

AMENDMENT TO
RULES COMMITTEE PRINT 117-31
OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of division E of title VI, add the following new section:

1 SEC. 40103. AMERICAN SECURITY DRONE ACT.

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “American Security Drone Act of 2022”.

4 (b) **DEFINITIONS.**—In this section:

5 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
6 **TEES.**—The term “appropriate congressional com-
7 mittees” means—

8 (A) the congressional defense committees
9 as defined in section 101(a) of title 10, United
10 States Code;

11 (B) the Committee on Science, Space, and
12 Technology, and the Committee on Transpor-
13 tation and Infrastructure of the House of Rep-
14 resentatives; and

15 (C) the Committee on Commerce, Science,
16 and Transportation of the Senate.

17 (2) **COVERED FOREIGN ENTITY.**—The term
18 “covered foreign entity” means an entity included on

1 a list developed and maintained by the Federal Ac-
2 quisition Security Council that includes entities in
3 the following categories:

4 (A) An entity included on the Consolidated
5 Screening List.

6 (B) Any entity that is subject to
7 extrajudicial direction from a foreign govern-
8 ment, as determined by the Secretary of Home-
9 land Security.

10 (C) Any entity the Secretary of Homeland
11 Security, in coordination with the Director of
12 National Intelligence and the Secretary of De-
13 fense, determines poses a national security risk.

14 (D) Any entity domiciled in the People's
15 Republic of China or subject to influence or
16 control by the Government of the People's Re-
17 public of China or the Communist Party of the
18 People's Republic of China, as determined by
19 the Secretary of Homeland Security.

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

22 (3) EXECUTIVE AGENCY.—The term “executive
23 agency” has the meaning given that term in section
24 133 of title 41, United States Code.

1 (4) UNMANNED AIRCRAFT SYSTEM; UAS.—Ex-
2 cept as otherwise provided, the terms “unmanned
3 aircraft system” and “UAS” mean an unmanned
4 aircraft and associated elements (consisting of com-
5 munication links and the components that control
6 the unmanned aircraft) that are required for the op-
7 erator to operate safely and efficiently in the na-
8 tional airspace system.

9 (c) PROHIBITION ON PROCUREMENT OF UNMANNED
10 AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTI-
11 TIES.—

12 (1) IN GENERAL.—Except as provided under
13 paragraphs (2) and (3), the head of an executive
14 agency may not procure any unmanned aircraft sys-
15 tem that is manufactured, assembled, designed, or
16 patented by a covered foreign entity that are re-
17 quired for the operator to operate safely and effi-
18 ciently in the national airspace system. The Federal
19 Acquisition Security Council, in coordination with
20 the Secretary of Transportation, shall develop and
21 update a list of associated elements.

22 (2) EXEMPTION.—The Secretary of Homeland
23 Security, the Secretary of Defense, and the Attorney
24 General are exempt from the restriction under para-
25 graph (1) if the operation or procurement—

1 (A) is for the sole purposes of research,
2 evaluation, training, testing, or analysis for—

3 (i) electronic warfare;

4 (ii) information warfare operations;

5 (iii) development of UAS or counter-
6 UAS technology;

7 (iv) counterterrorism or counterintel-
8 ligence activities; or

9 (v) Federal criminal investigations, in-
10 cluding forensic examinations; and

11 (B) is required in the national interest of
12 the United States.

13 (3) WAIVER.—The head of an executive agency
14 may waive the prohibition under paragraph (1)—

15 (A) with the approval of the Secretary of
16 Homeland Security or the Secretary of Defense;
17 and

18 (B) upon notification to Congress.

19 (d) PROHIBITION ON OPERATION OF UNMANNED
20 AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTI-
21 TIES.—

22 (1) PROHIBITION.—

23 (A) IN GENERAL.—Beginning on the date
24 that is 2 years after the date of the enactment
25 of this Act, an executive agency may not oper-

1 ate an unmanned aircraft system manufac-
2 tured, assembled, designed, or patented by a
3 covered foreign entity.

4 (B) APPLICABILITY TO CONTRACTED
5 SERVICES.—The prohibition under subpara-
6 graph (A) applies to any unmanned aircraft
7 systems that are being used by any executive
8 agency through the method of contracting for
9 the services of unmanned aircraft systems.

10 (2) EXEMPTION.—The Secretary of Homeland
11 Security, the Secretary of Defense, and the Attorney
12 General are exempt from the restriction under para-
13 graph (1) if the operation or procurement—

14 (A) is for the sole purposes of research,
15 evaluation, training, testing, or analysis for—

16 (i) electronic warfare;

17 (ii) information warfare operations;

18 (iii) development of UAS or counter-
19 UAS technology;

20 (iv) counterterrorism or counterintel-
21 ligence activities; or

22 (v) Federal criminal investigations, in-
23 cluding forensic examinations; and

24 (B) is required in the national interest of
25 the United States.

1 (3) WAIVER.—The head of an executive agency
2 may waive the prohibition under paragraph (1) on a
3 case-by-case basis—

4 (A) with the approval of the Secretary of
5 Homeland Security or the Secretary of Defense;
6 and

7 (B) upon notification to Congress.

