

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9597
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Acquisition
3 Security Council Improvement Act”.

**4 SEC. 2. CHANGES WITH RESPECT TO THE FEDERAL ACQUI-
5 SITION SECURITY COUNCIL.**

6 (a) DEFINITION OF SOURCE OF CONCERN, COVERED
7 SOURCE OF CONCERN, RECOMMENDED ORDER, AND
8 DESIGATED ORDER.—Section 1321 of title 41, United
9 States Code, is amended—

10 (1) by redesignating paragraphs (5) through
11 (8) as paragraphs (7) through (10);

12 (2) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) COVERED SOURCE OF CONCERN.—The
15 term ‘covered source of concern’ means a source of
16 concern that is specifically designated as a ‘covered
17 source of concern’ by a statute that states that such
18 designation is for the purposes of this subchapter.

1 “(6) DESIGNATED ORDER.—The term ‘des-
2 ignated order’ means an order described under sec-
3 tion 1323(c)(3).”; and

4 (3) by adding at the end the following:

5 “(11) RECOMMENDED ORDER.—The term ‘rec-
6 ommended order’ means an order recommended
7 under section 1323(c)(2).

8 “(12) SOURCE OF CONCERN.—

9 “(A) IN GENERAL.—The term ‘source of
10 concern’ means a source—

11 “(i) subject to the jurisdiction, direc-
12 tion, or control of the government of a for-
13 eign adversary, or operates on behalf of
14 the government of a foreign adversary; or

15 “(ii) that poses a risk to the national
16 security of the United States based on col-
17 laboration with, whole or partial ownership
18 or control by, or being affiliated with a
19 military, internal security force, or intel-
20 ligence agency of a foreign adversary.

21 “(B) FOREIGN ADVERSARY DEFINED.—In
22 this paragraph, the term ‘foreign adversary’ has
23 the meaning given the term ‘covered nation’ in
24 section 4872(d) of title 10.”.

1 (b) ESTABLISHMENT AND MEMBERS OF COUNCIL.—
2 Section 1322 of title 41, United States Code, is amend-
3 ed—

4 (1) in subsection (a), by striking “executive
5 branch” and inserting “Executive Office of the
6 President”;

7 (2) in subsection (b)—

8 (A) by amending paragraph (1) to read as
9 follows:

10 “(1) IN GENERAL.—The members of the Coun-
11 cil shall be as follows:

12 “(A) The Administrator for Federal Pro-
13 curement Policy.

14 “(B) The Deputy Director for Manage-
15 ment of the Office of Management and Budget.

16 “(C) The following officials, each of whom
17 shall occupy a position at the level of Assistant
18 Secretary or Deputy Assistant Secretary (or
19 equivalent):

20 “(i) Two officials from the Office of
21 the Director of National Intelligence, one
22 of which shall be from the National Coun-
23 terintelligence and Security Center.

1 “(ii) Two officials from the Depart-
2 ment of Defense, one of which shall be one
3 from the National Security Agency.

4 “(iii) Two officials from the Depart-
5 ment of Homeland Security, one of which
6 shall be one from the Cybersecurity and
7 Infrastructure Security Agency.

8 “(iv) An official from the General
9 Services Administration.

10 “(v) An official from the Office of the
11 National Cyber Director.

12 “(vi) Two officials from the Depart-
13 ment of Justice, one of which shall be one
14 from the Federal Bureau of Investigation.

15 “(vii) One official from the National
16 Institute of Standards and Technology and
17 one official from the Bureau of Industry
18 and Security.

