

FY2025 NDAA: Countering Uncrewed Aircraft Systems

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Background

Congress has expressed concerns about the threats posed by uncrewed aircraft systems (UAS, commonly known as drones) to U.S. military personnel and defense installations at home and abroad, as well as an interest in the ability of the U.S. Department of Defense (DOD) to detect and mitigate UAS threats. DOD is developing, acquiring, and fielding defensive counter-UAS weapon systems, as in those systems that are able to locate, identify, track, and intercept adversary drones. The House-passed and Senate Armed Services Committee (SASC)-reported National Defense Authorization Act for Fiscal Year 2025 (NDAA, H.R. 8070 and S. 4638, respectively) include provisions relating to DOD's authority to conduct counter-UAS operations and DOD's policies and practices for countering drones. This product provides an overview of selected provisions in H.R. 8070 and S. 4638 related to DOD's ability to defend against drones and of proposed funding authorizations for selected DOD counter-UAS programs.

Legislative Proposals

The House-passed FY2025 NDAA contains two legislative provisions directly related to counter-UAS, while the SASC-reported bill contains seven (see **Table 1**). Both bills also contain legislative provisions that are more distantly related to counter-UAS, such as those provisions pertaining to general air defense capabilities and other technologies, which are not addressed in this product because counter-UAS is not their primary concern.

In addition to the legislative provisions in the House-passed and SASC-reported bills, the House Armed Services Committee (HASC) and SASC included items of special interest (ISIs) in the committee reports on H.R. 8071 and S. 4638 that addressed counter-UAS. For example, both HASC and SASC included an ISI directing DOD officials to brief the committees on aspects of "low-cost" counter-UAS capabilities. Both committees further directed DOD officials to provide a briefing on "AI-enabled, combat-validated UAS defeat capabilities." Unlike enacted provisions of law, directive report language is not legally binding, though agency officials typically regard it as a [congressional mandate](#).

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Table I. Selected FY2025 NDAA Legislative Proposals on Counter-UAS

House-Passed H.R. 8070	SASC-Reported S. 4638
Section 902 would amend Chapter 4 of Title 10, U.S.C., to include Section 149b, which would require the Secretary of Defense to designate a senior official as the executive agent for countering small UAS.	No similar provision.
Section 1251 would require the Secretary of Defense to provide a report on cooperative efforts by the United States and Israel on efforts to counter Iranian UAS threats.	No similar provision.
No similar provision.	Section 113 would require the Secretary of the Army to certify “at least one additional interceptor and production manufacturer” for the low, slow, small UAS integrated defeat system (LIDS).
No similar provision; however, in an item of special interest in its report on H.R. 8070, HASC encouraged the Secretary of Defense to establish a “global UAS threat library.”	Section 335 would require the Joint Counter-Small Unmanned Aircraft Systems Office (JCO) to establish and maintain a library of information related to UAS threats, counter-UAS solutions, and incursions at DOD installations.
No similar provision.	Section 352 would extend the expiration date of DOD’s authority to counter UAS threats to certain covered facilities and assets from 2026 to 2027. ^a
No similar provision.	Section 916 would require the Secretary of Defense to establish or designate a “C-UAS Task Force” with responsibility for reviewing and updating DOD memoranda and policies related to counter-UAS.
No similar provision.	Section 1057 would require the Secretary of Defense to (1) develop a “holistic strategy” for countering UAS, (2) develop a process for investigating and prosecuting a UAS offense, and (3) evaluate DOD policy as it relates to UAS incursions.
No similar provision.	Section 1058 would require the Secretary of Defense to conduct a “large-scale exercise” to test DOD’s ability to respond to UAS threats to DOD installations.
No similar provision.	Section 1087 would require the Director of the All-Domain Anomaly Resolution Office to provide at least one representative to serve on the C-UAS Task Force.

Source: CRS analysis of House-engrossed text of H.R. 8070 and the SASC-reported text of S. 4638.

a. Pursuant to 10 U.S.C. §130i. This authority was initially provided in Section 1697 of P.L. 114-328.

Discussion

DOD’s Counter-UAS Authority

DOD is one of four federal departments—the others being the Departments of Justice, Homeland Security, and Energy—authorized by Congress to take action to mitigate UAS threats to certain covered facilities and assets, as in those identified by the Secretary of Defense that are located within the United States and are directly related to certain DOD missions pertaining to nuclear deterrence, missile defense, and national security space, among others. Congress first provided DOD this authority in Section 1697 of the FY2017 NDAA (P.L. 114-328), codified at [10 U.S.C. §130i](#), and has repeatedly extended its partial termination date (e.g., P.L. 115-91, §1692, and P.L. 118-31, §1681).

