enforcement

- **H.R. 709,** the "National Training Center for Counter-Unmanned Aircraft Systems Act," would require the U.S. Departments of Justice (DOJ) and Homeland Security (DHS) to establish training and qualification standards for counter-unmanned aircraft systems, commonly referred to as counter-drone systems.
- **H.R. 1058,** the "Directing Resources for Officers Navigating Emergencies (DRONE) Act." The legislation would allow law enforcement agencies to use Edward R. Byrne Memorial Justice Assistance Grant (Byrne-JAG) funds, as well as funds offered by the COPS Office, to be used to help purchase and operate unmanned aircraft systems. This bill is currently endorsed by the FOP.
- **H.R. 1907,** the "Defense Against Drones Act of 2025," which would permit individuals to use a legally obtained shotgun to shoot down a drone if they reasonably believe it is flying at or below 200 feet above their property, in accordance with State law.
- **H.R. 4333** the "Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act": This comprehensive measure is aimed to eliminate arbitrary red tape preventing certain law enforcement officers and agencies from taking cUAS measures when the unauthorized or unsafe use of drones threatens public safety. Currently, State, local, and Tribal officers do not have the proper authority to respond to such incidents, which this bill would address.

Citations

1. Fleming, Curt. "Remote Drones Dispatch: Law Enforcement's Future? ." Policechiefmagazine.org, International Association of Chiefs of Police, Accessed 15 Apr. 2024.

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3. Holdeman, Eric. "Federal Government Will Require Purchase of 'Made in America' Drones." GovTech, GovTech, 8 Jan. 2024,

4. Jackson, Jon. "America's Drones Are Too Expensive..." Newsweek, Newsweek, 11 Apr. 2024,