

Calendar No. 678117TH CONGRESS
2^D SESSION**S. 4919****[Report No. 117-279]**

To require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2022

Mr. LANKFORD (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting the Border
3 from Unmanned Aircraft Systems Act”.

4 **SEC. 2. INTERAGENCY STRATEGY FOR CREATING A UNI-**
5 **FIED POSTURE ON COUNTER-UNMANNED**
6 **AIRCRAFT SYSTEMS CAPABILITIES AND PRO-**
7 **TECTIONS AT INTERNATIONAL BORDERS OF**
8 **THE UNITED STATES.**

9 (a) **DEFINITIONS.**— In this section:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Homeland Security
14 and Governmental Affairs of the Senate;

15 (B) the Committee on Commerce, Science,
16 and Transportation of the Senate;

17 (C) the Committee on the Judiciary of the
18 Senate;

19 (D) the Committee on Armed Services of
20 the Senate;

21 (E) the Committee on Appropriations of
22 the Senate;

23 (F) the Committee on Homeland Security
24 of the House of Representatives;

25 (G) the Committee on the Judiciary of the
26 House of Representatives;

1 (H) the Committee on Transportation and
2 Infrastructure of the House of Representatives;

3 (I) the Committee on Energy and Com-
4 merce of the House of Representatives;

5 (J) the Committee on Armed Services of
6 the House of Representatives; and

7 (K) the Committee on Appropriations of
8 the House of Representatives.

9 ~~(2) COVERED FACILITY OR ASSET.—~~The term
10 “covered facility or asset” has the meaning given
11 such term in section 210G(k)(3) of the Homeland
12 Security Act of 2002 (6 U.S.C. 124n(k)(3)).

13 (b) ~~IN GENERAL.—~~Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of Home-
15 land Security shall work with the Attorney General, the
16 Administrator of the Federal Aviation Administration,
17 and the Secretary of Defense to develop a strategy for ere-
18 ating a unified posture on counter-unmanned aircraft sys-
19 tems (referred to in this section as “C-UAS”) capabilities
20 and protections at—

21 (1) covered facilities or assets along inter-
22 national borders of the United States; and

23 (2) any other border-adjacent covered facilities
24 or assets at which such capabilities maybe utilized
25 under Federal law.

1 (c) ~~ELEMENTS.~~—The strategy required to be devel-
2 oped under subsection (b) shall include the following ele-
3 ments:

4 (1) An examination of C-UAS capabilities at
5 covered facilities or assets along the border, or such
6 other border-adjacent covered facilities or assets at
7 which such capabilities may be utilized under Fed-
8 eral law, and their usage to detect or mitigate cred-
9 ible threats to homeland security, including the fa-
10 cilitation of illicit activities, or for other purposes au-
11 thorized by law.

12 (2) An examination of efforts to protect privacy
13 and civil liberties in the context of C-UAS oper-
14 ations, including with respect to impacts on border
15 communities and protections of the First and
16 Fourth Amendments to the United States Constitu-
17 tion.

18 (3) An examination of intelligence sources and
19 methods, including drone operators and artificial in-
20 telligence equipment, and relevant due process con-
21 siderations.

22 (4) An assessment of the availability and inter-
23 operability of C-UAS detection and mitigation tech-
24 nology.

1 (5) An assessment of the training, including
2 training relating to the protection of privacy and
3 civil liberties, required for successful operation of C-
4 UAS detection and mitigation technology.

5 (6) An assessment of specific methods of oper-
6 ability for deployment and recommendations for ad-
7 ditional resources needed.

8 (7) An assessment of interagency research and
9 development efforts, including the potential for ex-
10 panding such efforts.

11 (d) SUBMISSION TO CONGRESS.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary of Homeland Security shall submit the strategy de-
14 veloped pursuant to subsection (b) to the appropriate con-
15 gressional committees.

16 (e) ANNUAL REPORT.—Not later than 180 days after
17 the date of the enactment of this Act, and annually there-
18 after for the following 7 years, the Secretary of Homeland
19 Security, the Attorney General, the Administrator of the
20 Federal Aviation Administration, and the Secretary of De-
21 fense shall jointly submit a report to the appropriate con-
22 gressional committees that describes—

23 (1) the resources necessary to carry out the
24 strategy developed pursuant to subsection (b); and

1 (2) any significant developments relating to the
2 elements described in subsection (c).

