

OFFICE OF
POLAR PROGRAMS

American Security Drone Act of Dec 2023

What it means to NSF and OPP



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WHERE DISCOVERIES BEGIN

American Security Drone Act of 2023



"American Security Drone Act of 2023"

- Part of the National Defense Authorization Act of 2024 (Dec. 22, 2023)
 - Public Law 118-31, Division A, Title XVIII, Subtitle B—Drone Security SEC. 1821
- The law applies to any "covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity"
- Effective date: December 22, 2025

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“covered unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.

- Act incorporates the definition at 49 USC 44801.

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“Covered foreign entity” means an entity included on a list developed and maintained by the Federal Acquisition Security Council and published in the System for Award Management (SAM).

This list will include entities in the following categories:

- (A) An entity included on the Consolidated Screening List.
- (B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.
- (C) Any entity the Secretary of Homeland Security, in coordination with the Attorney General, Director of National Intelligence, and the Secretary of Defense, determines poses a national security risk.
- (D) **Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China**, as determined by the Secretary of Homeland Security.
- (E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

NOTE: DJI, the most popular and available drone in the USA is headquartered in Nanshan, Shenzhen China (mainland China) and is therefore a prohibited source under the law.

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1. Sec 1823 covers federal agency procurement:
 - a. The head of an executive agency may not procure any covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity."
2. Sec 1824 covers federal agency operations:
 - a. No federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.
 - b. The prohibition (to operate) applies to ...any executive agency through the method of contracting for the services of covered unmanned aircraft systems.
3. Sec 1825 covers use of federal funding for procurement or operations:
 1. No Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—
 - i. to procure a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or
 - ii. in connection with the operation of such a drone or unmanned aircraft system.

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- The current law has a 2-year window for compliance
 - The prohibition **goes into full effect on 22 Dec 2025**
- Interagency Committee on Aviation Policy (ICAP) discussions
 - Views the 2-year time for compliance as an offramp for executive branch agencies to:
 - Divest large fleets while not negatively impacting high priority missions
 - Provides the necessary time for Agencies to recapitalize their fleets
 - Gives time for Blue UAS manufacturers to grow (available at <https://www.diu.mil>)
- Exemptions and Waivers
- My thoughts...
 - NSF does not have a fleet of drones
 - NSF can readily and easily comply with the law now
 - Ultimately is a Section Head or Director's decision (until 22 Dec 2025)

Why the Law?

- There is a built in Security Risk on covered entities
 - Affected drones are deemed a security risk due to manufacturer's software that allows all captured data to flow back to the "covered foreign entity"
 - The operator cannot control the collected data flow as it is built into the drones operating system software



DJI Phantom 4 Pro+ (\$1-3K)



DJI Mini-2 SE (\$300)



DJI Matrice 600 Pro (\$5-15K)

Way Forward... Migrate to the Blue

- Blue UAS Cleared List (latest update May 2024)
- Published by Defense Innovation Unit and the Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD(A&S))
 - AgEagle (formerly SenseFly) **Platform:** eBee TAC
 - Anduril, **Platforms:** Ghost, Ghost X
 - Ascent Aerosystems, **Platform:** Spirit
 - Blue Halo, **Platform:** IE-V2 Jeti
 - Easy Aerial, **Platform:** Osprey
 - Flightwave, **Platform:** Edge 130
 - Freefly Systems, **Platform:** Alta X, Astro
 - Inspired Flight, **Platform:** IF 1200A, IF 800, IF 1200, IF 750



IF800 Tomcat

\$22-30K



IF1200

\$30-40K



Alta X \$22K

Large, efficient props give Alta X crisp control and unmatched precision.



Astro

Freefly's latest commercial drone platform with RTK, 61 megapixel Sony camera, LTE cloud connectivity.

\$20-25K

Blue UAS Platforms (continued)

- Parrot, **Platform:** Parrot ANAFI USA GOV, Parrot ANAFI USA MIL
- PDW, **Platform:** C100
- Skydio, **Platforms:** X2D Color 1.8 GHz, X2D Color 5 GHz, Thermal 1.8 GHz, Thermal 5 GHz, X2D Multiband, X10D
- Teal, **Platform:** Teal 2, Golden Eagle
- Vantage, **Platform:** Vesper
- Wingtra, **Platform:** Wingtra One Gen II



Summary



- The law is the law... this is where we are
- Useful Links:
 - Blue UAS Link: <https://www.diu.mil/blue-uas-cleared-list>
 - Congressional Link: <https://www.congress.gov/bill/118th-congress/house-bill/2670/text>
- Contact NSF/OGC for any questions at: emulch@nsf.gov

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