

116TH CONGRESS
1ST SESSION

H. R. 5125

To ban the Federal procurement of certain drones and other unmanned aircraft systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

Mr. GALLAGHER (for himself, Mr. COURTNEY, Mr. YOHO, Mr. NORCROSS, Mr. GREEN of Tennessee, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To ban the Federal procurement of certain drones and other 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 “American Security
5 Drone Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COVERED FOREIGN ENTITY.**—The term
9 “covered foreign entity” means—

1 (A) a covered entity (as determined by the
2 Secretary of Commerce);

3 (B) any entity that is subject to extrajudi-
4 cial direction from a foreign government, as de-
5 termined by the Director of National Intel-
6 ligence;

7 (C) any entity the Secretary of Homeland
8 Security, in coordination with the Director of
9 National Intelligence, the Secretary of Defense,
10 and the Secretary of State, determines poses a
11 national security risk;

12 (D) any entity subject to influence or con-
13 trol by the Government of the People Republic
14 of China or the Communist Party of the Peo-
15 ple's Republic of China, as determined by the
16 Secretary of Homeland Security; and

17 (E) any subsidiary or affiliate of an entity
18 described in subparagraphs (A) through (D).

19 (2) COVERED UNMANNED AIRCRAFT.—The
20 term “covered unmanned aircraft” means an un-
21 manned aircraft system and any related services and
22 equipment.

1 **SEC. 3. BAN ON PROCUREMENT OF FOREIGN OFF-THE-**
2 **SHELF DRONES AND UNMANNED AIRCRAFT**
3 **SYSTEMS.**

4 (a) IN GENERAL.—Except as provided under sub-
5 sections (b) and (c), the head of an executive agency may
6 not procure any commercial off-the-shelf drone or covered
7 unmanned aircraft system manufactured or assembled by
8 a covered foreign entity, including any Original Equip-
9 ment Manufacturer flight controllers, radios, data trans-
10 mission devices, cameras, or gimbals manufactured in a
11 covered foreign country or by an entity domiciled in a cov-
12 ered foreign country.

13 (b) EXEMPTION.—The Secretary of Homeland Secu-
14 rity and the Secretary of Defense are exempt from the
15 restriction under subsection (a) if the operation or pro-
16 curement—

17 (1) is for the purposes of training, testing, or
18 analysis for—

19 (A) counter-UAS surrogate intelligence;

20 (B) electronic warfare; or

21 (C) information warfare operations; and

22 (2) is required in the national interest of the
23 United States.

24 (c) WAIVER.—The head of an executive agency may
25 waive the prohibition under subsection (a) on a case-by-
26 case basis with the approval of the Secretary of Homeland

1 Security or the Secretary of Defense and notification to
2 Congress.

3 **SEC. 4. PROHIBITION ON OPERATION OF FOREIGN COM-**
4 **MERCIAL OFF-THE-SHELF DRONES AND**
5 **SMALL UNMANNED AIRCRAFT SYSTEMS.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—Beginning not later than
8 180 days after the date of the enactment of this Act,
9 no Federal department or agency may operate a
10 commercial off-the-shelf drone or covered unmanned
11 aircraft system manufactured or assembled by a cov-
12 ered foreign entity.

13 (2) PHASE-IN PERIOD FOR EXISTING CON-
14 TRACTS.—The prohibition under paragraph (1) shall
15 not apply, during the 1-year period beginning on the
16 date of the enactment of this Act, to commercial off-
17 the-shelf drones and covered unmanned aircraft sys-
18 tems procured through a contract entered into be-
19 fore the date of the enactment of this Act.

20 (b) EXEMPTION.—The Secretary of Homeland Secu-
21 rity and the Secretary of Defense are exempt from the
22 restriction under subsection (a) if the operation or pro-
23 curement—

24 (1) is for the purposes of training, testing, or
25 analysis for—

1 (A) counter-UAS surrogate intelligence;

2 (B) electronic warfare; or

3 (C) information warfare operations; and

4 (2) is required in the national interest of the
5 United States.

6 (c) WAIVER.—The head of an executive agency may
7 waive the prohibition under subsection (a) on a case-by-
8 case basis with the approval of the Secretary of Homeland
9 Security or the Secretary of Defense and notification to
10 Congress.

11 (d) REGULATIONS.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary of
13 Homeland Security shall prescribe regulations to imple-
14 ment this section.

15 **SEC. 5. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
16 **PURCHASES AND OPERATION OF COMMER-**
17 **CIAL OFF-THE-SHELF DRONES AND UN-**
18 **MANNED AIRCRAFT SYSTEMS FROM CHINA.**

19 No Federal funds awarded through a contract, grant,
20 or cooperative agreement or otherwise made available may
21 be used to purchase a commercial off-the-shelf drone or
22 covered unmanned aircraft system, or a system to counter
23 unmanned aircraft systems, that is manufactured or as-
24 sembled by a covered foreign entity or in connection with
25 the operation of such a drone or system.

1 **SEC. 6. COMPTROLLER GENERAL REPORT.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Comptroller General of the United
4 States shall submit to Congress a report on the amount
5 of commercial off-the-shelf drones and covered unmanned
6 aircraft systems procured by Federal departments and
7 agencies from covered foreign entities.

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