52.240-1 Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act-Covered Foreign Entities.

As prescribed in 40.202-8, insert the following clause:

Prohibition on *Unmanned Aircraft Systems* Manufactured or Assembled by *American Security Drone Act-Covered Foreign Entities* (Nov 2024)

(a) Definitions. As used in this clause—

American Security Drone Act-covered foreign entitymeans an entity included on a list developed and maintained by the Federal Acquisition Security Council (FASC) and published in the System for Award Management (SAM) at https://www.sam.gov (section 1822 of the National Defense Authorization Act for Fiscal Year 2024, Pub. L. 118-31, 41 U.S.C. 3901 note prec.).

FASC-prohibited unmanned aircraft systemmeans an unmanned aircraft system manufactured or assembled by an American Security Drone Act-covered foreign entity.

Unmanned aircraft means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft (49 U.S.C. 44801(11)).

Unmanned aircraft system means an *unmanned aircraft* and associated elements (including communication links and the *components* that control the *unmanned aircraft*) that are required for the operator to operate safely and efficiently in the national airspace system (49 U.S.C. 44801(12)).

- (b) Prohibition. The Contractor is prohibited from—
- (1) Delivering any FASC-prohibited *unmanned aircraft system*, which includes *unmanned aircraft* (i.e., drones) and associated elements (sections 1823 and 1826 of Pub. L. 118-31, <u>41 U.S.C. 3901</u> note prec.);
- (2) On or after December 22, 2025, operating a FASC-prohibited *unmanned aircraft system* in the performance of the contract (section 1824 of Pub. L. 118-31, 41 U.S.C. 3901 note prec.); and
- (3) On or after December 22, 2025, using Federal funds for the *procurement* or operation of a FASC-prohibited *unmanned aircraft system* (section 1825 of Pub. L. 118-31, 41 U.S.C. 3901 note prec.).
- (c) *Procedures*. The Contractor *shall* search SAM at https://www.sam.gov for the FASC-maintained list of *American Security Drone Act-covered foreign entities* prior to proposing, or using in performance of the contract, any *unmanned aircraft system*. Additionally, the Contractor *shall* ensure any effort or expenditure associated with a FASC-prohibited *unmanned aircraft system* is consistent with a corresponding exemption, exception, or waiver determination expressly stated in the contract.
- (d) *Exemptions, exceptions, and waivers*. The prohibitions in this clause do not apply where the agency has determined an exemption, exception, or waiver applies and the contract indicates that

such a determination has been made. [See sections 1823 through 1825 and 1832 of Public Law 118-31 ($\underline{41~U.S.C.~3901}$ note prec.) for statutory requirements pertaining to exemptions, exceptions, and waivers.].

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of $commercial\ products$ or $commercial\ services$.

(End of clause)

Parent topic: 52.240 [Reserved]