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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To amend title 41, United States Code, to make changes with respect to
the Federal Acquisition Security Council, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIMMONS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 41, United States Code, to make changes
with respect to the Federal Acquisition Security Council,
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 “Federal Acquisition
5 Security Council Improvement Act of 2026”.

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

3 (a) DEFINITION OF SOURCE OF CONCERN, COVERED
4 SOURCE OF CONCERN, RECOMMENDED ORDER, AND DES-
5 IGNATED ORDER.—Section 1321 of title 41, United States
6 Code, is amended—

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

9 (2) by inserting after paragraph (4) the fol-
10 lowing:

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

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

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

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

23 “(12) SOURCE OF CONCERN.—

24 (A) IN GENERAL.—The term ‘source of
25 concern’ means a source—

1 “(i) subject to the jurisdiction, direc-
2 tion, or control of the government of a for-
3 eign adversary, or operates on behalf of
4 the government of a foreign adversary; or
5 “(ii) that poses a risk to the national
6 security of the United States based on col-
7 laboration with, whole or partial ownership
8 or control by, or being affiliated with a
9 military, internal security force, or intel-
10 ligence agency of a foreign adversary.

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

15 (b) ESTABLISHMENT AND MEMBERS OF COUNCIL.—
16 Section 1322 of title 41, United States Code, is amend-
17 ed—

18 (1) in subsection (a), by striking “executive
19 branch” and inserting “Executive Office of the
20 President”;

21 (2) in subsection (b)—

22 (A) by amending paragraph (1) to read as
23 follows:

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

1 “(A) The Administrator for Federal Pro-
2 curement Policy.

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

5 “(C) The following officials, each of whom
6 shall occupy a position at the level of Assistant
7 Secretary or Deputy Assistant Secretary (or
8 equivalent):

9 “(i) Two officials from the Office of
10 the Director of National Intelligence, one
11 of which shall be from the National Coun-
12 terintelligence and Security Center.

13 “(ii) Two officials from the Depart-
14 ment of Defense, one of which shall be one
15 from the National Security Agency.

16 “(iii) Two officials from the Depart-
17 ment of Homeland Security, one of which
18 shall be one from the Cybersecurity and
19 Infrastructure Security Agency.

20 “(iv) An official from the General
21 Services Administration.

22 “(v) An official from the Office of the
23 National Cyber Director.

1 “(vi) Two officials from the Depart-
2 ment of Justice, one of which shall be one
3 from the Federal Bureau of Investigation.

4 “(vii) Two officials from the Depart-
5 ment of Commerce, one of which shall be
6 from the National Institute of Standards
7 and Technology and one of which shall be
8 from the Bureau of Industry and Security.

9 “(viii) An official from any executive
10 agency not listed under clauses (i) through
11 (vii) whose temporary or permanent par-
12 ticipation is determined by the Chairperson
13 of the Council to be necessary to carry out
14 the functions of the Council while main-
15 taining the intended balance in subject
16 matter expertise.”; and

17 (B) in paragraph (2)—

18 (i) in the heading, by striking “LEAD
19 REPRESENTATIVES” and inserting “MEM-
20 BERS”;

21 (ii) by amending subparagraph (A)(i)
22 to read as follows:

23 “(i) IN GENERAL.—The head of each
24 executive agency listed under paragraph
25 (1)(C) shall designate the official or offi-

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

12 (iv) by amending subparagraph (B) to
13 read as follows:

14 “(B) FUNCTIONS.—A member of the
15 Council shall—

1 (3) in subsection (c)—

2 (A) by amending paragraph (1) to read as
3 follows:

4 “(1) IN GENERAL.—The President shall designate a member of the Council to serve as Chair-
5 person of the Council.”; and
6

7 (B) in paragraph (2)—

11 (ii) in subparagraph (C), by striking
12 “lead representative of each agency rep-
13 resented on the Council” and inserting
14 “members of the Council”; and

15 (4) in subsection (d)—

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

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

20 “(2) OTHER MEETINGS.—The Chairperson of
21 the Council shall meet, not less frequently than
22 semiannually, with—

23 “(A) the Secretary of Homeland Security,
24 Secretary of Defense, and Director of National
25 Intelligence; or

1 “(B) in the case that any of the officials
2 under subparagraph (A) delegated authority to
3 an official under section 1323(c)(6)(C), with
4 the delegated official.”.