8 (4) REGULATIONS AND GUIDANCE.—Not later
9 than 180 days after the date of the enactment of
10 this Act, the Secretary of Homeland Security shall
11 prescribe regulations or guidance to implement this
12 subsection.

13 (e) PROHIBITION ON USE OF FEDERAL FUNDS FOR
14 PURCHASES AND OPERATION OF UNMANNED AIRCRAFT
15 SYSTEMS FROM COVERED FOREIGN ENTITIES.—

16 (1) IN GENERAL.—Beginning on the date that
17 is 2 years after the date of the enactment of this
18 Act, except as provided in paragraphs (2) and (3),
19 Federal funds awarded through a contract, grant, or
20 cooperative agreement entered into on or after such
21 effective date, or otherwise made available, may not
22 be used—

23 (A) to purchase a unmanned aircraft sys-
24 tem, or a system to counter unmanned aircraft
25 systems, that is manufactured, assembled, de-

1 signed, or patented by a covered foreign entity;

2 or

3 (B) in connection with the operation of
4 such a drone or unmanned aircraft system.

5 (2) EXEMPTION.—An executive agency is ex-
6 empt from the restriction under paragraph (1) if the
7 operation or procurement is for the sole purposes of
8 research, evaluation, training, testing, or analysis, as
9 determined by the Secretary of Homeland Security,
10 the Secretary of Defense, or the Attorney General,
11 for—

12 (A) electronic warfare;

13 (B) information warfare operations;

14 (C) development of UAS or counter-UAS
15 technology;

16 (D) counterterrorism or counterintelligence
17 activities;

18 (E) Federal criminal investigations, includ-
19 ing forensic examinations; or

20 (F) the safe integration of UAS in the na-
21 tional airspace (as determined in consultation
22 with the Secretary of Transportation); and

23 (G) is required in the national interest of
24 the United States.

1 (3) WAIVER.—The head of an executive agency
2 may waive the prohibition under paragraph (1) on a
3 case-by-case basis—

4 (A) with the approval of the Secretary of
5 Homeland Security or the Secretary of Defense;
6 and

7 (B) upon notification to Congress.

8 (4) REGULATIONS.—Not later than 180 days
9 after the date of the enactment of this Act, the Fed-
10 eral Acquisition Regulatory Council shall prescribe
11 regulations or guidance, as necessary, to implement
12 the requirements of this subsection relating to Fed-
13 eral contracts.

14 (f) PROHIBITION ON USE OF GOVERNMENT-ISSUED
15 PURCHASE CARDS TO PURCHASE UNMANNED AIRCRAFT
16 SYSTEMS FROM COVERED FOREIGN ENTITIES.—Effective
17 immediately, Government-issued Purchase Cards may not
18 be used to procure any unmanned aircraft system from
19 a covered foreign entity.

20 (g) MANAGEMENT OF EXISTING INVENTORIES OF
21 UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOR-
22 EIGN ENTITIES.—

23 (1) IN GENERAL.—Effective immediately, all
24 executive agencies must account for existing inven-
25 tories of unmanned aircraft systems manufactured,

1 assembled, designed, or patented by a covered for-
2 eign entity in their personal property accounting sys-
3 tems, regardless of the original procurement cost, or
4 the purpose of procurement due to the special moni-
5 toring and accounting measures necessary to track
6 the items' capabilities.

7 (2) CLASSIFIED TRACKING.—Due to the sen-
8 sitive nature of missions and operations conducted
9 by the United States Government, inventory data re-
10 lated to unmanned aircraft systems manufactured,
11 assembled, designed, or patented by a covered for-
12 eign entity may be tracked at a classified level.

13 (3) EXCEPTIONS.—The Department of Defense
14 and Department of Homeland Security may exclude
15 from the full inventory process, unmanned aircraft
16 systems that are deemed expendable due to mission
17 risk such as recovery issues or that are one-time-use
18 unmanned aircraft system due to requirements and
19 low cost.

20 (h) COMPTROLLER GENERAL REPORT.—Not later
21 than 275 days after the date of the enactment of this Act,
22 the Comptroller General of the United States shall submit
23 to Congress a report on the amount of commercial off-
24 the-shelf drones and unmanned aircraft systems procured

1 by Federal departments and agencies from covered foreign
2 entities.

3 (i) GOVERNMENT-WIDE POLICY FOR PROCUREMENT
4 OF UNMANNED AIRCRAFT SYSTEMS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Di-
7 rector of the Office of Management and Budget, in
8 coordination with the Department of Homeland Se-
9 curity, Department of Transportation, the Depart-
10 ment of Justice, and other Departments as deter-
11 mined by the Director of the Office of Management
12 and Budget, and in consultation with the National
13 Institute of Standards and Technology, shall estab-
14 lish a government-wide policy for the procurement of
15 UAS—

16 (A) for non-Department of Defense and
17 non-intelligence community operations; and

18 (B) through grants and cooperative agree-
19 ments entered into with non-Federal entities.

