

Union Calendar No. 119

118TH CONGRESS
1ST SESSION

H. R. 1501

[Report No. 118–151]

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

JULY 19, 2023

Additional sponsors: Ms. LEE of Florida, Mr. MCCAUL, Mr. CUELLAR, and Mr. LALOTA

JULY 19, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 9, 2023]

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 Secu-*
5 *urity Act” or the “UAS Act”.*

6 **SEC. 2. PROHIBITION ON OPERATION OR PROCUREMENT**
7 **OF CERTAIN FOREIGN-MADE UNMANNED AIR-**
8 **CRAFT SYSTEMS.**

9 (a) *PROHIBITION ON AGENCY OPERATION OR PRO-*
10 *CUREMENT.—Except as provided in subsection (b) and sub-*
11 *section (c)(3), the Secretary of Homeland Security may not*
12 *operate, provide financial assistance for, or enter into or*
13 *renew a contract for the procurement of—*

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

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

18 (B) *uses flight controllers, radios, data*
19 *transmission devices, cameras, or gimbals manu-*
20 *factured in a covered foreign country or by a*
21 *business entity domiciled in a covered foreign*
22 *country;*

23 (C) *uses a ground control system or oper-*
24 *ating software developed in a covered foreign*

1 country or by a business entity domiciled in a
2 covered foreign country; or

3 (D) uses network connectivity or data stor-
4 age located in a covered foreign country or ad-
5 ministered by a business entity domiciled in a
6 covered foreign country;

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

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

16 (b) *WAIYER*.—

17 (1) *IN GENERAL*.—*The Secretary of Homeland*
18 *Security is authorized to waive the prohibition under*
19 *subsection (a) if the Secretary certifies in writing to*
20 *the Committee on Homeland Security of the House of*
21 *Representatives and the Committee on Homeland Se-*
22 *curity and Governmental Affairs of the Senate that a*
23 *UAS, a software operating system associated with a*
24 *UAS, or a system for the detection or identification*
25 *of a UAS described in any of paragraphs (1) through*

1 (3) of such subsection that is the subject of such a
2 waiver is required—

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

5 (B) for counter-DAS surrogate research,
6 testing, development, evaluation, or training; or

7 (C) for intelligence, electronic warfare, or
8 information warfare operations, testing, anal-
9 ysis, and or training.

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

15 (c) EFFECTIVE DATES.—

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

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

1 (3) *EXCEPTION.*—*Notwithstanding the prohibi-*
2 *tion under subsection (a), the head of an office or*
3 *component of the Department of Homeland Security*
4 *may continue to operate a UAS, a software operating*
5 *system associated with a UAS, or a system for the de-*
6 *tection or identification of a UAS described in any*
7 *of paragraphs (1) through (3) of such subsection that*
8 *was in the inventory of such office or component on*
9 *the day before the effective date of this Act until—*

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

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

14 (ii) *declined to grant such a waiver; or*

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

17 (d) *DRONE ORIGIN SECURITY REPORT TO CON-*
18 *GRESS.*—*Not later than 180 days after the date of the enact-*
19 *ment of this Act, the Secretary of Homeland Security shall*
20 *submit to the Committee on Homeland Security of the*
21 *House of Representatives and the Committee on Homeland*
22 *Security and Governmental Affairs of the Senate a ter-*
23 *rorism threat assessment and report that contains informa-*
24 *tion relating to the following:*

1 (1) *The extent to which the Department of*
2 *Homeland Security has previously analyzed the*
3 *threat that a UAS, a software operating system asso-*
4 *ciated with a UAS, or a system for the detection or*
5 *identification of a UAS described in any of para-*
6 *graphs (1) through (3) of subsection (a) operating in*
7 *the United States poses, and the results of such anal-*
8 *ysis.*

9 (2) *The number of UAS, software operating sys-*
10 *tems associated with a UAS, or systems for the detec-*
11 *tion or identification of a UAS described in any of*
12 *paragraphs (1) through (3) of subsection (a) in oper-*
13 *ation by the Department, including an identification*
14 *of the component or office of the Department at issue,*
15 *as of such date.*

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

22 (e) *DEFINITIONS.—In this section:*

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

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

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

6 (B) *the Secretary of Homeland Security, in*
7 *coordination with the Director of National Intel-*
8 *ligence, has identified as a foreign adversary*
9 *that is not included in such Annual Threat As-*
10 *essment.*

11 (3) *INTELLIGENCE COMMUNITY.*—*The term “in-*
12 *telligence community” has the meaning given such*
13 *term in section 3(4) of the National Security Act of*
14 *1947 (50 U.S.C. 3003(4)).*

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

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