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.

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

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-

5curity Act” or the “UAS Act”.


SECTION 2. PROHIBITION ON OPERATION OR PROCUREMENT OF CERTAIN FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) Prohibition on Agency Operation or Procurement.—Except as provided in subsection (b) and subsection (c)(3), the Secretary of Homeland Security may not operate, provide financial assistance for, or enter into or renew a contract for the procurement of—

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

(A) is manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by a business entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in a covered foreign country or administered by a business entity domiciled in a covered foreign country;
(2) a software operating system associated with a UAS that uses network connectivity or data storage located in a covered foreign country or administered by a business entity domiciled in a covered foreign country; or

(3) a system for the detection or identification of a UAS, which system is manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of Homeland Security is authorized to waive the prohibition under subsection (a) if the Secretary certifies in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such subsection that is the subject of such a waiver is required—

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

(B) for counter-DAS surrogate research, testing, development, evaluation, or training; or
(C) for intelligence, electronic warfare, or information warfare operations, testing, analysis, and or training.

(2) NOTICE.—The certification described in paragraph (1) shall be submitted to the Committees specified in such paragraph by not later than the date that is 14 days after the date on which a waiver is issued under such paragraph.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(2) WAIVER PROCESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a process by which the head of an office or component of the Department of Homeland Security may request a waiver under subsection (b).

(3) EXCEPTION.—Notwithstanding the prohibition under subsection (a), the head of an office or component of the Department of Homeland Security may continue to operate a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such sub-
section that was in the inventory of such office or
component on the day before the effective date of
this Act until—

(A) such time as the Secretary of Homeland
Security has—

(i) granted a waiver relating thereto
under subsection (b); or

(ii) declined to grant such a waiver; or

(B) one year after the date of the enactment
of this Act, whichever is later.

(d) DRONE ORIGIN SECURITY REPORT TO CONGRESS.—Not later than 180 days after the date of the
enactment of this Act, the Secretary of Homeland Security
shall submit to the Committee on Homeland Security of
the House of Representatives and the Committee on
Homeland Security and Governmental Affairs of the Senate
a terrorism threat assessment and report that contains
information relating to the following:

(1) The extent to which the Department of
Homeland Security has previously analyzed the
threat that a UAS, a software operating system
associated with a UAS, or a system for the detection
or identification of a UAS described in any of para-
graphs (1) through (3) of subsection (a) operating
in the United States poses, and the results of such analysis.

(2) The number of UAS, software operating systems associated with a UAS, or systems for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) in operation by the Department, including an identification of the component or office of the Department at issue, as of such date.

(3) The extent to which information gathered by a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) could be employed to harm the national or economic security of the United States.

(e) DEFINITIONS.—In this section:

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

(2) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means a country that—
(A) the intelligence community has identified as a foreign adversary in its most recent Annual Threat Assessment; or

(B) the Secretary of Homeland Security, in coordination with the Director of National Intelligence, has identified as a foreign adversary that is not included in such Annual Threat Assessment.

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

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