19 “(viii) An official from any executive
20 agency not listed under clauses (i) through
21 (vii) whose temporary or permanent par-
22 ticipation is determined by the Chairperson
23 of the Council to be necessary to carry out
24 the functions of the Council.”; and

25 (B) in paragraph (2)—

1 (i) in the heading, by striking “LEAD
2 REPRESENTATIVES” and inserting “MEM-
3 BERS”;

4 (ii) by amending subparagraph (A)(i)
5 to read as follows:

6 “(i) IN GENERAL.—The head of each
7 executive agency listed under paragraph
8 (1)(C) shall designate the official or offi-
9 cials from that agency who shall serve on
10 the Council in accordance with such para-
11 graph.”;

12 (iii) by amending subparagraph
13 (A)(ii) to read as follows:

14 “(ii) REQUIREMENTS.—To the extent
15 feasible, any official designated under
16 clause (i) shall have expertise in supply
17 chain risk management, acquisitions, law,
18 or information and communications tech-
19 nology.”;

20 (iv) by amending subparagraph (B) to
21 read as follows:

22 “(B) FUNCTIONS.—A member of the
23 Council shall—

24 “(i) regularly participate in the activi-
25 ties of the Council;

1 “(ii) ensure that any information re-
2 requested by the Council from the agency
3 represented by the member is provided to
4 the Council; and

5 “(iii) ensure that the head of the
6 agency represented by the member and
7 other appropriate personnel of the agency
8 are aware of the activities of the Council.”;

9 (3) in subsection (c)—

10 (A) by amending paragraph (1) to read as
11 follows:

12 “(1) IN GENERAL.—The Chairperson of the
13 Council shall be—

14 “(A) the National Cyber Director; or

15 “(B) another member of the Council des-
16 ignated by the National Cyber Director.”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (B), by striking
19 “(b)(1)(H)” and inserting “(b)(1)(F)(vii)”;
20 and

21 (ii) in subparagraph (C), by striking
22 “lead representative of each agency rep-
23 resented on the Council” and inserting
24 “members of the Council”; and

25 (4) in subsection (d)—

1 (A) by striking “The Council” and insert-
2 ing the following:

3 “(1) COUNCIL MEETINGS.—The Council”; and

4 (B) by adding at the end the following:

5 “(2) OTHER MEETINGS.—The Chairperson of
6 the Council shall meet, not less frequently than
7 semiannually, with—

8 “(A) the Secretary of Homeland Security,
9 Secretary of Defense, and Director of National
10 Intelligence; or

11 “(B) in the case that any of the officials
12 under subparagraph (A) delegated authority to
13 an official under section 1323(c)(6)(C), with
14 the delegated official.”.

15 (c) FUNCTIONS AND AUTHORITIES.—Section 1323 of
16 title 41, United States Code is amended—

17 (1) in subsection (a)—

18 (A) by striking “supply chain” each place
19 it appears and inserting “acquisition security
20 and supply chain”;

21 (B) in paragraph (1), as amended by sub-
22 paragraph (A), by striking “, particularly” and
23 inserting “that arise”;

24 (C) in paragraph (2), as amended by sub-
25 paragraph (A), by inserting “associated with

1 the acquisition and use of covered articles”
2 after “risk”;

3 (D) in paragraph (6), as amended by sub-
4 paragraph (A)—

5 (i) by striking “posed by” and insert-
6 ing “associated with”; and

7 (ii) by inserting “and use” before “of
8 covered articles”;

9 (E) in paragraph (7), by striking “posed
10 by acquisitions” and inserting “associated with
11 the acquisition”;

12 (F) by redesignating paragraph (7) as
13 paragraph (11); and

14 (G) by inserting after paragraph (6) the
15 following:

16 “(7) Implementing a prioritization scheme for
17 evaluating the security risks associated with the ac-
18 quisition and use of covered articles provided or pro-
19 duced by a covered source of concern.

20 “(8) Evaluating each covered source of concern
21 to determine whether to issue a designated order
22 with respect to the covered source of concern or a
23 covered article produced or provided by the covered
24 source of concern.

1 “(9) Evaluating sources of concern to determine
2 whether to issue a recommended order with respect
3 to the source of concern, or any covered article pro-
4 duced or provided by the source of concern.

5 “(10) Monitoring and evaluating compliance by
6 the Secretary of Homeland Security, Secretary of
7 Defense, and Director of National Intelligence with
8 the requirement to issue designated orders under
9 subsection (c)(6)(B).