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

7 (1) in subsection (a)—

8 (A) by striking “supply chain” each place
9 it appears and inserting “acquisition security
10 and supply chain”;

11 (B) in paragraph (1), as amended by sub-
12 paragraph (A), by striking “, particularly” and
13 inserting “that arise”;

14 (C) in paragraph (2), as amended by sub-
15 paragraph (A), by inserting “associated with
16 the acquisition and use of covered articles”
17 after “risk”;

18 (D) in paragraph (6), as amended by sub-
19 paragraph (A)—

20 (i) by striking “posed by” and insert-
21 ing “associated with”; and

22 (ii) by inserting “and use” before “of
23 covered articles”;

1 (E) in paragraph (7), by striking “posed
2 by acquisitions” and inserting “associated with
3 the acquisition”;

4 (F) by redesignating paragraph (7) as
5 paragraph (12); and

6 (G) by inserting after paragraph (6) the
7 following:

8 “(7) Implementing a prioritization scheme for
9 evaluating the security risks associated with the ac-
10 quisition and use of covered articles provided or pro-
11 duced by a covered source of concern.

12 “(8) Evaluating each covered source of concern
13 to determine whether to issue a designated order
14 with respect to the covered source of concern or a
15 covered article produced or provided by the covered
16 source of concern.

17 “(9) Evaluating sources of concern to determine
18 whether to issue a recommended order with respect
19 to the source of concern, or any covered article pro-
20 duced or provided by the source of concern.

21 “(10) Monitoring and evaluating compliance by
22 the Secretary of Homeland Security, Secretary of
23 Defense, and Director of National Intelligence with
24 the requirement to issue designated orders under
25 subsection (c)(6)(B).

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

5 (2) in subsection (b)—

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

8 “(1) IN GENERAL.—The Council”; and

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

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

12 “(2) FEDERAL ACQUISITION SECURITY COUNCIL

13 PROGRAM OFFICE.—

14 “(A) ESTABLISHMENT.—The President
15 shall establish a Federal Acquisition Security
16 Council Program Office (referred to in this
17 paragraph as the ‘Program Office’) within the
18 Executive Office of the President to carry out
19 the duties described under subparagraph (B).

20 “(B) DUTIES.—The Program Office shall
21 provide to the Council, including any commit-
22 tees, working groups, or other constituent bod-
23 ies established by the Council under paragraph
24 (1)—

1 “(i) administrative, legal, and policy
2 support; and

3 “(ii) analysis and subject matter ex-
4 pertise on information communications
5 technology, acquisition security, and supply
6 chain risk.

7 “(C) STRUCTURE.—The head of the Pro-
8 gram Office shall be designated by the Chair-
9 person of the Council.

10 “(D) PROHIBITION.—The Program Office
11 may not provide administrative support to the
12 Council for any activities of the Council carried
13 out pursuant to a provision of law other than
14 a provision of law under this subchapter.

15 “(E) FUNDING AND RESOURCES.—The
16 Program Office may use the staff and resources
17 of the Executive Office of the President or
18 maintain dedicated staff and resources, as ap-
19 propriate, in the performance of the duties of
20 the Office.

21 “(F) SHARED STAFFING AUTHORITY.—

22 “(i) IN GENERAL.—The Program Of-
23 fice may accept officers or employees of
24 the United States or members of the
25 Armed Forces on a detail from an element

1 of the intelligence community (as such
2 term is defined in section 3 of the National
3 Security Act of 1947 (50 U.S.C. 3003)) or
4 from another element of the Federal Gov-
5 ernment on a nonreimbursable basis, as
6 jointly agreed to by the heads of the receiv-
7 ing and detailing elements, for a period not
8 to exceed three years.

