

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.

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## 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

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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”.

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

1 subsection (c)(3), the Secretary of Homeland Security  
2 may not operate, provide financial assistance for, or enter  
3 into or renew a contract for the procurement of—

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

5 (A) is manufactured in a covered foreign  
6 country or by a corporation domiciled in a cov-  
7 ered foreign country;

8 (B) uses flight controllers, radios, data  
9 transmission devices, cameras, or gimbals man-  
10 ufactured in a covered foreign country or by a  
11 corporation domiciled in a covered foreign coun-  
12 try;

13 (C) uses a ground control system or oper-  
14 ating software developed in a covered foreign  
15 country or by a corporation domiciled in a cov-  
16 ered foreign country; or

17 (D) uses network connectivity or data stor-  
18 age located in a covered foreign country or ad-  
19 ministered by a corporation domiciled in a cov-  
20 ered foreign country;

21 (2) a software operating system associated with  
22 a UAS that uses network connectivity or data stor-  
23 age located in a covered foreign country or adminis-  
24 tered by a corporation domiciled in a covered foreign  
25 country; or

1           (3) a system for the detection or identification  
2       of a UAS, which system is manufactured in a cov-  
3       ered foreign country or by a corporation domiciled in  
4       a covered foreign country.

5       (b) WAIVER.—The Secretary of Homeland Security  
6   is authorized to waive the prohibition under subsection (a)  
7   if the Secretary certifies in writing to the Committee on  
8   Homeland Security of the House of Representatives and  
9   the Committee on Homeland Security and Governmental  
10  Affairs of the Senate that a UAS, a software operating  
11  system associated with a UAS, or a system for the detec-  
12  tion or identification of a UAS referred to in any of para-  
13  graphs (1) through (3) of such subsection that is the sub-  
14  ject of such a waiver is required—

15           (1) in the national interest of the United  
16       States;

17           (2) for counter-UAS surrogate research, test-  
18       ing, development, evaluation, or training; or

19           (3) for intelligence, electronic warfare, or infor-  
20       mation warfare operations, testing, analysis, and or  
21       training.

22       (c) EFFECTIVE DATES.—

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

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

7           (3) EXCEPTION.—Notwithstanding the prohibi-  
8           tion under subsection (a), the head of an office or  
9           component of the Department of Homeland Security  
10          may continue to operate a UAS, a software oper-  
11          ating system associated with a UAS, or a system for  
12          the detection or identification of a UAS described in  
13          any of subparagraphs (1) through (3) of such sub-  
14          section that was in the inventory of such office or  
15          component on the day before the effective date of  
16          this Act until—

17                (A) such time as the Secretary of Home-  
18                land Security has—

19                   (i) granted a waiver relating thereto  
20                   under subsection (b), or

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

22                (B) one year after the date of the enact-  
23                ment of this Act,

24                whichever is later.

1       (d) DRONE ORIGIN SECURITY REPORT TO CON-  
2 GRESS.—Not later than 180 days after the date of the  
3 enactment of this Act, the Secretary of Homeland Security  
4 shall submit to the Committee on Homeland Security of  
5 the House of Representatives and the Committee on  
6 Homeland Security and Governmental Affairs of the Sen-  
7 ate a terrorism threat assessment and report that contains  
8 information relating to the following:

9           (1) The extent to which the Department of  
10 Homeland Security has previously analyzed the  
11 threat that a UAS, a software operating system as-  
12 sociated with a UAS, or a system for the detection  
13 or identification of a UAS from a covered foreign  
14 country operating in the United States poses, and  
15 the results of such analysis.

16          (2) The number of UAS, software operating  
17 systems associated with a UAS, or systems for the  
18 detection or identification of a UAS from a covered  
19 foreign country in operation by the Department as  
20 of such date.

21          (3) The extent to which information gathered  
22 by such a UAS, a software operating system associ-  
23 ated with a UAS, or a system for the detection or  
24 identification of a UAS from a covered foreign coun-

try could be employed to harm the national or economic security of the United States.

(e) DEFINITIONS.—In this section:

(1) 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.

(2) 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)).

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

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