

AMENDMENT NO. _____ Calendar No. _____

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

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HASSAN (for herself and Mr. JOHNSON) to the amendment (No. 2301) proposed by Mr. INHOFE

Viz:

1 At the end of subtitle D of title IX, insert the fol-
2 lowing:

3 **SEC. 952. THREATS TO UNITED STATES FORCES FROM**
4 **SMALL UNMANNED AERIAL SYSTEMS WORLD-**
5 **WIDE.**

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

1 (1) United States military forces face an ever
2 increasing and constantly evolving threat from small
3 unmanned aerial systems in operations worldwide,
4 whether in the United States or abroad.

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

9 (b) EXECUTIVE AGENT.—

10 (1) IN GENERAL.—The Secretary of the Army
11 is the executive agent of the Department of Defense
12 for programs, projects, and activities to counter
13 small unmanned aerial systems (in this section re-
14 ferred to as the “Counter-Small Unmanned Aerial
15 Systems Program”).

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

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

20 (B) To carry out such other activities to
21 counter threats to United States forces world-
22 wide from small unmanned aerial systems as
23 the Secretary of Defense and the Secretary of
24 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 AERIAL 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 Aerial 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 aerial systems worldwide. The report shall be sub-
13 mitted in classified form.

14 (d) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

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

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

1 as established and put in place by the Sec-
2 retary, including the following:

3 (i) Any obstacles hindering the effec-
4 tive discharge of its functions and activi-
5 ties, including limitations in authorities or
6 policy.

7 (ii) The changes, if any, to airspace
8 management, rules of engagement, and
9 training plans that are required in order to
10 optimize the use by the Armed Forces of
11 counter-small unmanned aerial systems.

12 (B) An assessment of the implementation
13 of the strategy required by subsection (c), and
14 a description of any updates to the strategy
15 that are required in light of evolving threats to
16 the Armed Forces from small unmanned aerial
17 systems.

18 (e) REPORT ON THREAT FROM SMALL UNMANNED
19 AERIAL SYSTEMS.—

20 (1) REPORT REQUIRED.—Not later than 180
21 days after the submittal of the strategy required by
22 subsection (c), the Secretary of Defense shall submit
23 to the appropriate committees of Congress a report
24 that sets forth a direct comparison between the
25 threats United States forces in combat settings face

1 from small unmanned aerial systems and the capa-
2 bilities of the United States to counter such threats.
3 The report shall be submitted in classified form.

4 (2) COORDINATION.—The Secretary shall pre-
5 pare the report required by paragraph (1) in coordi-
6 nation with the Director of National Intelligence,
7 and with such other appropriate officials of the intel-
8 ligence community, and such other officials in the
9 United States Government, as the Secretary con-
10 siders appropriate.

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

13 (A) An evaluation and assessment of the
14 current and evolving threat being faced by
15 United States forces from small unmanned aer-
16 ial systems.

17 (B) A description of the counter-small un-
18 manned aerial system systems acquired by the
19 Department of Defense as of the date of the en-
20 actment of this Act, and an assessment whether
21 such systems are adequate to meet the current
22 and evolving threat described in subparagraph
23 (A).

1 (4) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” means—

4 (A) the Committee on Armed Services and
5 the Select Committee on Intelligence of the
6 Senate; and

7 (B) the Committee on Armed Services and
8 the Permanent Select Committee on Intelligence
9 of the House of Representatives.

10 (f) COMPTROLLER GENERAL OF THE UNITED
11 STATES ASSESSMENT OF COUNTER-SMALL UNMANNED
12 AERIAL SYSTEMS PROGRAM.—

13 (1) ASSESSMENT.—Not later than 180 days
14 after the submittal of the strategy required by sub-
15 section (c), the Comptroller General of the United
16 States shall submit to the congressional defense
17 committees a report setting forth the results of an
18 assessment, conducted by the Comptroller General
19 for purposes of the report, of the efficacy of the
20 Counter-Small Unmanned Aerial Systems Program.

21 (2) ELEMENTS.—The assessment conducted
22 pursuant to paragraph (1) shall include the fol-
23 lowing:

24 (A) An identification of metrics to assess
25 progress in the implementation of the strategy

1 required by subsection (c), which metrics shall
2 take into account the threat assessment re-
3 quired for purposes of subsection (e).

4 (B) An assessment of progress, and key
5 challenges, in the implementation of the strat-
6 egy using such metrics, and recommendations
7 for improvements in the implementation of the
8 strategy.

9 (C) An assessment of the extent to which
10 the Department of Defense is coordinating ade-
11 quately with other departments and agencies of
12 the United States Government, and other ap-
13 propriate entities, in the development and pro-
14 curement of counter-small unmanned aerial sys-
15 tems for the Department.

16 (D) An assessment of the extent to which
17 the designation of the Secretary of the Army as
18 executive agent for the Counter-Small Un-
19 manned Aerial Systems Program has reduced
20 redundancies and increased efficiencies in pro-
21 curement of counter-small unmanned aerial sys-
22 tems.

23 (E) An assessment whether United States
24 technological progress on counter-small un-
25 manned aerial systems is sufficient to maintain

1 a competitive edge over the small unmanned
2 aerial systems technology available to United
3 States adversaries.