

AMENDMENT TO RULES COMM. PRINT 116-57
OFFERED BY MR. GALLAGHER OF WISCONSIN

Add at the end of subtitle C of title VIII the following:

1 **SEC. 8__ . PROHIBITION ON PROCUREMENT OR OPER-**
2 **ATION OF FOREIGN-MADE UNMANNED AIR-**
3 **CRAFT SYSTEMS.**

4 (a) PROHIBITION ON PROCUREMENT.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the head of an executive
7 agency may not procure any commercial off-the-shelf
8 drone or covered unmanned aircraft, or any compo-
9 nent thereof for use in such a drone or unmanned
10 aircraft, that is manufactured or assembled by a
11 covered foreign entity, including any flight control-
12 lers, radios, core processors, printed circuit boards,
13 cameras, or gimbals.

14 (2) EXEMPTION.—The Secretary of Homeland
15 Security and the Secretary of Defense are exempt
16 from the requirements of paragraph (1) if the oper-
17 ation or procurement—

18 (A) is for the purposes of training, testing,
19 or analysis for—

1 (i) counter-UAS system surrogate in-
2 telligence;

3 (ii) electronic warfare; or

4 (iii) information warfare operations;

5 and

6 (B) is required in the national interest of
7 the United States.

8 (3) PROCUREMENT OF PRINTED CIRCUIT
9 BOARDS.—

10 (A) IN GENERAL.—Beginning in fiscal year
11 2023, the head of an executive agency shall re-
12 quire that any contractor or subcontractor that
13 provides printed circuit boards for use in cov-
14 ered unmanned aircraft or commercial off-the-
15 shelf drones to certify that, of the total value of
16 the printed circuit boards provided by such con-
17 tractor or subcontractor pursuant to a contract
18 with an executive agency, not more than the
19 percentages set forth in subparagraph (B) were
20 manufactured and assembled by a covered for-
21 eign entity.

22 (B) PERCENTAGES.—In making a certifi-
23 cation under subsection (a), a contractor or
24 subcontractor shall use the following percent-
25 ages:

1 (i) During fiscal years 2023 through
2 2027, the lesser of—

3 (I) 50 percent; or

4 (II) 25 percent, if the relevant
5 head of an executive agency has deter-
6 mined that suppliers other than cov-
7 ered foreign entities are capable of
8 supplying 75 percent of the require-
9 ments of the executive agency for
10 printed circuit boards.

11 (ii) During fiscal years 2028 through
12 2032, the lesser of—

13 (I) 25 percent; or

14 (II) Zero percent, if the relevant
15 head of an executive agency has deter-
16 mined that suppliers other than cov-
17 ered foreign entities are capable of
18 supplying 100 percent the require-
19 ments of the executive agency for
20 printed circuit boards.

21 (C) REMEDIATION.—

22 (i) IN GENERAL.—If a contractor or
23 subcontractor is unable to make the certifi-
24 cation required under subparagraph (A),
25 the head of an executive agency may ac-

1 cept printed circuit boards from such con-
2 tractor or subcontractor for up to one year
3 while requiring the contractor to complete
4 a remediation plan. Such plan shall be sub-
5 mitted to Congress and shall require the
6 contractor or subcontractor that failed to
7 make the certification required under sub-
8 paragraph (A) to—

9 (I) audit its supply chain to iden-
10 tify any areas of security vulner-
11 ability; and

12 (II) meet the requirements of
13 subparagraph (A) within one year
14 after the initial missed certification
15 deadline.

16 (ii) RESTRICTION.—No contractor or
17 subcontractor that has supplied printed
18 circuit boards while under a remediation
19 plan shall be eligible to enter into another
20 remediation plan under subparagraph (C)
21 for a period of five years.

22 (iii) WAIVER.—The head of an execu-
23 tive agency may waive the requirement
24 under subparagraph (A) with respect to a

1 contractor or subcontractor if the head of
2 an executive agency determines that—

3 (I) there are no significant na-
4 tional security concerns regarding
5 counterfeiting, quality, or unauthor-
6 ized access created by accepting print-
7 ed circuit boards under such waiver;
8 and

9 (II) the contractor is otherwise in
10 compliance with all cybersecurity re-
11 quirements applicable to such con-
12 tractor under Federal laws or regula-
13 tions.

14 (iv) AVAILABILITY EXCEPTION.—Sub-
15 paragraph (A) shall not apply to the extent
16 that the head of an executive agency deter-
17 mines that printed circuit boards of satis-
18 factory quality and sufficient quantity, in
19 the required form, cannot be procured as
20 and when needed from entities that are not
21 covered foreign entities.

22 (4) WAIVER.—The head of an executive agency
23 may waive the prohibition under paragraph (1), ex-
24 cept with respect to a contract to procure printed
25 circuit boards for use in covered unmanned aircraft

1 or commercial off-the-shelf drones, on a case-by-case
2 basis with the approval of the Secretary of Home-
3 land Security or the Secretary of Defense and notifi-
4 cation to Congress.

