

from Louisiana (Mr. RICHMOND) in the 115th Congress and passed the House by a voice vote.

Mr. Speaker, I hope my colleagues will do the same today, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. TORRES SMALL) that the House suspend the rules and pass the bill, H.R. 4432, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DRONE ORIGIN SECURITY ENHANCEMENT ACT

Ms. TORRES SMALL of New Mexico. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4753) to prohibit the Secretary of Homeland Security from operating or procuring foreign-made unmanned aircraft systems, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4753

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drone Origin Security Enhancement Act”.

SEC. 2. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—The Secretary of Homeland Security may not operate, provide financial assistance for, or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system (UAS) that—

(A) is manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by a corporation domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in or administered by a corporation domiciled in a covered foreign country; or

(2) a system manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country for the detection or identification of covered unmanned aircraft systems.

(b) WAIVER.—The Secretary of Homeland Security may waive the prohibition under subsection (a) on a case by case basis by certifying in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that the operation or procurement that is the subject of such a waiver is required—

(1) in the national interest of the United States;

(2) for counter-UAS surrogate testing and training; or

(3) for intelligence, electronic warfare, or information warfare operations, testing, analysis, and/or training.

(c) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means a country labeled as a strategic competitor in the “Summary of the 2018 National Defense Strategy of the United States of America: Sharpening the American Military’s Competitive Edge” issued by the Department of Defense pursuant to section 113 of title 10, United States Code.

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given such term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44802 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. TORRES SMALL) and the gentleman from Texas (Mr. CRENSHAW) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. TORRES SMALL of New Mexico. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman?

There was no objection.

Ms. TORRES SMALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I want to thank my colleague, Congressman CRENSHAW, for introducing this important legislation.

To help carry out its many missions, the Department of Homeland Security, DHS, relies on drones to improve situational awareness. Drones can be used to survey damage from natural disasters or monitor remote locations along the border, including in my district. If data collected by a DHS drone was to be stolen by a foreign government, it could jeopardize the national or homeland security.

Recent reports suggest that Chinese-manufactured drones, otherwise known as unmanned aircraft systems, in the American market might be compromised and used to send sensitive information to the Chinese Government. In response to these cybersecurity concerns, the Department of the Interior recently grounded all of its foreign-made drones. The DOD similarly banned the purchase and use of all commercial off-the-shelf drones, except under limited circumstances.

It is time for the DHS to take similar protective measures. H.R. 4753 would prohibit DHS from purchasing or using drone technology manufactured in certain foreign countries designated as strategic competitors by the National Defense Strategy. The legislation permits the use of such drone technology only when DHS notifies Congress that the technology is being used in a limited manner, such as counter-drone testing and training.

I am proud to be an original cosponsor of this bipartisan bill, grateful to

have joined Congressman CRENSHAW on this initiative, and pleased that it was reported out of committee by unanimous consent.

Mr. Speaker, I urge my House colleagues to support this legislation, and I reserve the balance of my time.

Mr. CRENSHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Department of Homeland Security is charged with protecting Americans here at home, and it is critical that the technologies used to carry out this mission are secure. The risk posed by certain foreign drone manufacturers is well documented and presents a national security threat.

Chinese-manufactured drones could provide a backdoor for the Chinese Government to access sensitive flight data from drones used by DHS. My bill, H.R. 4753, seeks to address this vulnerability.

The Cybersecurity and Infrastructure Security Agency has stated that these unmanned aircraft systems are a potential risk to an organization’s information and that drones could contain components that could compromise your data.

The potential for comprised data to fall into the hands of a foreign government should concern everyone. It threatens to disrupt the law enforcement and national security objectives of DHS.

My bill, the Drone Origin Security Enhancement Act, addresses the threat by prohibiting DHS from acquiring unmanned aircraft systems manufactured in a foreign country labeled a strategic competitor by the Department of Defense. This is similar to a prohibition included in the National Defense Authorization Act of 2019 for the military.

Simply put, my bill will ensure that DHS is not using drone equipment from a foreign government that our military already views as a threat.

Much like the Department of Defense, DHS and its components have a critical mission. The risk introduced into these missions by foreign-manufactured drones is not something that can be ignored. This legislation addresses this very real threat and will keep our adversaries from compromising the technology we use to keep Americans safe.

Mr. Speaker, I want to thank my colleague from New Mexico for her leadership on this bill. I urge my colleagues to pass H.R. 4753, and I yield back the balance of my time.

Ms. TORRES SMALL of New Mexico. Mr. Speaker, H.R. 4753 takes the much-needed step of protecting the Department of Homeland Security from cybersecurity threats associated with certain foreign-made drones.

Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. TORRES SMALL) that the House

suspend the rules and pass the bill, H.R. 4753.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DHS ACQUISITION REFORM ACT OF 2019

Ms. TORRES SMALL of New Mexico. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3413) to amend the Homeland Security Act of 2002 to provide for certain acquisition authorities for the Under Secretary of Management of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3413

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Acquisition Reform Act of 2019”.

SEC. 1. ACQUISITION AUTHORITIES FOR UNDER SECRETARY FOR MANAGEMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by—

(1) redesignating subsection (d), the first subsection (e) (relating to the system for award management consultation), and the second subsection (e) (relating to the definition of interoperable communications) as subsections (e), (f), and (g), respectively; and

(2) inserting after subsection (c) the following new subsection:

“(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

“(1) IN GENERAL.—Notwithstanding section 1702(a) of title 41, United States Code, the Under Secretary for Management is the Chief Acquisition Officer of the Department. As Chief Acquisition Officer, the Under Secretary shall have the authorities and perform the functions specified in such section 1702(b), and perform all other functions and responsibilities delegated by the Secretary or described in this subsection.