Section 352 of the SASC-reported FY2025 NDAA (S. 4638) would extend DOD’s authority in Section 130i by one year, from 2026 to 2027. The House bill contains no similar provision. In a Statement of

Administration Policy on H.R. 8070, the Biden Administration [urged](#) Congress to “pass a durable, multi-year authorization and expansion” of DOD’s counter-drone authority. The Administration’s statement echoed those by DOD officials on the subject. In [Advance Policy Questions](#) provided in support of her January 23, 2024, SASC confirmation hearing, Melissa Dalton, now the Under Secretary of the Air Force, said that the expiration of DOD’s counter-UAS authority in three years had made it difficult for DOD to fund its counter-UAS requirements given competing priorities. Additionally, in a [legislative proposal](#) submitted by DOD’s Office of the General Counsel to Congress on April 5, 2024, DOD recommended that Congress amend Section 130i in several ways, such as by adding new missions to those already covered by Section 130i.

Executive Agent for Counter-UAS

Section 902 of the House-passed FY2025 NDAA (H.R. 8070) would establish an executive agent for oversight of counter-small UAS training and technology programs. Specifically, Section 902 would amend Chapter 4 of Title 10 of the *U.S. Code* to require the Secretary of Defense to “designate a senior official” who would coordinate requirements for small counter-UAS across the services, provide common training programs, and conduct joint research and development activities. The SASC-reported bill contains no similar provision. Pursuant to DOD Directive 5101.01, an executive agent is a designation assigned by the Secretary of Defense—or Congress—to the head of a DOD component and that covers the “responsibilities, functions, and authorities” for a particular area of authority.

In November 2019, then-Secretary of Defense Mark Esper [designated](#) the Army as the executive agent for counter-small UAS (sUAS) with responsibility for a variety of objectives ranging from leading the development of counter-sUAS doctrine to developing training programs. Subsequently, in February 2020, the Army [established](#) the Joint Counter-small UAS Office (JCO) to lead and direct joint counter-sUAS “doctrine, requirements, materiel and training to establish joint solutions to address current and future small UAS threats.” The relationship between the counter-sUAS executive agent proposed in Section 902 of H.R. 8070 and the Army-led JCO is not specified in the text of the bill.

Funding Authorization Proposals

The House-passed and SASC-reported FY2025 defense authorization bills would authorize funding for certain DOD counter-UAS programs at levels that differ from those requested by DOD. Several of these proposed changes, such as increased funding for the Army’s counter-UAS interceptors, reference DOD’s unfunded priority lists (UPLs). The following table summarizes the changes in the House-passed H.R. 8070 and SASC-reported S. 4638 to the authorized procurement and research, development, test, and evaluation (RDT&E) funding for selected DOD counter-UAS programs; it does not include counter-UAS projects or programs for which there are no proposed congressional changes to authorized funding.

Table 2. Summary of Congressional Changes to Funding Authorizations for Selected Counter-UAS Programs in the Proposed Versions of the FY2025 NDAA

(in millions of dollars of discretionary budget authority)

Account	Line	Line Item Title	DOD Request	House-Passed H.R. 8070	SASC-Reported S. 4638

Missile Procurement, Army	010	Counter Small Unmanned Aircraft Systems Intercept	\$117.4	\$314.8	\$202.2
Other Procurement, Army	078	Counter Small Unmanned Aircraft Systems	\$280.1	\$445.5	\$345.6
Procurement, Marine Corps	010	Ground Based Air Defense	\$369.3	\$333.3	\$369.3
Research, Development, Test & Evaluation, Army	078	Maneuver—Short Range Air Defense	\$315.8	\$253.2	\$315.8
Research, Development, Test & Evaluation, Army	088	Counter Small Unmanned Aircraft System Advanced Development	\$60	\$64.5	\$80
Research, Development, Test & Evaluation, Army	155	Counter—Small Unmanned Aircraft Systems Sys Dev & Demonstration	\$59.6	\$59.6	\$64.1
Research, Development, Test & Evaluation, Navy	205	Marine Corps Air Defense Weapon Systems	\$74.1	\$88.2	\$74.1

Source: CRS analysis of House-engrossed text of H.R. 8070 and the SASC-reported text of S. 4638.

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