

118TH CONGRESS
2D SESSION

H. R. 9500

To require agencies to use information and communications technology products obtained from original equipment manufacturers or authorized resellers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2024

Mr. FALLON introduced the following bill; which was referred to the
Committee on Oversight and Accountability

A BILL

To require agencies to use information and communications technology products obtained from original equipment manufacturers or authorized resellers, 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 “Securing America’s
5 Federal Equipment Supply Chains Act” or the “SAFE
6 Supply Chains Act”.

7 **SEC. 2. AGENCY USE OF IT PRODUCTS.**

8 (a) **DEFINITIONS.**—In this section:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 3502 of title 44,
3 United States Code.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate and the
8 Committee on Oversight and Accountability of the
9 House of Representatives.

10 (3) AUTHORIZED RESELLER.—The term “au-
11 thorized reseller” means a reseller, after market
12 manufacturer, supplier, or distributor of a covered
13 product with a direct or prime contractual arrange-
14 ment with, or the express written authority of, the
15 original equipment manufacturer of the covered
16 product to manufacture, buy, stock, repackage, sell,
17 resell, repair, service, otherwise support, or dis-
18 tribute the covered product.

19 (4) COVERED PRODUCT.—The term “covered
20 product”—

21 (A) means an information and communica-
22 tions technology end-use hardware product or
23 component, including software and firmware
24 that comprise the end-use hardware product or
25 component; and

1 (B) does not include—

2 (i) other software; or

3 (ii) an end-use hardware product—

4 (I) in which there is embedded
5 information and communications tech-
6 nology; and

7 (II) the principal function of
8 which is not the creation, manipula-
9 tion, storage, display, receipt, or
10 transmission of electronic data and in-
11 formation.

12 (5) END-USE PRODUCT.—The term “end-use
13 product” means a product ready for use by the
14 maintainer, integrator, or end user of the product.

15 (6) INFORMATION AND COMMUNICATIONS
16 TECHNOLOGY.—The term “information and commu-
17 nications technology”—

18 (A) has the meaning given the term in sec-
19 tion 4713(k) of title 41, United States Code;
20 and

21 (B) includes information and communica-
22 tions technologies covered by definitions con-
23 tained in the Federal Acquisition Regulation,
24 including definitions added after the date of the
25 enactment of this Act by the Federal Acquisi-

1 tion Regulatory Council pursuant to notice and
2 comment.

3 (7) ORIGINAL EQUIPMENT MANUFACTURER.—

4 The term “original equipment manufacturer” means
5 a company that manufactures a covered product
6 that the company—

7 (A) designed from self-sourced or pur-
8 chased components; and

9 (B) sells under the name of the company.

10 (b) PROHIBITION ON PROCUREMENT AND USE.—

11 Subject to subsection (c) and notwithstanding sections
12 1905 through 1907 of title 41, United States Code, the
13 head of an agency may not procure or obtain, renew a
14 contract to procure or obtain, or use a covered product
15 that is procured from an entity other than—

16 (1) an original equipment manufacturer; or

17 (2) an authorized reseller.

18 (c) WAIVER.—

19 (1) IN GENERAL.—Upon written notice to the
20 Director of the Office of Management and Budget,
21 the head of an agency may waive the prohibition
22 under subsection (b) with respect to a covered prod-
23 uct if the head of the agency determines that pro-
24 curing, obtaining, or using the covered product is
25 necessary—

1 (A) for the purpose of scientifically valid
2 research (as defined in section 102 the Edu-
3 cation Sciences Reform Act of 2002 (20 U.S.C.
4 9501)); or

5 (B) to avoid jeopardizing the performance
6 of mission critical functions.

7 (2) NOTICE.—The notice described in para-
8 graph (1)—

9 (A) shall—

10 (i) specify, with respect to the waiver
11 under paragraph (1)—

12 (I) the justification for the waiv-
13 er;

14 (II) any security mitigations that
15 have been implemented; and

16 (III) with respect to a waiver
17 that necessitates a security mitigation,
18 the plan of action and milestones to
19 avoid future waivers for subsequent
20 similar purchases; and

21 (ii) be submitted in an unclassified
22 form; and

23 (B) may include a classified annex.

24 (3) DURATION.—With respect to a waiver for
25 the purpose of research, as described in paragraph

1 (1)(A), the waiver shall be effective for the duration
2 of the research identified in the waiver.

3 (d) **VENDOR TECHNICAL ASSISTANCE.**—The head of
4 each agency shall establish procurement guidance to pro-
5 vide assistance to entities that are not eligible for procure-
6 ments of covered products due to the prohibition under
7 subsection (b) on the process of becoming an authorized
8 reseller for covered products.

9 (e) **REPORTS TO CONGRESS.**—

10 (1) **IN GENERAL.**—Not later than 1 year after
11 the date of enactment of this Act, and annually
12 thereafter until the date that is 6 years after the
13 date of enactment of this Act, the Director of the
14 Office of Management and Budget shall submit to
15 the appropriate congressional committees a report
16 that provides—

17 (A) the number and types of covered prod-
18 ucts for which a waiver under subsection (c)(1)
19 was granted during the 1-year period preceding
20 the date of the submission of the report;

21 (B) the legal authority under which each
22 waiver described in subparagraph (A) was
23 granted, such as whether the waiver was grant-
24 ed pursuant to subparagraph (A) or (B) of sub-
25 section (c)(1); and

1 (C) any action taken by the head of an
2 agency to reduce the number of waivers issued
3 by the agency under subsection (c)(1) with the
4 goal of achieving full compliance with the prohi-
5 bition under subsection (b).

6 (2) CLASSIFICATION OF REPORT.—Each report
7 submitted under this subsection—

8 (A) shall be submitted in unclassified form;
9 and

10 (B) may include a classified annex that
11 contains the information described in paragraph
12 (1)(B).

13 (f) NO NEW FUNDS.—No additional amounts are au-
14 thorized to be appropriated for the purpose of carrying
15 out this Act.

16 (g) EFFECTIVE DATE.—This section shall take effect
17 on the date that is 1 year after the date of enactment
18 of this Act.

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