10 “(11) Reporting to Congress annually on the
11 security risks associated with the acquisition and use
12 of covered articles produced or provided by sources
13 of concern.”;

14 (2) in subsection (b)—

15 (A) by striking “The Council” and insert-
16 ing the following:

17 “(1) IN GENERAL.—The Council”; and

18 (B) in paragraph (1), as so redesignated,
19 by striking “a program office and”; and

20 (C) by adding at the end the following:

21 “(2) FEDERAL ACQUISITION SECURITY COUNCIL
22 PROGRAM OFFICE.—

23 “(A) ESTABLISHMENT.—The Council shall
24 establish a Federal Acquisition Security Council
25 Program Office (referred to in this paragraph

1 as the ‘Program Office’) within the Office of
2 the National Cyber Director to carry out the
3 functions of the Council duties described under
4 subparagraph (B).

5 “(B) DUTIES.—The Program Office shall
6 provide to the Council, including any commit-
7 tees, working groups, or other constituent bod-
8 ies established by the Council under paragraph
9 (1)—

10 “(i) administrative, legal, and policy
11 support; and

12 “(ii) analysis and subject matter ex-
13 pertise on information communications
14 technology acquisition security and supply
15 chain risk.

16 “(C) STRUCTURE.—The head of the Pro-
17 gram Office shall be a senior official from the
18 Office of the National Cyber Director that occu-
19 pies a position at the level of Assistant Sec-
20 retary or Deputy Assistant Secretary (or equiv-
21 alent).

22 “(D) PROHIBITION.—The Program Office
23 may not provide administrative support to the
24 Council for any activities of the Council carried

1 out pursuant to a provision of law other than
2 a provision of law under this subchapter.

3 “(E) FUNDING AND RESOURCES.—The
4 Program Office may use the staff and resources
5 of the Office of the National Cyber Director or
6 maintain dedicated staff and resources, as ap-
7 propriate, in the performance of the duties of
8 the Office.

9 “(F) SHARED STAFFING AUTHORITY.—

10 “(i) IN GENERAL.—The Program Of-
11 fice may accept officers or employees of
12 the United States or members of the
13 Armed Forces on a detail from an element
14 of the intelligence community (as such
15 term is defined in section 3 of the National
16 Security Act of 1947 (50 U.S.C. 3003)) or
17 from another element of the Federal Gov-
18 ernment on a nonreimbursable basis, as
19 jointly agreed to by the heads of the receiv-
20 ing and detailing elements, for a period not
21 to exceed three years.

22 “(ii) RULE OF CONSTRUCTION.—
23 Nothing in this subparagraph may be con-
24 strued as imposing any limitation on any

1 other authority for reimbursable or nonre-
2 imburseable details.

3 “(iii) NONREIMBURSABLE DETAIL.—A
4 nonreimbursable detail made under this
5 subparagraph shall not be considered an
6 augmentation of the appropriations of the
7 receiving element of the Program Office or
8 the Office of the National Cyber Director.

9 “(G) SUNSET.—The Program Office shall
10 terminate on the date described under section
11 1328.”;

12 (3) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “supply chain risk”
16 and inserting “acquisition security and
17 supply chain risk associated with the ac-
18 quisition of covered articles”;

19 (ii) in subparagraph (A), by inserting
20 “recommended” before “exclusion orders”;

21 (iii) in subparagraph (B), by inserting
22 “recommended” before “removal orders”;

23 (iv) in subparagraph (C), by striking
24 “; and” and inserting a semicolon;

1 (v) in subparagraph (D), by striking
2 the period at the end and inserting “;
3 and”; and

4 (vi) by adding at the end the fol-
5 lowing:

6 “(E) issuing designated orders.”;

7 (B) in paragraph (2)—

8 (i) in the heading, by striking “REC-
9 OMMENDATIONS” and inserting “REC-
10 OMMENDED ORDERS”;

11 (ii) by striking “use” and inserting “,
12 using”;

13 (iii) by striking “subsection (a)(3)”
14 and inserting “subsection (a)(4)”;

15 (iv) by striking “to issue recommenda-
16 tions” and inserting “, recommend or-
17 ders”;

18 (v) by striking “Such recommenda-
19 tions” and inserting “Any such order rec-
20 ommended”;

21 (vi) by inserting “to the officials de-
22 scribed under clause (iii) of paragraph
23 (6)(A) for issuance under such paragraph”
24 after “thereof.”;

1 (vii) in subparagraph (D), by striking
2 “supply chain risk” and inserting “acqui-
3 sition security and supply chain risk associ-
4 ated with the acquisition of covered arti-
5 cles”; and

6 (viii) in subparagraph (E), by striking
7 “exclusion or removal”.

