

Suspend the Rules and Pass the Bill, H.R. 4682, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 4682

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

JULY 26, 2021

Mr. GUEST (for himself, Mr. GOTTHEIMER, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Homeland Security

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.—

11 (1) IN GENERAL.—The Secretary of Homeland
12 Security is authorized to waive the prohibition under
13 subsection (a) if the Secretary certifies in writing to
14 the Committee on Homeland Security of the House
15 of Representatives and the Committee on Homeland
16 Security and Governmental Affairs of the Senate
17 that a UAS, a software operating system associated
18 with a UAS, or a system for the detection or identi-
19 fication of a UAS referred to in any of subpara-
20 graphs (A) through (C) of such subsection that is
21 the subject of such a waiver is required—

22 (A) in the national interest of the United
23 States;

24 (B) for counter-UAS surrogate research,
25 testing, development, evaluation, or training; or

1 (C) for intelligence, electronic warfare, or
2 information warfare operations, testing, anal-
3 ysis, and or training.

4 (2) NOTICE.—The certification described in
5 paragraph (1) shall be submitted to the Committees
6 specified in such paragraph by not later than the
7 date that is 14 days after the date on which a waiv-
8 er is issued under such paragraph.

9 (c) EFFECTIVE DATES.—

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

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

19 (3) EXCEPTION.—Notwithstanding the prohibi-
20 tion under subsection (a), the head of an office or
21 component of the Department of Homeland Security
22 may continue to operate a UAS, a software oper-
23 ating system associated with a UAS, or a system for
24 the detection or identification of a UAS described in
25 any of subparagraphs (1) through (3) of such sub-

1 section that was in the inventory of such office or
2 component on the day before the effective date of
3 this Act until—

4 (A) such time as the Secretary of Home-
5 land Security has—

6 (i) granted a waiver relating thereto
7 under subsection (b), or

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

9 (B) one year after the date of the enact-
10 ment of this Act,

11 whichever is later.

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

20 (1) The extent to which the Department of
21 Homeland Security has previously analyzed the
22 threat that a UAS, a software operating system as-
23 sociated with a UAS, or a system for the detection
24 or identification of a UAS from a covered foreign

1 country operating in the United States poses, and
2 the results of such analysis.

3 (2) The number of UAS, software operating
4 systems associated with a UAS, or systems for the
5 detection or identification of a UAS from a covered
6 foreign country in operation by the Department, in-
7 cluding an identification of the component or office
8 of the Department at issue, as of such date.

9 (3) The extent to which information gathered
10 by such a UAS, a software operating system associ-
11 ated with a UAS, or a system for the detection or
12 identification of a UAS from a covered foreign coun-
13 try could be employed to harm the national or eco-
14 nomic security of the United States.

15 (e) DEFINITIONS.—In this section:

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

18 (A) the intelligence community has identi-
19 fied as a foreign adversary in its most recent
20 Annual Threat Assessment; or

21 (B) the Secretary of Homeland Security,
22 in coordination with the Director of National
23 Intelligence, has identified as a foreign adver-
24 sary that is not included in such Annual Threat
25 Assessment.

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

5 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
6 terms “unmanned aircraft system” and “UAS” have
7 the meaning given the term “unmanned aircraft sys-
8 tem” in section 331 of the FAA Modernization and
9 Reform Act of 2012 (Public Law 112–95; 49 U.S.C.
10 44802 note).