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Protecting the Border*
5 *from Unmanned Aircraft Systems Act”*

6 **SEC. 2. INTERAGENCY STRATEGY FOR CREATING A UNIFIED**
7 **POSTURE ON COUNTER-UNMANNED AIR-**
8 **CRAFT SYSTEMS CAPABILITIES AND PROTEC-**
9 **TIONS AT INTERNATIONAL BORDERS OF THE**
10 **UNITED STATES.**

11 (a) *DEFINITIONS.— In this section:*

12 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
13 *TEES.—The term “appropriate congressional commit-*
14 *tees” means—*

15 (A) *the Committee on Homeland Security*
16 *and Governmental Affairs of the Senate;*

17 (B) *the Committee on Commerce, Science,*
18 *and Transportation of the Senate;*

19 (C) *the Committee on the Judiciary of the*
20 *Senate;*

21 (D) *the Committee on Armed Services of the*
22 *Senate;*

23 (E) *the Committee on Appropriations of the*
24 *Senate;*

1 (F) the Committee on Homeland Security of
2 the House of Representatives;

3 (G) the Committee on the Judiciary of the
4 House of Representatives;

5 (H) the Committee on Transportation and
6 Infrastructure of the House of Representatives;

7 (I) the Committee on Energy and Commerce
8 of the House of Representatives;

9 (J) the Committee on Armed Services of the
10 House of Representatives; and

11 (K) the Committee on Appropriations of the
12 House of Representatives.

13 (2) COVERED FACILITY OR ASSET.—The term
14 “covered facility or asset” has the meaning given such
15 term in section 210G(k)(3) of the Homeland Security
16 Act of 2002 (6 U.S.C. 124n(k)(3)).

17 (b) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Homeland
19 Security shall work with the Attorney General, the Admin-
20 istrator of the Federal Aviation Administration, and the
21 Secretary of Defense to develop a strategy for creating a
22 unified posture on counter-unmanned aircraft systems (re-
23 ferred to in this section as “C-UAS”) capabilities and pro-
24 tections at—

1 (1) *covered facilities or assets along inter-*
2 *national borders of the United States; and*

3 (2) *any other border-adjacent facilities or assets*
4 *at which such capabilities maybe utilized under Fed-*
5 *eral law.*

6 (c) *ELEMENTS.—The strategy required to be developed*
7 *under subsection (b) shall include the following elements:*

8 (1) *An examination of C-UAS capabilities at*
9 *covered facilities or assets along the border, or such*
10 *other border-adjacent facilities or assets at which such*
11 *capabilities may be utilized under Federal law, and*
12 *their usage to detect or mitigate credible threats to*
13 *homeland security, including the facilitation of illicit*
14 *activities, or for other purposes authorized by law.*

15 (2) *An examination of efforts to protect privacy*
16 *and civil liberties in the context of C-UAS operations,*
17 *including with respect to impacts on border commu-*
18 *nities and protections of the First and Fourth*
19 *Amendments to the United States Constitution.*

20 (3) *An examination of intelligence sources and*
21 *methods, including drone operators and artificial in-*
22 *telligence equipment, and relevant due process consid-*
23 *erations.*

1 (4) *An assessment of the availability and inter-*
2 *operability of C-UAS detection and mitigation tech-*
3 *nology.*

4 (5) *An assessment of the training, including*
5 *training relating to the protection of privacy and*
6 *civil liberties, required for successful operation of C-*
7 *UAS detection and mitigation technology.*

8 (6) *An assessment of specific methods of oper-*
9 *ability for deployment and recommendations for ad-*
10 *ditional resources needed.*

11 (7) *An assessment of interagency research and*
12 *development efforts, including the potential for ex-*
13 *panding such efforts.*

14 (d) *SUBMISSION TO CONGRESS.*—*Not later than 180*
15 *days after the date of the enactment of this Act, the Sec-*
16 *retary of Homeland Security shall submit the strategy de-*
17 *veloped pursuant to subsection (b) to the appropriate con-*
18 *gressional committees.*

19 (e) *ANNUAL REPORT.*—*Not later than 180 days after*
20 *the date of the enactment of this Act, and annually there-*
21 *after for the following 7 years, the Secretary of Homeland*
22 *Security, the Attorney General, the Administrator of the*
23 *Federal Aviation Administration, and the Secretary of De-*
24 *fense shall jointly submit a report to the appropriate con-*
25 *gressional committees that describes—*

- 1 (1) *the resources necessary to carry out the strat-*
- 2 *egy developed pursuant to subsection (b); and*
- 3 (2) *any significant developments relating to the*
- 4 *elements described in subsection (c).*

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