8 (C) by redesignating paragraphs (3)
9 through (7) as paragraphs (4) through (8);

10 (D) by inserting after paragraph (2) the
11 following:

12 “(3) DESIGNATED ORDERS.—

13 “(A) EXCLUSION OR REMOVAL OF COV-
14 ERED SOURCES OF CONCERN.—

15 “(i) IN GENERAL.—Not later than
16 270 days after a source of concern is des-
17 ignated as a covered source of concern, the
18 Council—

19 “(I) shall provide to the officials
20 described under clause (iii) of para-
21 graph (6)(B) for issuance under such
22 paragraph orders requiring—

23 “(aa) the exclusion of the
24 covered source of concern from
25 any executive agency procure-

1 ment action, including source se-
2 lection and consent for a con-
3 tractor; or

4 “ (bb) the removal of covered
5 articles produced or provided by
6 the covered source of concern
7 from the information system of
8 executive agencies; or

9 “ (II) report to Congress why the
10 Council has determined to not issue
11 an order described under subclause (I)
12 with respect to the covered source of
13 concern or covered articles produced
14 or provided by the covered source of
15 concern.

16 “ (ii) CONTENTS OF ORDER.—Any
17 order provided under clause (i) shall in-
18 clude—

19 “ (I) information regarding the
20 scope and applicability of the order,
21 including any information necessary
22 to positively identify the covered
23 source of concern or covered articles
24 produced or provided by the covered

1 source of concern required to be ex-
2 cluded or removed under the order;

3 “(II) a summary of any risk as-
4 sessment reviewed or conducted in
5 support of the order;

6 “(III) a summary of the basis for
7 the order, including a discussion of
8 less intrusive measures that were con-
9 sidered and why such measures were
10 not reasonably available to reduce se-
11 curity risk;

12 “(IV) a description of the actions
13 necessary to implement the order; and

14 “(V) where practicable, in the
15 Council’s sole and unreviewable dis-
16 cretion, a description of mitigation
17 steps that could be taken by the cov-
18 ered source of concern that may result
19 in the Council rescinding the order.

20 “(B) EXCLUSION OR REMOVAL OF SECOND
21 ORDER SOURCES OR COVERED ARTICLES.—

22 “(i) ISSUANCE.—In the case that the
23 Council provides an order under subpara-
24 graph (A), the Council may also provide an
25 order to the officials described under para-

1 graph (6)(A)(iii) requiring the exclusion of
2 sources or covered articles from executive
3 agency procurement actions or removal of
4 covered articles from executive agency in-
5 formation systems if—

6 “(I) such covered articles or such
7 sources use a covered source of con-
8 cern in the performance of a contract
9 with the executive agency; or

10 “(II) such sources enter into a
11 contract, the performance of which
12 such source knows or has reason to
13 believe will require, in the perform-
14 ance of a contract with the executive
15 agency, the use of a covered source of
16 concern or the use of a covered article
17 produced or provided by a covered
18 source of concern.

19 “(ii) EFFECTIVE DATE CONSIDER-
20 ATIONS.—Any effective date prescribed by
21 the Council for an order issued pursuant
22 to clause (i) shall take into account—

23 “(I) the risk posed by the covered
24 source of concern or the covered arti-
25 cle produced or provided by the cov-

1 ered source of concern to the national
2 security of the United States;

3 “(II) the likelihood of the covered
4 source of concern or the covered arti-
5 cle produced or provided by the cov-
6 ered source of concerned causing im-
7 minent threat to public health and
8 safety; and

9 “(III) an assessment of the po-
10 tential direct or quantifiable costs
11 that may be incurred by the Federal
12 Government, a State, local, or Tribal
13 government, or by the private sector,
14 as a result of compliance by the head
15 of an executive agency with such an
16 exclusion or removal order.”.

