

EXECUTIVE ORDER

PROTECTING THE NATION FROM FOREIGN UNMANNED AIRCRAFT SYSTEMS AND ASSOCIATED SYSTEMS

By the authority vested in me as President by the Constitution and the laws of the United States of America, I, DONALD J. TRUMP, President of the United States of America find that Presidential actions are necessary to: ensure the cybersecurity of Unmanned Aircraft Systems (UAS) owned and operated by the U.S. government; secure the integrity of American critical infrastructure; protect our warfighters; and maintain and expand our domestic industrial base capabilities. I therefore hereby order:

Section 1: Policy

- a) The use of UAS within the U.S. government is becoming increasingly widespread to meet departments' multiple statutory obligations, such as assisting law enforcement and securing border crossings, collecting research data, and surveying Federal land. UAS can reduce risk while performing dangerous military operations, promoting homeland defense, and improving the government's ability to secure public events. Many of these efforts include accessing, collecting, and maintaining highly sensitive information that relates to, or concerns, critical American energy, transportation, defense and national-security sensitive infrastructure, and the privacy of American citizens.
- b) The capability to domestically produce UAS is critical for national defense and the strength of the US defense industrial base. UAS provide critical situational awareness to first responders, natural disaster relief efforts, and to US troops on the battlefield across the spectrum of conflict. They provide high-definition images and videos to assist in life saving search and rescue efforts. Further, they help seek and detonate improvised explosive devices, flush out barricaded shooters, accommodate flexible payloads, and achieve an array of other goals that augment US warfighters' capabilities and increase their survivability, lethality, and mission flexibility.
- c) The use of UAS that are manufactured by, or contain critical components or software from, covered foreign entities may lead to the transfer of such information to these adversaries, compromise the security and integrity of sensitive American assets, endanger critical infrastructure, weaken the domestic capabilities to produce UAS, and thereby pose a grave threat to national security.
- d) It is the policy of the U.S. government to prevent the use of taxpayer dollars to procure UAS and associated systems that are manufactured by, or contain critical components or software from, covered foreign entities; and to encourage the use of domestically produced UAS and associated systems.

Sec. 2. Definitions. For purposes of this order, the following definitions shall apply:

- a) The term “unmanned aircraft system” (UAS) means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system, including component parts specified under Section 2(d) of this Order.
- b) The term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.
- c) The term "covered foreign entity" means any foreign country or foreign non-government person or entity engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or its allies or the security and safety of United States persons, or any country being widely used to support the transshipment of UAS from such countries. This includes, at a minimum, the government of the People’s Republic of China (PRC) and all foreign non-government persons from the PRC. This list may be expanded by the Secretary of Commerce, as appropriate, in consultation with the Secretaries of Defense and Homeland Security, and published in the Federal Register.
- d) The term “covered UAS” means any UAS that:
 - (i) is manufactured in whole or in substantial part by a covered foreign entity or by an entity domiciled in a foreign country listed as a covered foreign entity;
 - (ii) uses printed circuit boards, flight controller modules, sensors, or gimbals manufactured in whole or in part by a covered foreign entity or by an entity domiciled in a foreign country listed as a covered entity;
 - (iii) uses a ground control system host processor or operating software developed in whole or in part by a covered foreign entity or by an entity domiciled in a foreign country listed as a covered foreign entity;
 - (iv) uses network connectivity or data storage located in, or administered by, an entity domiciled in a country listed as a covered foreign country; or
 - (v) contains hardware and software components, manufactured in whole or in part by a covered foreign entity or by an entity domiciled in a covered foreign entity, necessary for collecting, storing, and transmitting photographs, videos, location information, flight paths, or any other data collected by the drones.
- e) The term “uncovered UAS” means any UAS that do not meet the definition of Section 2(d).
- f) The term “federally-managed lands” means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust land.

- g) The term “covered detection or identification system” means any system manufactured by a covered foreign entity or by a corporation domiciled in a covered foreign country for the detection or identification of covered unmanned aircraft systems

Sec. 3. Prohibitions on Use of Government Procurement Dollars. Departments and agencies of the US government may not use any funding to:

- a) Directly or indirectly procure, repair, or service a covered UAS or covered detection or identification system;
- b) Provide federal financial assistance that may be used to procure, repair, or service a covered UAS or covered detection or identification system;
- c) Enter into, or renew, a contract, order, or commitment for the procurement, repair, or service of a covered UAS or covered detection or identification system; or
- d) Otherwise provide federal funding for the procurement, repair, or service of a covered UAS.
- e) Within 30 days of this Order, all federal agencies shall terminate all procurement of covered UAS, subject to the exceptions of Section 5.

