

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MRS. BIGGS OF SOUTH CAROLINA

At the end of subtitle E of title I, insert the following new section:

1 **SEC. 1___ . PROHIBITION ON PROCUREMENT AND OPER-**
2 **ATION OF COVERED ROBOTIC SYSTEMS.**

3 (a) **PROHIBITION ON PROCUREMENT.**—Not later
4 than one year after the date of enactment of this section,
5 the Secretary of Defense may not enter into or renew a
6 contract for—

7 (1) the procurement of any covered robotic sys-
8 tem; or

9 (2) equipment or service that includes any cov-
10 ered robotic system.

11 (b) **PROHIBITION ON OPERATION.**—Not later than 2
12 years after the date of enactment of this section, an ele-
13 ment of the Department of Defense may not operate a
14 covered robotic system in any sensitive operational envi-
15 ronment.

16 (c) **LIMITATION RELATING TO LEASE OR OPERATION**
17 **OF A COVERED ROBOTIC SYSTEM.**—

1 (1) IN GENERAL.—No funds made available by
2 the Department of Defense may be obligated or ex-
3 pended for the lease or operation of a covered
4 robotic system.

5 (2) EFFECTIVE DATE.—The prohibition under
6 paragraph (1) shall take effect 1 year after the date
7 of enactment of this section with respect to new
8 leases, and 3 years after the date of enactment of
9 this section with respect to the continued operation
10 of covered robotic systems already in service.

11 (d) WAIVER AUTHORITY.—

12 (1) IN GENERAL.—The Secretary of Defense
13 may waive the prohibition in subsection (a) or (b) on
14 a case-by-case basis for renewable periods not to ex-
15 ceed 180 days if the Secretary determines that—

16 (A) there are no currently available and
17 technically acceptable alternatives to the cov-
18 ered robotic system;

19 (B) the covered robotic system is essential
20 to an ongoing mission-critical operation;

21 (C) the cost of replacement would result in
22 an undue burden on the agency;

23 (D) the Secretary has implemented risk-
24 mitigation measures to address the national se-

1 security risks presented by continued operation of
2 the covered robotic system;

3 (E) the covered robotic system can no
4 longer transfer data to, or download data from,
5 a covered foreign entity; and

6 (F) the Secretary has determined that the
7 covered robotic system posed no national secu-
8 rity cybersecurity risk.

9 (2) NOTIFICATION.—Not later than 30 days
10 after exercising a waiver under paragraph (1), Sec-
11 retary of Defense shall notify the congressional de-
12 fense committees of—

13 (A) the specific covered robotic system for
14 which the waiver is granted;

15 (B) the justification for the waiver;

16 (C) the risk-mitigation measures being im-
17 plemented; and

18 (D) the plan and timeline for removing
19 and replacing the covered robotic system.

20 (e) ANNUAL REVIEW.—

21 (1) DEFINITION.—The Secretary of Defense
22 shall conduct an annual review of the definition of
23 covered robotic systems to update or modify such
24 definition.

1 (2) LIST.—The Secretary of Defense shall con-
2 duct an annual review of Chinese entities operating
3 in the United States that produce or sell covered
4 robotic systems to determine if such entities should
5 be included on the list maintained by the Secretary
6 under section 1260H of the National Defense Au-
7 thorization Act for Fiscal Year 2021 (10 U.S.C. 113
8 note).

9 (3) NOTIFICATION.—The Secretary shall notify
10 Congress not later than 30 days before making any
11 modification to the list described in paragraph (2).

12 (f) DEFINITIONS.—In this section:

13 (1) The term “covered Chinese entity” means
14 an entity—

15 (A) that is a foreign person domiciled in,
16 is headquartered in, has its principal place of
17 business in, or is organized under the laws of
18 the People’s Republic of China;

19 (B) with respect to which a foreign person
20 or combination of foreign persons described in
21 subparagraph (A) directly or indirectly own at
22 least a 20 percent stake; or

23 (C) that is a person subject to the direc-
24 tion or control of a foreign person or entity de-
25 scribed in subparagraph (A) or (B).

1 (2) The term “covered robotic systems” in-
2 cludes the following:

3 (A) Quadrupedal robotic platforms pro-
4 duced by entities incorporated in the People’s
5 Republic of China.

6 (B) LiDAR sensors and modules produced
7 by entities on the Entity List set forth in Sup-
8 plement No. 4 to part 744 of the Export Ad-
9 ministration Regulations or entities identified in
10 reports of the intelligence community as con-
11 tributing to the sensing and targeting capabili-
12 ties of the People’s Republic of China.

13 (C) Wheeled and tracked unmanned
14 ground vehicles produced by entities incor-
15 porated in the People’s Republic of China.

16 (D) Any system or subcomponent that Sec-
17 retary of Defense determines—

18 (i) is produced by or substantially in-
19 corporates technology from a covered Chi-
20 nese entity;

21 (ii) poses an unacceptable risk to the
22 national security of the United States
23 based on the potential for unauthorized ac-
24 cess to sensitive data, susceptibility to re-

1 mote exploitation, or contribution to the
2 PLA robotic systems ecosystem; or
3 (iii) has been identified in a report of
4 the intelligence community as presenting
5 national security risks when deployed in
6 sensitive operational environments.

7 (3) The term “PLA robotic systems ecosystem”
8 means a person that contributes, either directly or
9 indirectly, to the development, operation, or provi-
10 sion (including through a parent company, sub-
11 sidiary, or affiliate) of any covered robotic systems
12 owned or operated by the People’s Liberation Army.

