

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-
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) WAIYER.—

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) COVERED FOREIGN COUNTRY.—The term
19 “covered foreign country” means a country that—

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

23 (B) the Secretary of Homeland Security,
24 in coordination with the Director of National
25 Intelligence, has identified as a foreign adver-

1 sary that is not included in such Annual Threat
2 Assessment.

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

7 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
8 terms “unmanned aircraft system” and “UAS” have
9 the meaning given the term “unmanned aircraft sys-
10 tem” in section 44801 of title 49, United States
11 Code.

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