Sec. 4. Preventing Federal Government Use of Covered UAS and Restricting Use of Covered UAS on or Over Federally-Managed Lands

- a) To the maximum extent practicable, United States government agency and department heads shall ensure that all parties operating pursuant to a federal contract, grant, or agreement with their agency or department shall not operate covered UAS on or over federally-managed lands.
- b) To the maximum extent practicable, beginning 180 days after this Order, federal agencies shall prohibit any person conducting a UAS operation for compensation or hire, from operating covered UAS systems on or over federally-managed lands.
- c) Within 30 days of this Order, all federal agencies shall terminate the use of covered UAS subject to the exceptions of Section 5.

Sec. 5. Exceptions

- a) The Department of Defense, Federal Aviation Administration, National Security Agency, and the Intelligence Community, as defined in 50 USC 3003(4) are exempt from the restrictions under Section 3 and Section 4 if the procurement or operation is for the purposes of:
 - (i) Counter-UAS surrogate testing and training; or

- (ii) Intelligence, electronic warfare, or information warfare operations, testing, analysis, or training.
- b) For up to 180 days following the signing this Order, the heads of departments and agencies, or their designees, may waive the restrictions under Section 3 on a case-by-case basis by certifying in writing to the Secretary of Commerce that the procurement is essential for national security.
- c) For up to 365 days following the signing this Order, the heads of departments and agencies, or their designees, may waive the restrictions under Section 4 on a case-by-case basis for specific operations, if:
 - (i) the operation is to conduct life-saving operations, such as search and rescue, or conduct missions that are urgent, critical, and unforeseen; and
 - (ii) no domestic UAS system or other alternative is available that can fulfill mission requirements;
- d) If the operation requires the use of covered UAS for more than seven days, Secretaries and agency heads, or their designees, must re-affirm the necessity of the waiver in writing to the Secretary of Commerce.

Sec. 6. Pre-Qualification

- a) The Secretary of Commerce, or his designee, in consultation with the Secretaries of Defense and Homeland Security, may establish and publish criteria for recognizing particular systems, equipment, and vendors in the UAS market as uncovered UAS systems, equipment, and vendors under Section 2(e) of this Order.
- b) The Secretary of Commerce, or his designee, may apply the criteria published under Section 6(a) to establish and publish a list of uncovered UAS systems, equipment, and vendors which are pre-qualified for future use and procurement.
- c) Nothing in this provision limits the Secretary's authority under this section to prohibit or otherwise regulate any transaction involving pre-qualified systems, equipment, or vendors.
- d) The Administrator of the General Services Administration is encouraged to consider adding equipment that has been pre-qualified by the Secretary of Commerce to the Federal Supply Schedules, as appropriate.

Sec 7. Prohibited Vendors

- a) The Secretary of Commerce, or his designee, may publish a list of equipment and vendors whose products and services are subject to the restrictions set forth in Section 3 and Section 4 of this Order.
- b) The Administrator of the General Services Administration is encouraged to consider removing any equipment or vendors listed by the Secretary of Commerce under this section from the Federal Supply Schedules.
- c) Any list of prohibited vendors issued by the Secretary of Commerce shall be considered non-exhaustive.

Sec. 8. Report to the President on UAS Procurement and the UAS Government Fleet

- a) The Director of the Office of Management and Budget shall work with agency and department heads to conduct a review of the use and procurement of UAS by departments and agencies.
- b) The review shall be submitted to the President by the Director of the Office of Management and Budget through the Assistant to the President for National Security Affairs, the Director of the Office of Trade and Manufacturing Policy, and the Director of the Office of Science and Technology Policy within 90 days of this Order and shall identify:
 - (i) Types of uses of UAS by departments and agencies;
 - (ii) Total quantity of UAS purchased by agency and department by UAS type;
 - (iii) Total annual procurement value of UAS by agency and department by UAS type;
 - (iv) Federal financial assistance by agency and department provided to support the procurement, service, and repair of UAS;
 - (v) Country of origin of each UAS used and procured; and
 - (vi) Total amount of UAS owned and operated by the USG
- c) The findings of the review required by this Order shall help guide United State UAS procurement policy and the development of US-based UAS manufacturers.

Sec. 9. General Provisions

- a) Nothing in this order shall be construed to impair or otherwise affect:
 - (i) the authority granted by law to an executive department or agency, or the head thereof;
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals;
 - (iii) existing rights or obligations under international agreements; or
 - (iv) the authorized intelligence activities of the United States Government.
- b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.