

117TH CONGRESS
1ST SESSION

H. R. 4682

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

Received, read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Unmanned Aerial Se-
3 curity Act” or the “UAS Act”.

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

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

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

13 (A) is manufactured in a covered foreign
14 country or by a corporation domiciled in a cov-
15 ered foreign country;

16 (B) uses flight controllers, radios, data
17 transmission devices, cameras, or gimbals man-
18 ufactured in a covered foreign country or by a
19 corporation domiciled in a covered foreign coun-
20 try;

21 (C) uses a ground control system or oper-
22 ating software developed in a covered foreign
23 country or by a corporation domiciled in a cov-
24 ered foreign country; or

25 (D) uses network connectivity or data stor-
26 age located in a covered foreign country or ad-

1 ministered by a corporation domiciled in a cov-
2 ered foreign country;

3 (2) a software operating system associated with
4 a UAS that uses network connectivity or data stor-
5 age located in a covered foreign country or adminis-
6 tered by a corporation domiciled in a covered foreign
7 country; or

8 (3) a system for the detection or identification
9 of a UAS, which system is manufactured in a cov-
10 ered foreign country or by a corporation domiciled in
11 a covered foreign country.

12 (b) WAIVER.—

13 (1) IN GENERAL.—The Secretary of Homeland
14 Security is authorized to waive the prohibition under
15 subsection (a) if the Secretary certifies in writing to
16 the Committee on Homeland Security of the House
17 of Representatives and the Committee on Homeland
18 Security and Governmental Affairs of the Senate
19 that a UAS, a software operating system associated
20 with a UAS, or a system for the detection or identi-
21 fication of a UAS referred to in any of subpara-
22 graphs (A) through (C) of such subsection that is
23 the subject of such a waiver is required—

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

1 (B) for counter-UAS surrogate research,
2 testing, development, evaluation, or training; or

3 (C) for intelligence, electronic warfare, or
4 information warfare operations, testing, anal-
5 ysis, and or training.

6 (2) NOTICE.—The certification described in
7 paragraph (1) shall be submitted to the Committees
8 specified in such paragraph by not later than the
9 date that is 14 days after the date on which a waiv-
10 er is issued under such paragraph.

11 (c) EFFECTIVE DATES.—

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

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

21 (3) EXCEPTION.—Notwithstanding the prohibi-
22 tion under subsection (a), the head of an office or
23 component of the Department of Homeland Security
24 may continue to operate a UAS, a software oper-
25 ating system associated with a UAS, or a system for

1 the detection or identification of a UAS described in
2 any of subparagraphs (1) through (3) of such sub-
3 section that was in the inventory of such office or
4 component on the day before the effective date of
5 this Act until—

6 (A) such time as the Secretary of Home-
7 land Security has—

8 (i) granted a waiver relating thereto
9 under subsection (b), or

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

11 (B) one year after the date of the enact-
12 ment of this Act,

13 whichever is later.

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

22 (1) The extent to which the Department of
23 Homeland Security has previously analyzed the
24 threat that a UAS, a software operating system as-
25 sociated with a UAS, or a system for the detection

1 or identification of a UAS from a covered foreign
2 country operating in the United States poses, and
3 the results of such analysis.

4 (2) The number of UAS, software operating
5 systems associated with a UAS, or systems for the
6 detection or identification of a UAS from a covered
7 foreign country in operation by the Department, in-
8 cluding an identification of the component or office
9 of the Department at issue, as of such date.

10 (3) The extent to which information gathered
11 by such a UAS, a software operating system associ-
12 ated with a UAS, or a system for the detection or
13 identification of a UAS from a covered foreign coun-
14 try could be employed to harm the national or eco-
15 nomic security of the United States.

16 (e) DEFINITIONS.—In this section:

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

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

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

(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).

Passed the House of Representatives September 29,
2021.

Attest: **CHERYL L. JOHNSON,**
Clerk.