

119TH CONGRESS
1ST SESSION

S. _____

To require the Under Secretary of Defense for Intelligence and Security to complete a threat assessment regarding unmanned aircraft systems at or near the international borders of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD (for himself and Mr. KELLY) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To require the Under Secretary of Defense for Intelligence and Security to complete a threat assessment regarding unmanned aircraft systems at or near the international borders of the United States, and for other purposes.

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 section may be cited as the “Border Drone
5 Threat Assessment Act”

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Select Committee on Intelligence of
8 the Senate;

9 (B) the Committee on Homeland Security
10 and Governmental Affairs of the Senate;

11 (C) the Committee on Commerce, Science,
12 and Transportation of the Senate;

13 (D) the Committee on the Judiciary of the
14 Senate;

15 (E) the Committee on Armed Services of
16 the Senate;

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

19 (G) the Permanent Select Committee on
20 Intelligence of the House of Representatives;

21 (H) the Committee on Homeland Security
22 of the House of Representatives;

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

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

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

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

7 (M) the Committee on Foreign Affairs of
8 the House of Representatives.

9 (3) AT OR NEAR THE INTERNATIONAL BOR-
10 DERS OF THE UNITED STATES.—The term “at or
11 near the international borders of the United States”
12 means at or within 100 air miles of an international
13 land border or coastal border of the United States.

14 (4) COMMANDER.—The term “Commander”
15 means the Commander of the United States North-
16 ern Command (USNORTHCOM).

17 (5) DIRECTOR.—The term “Director” means
18 the Director of National Intelligence.

19 (6) FOREIGN MALIGN INFLUENCE.—The term
20 “foreign malign influence” has the meaning given
21 such term in section 119B(f) of the National Secu-
22 rity Act of 1947 (50 U.S.C. 3059(f)).

23 (7) INTELLIGENCE COMMUNITY.—The term
24 “intelligence community” has the meaning given

1 such term in section 3 of the National Security Act
2 of 1947 (50 U.S.C. 3003).

3 (8) MALIGN ACTOR.—The term “malign actor”
4 means any individual, group, or organization that is
5 engaged in foreign malign influence, illicit drug traf-
6 ficking, or other forms of transnational organized
7 crime.

8 (9) TRANSNATIONAL ORGANIZED CRIME.—The
9 term “transnational organized crime” has the mean-
10 ing given such term in section 284(i) of title 10,
11 United States Code.

12 (10) UNDER SECRETARY.—The term “Under
13 Secretary” means the Under Secretary for Intel-
14 ligence and Analysis of the Department of Home-
15 land Security.

16 (11) UNDER SECRETARY OF DEFENSE.—The
17 term “Under Secretary of Defense” means the
18 Under Secretary of Defense for Intelligence and Se-
19 curity.

20 (12) UNMANNED AIRCRAFT; UNMANNED AIR-
21 CRAFT SYSTEM.—The terms “unmanned aircraft”
22 and “unmanned aircraft system” have the meanings
23 given such terms in section 44801 of title 49, United
24 States Code.

1 **SEC. 3. THREAT ASSESSMENT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Under Secretary
4 of Defense, in consultation with the Commander, the Di-
5 rector, the Under Secretary, the Administrator, and the
6 heads of the other elements of the intelligence community,
7 shall complete an assessment of the threat regarding un-
8 manned aircraft systems at or near the international bor-
9 ders of the United States.

10 (b) ELEMENTS.—The threat assessment required
11 under subsection (a) shall include—

12 (1) a description of the malign actors operating
13 unmanned aircraft systems at or near the inter-
14 national borders of the United States, including ma-
15 lign actors who cross such borders;

16 (2) a description of how a threat is identified
17 and assessed at or near the international borders of
18 the United States, including a description of the ca-
19 pabilities of the United States Government to detect
20 and identify unmanned aircraft systems operated by,
21 or on behalf of, malign actors;

22 (3) a description of the data and information
23 collected by operators of unmanned aircraft systems
24 at or near the international borders of the United
25 States, including how such data is used by malign
26 actors;

1 (4) a description of the tactics, techniques, and
2 procedures used at or near the international borders
3 of the United States by malign actors with regards
4 to unmanned aircraft systems, including how un-
5 manned aircraft systems are acquired, modified, and
6 utilized to conduct malicious activities, including at-
7 tacks, surveillance, conveyance of contraband, and
8 other forms of threats;

9 (5) a description of the guidance, policies, and
10 procedures that address the privacy, civil rights, and
11 civil liberties of persons who lawfully operate un-
12 manned aircraft systems at or near the international
13 borders of the United States;

14 (6) a description of the capabilities of the
15 United States Government to counter, contain,
16 trace, defeat, or otherwise mitigate threats from un-
17 manned aircraft systems operated by malign actors
18 at or near the international borders of the United
19 States;

20 (7) an assessment of whether the capabilities of
21 the United States Government are sufficient for
22 achieving complete air domain awareness at or near
23 the international borders of the United States; and

24 (8) an assessment of the adequacy of current
25 authorities of the United States Government to

1 counter the use of unmanned aircraft systems by
2 malign actors at or near the international borders of
3 the United States, including an accounting of the
4 delineated responsibilities of Federal agencies to
5 counter, contain, trace, or defeat unmanned aircraft
6 systems at or near the international borders of the
7 United States.

8 **SEC. 4. REPORT AND BRIEFING.**

9 (a) IN GENERAL.—Not later than 180 days after
10 completing the threat assessment required under section
11 2, the Under Secretary of Defense, in coordination with
12 the Commander, the Director, the Under Secretary, and
13 the Administrator, shall submit a report to the appro-
14 priate congressional committees containing findings with
15 respect to such assessment.

16 (b) ELEMENTS.—The report required under sub-
17 section (a) shall include—

18 (1) a detailed description of the threats posed
19 to the national security of the United States by un-
20 manned aircraft systems operated by malign actors
21 at or near the international borders of the United
22 States;

23 (2) a summary of the current responsibilities,
24 authorities, regulations, policies, and procedures of
25 the United States Government for achieving air do-

1 main awareness at and near the international bor-
2 ders of the United States and countering and defeat-
3 ing unmanned aircraft systems used by malign ac-
4 tors along such borders; and

5 (3) an assessment of whether a change in au-
6 thorities or additional authorities or resources are
7 necessary to achieve complete air domain awareness
8 at or near international borders of the United States
9 and to counter and defeat unmanned aircraft sys-
10 tems used by malign actors along such borders.

11 (c) FORM.—The report required under subsection (a)
12 shall be submitted in unclassified form, but may include
13 a classified annex, as appropriate.

14 (d) BRIEFING.—Not later than 90 days after the sub-
15 mission of the report required under subsection (a), the
16 Under Secretary of Defense shall provide a briefing re-
17 garding the report to the appropriate congressional com-
18 mittees.