

118TH CONGRESS  
2D SESSION

# H. R. 9297

To prohibit the Department of Defense from acquiring certain information technology products manufactured by certain foreign companies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Mr. STANTON (for himself and Mrs. KIGGANS of Virginia) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To prohibit the Department of Defense from acquiring certain information technology products manufactured by certain foreign companies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure DOD Act”.

5 **SEC. 2. PROHIBITION ON CERTAIN FOREIGN INFORMATION**  
6 **TECHNOLOGY PRODUCTS.**

7 (a) IN GENERAL.—Except as provided by subsection

8 (b), the Secretary of Defense may not acquire any infor-

1 mation technology product manufactured, produced, or as-  
2 sembled by a covered company.

3 (b) EXCEPTIONS.—Subsection (a) does not apply  
4 with respect to any information technology product that  
5 is a replacement or replacement part for, or necessary for  
6 the operation or maintenance of, an information tech-  
7 nology product acquired by the Department of Defense—

8 (1) before the date of the enactment of this  
9 Act; or

10 (2) after such date under a contract or other  
11 agreement other than a contract or other agreement  
12 entered into, renewed, or extended after such date.

13 (c) WAIVER.—

14 (1) WAIVER AUTHORITY.—

15 (A) IN GENERAL.—The Secretary of De-  
16 fense may, upon the request of an entity, waive  
17 subsection (a) with respect to an information  
18 technology product if—

19 (i) the Secretary determines that a  
20 compliant information technology product  
21 of satisfactory quality and sufficient quan-  
22 tity cannot be procured as and when need-  
23 ed at United States market prices; and

24 (ii) such entity demonstrates to the  
25 Secretary that such entity is making rea-

1           sonable efforts to make such information  
2           technology product a compliant informa-  
3           tion technology product or to replace such  
4           information technology product with a  
5           compliant information technology product.

6           (B) COMPLIANT INFORMATION TECH-  
7           NOLOGY PRODUCT DEFINED.—In this para-  
8           graph, the term “compliant information tech-  
9           nology product” means an information tech-  
10          nology product that is not manufactured, pro-  
11          duced, or assembled by a covered company.

12          (2) DURATION.—A waiver under paragraph (1)  
13          may be for a period of not more than one year.

14          (3) CONGRESSIONAL NOTICE.—Not later than  
15          30 days after the date on which the Secretary of De-  
16          fense issues a waiver under paragraph (1), the Sec-  
17          retary shall submit to the Committees on Armed  
18          Services of the Senate and the House of Representa-  
19          tives a notice of such waiver.

20          (d) APPLICABILITY.—Except as provided in sub-  
21          section (b), subsection (a) shall apply only with respect  
22          to contracts and other agreements entered into, renewed,  
23          or extended after the date of the enactment of this Act.

1 (e) EFFECTIVE DATE.—This section shall take effect  
2 on the date that is five years after the date of the enact-  
3 ment of this Act.

4 (f) DEFINITIONS.—In this Act:

5 (1) COVERED COMMERCIALY AVAILABLE OFF-  
6 THE-SHELF ITEM.—The term “covered commercially  
7 available off-the-shelf item” means a commercially  
8 available off-the-shelf item (as defined in section 104  
9 of title 41, United States Code) that is an end prod-  
10 uct.

11 (2) COVERED COMPANY.—The term “covered  
12 company” means an entity that the Secretary of De-  
13 fense, in consultation with the Director of the Na-  
14 tional Intelligence or the Director of the Federal Bu-  
15 reau of Investigation, reasonably believes to be  
16 owned or controlled by, or otherwise connected to,  
17 the government of a covered foreign country.

18 (3) COVERED FOREIGN COUNTRY.—The term  
19 “covered foreign country” means the People’s Re-  
20 public of China.

21 (4) INFORMATION TECHNOLOGY PRODUCT.—  
22 The term “information technology product” means a  
23 covered commercially available off-the-shelf item that  
24 can process, store, or transmit digital data.

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