

## 40.202-5 Exceptions.

The prohibitions in this section do not apply to the following (section 1832 of Pub. L. 118-31, [41 U.S.C. 3901](#) note prec.):

(a) *Wildfire management operations and search and rescue operations exception.* The prohibitions in section [40.202](#) do not apply to an appropriate *Federal agency* to the extent that an authorized official at the agency, in consultation with the Secretary of Homeland Security, determines that the *procurement* or operation is necessary for the purposes of supporting the full range of wildfire management operations or search and rescue operations.

(b) *Intelligence activities exception.* The prohibitions of [40.202](#) do not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 ([50 U.S.C. 3091](#) et seq.), any authorized intelligence activities of the *United States*, or any activity or *procurement* that supports an authorized intelligence activity.

(c) *Tribal law enforcement or emergency service agency exception.* The prohibitions in [40.202](#) do not apply to Tribal law enforcement or Tribal *emergency* service agencies to the extent that an authorized official at the agency, in consultation with the Secretary of Homeland Security, determines that the *procurement* or operation is necessary for the purposes of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

**Parent topic:** [40.202 Prohibition on the procurement and operation of unmanned aircraft systems manufactured or assembled by American Security Drone Act-covered foreign entities. s.](#)