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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, 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 Act may be cited as the “Unmanned Aerial Se-
5 curity Act” or the “UAS Act”.

1 **SEC. 2. PROHIBITION ON OPERATION OR PROCUREMENT**
2 **OF CERTAIN FOREIGN-MADE UNMANNED AIR-**
3 **CRAFT SYSTEMS.**

4 (a) PROHIBITION ON AGENCY OPERATION OR PRO-
5 CUREMENT.—Except as provided in subsection (b) and
6 subsection (c)(3), the Secretary of Homeland Security
7 may not operate, provide financial assistance for, or enter
8 into or renew a contract for the procurement of—

9 (1) an unmanned aircraft system (UAS) that—

10 (A) is manufactured in a covered foreign
11 country or by a corporation domiciled in a cov-
12 ered foreign country;

13 (B) uses flight controllers, radios, data
14 transmission devices, cameras, or gimbals man-
15 ufactured in a covered foreign country or by a
16 corporation domiciled in a covered foreign coun-
17 try;

18 (C) uses a ground control system or oper-
19 ating software developed in a covered foreign
20 country or by a corporation domiciled in a cov-
21 ered foreign country; or

22 (D) uses network connectivity or data stor-
23 age located in a covered foreign country or ad-
24 ministered by a corporation domiciled in a cov-
25 ered foreign country;

1 (2) a software operating system associated with
2 a UAS that uses network connectivity or data stor-
3 age located in a covered foreign country or adminis-
4 tered by a corporation domiciled in a covered foreign
5 country; or

6 (3) a system for the detection or identification
7 of a UAS, which system is manufactured in a cov-
8 ered foreign country or by a corporation domiciled in
9 a covered foreign country.

10 (b) WAIVER.—The Secretary of Homeland Security
11 is authorized to waive the prohibition under subsection (a)
12 if the Secretary certifies in writing to the Committee on
13 Homeland Security of the House of Representatives and
14 the Committee on Homeland Security and Governmental
15 Affairs of the Senate that a UAS, a software operating
16 system associated with a UAS, or a system for the detec-
17 tion or identification of a UAS referred to in any of para-
18 graphs (1) through (3) of such subsection that is the sub-
19 ject of such a waiver is required—

20 (1) in the national interest of the United
21 States;

22 (2) for counter-UAS surrogate research, test-
23 ing, development, evaluation, or training; or

1 (3) for intelligence, electronic warfare, or infor-
2 mation warfare operations, testing, analysis, and or
3 training.

4 (c) EFFECTIVE DATES.—

5 (1) IN GENERAL.—This Act shall take effect on
6 the date that is 120 days after the date of the enact-
7 ment of this Act.

8 (2) WAIVER PROCESS.—Not later than 60 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Homeland Security shall establish a proc-
11 ess by which the head of an office or component of
12 the Department of Homeland Security may request
13 a waiver under subsection (b).

14 (3) EXCEPTION.—Notwithstanding the prohibi-
15 tion under subsection (a), the head of an office or
16 component of the Department of Homeland Security
17 may continue to operate a UAS, a software oper-
18 ating system associated with a UAS, or a system for
19 the detection or identification of a UAS described in
20 any of subparagraphs (1) through (3) of such sub-
21 section that was in the inventory of such office or
22 component on the day before the effective date of
23 this Act until—

24 (A) such time as the Secretary of Home-
25 land Security has—

1 (i) granted a waiver relating thereto
2 under subsection (b), or

3 (ii) declined to grant such a waiver, or

4 (B) one year after the date of the enact-
5 ment of this Act,

6 whichever is later.

7 (d) DRONE ORIGIN SECURITY REPORT TO CON-
8 GRESS.—Not later than 180 days after the date of the
9 enactment of this Act, the Secretary of Homeland Security
10 shall submit to the Committee on Homeland Security of
11 the House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate a terrorism threat assessment and report that contains
14 information relating to the following:

15 (1) The extent to which the Department of
16 Homeland Security has previously analyzed the
17 threat that a UAS, a software operating system as-
18 sociated with a UAS, or a system for the detection
19 or identification of a UAS from a covered foreign
20 country operating in the United States poses, and
21 the results of such analysis.

22 (2) The number of UAS, software operating
23 systems associated with a UAS, or systems for the
24 detection or identification of a UAS from a covered

1 foreign country in operation by the Department as
2 of such date.

3 (3) The extent to which information gathered
4 by such a UAS, a software operating system associ-
5 ated with a UAS, or a system for the detection or
6 identification of a UAS from a covered foreign coun-
7 try could be employed to harm the national or eco-
8 nomic security of the United States.

9 (e) DEFINITIONS.—In this section:

10 (1) COVERED FOREIGN COUNTRY.—The term
11 “covered foreign country” means a country that—

12 (A) the intelligence community has identi-
13 fied as a foreign adversary in its most recent
14 Annual Threat Assessment; or

15 (B) the Secretary of Homeland Security,
16 in coordination with the Director of National
17 Intelligence, has identified as a foreign adver-
18 sary that is not included in such Annual Threat
19 Assessment.

20 (2) INTELLIGENCE COMMUNITY.—The term
21 “intelligence community” has the meaning given
22 such term in section 3(4) of the National Security
23 Act of 1947 (50 U.S.C. 3003(4)).

24 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
25 terms “unmanned aircraft system” and “UAS” have

1 the meaning given the term “unmanned aircraft sys-
2 tem” in section 331 of the FAA Modernization and
3 Reform Act of 2012 (Public Law 112–95; 49 U.S.C.
4 44802 note).