

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 4919**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LANKFORD (for himself and Ms. SINEMA)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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 **IFIED 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 Homeland Security  
21 of the House of Representatives;

22 (G) the Committee on the Judiciary of the  
23 House of Representatives;

24 (H) the Committee on Transportation and  
25 Infrastructure of the House of Representatives;

1 (I) the Committee on Energy and Com-  
2 merce of the House of Representatives;

3 (J) the Committee on Armed Services of  
4 the House of Representatives; and

5 (K) the Committee on Appropriations of  
6 the House of Representatives.

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

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

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

21 (2) any other border-adjacent facilities or assets  
22 at which such capabilities maybe utilized under Fed-  
23 eral 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 facilities or assets at which  
7 such capabilities may be utilized under Federal law,  
8 and their usage to detect or mitigate credible threats  
9 to homeland security, including the facilitation of il-  
10 licit activities, or for other purposes authorized by  
11 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).