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subparagraph (A), by striking “supply chain risk”
22 and inserting “acquisition security and supply chain risk associated with the ac-
23 quisition of covered articles”;
24
25

1 (v) by striking “Such recommenda-
2 tions” and inserting “Any such order rec-
3ommended”;

4 (vi) by inserting “to the officials de-
5 scribed under clause (iii) of paragraph
6 (6)(A) for issuance under such paragraph”
7 after “thereof.”;

8 (vii) in subparagraph (D), by striking
9 “supply chain risk” and inserting “acquisi-
10 tion security and supply chain risk associ-
11 ated with the acquisition of covered arti-
12 cles”; and

13 (viii) in subparagraph (E), by striking
14 “exclusion or removal”;

15 (C) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8);
16

17 (D) by inserting after paragraph (2) the
18 following:

19 “(3) DESIGNATED ORDERS.—

20 “(A) EXCLUSION OR REMOVAL OF COV-
21 ERED SOURCES OF CONCERN.—

1 “(I) shall provide to the officials
2 described under clause (iii) of para-
3 graph (6)(B) for issuance under such
4 paragraph orders requiring—

5 “(aa) the exclusion of the
6 covered source of concern from
7 any executive agency procure-
8 ment action, including source se-
9 lection and consent for a con-
10 tractor; or

11 “(bb) the removal of covered
12 articles produced or provided by
13 the covered source of concern
14 from the information system of
15 executive agencies; or

16 “(II) report to Congress why the
17 Council has determined to not issue
18 an order described under subclause (I)
19 with respect to the covered source of
20 concern or covered articles produced
21 or provided by the covered source of
22 concern.

23 “(ii) CONTENTS OF ORDER.—Any
24 order provided under clause (i) shall in-
25 clude—

1 “(I) information regarding the
2 scope and applicability of the order,
3 including any information necessary
4 to positively identify the covered
5 source of concern or covered articles
6 produced or provided by the covered
7 source of concern required to be ex-
8 cluded or removed under the order;

9 “(II) a summary of any risk as-
10 essment reviewed or conducted in
11 support of the order;

12 “(III) a summary of the basis for
13 the order, including a discussion of
14 less intrusive measures that were con-
15 sidered and why such measures were
16 not reasonably available to reduce se-
17 curity risk;

18 “(IV) a description of the actions
19 necessary to implement the order; and

20 “(V) where practicable, in the
21 Council’s sole and unreviewable dis-
22 cretion, a description of mitigation
23 steps that could be taken by the cov-
24 ered source of concern that may result
25 in the Council rescinding the order.

1 **“(B) EXCLUSION OR REMOVAL OF SECOND**
2 **ORDER SOURCES OR COVERED ARTICLES.—**

3 “(i) ISSUANCE.—In the case that the
4 Council provides an order under subparagraph (A), the Council may also provide an
5 order to the officials described under paragraph (6)(A)(iii) requiring the exclusion of
6 sources or covered articles from executive
7 agency procurement actions or removal of
8 covered articles from executive agency in-
9 formation systems if—

10 “(I) such covered articles or such
11 sources use a covered source of con-
12 cern in the performance of a contract
13 with the executive agency; or

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

1 “(ii) EFFECTIVE DATE CONSIDER-
2 ATIONS.—Any effective date prescribed by
3 the Council for an order issued pursuant
4 to clause (i) shall take into account—
5 “(I) the risk posed by the covered
6 source of concern or the covered arti-
7 cle produced or provided by the cov-
8 ered source of concern to the national
9 security of the United States;
10 “(II) the likelihood of the covered
11 source of concern or the covered arti-
12 cle produced or provided by the cov-
13 ered source of concern causing immi-
14 nent threat to public health and safe-
15 ty;
16 “(III) the availability of an alter-
17 native source or covered article pro-
18 duced or provided by an alternative
19 source; and
20 “(IV) an assessment of the po-
21 tential direct or quantifiable costs
22 that may be incurred by the Federal
23 Government, a State, local, or Tribal
24 government, or by the private sector,
25 as a result of compliance by the head

1 of an executive agency with such an
2 exclusion or removal order.”;

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

4 (i) in the heading, by striking “OF
5 RECOMMENDATION AND REVIEW” and in-
6 serting “AND REVIEW OF RECOMMENDED
7 AND DESIGNATED ORDERS”;

(ii) by striking “ the recommendation” each place the term appears, and inserting “ the order”;

11 (iii) in the matter preceding subparagraph (A), by striking “A notice of the
12 Council’s recommendation under subparagraph (2)” and inserting “Before the
13 Council recommends an order under subparagraph (2) or issues an order under para-
14 graph (3), a notice”;

18 (iv) in subparagraph (A), by striking
19 “a recommendation has been made” and
20 inserting “the order will be recommended
21 or issued”;