17 (E) in paragraph (4), as so redesignated—

18 (i) in the heading, by striking “OF
19 RECOMMENDATION AND REVIEW” and in-
20 serting “AND REVIEW OF RECOMMENDED
21 AND DESIGNATED ORDERS”;

22 (ii) by striking “ the recommenda-
23 tion” each place the term appears, and in-
24 serting “ the order”;

1 (iii) in the matter preceding subpara-
2 graph (A), by striking “A notice of the
3 Council’s recommendation under para-
4 graph (2)” and inserting “Before the
5 Council recommends an order under para-
6 graph (2) or issues an order under para-
7 graph (3), a notice”; and

8 (iv) in subparagraph (A), by striking
9 “recommendation has been made” and in-
10 sserting “the order will be recommended or
11 issued”;

12 (v) in subparagraph (D), by striking
13 “paragraph (5)” and inserting “paragraph
14 (6)”;

15 (F) in paragraph (5), as so redesignated—

16 (i) by striking “paragraph (3)” and
17 inserting “paragraph (4)”;

18 (ii) in subparagraph (A), by striking
19 “paragraph (5)” and inserting “paragraph
20 (6)”;

21 (iii) in subparagraph (B), by striking
22 “paragraph (6)” and inserting “paragraph
23 (7)”;

24 (G) in paragraph (6), as so redesignated—

1 (i) by amending subparagraph (A) to
2 read as follows:

3 “(A) ISSUANCE OF RECOMMENDED OR-
4 DERS.—

5 “(i) MODIFICATIONS TO ORDER.—
6 After considering any response properly
7 submitted by a source under paragraph (4)
8 related to an order to be recommended
9 under paragraph (2), the Council shall—

10 “(I) make such modifications to
11 the order as the Council considers ap-
12 propriate; and

13 “(II) provide the order (together
14 with any information submitted by a
15 source under paragraph (4) related to
16 such order) to the officials described
17 under clause (iii).

18 “(ii) ORDER.—Not later than 90 days
19 after receiving a recommended order, the
20 officials described under clause (iii) shall—

21 “(I) issue the order to the heads
22 of the applicable agencies; or

23 “(II) submit a notification to the
24 Council and the source named in the
25 order that the order will not be

1 issued, that includes in the notifica-
2 tion to the Council, all the reasons for
3 why the order will not be issued.

4 “(iii) OFFICIALS.—The officials de-
5 scribed in this clause are as follows:

6 “(I) The Secretary of Homeland
7 Security, for exclusion and removal
8 orders applicable to civilian agencies,
9 to the extent not covered by subclause
10 (II) or (III).

11 “(II) The Secretary of Defense,
12 for exclusion and removal orders ap-
13 plicable to the Department of Defense
14 and national security systems other
15 than sensitive compartmented infor-
16 mation systems.

17 “(III) The Director of National
18 Intelligence, for exclusion and removal
19 orders applicable to the intelligence
20 community and sensitive compart-
21 mented information systems, to the
22 extent not covered by subclause (II).”;

23 (ii) by redesignating subparagraphs
24 (B) through (E) as subparagraphs (C)
25 through (F), respectively;

1 (iii) by inserting after subparagraph
2 (A) the following:

3 “(B) ISSUANCE OF DESIGNATED ORDER.—

4 “(i) MODIFICATIONS.—After consid-
5 ering any response properly submitted by a
6 source under paragraph (4) related to a
7 designated order, the Council shall—

8 “(I)(aa) make any such modifica-
9 tions to the order as the Council con-
10 siders appropriate; or

11 “(bb) if the Council deter-
12 mines that the issuance of a des-
13 igned order is not warranted,
14 rescind the designated order and
15 notify the source of the rescis-
16 sion; and

17 “(II) except in the case that the
18 Council rescinds the designated order
19 under subclause (I)(bb), provide the
20 designated order (including any modi-
21 fications made to such order by the
22 Council) to the officials described in
23 clause (iii).

