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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 1. SHORT TITLE.  
This Act may be cited as the “Protecting the Border from Unmanned Aircraft Systems Act.”

SEC. 2. INTERAGENCY STRATEGY FOR CREATING A UNIFIED POSTURE ON COUNTER-UNMANNED AIRCRAFT SYSTEMS CAPABILITIES AND PROTECTIONS AT INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) Definitions.—In this section:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means—

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

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

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

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

(E) the Committee on Appropriations of the Senate;

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

(G) the Select Committee on Intelligence of the Senate;
(H) the Committee on Homeland Security of the House of Representatives;

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

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

(K) the Committee on Energy and Commerce of the House of Representatives;

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

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

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

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

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

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

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

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

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense to develop a strategy for creating a unified posture on C–UAS capabilities and protections at—

(1) covered facilities or assets along international borders of the United States; and

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

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

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

(2) An examination of efforts to protect privacy and civil liberties in the context of C–UAS operations, including with respect to impacts on border communities and protections of the First and Fourth Amendments to the United States Constitution.

(3) An examination of unmanned aircraft system tactics, techniques, and procedures being used in the border environment by malign actors to include how unmanned aircraft systems are acquired, modified, and utilized to conduct malicious activity such, as attacks, surveillance, conveyance of contraband, or other forms of threats.

(4) An assessment of the C–UAS systems necessary to identify illicit activity and protect against the threats from unmanned aircraft systems at international borders of the United States, including the availability, feasibility, and interoperability of C–UAS.
(5) A description of the training required or recommended at international borders of the United States, including how such training—

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

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

(6) Recommendations for additional authorities and resources to protect against illicit unmanned aircraft systems, including systems that may be necessary to detect illicit activity and mitigate credible threats along international borders of the United States.

(7) An assessment of interagency research and development efforts, including the potential for expanding such efforts.

(d) Submission to Congress.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit the strategy developed pursuant to subsection (b) to the appropriate congressional committees.
(c) Reports to Congress.—

(1) Annual report.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter for the following 7 years, the Secretary of Homeland Security, in coordination with the Attorney General, the Administrator of the Federal Aviation Administration, the Secretary of State, Secretary of Energy, the Director of National Intelligence, and the Secretary of Defense, shall submit to the appropriate congressional committees a report, which may include a classified annex, that describes—

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

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

(2) Congressional briefings.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall include the elements regarding C–UAS described in paragraph (1) in the semiannual briefings to the appropriate congressional committees required under section 210G(g) of the Homeland Security Act of 2002 (6 U.S.C. 124n(g)).
A BILL

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