

**Suspend the Rules and Pass the Bill, H.R. 1501, With An Amendment**

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

118TH CONGRESS  
1ST SESSION

# H. R. 1501

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2023

Mr. GUEST (for himself, Mr. GREEN of Tennessee, Mr. EZELL, Mr. D'ESPOSITO, Mr. LUTTRELL, Mr. GIMENEZ, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Homeland Security

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## 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 business entity domiciled in a  
12 covered 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 business entity domiciled in a covered foreign  
17 country;

18 (C) uses a ground control system or oper-  
19 ating software developed in a covered foreign  
20 country or by a business entity domiciled in a  
21 covered 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 business entity domiciled in a  
25 covered 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 business entity domiciled in a covered for-  
5           eign 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 business entity domi-  
9           ciled in 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 described in any of paragraphs (1)  
20           through (3) of such subsection that is the subject of  
21           such a waiver is required—

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

24                   (B) for counter-DAS 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 paragraphs (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, whichever is later.

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

19 (1) The extent to which the Department of  
20 Homeland Security has previously analyzed the  
21 threat that a UAS, a software operating system as-  
22 sociated with a UAS, or a system for the detection  
23 or identification of a UAS described in any of para-  
24 graphs (1) through (3) of subsection (a) operating

1 in the United States poses, and the results of such  
2 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 described in any  
6 of paragraphs (1) through (3) of subsection (a) in  
7 operation by the Department, including an identi-  
8 fication of the component or office of the Depart-  
9 ment at issue, as of such date.

10 (3) The extent to which information gathered  
11 by a UAS, a software operating system associated  
12 with a UAS, or a system for the detection or identi-  
13 fication of a UAS described in any of paragraphs (1)  
14 through (3) of subsection (a) could be employed to  
15 harm the national or economic security of the  
16 United States.

17 (e) DEFINITIONS.—In this section:

18 (1) BUSINESS ENTITY.—The term “business  
19 entity” has the meaning given such term in section  
20 334 of the Graham-Leach-Bliley Act (15 U.S.C.  
21 6764).

22 (2) COVERED FOREIGN COUNTRY.—The term  
23 “covered foreign country” means a country that—

1 (A) the intelligence community has identi-  
2 fied as a foreign adversary in its most recent  
3 Annual Threat Assessment; or

4 (B) the Secretary of Homeland Security,  
5 in coordination with the Director of National  
6 Intelligence, has identified as a foreign adver-  
7 sary that is not included in such Annual Threat  
8 Assessment.

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

13 (4) UNMANNED AIRCRAFT SYSTEM; UAS.—The  
14 terms “unmanned aircraft system” and “UAS” have  
15 the meaning given the term “unmanned aircraft sys-  
16 tem” in section 44801 of title 49, United States  
17 Code.