# 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 entity* means 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 system* means 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, 41 U.S.C. 3901 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 (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]