24 “(ii) ISSUANCE.—The officials de-
25 scribed in clause (iii) shall, not later than

1 30 days after receiving a designated order,
2 issue the order to the heads of the applica-
3 ble agencies.

4 “(iii) OFFICIALS.—The officials de-
5 scribed in this clause are as follows:

6 “(I) The Secretary of Homeland
7 Security, for exclusion and removal
8 orders applicable to civilian agencies,
9 to the extent not covered by subclause
10 (II) or (III).

11 “(II) The Secretary of Defense,
12 for exclusion and removal orders ap-
13 plicable to the Department of Defense
14 and national security systems other
15 than sensitive compartmented infor-
16 mation systems.

17 “(III) The Director of National
18 Intelligence, for exclusion and removal
19 orders applicable to the intelligence
20 community and sensitive compart-
21 mented information systems, to the
22 extent not covered by subclause (II).

23 “(iv) WAIVER.—An official described
24 under clause (iii) may waive for a period of
25 not more than 365 days the application of

1 an order issued by such official under
2 clause (ii) with respect to a covered source
3 of concern or a covered article produced or
4 provided by a covered source of concern
5 if—

6 “(I) the Council approves the
7 waiver; and

8 “(II) the official submits, not
9 later than 30 days after making such
10 waiver, a written notification to the
11 appropriate congressional committees
12 and leadership that contains the jus-
13 tification for such waiver.

14 “(v) RENEWAL OF WAIVER.—An offi-
15 cial described under clause (iii) may renew
16 a waiver under clause (iv) for an additional
17 period of not more than 180 days if—

18 “(I) the Council approves the re-
19 newal of the waiver;

20 “(II) the renewal of the waiver is
21 in the national security interests of
22 the United States; and

23 “(III) the official submits, not
24 later than 30 days after renewing
25 such waiver, a written notification to

1 the appropriate congressional commit-
2 tees and leadership that includes the
3 justification for renewing the wavier.

4 “(vi) RESCISSION OF ORDER.—An ex-
5 clusion or removal order issued under this
6 subparagraph by an official may be re-
7 scinded only by the Council.”.

8 (iv) in subparagraph (C), as so reded-
9 igned—

10 (I) by striking “subparagraph
11 (A)” and inserting “subparagraph
12 (A)(iii) or (B)(iii)”;

13 (II) by striking “this subpara-
14 graph” and inserting “subparagraph
15 (A)(iii) or (B)(iii)”;

16 (III) by striking “, except” and
17 all that follows before the period at
18 the end;

19 (v) in subparagraph (D), as so reded-
20 igned—

21 (I) by striking “this paragraph”
22 and inserting “subparagraph (A)(iii)
23 or (B)(iii)”;

24 (II) by striking “help”;

1 (vi) in subparagraph (E), as so redesi-
2 gnated, by striking “this paragraph” and
3 inserting “subparagraph (A)”; and

4 (vii) by adding after subparagraph
5 (F), as so redesignated, the following:

6 “(G) EFFECTIVE DATE OF ORDERS.—The
7 effective date of an order issued under this
8 paragraph may not be more than 180 days
9 after the order is issued.”;

10 (H) in paragraph (7), as so redesignated,
11 by striking “paragraph (5)(A)” and inserting
12 “subparagraph (A) or (B) of paragraph (6)”;
13 and

14 (I) in paragraph (8), as so redesignated,
15 by striking “paragraph (5)” and inserting
16 “paragraph (6)”;

17 (4) by redesignating subsections (d) through (f)
18 as subsections (e) through (g), respectively;

19 (5) in subsection (f), as so redesignated, by in-
20 serting “the Chief Data Officers Council,” before
21 “the Chief Acquisition”; and

22 (6) in subsection (g)(2), as so redesignated, by
23 striking the period at the end and inserting “unless
24 such source is specifically designated by statute as

1 a covered source of concern for the purposes of this
2 subchapter.”

