

116TH CONGRESS
2D SESSION

S. 4413

To improve the response of the Department of Defense to threats to United States forces worldwide from small unmanned aircraft systems.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2020

Ms. HASSAN (for herself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To improve the response of the Department of Defense to threats to United States forces worldwide from small unmanned aircraft systems.

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. DEPARTMENT OF DEFENSE RESPONSE TO**
4 **THREATS TO UNITED STATES FORCES**
5 **WORLDWIDE FROM SMALL UNMANNED AIR-**
6 **CRAFT SYSTEMS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) United States military forces face an ever
10 increasing and constantly evolving threat from small

1 unmanned aircraft systems in operations worldwide,
2 whether in the United States or abroad.

3 (2) The Department of Defense is already
4 doing important work to address the threats from
5 small unmanned aircraft systems worldwide, though
6 the need for engagement in that area continues.

7 (b) EXECUTIVE AGENT.—

8 (1) IN GENERAL.—The Secretary of the Army
9 is the executive agent of the Department of Defense
10 for programs, projects, and activities to counter
11 small unmanned aircraft systems, groups 1, 2, and
12 3 (known as “Counter Small Unmanned Aircraft
13 Systems for Unmanned Aircraft Groups 1, 2, and
14 3” and in this section referred to collectively as the
15 “Counter-Small Unmanned Aircraft Systems Pro-
16 gram”).

17 (2) FUNCTIONS.—The functions of the Sec-
18 retary as executive agent shall be as follows:

19 (A) To develop the strategy required by
20 subsection (c).

21 (B) To carry out such other activities to
22 counter threats to United States forces world-
23 wide from small unmanned aircraft systems as
24 the Secretary of Defense and the Secretary of
25 the Army consider appropriate.

1 (3) STRUCTURE.—The Secretary as executive
2 agent shall carry out the functions specified in para-
3 graph (2) through such administrative structures as
4 the Secretary considers appropriate.

5 (c) STRATEGY TO COUNTER THREATS FROM SMALL
6 UNMANNED AIRCRAFT SYSTEMS.—Not later than 90 days
7 after the date of the enactment of this Act, the Secretary
8 of the Army, as executive agent for the Counter-Small Un-
9 manned Aircraft Systems Program, shall develop and sub-
10 mit to relevant committees of Congress a strategy for the
11 Armed Forces to effectively counter threats from small un-
12 manned aircraft systems worldwide.

13 (d) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

14 (1) REPORT REQUIRED.—Not later than one
15 year after the date of the enactment of this Act, the
16 Secretary of the Army, as executive agent for the
17 Counter-Small Unmanned Aircraft Systems Pro-
18 gram, shall submit to Congress a report on the
19 Counter-Small Unmanned Aircraft Systems Pro-
20 gram.

21 (2) ELEMENTS.—The report required by para-
22 graph (1) shall include the following:

23 (A) A description and assessment of the
24 structure and activities of the executive agent
25 as established and put in place by the Sec-

retary, including any obstacles hindering the effective discharge of its functions and activities, including limitations in authorities or policy.

(B) Recommendations for legislative or administration action for any changes to statutes, policies, or plans that may be required in order to optimize the use by the Armed Forces of counter-small unmanned aircraft systems.

(C) An assessment of the implementation of the strategy required by subsection (c), and a description of any updates to the strategy that are required in light of evolving threats to the Armed Forces from small unmanned aircraft systems.

(e) REPORT ON THREAT FROM SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) REPORT REQUIRED.—Not later than 180 days after the submittal of the strategy required by subsection (c), the Secretary of Defense shall submit to the appropriate committees of Congress a report that sets forth a direct comparison between the threats United States forces worldwide face from small unmanned aircraft systems and the capabilities of the United States to counter such threats. The report shall be submitted in classified form.

1 (2) COORDINATION.—The Secretary shall pre-
2 pare the report required by paragraph (1) in coordi-
3 nation with the Director of National Intelligence,
4 other appropriate officials of the intelligence commu-
5 nity, and such other officials in the United States
6 Government as the Secretary considers appropriate.

7 (3) ELEMENTS.—The report required by para-
8 graph (1) shall include the following:

9 (A) An evaluation and assessment of the
10 current and evolving threat being faced by
11 United States forces worldwide from small un-
12 manned aircraft systems.

13 (B) A description of the counter-small un-
14 manned aircraft systems acquired by the De-
15 partment of Defense as of the date of the en-
16 actment of this Act, and an assessment whether
17 such systems are adequate to meet the current
18 and evolving threat described in subparagraph

19 (A).

20 (f) INDEPENDENT ASSESSMENT OF COUNTER-SMALL
21 UNMANNED AIRCRAFT SYSTEMS PROGRAM.—

22 (1) ASSESSMENT.—Not later than 60 days
23 after the submittal of the strategy required by sub-
24 section (c), the Secretary of Defense shall seek to
25 enter into a contract with a federally funded re-

1 search and development center to conduct an assess-
2 ment of the efficacy of the Counter-Small Un-
3 manned Aircraft Systems Program.

4 (2) ELEMENTS.—The assessment conducted
5 pursuant to paragraph (1) shall include the fol-
6 lowing:

7 (A) An identification of metrics to assess
8 progress in the implementation of the strategy
9 required by subsection (c), which metrics shall
10 take into account the threat assessment re-
11 quired for purposes of subsection (e).

12 (B) An assessment of progress, and key
13 challenges, in the implementation of the strat-
14 egy using such metrics, and recommendations
15 for improvements in the implementation of the
16 strategy.

17 (C) An assessment of the extent to which
18 the Department of Defense is coordinating ade-
19 quately with other departments and agencies of
20 the United States Government, and other ap-
21 propriate entities, in the development and pro-
22 curement of counter-small unmanned aircraft
23 systems for the Department.

24 (D) An assessment of the extent to which
25 the designation of the Secretary of the Army as

1 executive agent for the Counter-Small Un-
2 manned Aircraft Systems Program has reduced
3 redundancies and increased efficiencies in pro-
4 curement of counter-small unmanned aircraft
5 systems.

6 (E) An assessment whether United States
7 technological progress on counter-small un-
8 manned aircraft systems is sufficient to main-
9 tain a competitive edge over the small un-
10 manned aircraft systems technology available to
11 United States adversaries.

12 (3) REPORT.—Not later than one year after
13 entry into the contract referred to in paragraph (1),
14 the Secretary shall submit to the congressional de-
15 fense committees a report setting forth the results of
16 the assessment required under the contract.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Armed Services and
21 the Select Committee on Intelligence of the
22 Senate; and

23 (B) the Committee on Armed Services and
24 the Permanent Select Committee on Intelligence
25 of the House of Representatives.

1 (2) The term “congressional defense commit-
2 tees” has the meaning given that term in section
3 101(a)(16) of title 10, United States Code.

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