116TH CONGRESS  
1ST SESSION

S.

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

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself, Mr. COTTON, Mr. HAWLEY, Mr. RUBIO, Mr. MURPHY, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
vatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Security Drone Act of 2019”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED FOREIGN ENTITY.—the term “covered foreign entity” means—
(A) a covered entity (as determined by the Secretary of Commerce);

(B) any entity that is subject to extrajudicial direction from a foreign government, as determined by the Director of National Intelligence;

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

(D) any entity subject to influence or control by the Government of the People Republic of China or the Communist Party of the People’s Republic of China, as determined by the Secretary of Homeland Security; and

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

(2) COVERED UNMANNED AIRCRAFT.—The term "covered unmanned aircraft" means an unmanned aircraft system and any related services and equipment.
SEC. 3. BAN ON PROCUREMENT OF FOREIGN OFF-THE-SHELF DRONES AND UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Except as provided under subsection (b) and (c), the head of an executive agency may not procure any commercial off-the-shelf drone or covered unmanned aircraft system manufactured or assembled by a covered foreign entity, including any Original Equipment Manufacturer flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by an entity domiciled in a covered foreign country.

(b) EXEMPTION.—The Secretary of Homeland Security and the Secretary of Defense are exempt from the restriction under subsection (a) if the operation or procurement—

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

(A) Counter-UAS surrogate intelligence;

(B) electronic warfare; or

(C) information warfare operations; and

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

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

SEC. 4. PROHIBITION ON OPERATION OF FOREIGN COMMERCIAL OFF-THE-SHELF DRONES AND SMALL UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION.—

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

(2) PHASE-IN PERIOD FOR EXISTING CONTRACTS.—The prohibition under paragraph (1) shall not apply, during the 1-year period beginning on the date of the enactment of this Act, to commercial off-the-shelf drones and covered unmanned aircraft systems procured through a contract entered into before the date of the enactment of this Act.

(b) EXEMPTION.—The Secretary of Homeland Security and the Secretary of Defense are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the purposes of training, testing, or analysis for—
(A) Counter-UAS surrogate intelligence;
(B) electronic warfare; or
(C) information warfare operations; and
(2) is required in the national interest of the
United States.
(c) WAIVER.—The head of an executive agency may
waive the prohibition under subsection (a) on a case-by-
case basis with the approval of the Secretary of Homeland
Security or the Secretary of Defense and notification to
Congress.
(c) REGULATIONS.—Not later than 180 days after
the date of the enactment of this Act, the Secretary of
Homeland Security shall prescribe regulations to imple-
ment this section.
SEC. 5. PROHIBITION ON USE OF FEDERAL FUNDS FOR
PURCHASES AND OPERATION OF COMMERCIAL OFF-THE-SHELF DRONES AND UN-
MANNED AIRCRAFT SYSTEMS FROM CHINA.
No Federal funds awarded through a contract, grant,
or cooperative agreement or otherwise made available may
be used to purchase a commercial off-the-shelf drone or
covered unmanned aircraft system, or a system to counter
unmanned aircraft systems, that is manufactured or as-
sembled by a covered foreign entity or in connection with
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 enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.