22 (v) in subparagraph (D), by striking
23 “paragraph (5)” and inserting “paragraph
24 (6)”;

1 (vi) by inserting a new subparagraph
2 to read as follows:

3 “(F) Until an order is issued pursuant to
4 paragraph (6), information collected under this
5 paragraph shall be exempt from public disclo-
6 sure and shall be exempt from disclosure under
7 section 552(b)(3)(B) of title 5, United States
8 Code (commonly referred to as the ‘Freedom of
9 Information Act’).”;

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

11 (i) by striking “paragraph (3)” and
12 inserting “paragraph (4);

13 (ii) in subparagraph (A), by striking
14 “paragraph (5)” and inserting “paragraph
15 (6); and

16 (iii) in subparagraph (B), by striking
17 “paragraph (6)” and inserting “paragraph
18 (7);

19 (G) in paragraph (6), as so redesignated—
20 (i) by amending subparagraph (A) to
21 read as follows:

22 “(A) ISSUANCE OF RECOMMENDED OR-
23 DERS.—

1 submitted by a source under paragraph (4)
2 related to an order to be recommended
3 under paragraph (2), the Council shall—

4 “(I) make such modifications to
5 the order as the Council considers ap-
6 propriate; and

7 “(II) provide the order (together
8 with any information submitted by a
9 source under paragraph (4) related to
10 such order) to the officials described
11 under clause (iii).

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

15 “(I) issue the order to the heads
16 of the applicable agencies; or

17 “(II) submit a notification to the
18 Council that the order will not be
19 issued, that includes in the notifica-
20 tion to the Council, all the reasons for
21 why the order will not be issued.

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

24 “(I) The Secretary of Homeland
25 Security, for exclusion and removal

16 (ii) by redesignating subparagraphs
17 (B) through (E) as subparagraphs (C)
18 through (F), respectively;

19 (iii) by inserting after subparagraph
20 (A) the following:

1 “(I)(aa) make any such modifica-
2 tions to the order as the Council con-
3 siders appropriate; or

4 “(bb) if the Council deter-
5 mines that the issuance of a des-
6 gnated order is not warranted,
7 rescind the designated order and
8 notify the source of the rescis-
9 sion; and

10 “(II) except in the case that the
11 Council rescinds the designated order
12 under subclause (I)(bb), provide the
13 designated order (including any modi-
14 fications made to such order by the
15 Council) to the officials described in
16 clause (iii).

17 “(ii) ISSUANCE.—The officials de-
18 scribed in clause (iii) shall, not later than
19 90 days after receiving a designated order,
20 issue the order to the heads of the applica-
21 ble agencies.

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

24 “(I) The Secretary of Homeland
25 Security, for exclusion and removal

1 U.S.C. 3091 et seq.) or any authorized in-
2 telligence activities of the United States.

7 (iv) in subparagraph (C), as so redesignated—
8

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

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

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

18 (v) in subparagraph (D), as so redes-
19 ignated—

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

23 (II) by striking “help”;

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

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 365 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);

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

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

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

10 (e) REQUIREMENTS FOR EXECUTIVE AGENCIES.—

11 Section 1326 of title 41, United States Code, is amend-
12 ed—

13 (1) in subsection (a)—

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

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

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

19 “(3) providing any information requested by the
20 Chairperson of the Council for the purpose of car-
21 rying out activities of this subchapter, subject to ap-
22 plicable law or policy on the control and handling of
23 classified, sensitive, or proprietary information.”;

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—

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

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 assist with 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.".

24 (h) REALLOCATING EXISTING RESOURCES.—Section
25 5949(l)(1) of the James M. Inhofe National Defense Au-

1 thorization Act for Fiscal Year 2023 (Public Law 117–
2 263) is amended by inserting before the period at the end
3 the following: “and the Federal Acquisition Security
4 Council Program Office established under section
5 1323(b)(2) of title 41, United States Code”.

6 (i) TECHNICAL AND CONFORMING CHANGES.—Sub-
7 chapter III of chapter 13 of title 41, United States Code,
8 is amended—

9 (1) in the table of sections for the subchapter
10 by adding after the item related to section 1328 the
11 following:

“1329. Additional provisions.”; and

12 (2) by striking “of this title” each place the
13 term appears.