20 (2) INFORMATION SECURITY.—The policy devel-
21 oped under paragraph (1) shall include the following
22 specifications, which to the extent practicable, shall
23 be based on industry standards and technical guid-
24 ance from the National Institute of Standards and
25 Technology, to address the risks associated with

1 processing, storing and transmitting Federal infor-
2 mation in a UAS:

3 (A) Protections to ensure controlled access
4 of UAS.

5 (B) Protecting software, firmware, and
6 hardware by ensuring changes to UAS are
7 properly managed, including by ensuring UAS
8 can be updated using a secure, controlled, and
9 configurable mechanism.

10 (C) Cryptographically securing sensitive
11 collected, stored, and transmitted data, includ-
12 ing proper handling of privacy data and other
13 controlled unclassified information.

14 (D) Appropriate safeguards necessary to
15 protect sensitive information, including during
16 and after use of UAS.

17 (E) Appropriate data security to ensure
18 that data is not transmitted to or stored in non-
19 approved locations.

20 (F) The ability to opt out of the uploading,
21 downloading, or transmitting of data that is not
22 required by law or regulation and an ability to
23 choose with whom and where information is
24 shared when it is required.

1 (3) REQUIREMENT.—The policy developed
2 under paragraph (1) shall reflect an appropriate
3 risk-based approach to information security related
4 to use of UAS.

5 (4) REVISION OF ACQUISITION REGULATIONS.—
6 Not later than 180 days after the date on which the
7 policy required under paragraph (1) is issued—

8 (A) the Federal Acquisition Regulatory
9 Council shall revise the Federal Acquisition
10 Regulation, as necessary, to implement the pol-
11 icy; and

12 (B) any executive agency or other Federal
13 entity not subject to, or not subject solely to,
14 the Federal Acquisition Regulation shall revise
15 applicable policy, guidance, or regulations, as
16 necessary, to implement the policy.

17 (5) EXEMPTION.—In developing the policy re-
18 quired under paragraph (1), the Director of the Of-
19 fice of Management and Budget shall incorporate an
20 exemption to the policy for the following reasons:

21 (A) In the case of procurement for the
22 purposes of training, testing or analysis for—

23 (i) electronic warfare; or

24 (ii) information warfare operations.

1 (B) In the case of researching UAS tech-
2 nology, including testing, evaluation, research,
3 or development of technology to counter UAS.

4 (C) In the case of a head of the procuring
5 executive agency determining, in writing, that
6 no product that complies with the information
7 security requirements described in paragraph
8 (2) is capable of fulfilling mission critical per-
9 formance requirements, and such determina-
10 tion—

11 (i) may not be delegated below the
12 level of the Deputy Secretary of the pro-
13 curing executive agency;

14 (ii) shall specify—

15 (I) the quantity of end items to
16 which the waiver applies, the procure-
17 ment value of which may not exceed
18 \$50,000 per waiver; and

19 (II) the time period over which
20 the waiver applies, which shall not ex-
21 ceed 3 years;

22 (iii) shall be reported to the Office of
23 Management and Budget following
24 issuance of such a determination; and

1 (iv) not later than 30 days after the
2 date on which the determination is made,
3 shall be provided to the Committee on
4 Homeland Security and Government Af-
5 fairs of the Senate and the Committee on
6 Oversight and Reform of the House of
7 Representatives.

8 (j) STUDY ON THE SUPPLY CHAIN FOR UNMANNED
9 AIRCRAFT SYSTEMS AND COMPONENTS.—

10 (1) REPORT REQUIRED.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Under Secretary of Defense for Acquisition and
13 Sustainment, in consultation with the Administrator
14 of the National Aeronautics and Space Administra-
15 tion, shall provide to the appropriate congressional
16 committees a report on the supply chain for covered
17 unmanned aircraft systems, including a discussion of
18 current and projected future demand for covered un-
19 manned aircraft systems.

20 (2) ELEMENTS.—The report under paragraph
21 (1) shall include the following:

22 (A) A description of the current and future
23 global and domestic market for covered un-
24 manned aircraft systems that are not widely

1 commercially available except from a covered
2 foreign entity.

3 (B) A description of the sustainability,
4 availability, cost, and quality of secure sources
5 of covered unmanned aircraft systems domesti-
6 cally and from sources in allied and partner
7 countries.

8 (C) The plan of the Secretary of Defense
9 to address any gaps or deficiencies identified in
10 subparagraph (B), including through the use of
11 funds available under the Defense Production
12 Act of 1950 (50 U.S.C. 4501 et seq.) and part-
13 nerships with the National Aeronautics and
14 Space Administration and other interested per-
15 sons.

16 (D) Such other information as the Under
17 Secretary of Defense for Acquisition and
18 Sustainment determines to be appropriate.

19 (3) COVERED UNMANNED AIRCRAFT SYSTEM
20 DEFINED.—In this subsection, the term “covered
21 unmanned aircraft system” means an unmanned air-
22 craft system (as defined in subsection (b)) and any
23 components of such a system.