3 (d) STRATEGIC PLAN.—Section 1324(a) of title 41,
4 United States Code, is amended—

5 (1) by inserting “, and periodically thereafter”
6 after “2018”;

7 (2) in the matter preceding paragraph (1), by
8 inserting “acquisition security and” before “supply
9 chain risks”;

10 (3) in paragraph (8), by inserting “acquisition
11 security and” before “supply chain risks”; and

12 (4) in paragraph (9)(A), by inserting “acqui-
13 sition security and” before “supply chain risk”.

14 (e) REQUIREMENTS FOR EXECUTIVE AGENCIES.—
15 Section 1326 of title 41, United States Code, is amend-
16 ed—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “; and”
19 and inserting a semicolon;

20 (B) in paragraph (2), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(3) providing any information requested by the
24 Chairperson of the Council for the purpose of car-
25 rying out activities of this subchapter.”;

1 (2) by striking “supply chain” each place such
2 term appears and inserting “security and supply
3 chain”; and

4 (3) in subsection (b)(6), by striking “supply
5 chain” and inserting “security or supply chain”.

6 (f) JUDICIAL PROCEDURE.—Section 1327(b) of title
7 41, United States Code, is amended—

8 (1) in paragraph (1), by striking “section
9 1323(c)(6)” and inserting “section 1323(c)(7)”;

10 (2) in paragraph (3), by striking “sections
11 1323(c)(5)” and inserting “sections 1323(c)(6)”;
12 and

13 (3) in paragraph (4), by amending subpara-
14 graph (B)(i) to read as follows:

15 “(i) FILING OF RECORD.—The United
16 States shall file with the court an adminis-
17 trative record, which shall consist of—

18 “(I) the information the Council
19 relied upon in issuing a designated
20 order under 1323(c)(6); and

21 “(II) the information that the ap-
22 propriate official relied upon in
23 issuing an exclusion or removal order
24 under section 1323(c)(6) or a covered

1 procurement action under section
2 4713.”.

3 (g) ADDITIONAL PROVISIONS.—Subchapter III of
4 chapter 13 of title 41, United States Code, is amended
5 by adding at the end the following:

6 **“§ 1329. Additional provisions**

7 “(a) COMPLIANCE WITH EXISTING PROHIBITIONS.—
8 In implementing this subchapter, the Council shall coordi-
9 nate, as applicable and practicable, with the head of an
10 agency to ensure compliance by the agency with—

11 “(1) section 889 of the John S. McCain Na-
12 tional Defense Authorization Act of 2019 (Public
13 Law 115–232; 41 U.S.C. 3901 note);

14 “(2) section 5949 of the James M. Inhofe Na-
15 tional Defense Authorization Act of 2023 (Public
16 Law 117–263; 41 U.S.C. 4713 note); and

17 “(3) sections 1821 through 1833 of the Amer-
18 ican Security Drone Act of 2023 (Public Law 118–
19 31).

20 “(b) UPDATE TO REGULATIONS.—The Federal Ac-
21 quisition Security Council shall update, within two years
22 after the date of the enactment of this section, any regula-
23 tions of the Council as necessary.”.

1 (h) TECHNICAL AND CONFORMING CHANGES.—Sub-
2 chapter III of chapter 13 of title 41, United States Code,
3 is amended—

4 (1) in the table of sections for the subchapter
5 by adding after the item related to section 1328 the
6 following:

“1329. Additional provisions.”;

7 (2) in section 1321(1)(B), by striking “Govern-
8 ment Reform” and inserting “Accountability”; and

9 (3) by striking “of this title” each place the
10 term appears.

11 **SEC. 3. REALLOCATING EXISTING RESOURCES.**

12 Section 5949(l) of the James M. Inhofe National De-
13 fense Authorization Act for Fiscal Year 2023 (Public Law
14 117–263) is amended—

15 (1) in paragraph (1), by striking “Office of
16 Management and Budget” and inserting “Office of
17 the National Cyber Director”; and

18 (2) in paragraph (2), by striking “Office of
19 Management and Budget” and inserting “Office of
20 the National Cyber Director”.