5 (5) COMPONENT PROHIBITION APPLICA-
6 BILITY.—Except as otherwise provided in this sub-
7 section, the prohibition under paragraph (1) regard-
8 ing components of commercial off-the-shelf drones or
9 covered unmanned aircraft shall apply only to con-
10 tracts for the procurement of such components that
11 are entered into on or after the date that is 2 years
12 after the date of the enactment of this Act.

13 (b) PROHIBITION ON OPERATION.—

14 (1) PROHIBITION.—

15 (A) IN GENERAL.—Beginning not later
16 than 180 days after the date of the enactment
17 of this Act, the head of an executive agency
18 may not operate a commercial off-the-shelf
19 drone or covered unmanned aircraft manufac-
20 tured or assembled by a covered foreign entity.

21 (B) PHASE-IN PERIOD FOR EXISTING CON-
22 TRACTS.—The prohibition under subparagraph
23 (A) shall not apply, during the 1-year period
24 beginning on the date of the enactment of this
25 Act, to commercial off-the-shelf drones and cov-

1 ered unmanned aircraft procured through a
2 contract entered into before the date of the en-
3 actment of this Act.

4 (2) EXEMPTION.—The Secretary of Homeland
5 Security and the Secretary of Defense are exempt
6 from the restriction under paragraph (1) if the oper-
7 ation—

8 (A) is for the purposes of training, testing,
9 or analysis for—

10 (i) counter-UAS system surrogate in-
11 telligence;

12 (ii) electronic warfare; or

13 (iii) information warfare operations;

14 and

15 (B) is required in the national interest of
16 the United States.

17 (3) WAIVER.—The head of an executive agency
18 may waive the prohibition under paragraph (1) on a
19 case-by-case basis with the approval of the Secretary
20 of Homeland Security or the Secretary of Defense
21 and notification to Congress.

22 (4) REGULATIONS.—Not later than 180 days
23 after the date of the enactment of this Act, the Di-
24 rector of the Office of Management and Budget, in
25 coordination with the Secretary of Homeland Secu-

1 rity, Secretary of Transportation, the Attorney Gen-
2 eral, and such other Federal departments and agen-
3 cies as determined by the Director of the Office of
4 Management and Budget, and in consultation with
5 the Under Secretary of Commerce for Standards
6 and Technology, shall establish a Governmentwide
7 policy for the operation of UASs for non-Depart-
8 ment of Defense and non-intelligence community op-
9 erations.

10 (c) PROHIBITION ON USE OF FEDERAL FUNDS.—

11 The requirements described in subsection (a) shall apply
12 with respect to the use of Federal funds awarded through
13 a contract, grant, or cooperative agreement, or made avail-
14 able to a State or local government, or any subdivision
15 thereof.

16 (d) COMPTROLLER GENERAL REPORT.—Not later

17 than 90 days after the date of the enactment of this Act,
18 the Comptroller General of the United States shall submit
19 to Congress a report on the quantity of commercial off-
20 the-shelf drones and covered unmanned aircraft procured
21 by Federal departments and agencies from covered foreign
22 entities.

23 (e) INTERACTION WITH OTHER LAW.—Section 848

24 of the National Defense Authorization Act for Fiscal Year
25 2020 (10 U.S.C. 2302 note) does not apply with respect

1 to a commercial off-the-shelf drone or covered unmanned
2 aircraft, or any component thereof intended for use in
3 such a drone or unmanned aircraft, to which the provi-
4 sions of this Act apply.

5 (f) DEFINITIONS.—In this section:

6 (1) COMMERCIAL OFF-THE-SHELF DRONE.—
7 The term “commercial off-the-shelf drone” means a
8 covered unmanned aircraft that is a commercially
9 available off-the-shelf item (as defined in section 104
10 of title 41, United States Code).

11 (2) COVERED FOREIGN ENTITY.—The term
12 “covered foreign entity” means—

13 (A) a covered entity (as determined by the
14 Secretary of Commerce);

15 (B) any entity that is subject to
16 extrajudicial direction from a foreign govern-
17 ment, as determined by the Director of Na-
18 tional Intelligence;

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

24 (D) any entity subject to influence or con-
25 trol by the Government of the People Republic

1 of China or the Communist Party of the Peo-
2 ple’s Republic of China, as determined by the
3 Secretary of Homeland Security; and

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

6 (3) COVERED UNMANNED AIRCRAFT.—The
7 term “covered unmanned aircraft” means an un-
8 manned aircraft or unmanned aircraft system as
9 such terms are defined, respectively, in section
10 44801 of title 49, United States Code.

11 (4) EXECUTIVE AGENCY.—The term “executive
12 agency” has the meaning given such term in section
13 105 of title 5, United States Code.

14 (5) INTELLIGENCE COMMUNITY.—The term
15 “intelligence community” has the meaning given
16 such term in section 3 of the National Security Act
17 of 1947 (50 U.S.C. 3003).

18 (6) UAS.—The term “UAS” has the meaning
19 given the term “unmanned aircraft system” in sec-
20 tion 44801 of title 49, United States Code.

