

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. GUEST OF MISSISSIPPI

At the end of subtitle C of title XVIII, add the following new section:

1 **SEC. 18__ . PROHIBITION ON OPERATION OR PROCURE-**
2 **MENT OF CERTAIN FOREIGN-MADE UN-**
3 **MANNED AIRCRAFT 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, or any other type
12 of business entity domiciled in a covered foreign
13 country;

14 (B) uses flight controllers, radios, data
15 transmission devices, cameras, or gimbals man-
16 ufactured in a covered foreign country or by a
17 corporation, or any other type of business entity
18 domiciled in a covered foreign country;

1 (C) uses a ground control system or oper-
2 ating software developed in a covered foreign
3 country or by a corporation, or any other type
4 of business entity domiciled in a covered foreign
5 country; or

6 (D) uses network connectivity or data stor-
7 age located in a covered foreign country or ad-
8 ministered by a corporation, or any other type
9 of business entity domiciled in a covered foreign
10 country;

11 (2) a software operating system associated with
12 a UAS that uses network connectivity or data stor-
13 age located in a covered foreign country or adminis-
14 tered by a corporation, or any other type of business
15 entity domiciled in a covered foreign country; or

16 (3) a system for the detection or identification
17 of a UAS, which system is manufactured in a cov-
18 ered foreign country or by a corporation, or any
19 other type of business entity domiciled in a covered
20 foreign country.

21 (b) WAIYER.—

22 (1) IN GENERAL.—The Secretary of Homeland
23 Security is authorized to waive the prohibition under
24 subsection (a) if the Secretary certifies in writing to
25 the Committee on Homeland Security of the House

1 of Representatives and the Committee on Homeland
2 Security and Governmental Affairs of the Senate
3 that a UAS, a software operating system associated
4 with a UAS, or a system for the detection or identi-
5 fication of a UAS described in any of paragraphs (1)
6 through (3) of such subsection that is the subject of
7 such a waiver is required—

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

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

12 (C) for intelligence, electronic warfare, or
13 information warfare operations, testing, anal-
14 ysis, and or training.

15 (2) NOTICE.—The certification described in
16 paragraph (1) shall be submitted to the Committees
17 specified in such paragraph by not later than the
18 date that is 14 days after the date on which a waiv-
19 er is issued under such paragraph.

20 (c) EFFECTIVE DATES.—

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

24 (2) WAIVER PROCESS.—Not later than 60 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Homeland Security shall establish a proc-
2 ess by which the head of an office or component of
3 the Department of Homeland Security may request
4 a waiver under subsection (b).

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

15 (A) such time as the Secretary of Home-
16 land Security has—

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

19 (ii) declined to grant such a waiver; or

20 (B) one year after the date of the enact-
21 ment of this Act, whichever is later.

22 (d) DRONE ORIGIN SECURITY REPORT TO CON-
23 GRESS.—Not later than 180 days after the date of the
24 enactment of this Act, the Secretary of Homeland Security
25 shall submit to the Committee on Homeland Security of

1 the House of Representatives and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate a terrorism threat assessment and report that contains
4 information relating to the following:

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

13 (2) The number of UAS, software operating
14 systems associated with a UAS, or systems for the
15 detection or identification of a UAS described in any
16 of paragraphs (1) through (3) of subsection (a) in
17 operation by the Department, including an identi-
18 fication of the component or office of the Depart-
19 ment at issue, as of such date.

20 (3) The extent to which information gathered
21 by a UAS, a software operating system associated
22 with a UAS, or a system for the detection or identi-
23 fication of a UAS described in any of paragraphs (1)
24 through (3) of subsection (a) could be employed to

1 harm the national or economic security of the
2 United States.

3 (e) DEFINITIONS.—In this section:

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

6 (A) the intelligence community has identi-
7 fied as a foreign adversary in its most recent
8 Annual Threat Assessment; or

9 (B) the Secretary of Homeland Security,
10 in coordination with the Director of National
11 Intelligence, has identified as a foreign adver-
12 sary that is not included in such Annual Threat
13 Assessment.

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

18 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
19 terms “unmanned aircraft system” and “UAS” have
20 the meaning given the term “unmanned aircraft sys-
21 tem” in section 44801 of title 49, United States
22 Code.