“(2) FUNCTIONS AND RESPONSIBILITIES.—In addition to the authorities and functions specified in section 1702(b) of title 41, United States Code, the functions and responsibilities of the Under Secretary for Management related to acquisition (as such term is defined in section 711) include the following:

“(A) Advising the Secretary regarding acquisition management activities, taking into account risks of failure to achieve cost, schedule, or performance parameters, to ensure that the Department achieves its mission through the adoption of widely accepted program management best practices (as such term is defined in section 711) and standards and, where appropriate, acquisition innovation best practices.

“(B) Leading the Department’s acquisition oversight body, the Acquisition Review Board.

“(C) Exercising the acquisition decision authority (as such term is defined in section 711) to approve, pause, modify (including the rescission of approvals of program milestones), or cancel major acquisition programs (as such term is defined in section 711), unless the Under Secretary delegates such authority to a Component Acquisition

Executive (as such term is defined in section 711) pursuant to paragraph (3).

“(D) Establishing policies for acquisition that implement an approach that takes into account risks of failure to achieve cost, schedule, or performance parameters that all components of the Department shall comply with, including outlining relevant authorities for program managers to effectively manage acquisition programs (as such term is defined in section 711).

“(E) Ensuring that each major acquisition program has a Department-approved acquisition program baseline (as such term is defined in section 711), pursuant to the Department’s acquisition management policy.

“(F) Assisting the heads of components and Component Acquisition Executives in efforts to comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives.

“(G) Ensuring that grants and financial assistance are provided only to individuals and organizations that are not suspended or debarred.

“(H) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly contractors that access the Department’s information systems and technologies, adhere to relevant Department policies related to physical and information security as identified by the Under Secretary for Management.

“(I) Overseeing the Component Acquisition Executive organizational structure to ensure Component Acquisition Executives have sufficient capabilities and comply with Department acquisition policies.

“(3) DELEGATION OF CERTAIN ACQUISITION DECISION AUTHORITY.—

“(A) LEVEL 3 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority to the relevant Component Acquisition Executive for an acquisition program that has a life cycle cost estimate of less than \$300,000,000.

“(B) LEVEL 2 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for a major acquisition program that has a life cycle cost estimate of at least \$300,000,000 but not more than \$1,000,000,000 if all of the following requirements are met:

“(i) The component concerned possesses working policies, processes, and procedures that are consistent with Department-level acquisition policy.

“(ii) The Component Acquisition Executive concerned has adequate, experienced, and dedicated professional employees with program management training, as applicable, commensurate with the size of the acquisition programs and related activities delegated to such Component Acquisition Executive by the Under Secretary for Management.

“(iii) Each major acquisition program concerned has written documentation showing that it has a Department-approved acquisition program baseline and it is meeting agreed-upon cost, schedule, and performance thresholds.

“(C) LEVEL 1 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for a Level 1 major acquisition program that has a life cycle cost estimate of more than \$1,000,000,000 if all of the following requirements are met:

“(i) The Undersecretary for Management conducts a risk assessment of the planned acquisition and determines that it is appropriate to delegate authority for such major acquisition program.

“(ii) The component concerned possesses working policies, processes, and procedures

that are consistent with Department-level acquisition policy.

“(iii) The Component Acquisition Executive concerned has adequate, experienced, and dedicated professional employees with program management training, as applicable, commensurate with the size of the acquisition programs and related activities delegated to such Component Acquisition Executive by the Under Secretary for Management.

“(iv) Each Level 1 major acquisition program concerned has written documentation showing that it has a Department-approved acquisition program baseline and it is meeting agreed-upon cost, schedule, and performance thresholds.

“(v) The Under Secretary for Management provides written notification to the appropriate congressional committees of the decision to delegate the authority to the relevant Component Acquisition Executive.

“(4) RELATIONSHIP TO UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—

“(A) IN GENERAL.—Nothing in this subsection shall diminish the authority granted to the Under Secretary for Science and Technology under this Act. The Under Secretary for Management and the Under Secretary for Science and Technology shall cooperate in matters related to the coordination of acquisitions across the Department so that investments of the Directorate of Science and Technology are able to support current and future requirements of the components of the Department.

“(B) OPERATIONAL TESTING AND EVALUATION.—The Under Secretary for Science and Technology shall—

“(i) ensure, in coordination with relevant component heads, that major acquisition programs—

“(I) complete operational testing and evaluation of technologies and systems to be acquired or developed by major acquisition programs to assess operational effectiveness, suitability, and cybersecurity;

“(II) use independent verification and validation of operational test and evaluation implementation and results, as appropriate; and

“(III) document whether such programs meet all performance requirements included in their acquisition program baselines;

“(ii) ensure that such operational testing and evaluation includes all system components and incorporates operators into the testing to ensure that systems perform as intended in the appropriate operational setting; and

“(iii) determine if testing conducted by other Federal departments and agencies and private entities is relevant and sufficient in determining whether systems perform as intended in the operational setting.”.

SEC. 2. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Paragraph (2) of section 702(b) of the Homeland Security Act of 2002 (6 U.S.C. 342(b)) is amended by—

(1) redesignating subparagraph (I) as subparagraph (J); and

(2) inserting after subparagraph (H) the following new subparagraph:

“(I) Oversee the costs of acquisition programs (as such term is defined in section 711) and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the life cycle of such programs and activities.”.