

Calendar No. 219118TH CONGRESS
1ST SESSION**S. 1443****[Report No. 118–103]**

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

MAY 4, 2023

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

OCTOBER 3, 2023

Reported by Mr. PETERS, without amendment

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 Foreign Relations of

24 the Senate;

25 (G) the Select Committee on Intelligence of

26 the Senate;

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

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

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

7 (K) the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (L) the Committee on Foreign Affairs of
10 the House of Representatives;

11 (M) the Permanent Select Committee on
12 Intelligence of the House of Representatives;

13 (N) the Committee on Armed Services of
14 the House of Representatives; and

15 (O) the Committee on Appropriations of
16 the House of Representatives.

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

21 (3) C-UAS.—The term “C-UAS” means
22 counter-unmanned aircraft system.

23 (4) NATIONAL AIRSPACE SYSTEM; NAS.—The
24 terms “National Airspace System” and “NAS” have

1 the meaning given such terms in section 245.5 of
2 title 32, Code of Federal Regulations.

3 (5) UNMANNED AIRCRAFT SYSTEM.—The term
4 “unmanned aircraft system” has the meaning given
5 such term in section 44801 of title 49, United
6 States Code.

7 (b) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Home-
9 land Security, in coordination with the Attorney General,
10 the Administrator of the Federal Aviation Administration,
11 the Secretary of State, the Secretary of Energy, the Direc-
12 tor of National Intelligence, and the Secretary of Defense
13 to develop a strategy for creating a unified posture on C-
14 UAS capabilities and protections at—

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

17 (2) any other border-adjacent facilities or assets
18 at which such capabilities maybe utilized under Fed-
19 eral law.

20 (c) ELEMENTS.—The strategy required to be devel-
21 oped under subsection (b) shall include the following ele-
22 ments:

23 (1) An examination of C-UAS capabilities at
24 covered facilities or assets along the border, or such
25 other border-adjacent facilities or assets at which

1 such capabilities may be utilized under Federal law,
2 and their usage to detect or mitigate credible threats
3 to homeland security, including the facilitation of il-
4 licit activities, or for other purposes authorized by
5 law.

6 (2) An examination of efforts to protect privacy
7 and civil liberties in the context of C-UAS oper-
8 ations, including with respect to impacts on border
9 communities and protections of the First and
10 Fourth Amendments to the United States Constitu-
11 tion.

12 (3) An examination of unmanned aircraft sys-
13 tem tactics, techniques, and procedures being used
14 in the border environment by malign actors to in-
15 clude how unmanned aircraft systems are acquired,
16 modified, and utilized to conduct malicious activity
17 such, as attacks, surveillance, conveyance of contra-
18 band, or other forms of threats.

19 (4) An assessment of the C-UAS systems nec-
20 essary to identify illicit activity and protect against
21 the threats from unmanned aircraft systems at
22 international borders of the United States, including
23 the availability, feasibility, and interoperability of
24 C-UAS.

1 (5) A description of the training required or
2 recommended at international borders of the United
3 States, including how such training—

4 (A) fits into broader training standards
5 and norms; and

6 (B) relates to the protection of privacy and
7 civil liberties.

8 (6) Recommendations for additional authorities
9 and resources to protect against illicit unmanned
10 aircraft systems, including systems that may be nec-
11 essary to detect illicit activity and mitigate credible
12 threats along international borders of the United
13 States.

14 (7) An assessment of interagency research and
15 development efforts, including the potential for ex-
16 panding such efforts.

17 (d) SUBMISSION TO CONGRESS.—Not later than 1
18 year after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security, in coordination with the At-
20 torney General, the Administrator of the Federal Aviation
21 Administration, the Secretary of State, Secretary of En-
22 ergy, the Director of National Intelligence, and the Sec-
23 retary of Defense, shall submit the strategy developed pur-
24 suant to subsection (b) to the appropriate congressional
25 committees.

1 (e) REPORTS TO CONGRESS.—

2 (1) ANNUAL REPORT.—Not later than 2 years
3 after the date of the enactment of this Act, and an-
4 nually thereafter for the following 7 years, the Sec-
5 retary of Homeland Security, in coordination with
6 the Attorney General, the Administrator of the Fed-
7 eral Aviation Administration, the Secretary of State,
8 Secretary of Energy, the Director of National Intel-
9 ligence, and the Secretary of Defense, shall submit
10 to the appropriate congressional committees a re-
11 port, which may include a classified annex, that de-
12 scribes—

13 (A) the resources that are necessary to
14 carry out the strategy developed pursuant to
15 subsection (b); and

16 (B) any significant developments relating
17 to the elements described in subsection (c).

18 (2) CONGRESSIONAL BRIEFINGS.—Beginning
19 not later than 1 year after the date of the enactment
20 of this Act, the Secretary of Homeland Security
21 shall include the elements regarding C-UAS de-
22 scribed in paragraph (1) in the semiannual briefings
23 to the appropriate congressional committees required
24 under section 210G(g) of the Homeland Security
25 Act of 2002 (6 U.S.C. 124n(g)).

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