



PROCUREMENT MEMORANDUM 2026-08

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

FROM: Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Ensuring Government Use of Secure Unmanned Aircraft Systems and Supporting
United States Producers

Background

The Office of Management and Budget released memorandum M-26-02, "Ensuring Government Use of Secure Unmanned Aircraft Systems and Supporting United States Producers," on November 21, 2025. This memorandum identifies that commercial unmanned aircraft systems (UAS)¹ technology has evolved rapidly and enabled a proliferation of critical use cases across the Federal Government. Use of insecure, foreign-manufactured UAS could potentially expose critical U.S. information to data breaches of connected systems, hidden capture of UAS camera feeds, and uncontrollable UAS flight behavior.

The U.S. Government and industry rely on American suppliers to produce innovative and secure solutions, and Federal funds should be used to strengthen the domestic manufacturing base for such technologies. In addition to cybersecurity threats, reliance on foreign-made drones poses broader strategic and economic risks.

Accordingly, the memorandum requires that during use of a UAS, after use of a UAS, and otherwise throughout the information life cycle, agencies that operate or fund the procurement of UAS must apply appropriate safeguards for the protection of Federal information, including privacy data and other controlled unclassified information, that is generated by or otherwise accessible to the UAS, consistent with relevant law and policy. The protections applied to Federal information must be commensurate with the risk associated with unauthorized access, use, disclosure, disruption, modification, or destruction of the data.

Purpose

This procurement memorandum provides Department of Commerce (the Department)-wide direction to contracting officers and purchase card holders to implement the guidance within OMB Memorandum M-26-02.

Required Actions

1. **Purchase Requests:** Program offices shall submit all new purchase requests² for UAS, including

¹ Unmanned aircraft systems as defined in FAR Part 40.201.

² This includes purchase requests for new actions; not modifications for existing actions unless a checklist would otherwise be required.

requests below the micro-purchase threshold, to the Operating Unit (OU) Office of the Chief Information Officer (CIO) with a completed Office of Chief Information Officer's IT Compliance in Acquisition Checklist (IT Checklist) with Box 1 marked as "yes." Based on the results of the IT Checklist and collaboration with the CIO³ and the Privacy Officer the program office should determine the Department's information and privacy security requirements for its UAS purchase.

2. **Market Research:** In the market research phase, program offices should work with their contracting officer to collect information about how the capabilities of various products align with the Department's information security requirements.
3. **Acquisition Planning and Solicitation:** During acquisition planning and solicitation development, program offices should work with their contracting officer to ensure that their requirements are described with sufficient detail to enable vendors to provide offers that are responsive to the Department's information security requirements. Additionally, during acquisition and solicitation development, each program office, in consultation with the contracting officer, should consider whether it is necessary to award the contract to a particular domestic source or sources in order to create or maintain the required domestic capability for production of UAS. If awarding to a particular domestic source or sources is necessary on that ground, the contracting officer may consider using noncompetitive acquisition procedures, consistent with applicable legal requirements, including the FAR § 6.302-3 and the Competition in Contracting Act.
4. **Evaluation and Award:** When awarding contracts, agencies should, where appropriate, evaluate offerors on criteria relevant to achieving the necessary Department information security requirements.

Exemptions

1. In accordance with Section 1829 of the American Security Drone Act ("the Act")⁴ if the head of an agency⁵ determines in writing with respect to a particular procurement or set of procurements that the agency cannot both satisfy the Department information security requirements and obtain a UAS capable of fulfilling mission-critical performance requirements, then the procurement in question is exempt from the Department's information security requirements. Such an exemption is effective only if the agency head documents in writing, in addition to the determination described in the preceding sentence, the factual and logical basis for that determination and the following information:

- (1) Date of determination;
- (2) A description (including quantity and value) of the products covered; and
- (3) The time period during which the exemption is valid, which may not exceed three years from the effective date.

The program office must make documentation of exemptions available to OMB upon request, and also ensure that such documentation is both present in relevant system security plans and shared with acquisition officials for inclusion in relevant contract files.

³ CIO for the purposes of this requirement means the organization's (operating unit's, bureau's, or office's) CIO.

⁴ American Security Drone Act (ASDA), Pub. L. No. 118-31, § § 1821-32 (41 U.S.C. § 3901 note) (2023).

⁵ For purposes of this memorandum the head of the agency is the Secretary of the Department of Commerce, unless further delegated.

2. The Act establishes prohibitions on the acquisition or operation by Federal agencies, or using Federal funds, of UAS that were manufactured or assembled by certain foreign entities. Sections 1823, 1824, and 1825 of the Act provide a number of exemptions from those prohibitions to specific agencies under identified circumstances. When an agency relies upon one of those exemptions to take an action that would otherwise be prohibited by the Act, the agency must prepare documentation that identifies the exemption and demonstrates that it applies. The program office shall make the documentation available to OMB upon request.

In addition to exemptions, Sections 1823, 1824, and 1825 each contain a waiver provision that allows the head of an executive agency to waive the prohibition in each section on a case-by-case basis with the approval of the Director of the Office of Management and Budget ("the Director"), after consultation with the Federal Acquisition Security Council. To request OMB approval of a proposed waiver, agencies should use the waiver request template and submission instructions available at <https://community-dc.max.gov/x/fAXSng>.

Effective Date

This procurement memorandum is effective as of May 20, 2026, and remains in effect until rescinded.

Questions

Please direct any questions regarding this Procurement Memorandum to OAM_Mailbox@doc.gov.