

118TH CONGRESS
1ST SESSION

S. 1443

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

6 (a) DEFINITIONS.— In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Homeland Security
11 and Governmental Affairs of the Senate;

12 (B) the Committee on Commerce, Science,
13 and Transportation of the Senate;

14 (C) the Committee on the Judiciary of the
15 Senate;

16 (D) the Committee on Armed Services of
17 the Senate;

18 (E) the Committee on Appropriations of
19 the Senate;

20 (F) the Committee on Foreign Relations of
21 the Senate;

22 (G) the Select Committee on Intelligence of
23 the Senate;

24 (H) the Committee on Homeland Security
25 of the House of Representatives;

1 (I) the Committee on the Judiciary of the
2 House of Representatives;

3 (J) the Committee on Transportation and
4 Infrastructure of the House of Representatives;

5 (K) the Committee on Energy and Com-
6 merce of the House of Representatives;

7 (L) the Committee on Foreign Affairs of
8 the House of Representatives;

9 (M) the Permanent Select Committee on
10 Intelligence of the House of Representatives;

11 (N) the Committee on Armed Services of
12 the House of Representatives; and

13 (O) the Committee on Appropriations of
14 the House of Representatives.

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

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

21 (4) NATIONAL AIRSPACE SYSTEM; NAS.—The
22 terms “National Airspace System” and “NAS” have
23 the meaning given such terms in section 245.5 of
24 title 32, Code of Federal Regulations.

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

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

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

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

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

21 (1) An examination of C-UAS capabilities at
22 covered facilities or assets along the border, or such
23 other border-adjacent facilities or assets at which
24 such capabilities may be utilized under Federal law,
25 and their usage to detect or mitigate credible threats

1 to homeland security, including the facilitation of il-
2 licit activities, or for other purposes authorized by
3 law.

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

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

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

23 (5) A description of the training required or
24 recommended at international borders of the United
25 States, including how such training—

1 (A) fits into broader training standards
2 and norms; and

3 (B) relates to the protection of privacy and
4 civil liberties.

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

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 1
15 year after the date of the enactment of this Act, the Sec-
16 retary of Homeland Security, in coordination with the At-
17 torney General, the Administrator of the Federal Aviation
18 Administration, the Secretary of State, Secretary of En-
19 ergy, the Director of National Intelligence, and the Sec-
20 retary of Defense, shall submit the strategy developed pur-
21 suant to subsection (b) to the appropriate congressional
22 committees.

23 (e) REPORTS TO CONGRESS.—

24 (1) ANNUAL REPORT.—Not later than 2 years
25 after the date of the enactment of this Act, and an-

1 nually thereafter for the following 7 years, the Sec-
2 retary of Homeland Security, in coordination with
3 the Attorney General, the Administrator of the Fed-
4 eral Aviation Administration, the Secretary of State,
5 Secretary of Energy, the Director of National Intel-
6 ligence, and the Secretary of Defense, shall submit
7 to the appropriate congressional committees a re-
8 port, which may include a classified annex, that de-
9 scribes—

10 (A) the resources that are necessary to
11 carry out the strategy developed pursuant to
12 subsection (b); and

13 (B) any significant developments relating
14 to the elements described in subsection (c).

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

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