

AMENDMENT
TO RULES COMMITTEE PRINT 115-23
OFFERED BY MR. DESANTIS OF FLORIDA

At the end of title VIII (page 323, after line 4), add the following new section:

1 **SEC. 871. LIMITATION ON PROCUREMENT FROM CHINESE**
2 **COMPANIES PROVIDING MATERIAL SUPPORT**
3 **TO DEMOCRATIC PEOPLE'S REPUBLIC OF**
4 **KOREA.**

5 (a) **LIMITATION.**—No funds authorized to be appro-
6 priated to the Department of Defense for fiscal year 2017
7 may be used to procure, or enter into any contract for
8 the procurement of, any goods or services from a Chinese
9 company that provides material support to the Democratic
10 People's Republic of Korea during such fiscal year.

11 (b) **CERTIFICATION.**—The Federal Acquisition Regu-
12 lation shall be revised to require a certification from each
13 person that is a prospective contractor that such person
14 does not engage in any of the conduct described in sub-
15 section (a). Such revision shall apply with respect to con-
16 tracts in an amount greater than the simplified acquisition
17 threshold (as defined in section 134 of title 41, United
18 States Code) for which solicitations are issued on or after

1 the date that is 90 days after the date of the enactment
2 of this Act.

3 (c) WAIVER.—The Secretary of Defense, in consulta-
4 tion with the Secretary of State and the Secretary of the
5 Treasury, may, on a case-by-case basis, waive the limita-
6 tion in subsection (a) with respect to a person if the Sec-
7 retary of Defense, in consultation with the Secretary of
8 State and the Secretary of the Treasury—

9 (1) determines that the waiver is important to
10 the national security interest of the United States;
11 and

12 (2) submits to the appropriate committees of
13 Congress a notification of, and detailed justification
14 for, the waiver not less than 30 days before the date
15 on which the waiver is to take effect.

16 (d) DEFINITIONS.—

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Armed Services and
21 the Committee on Foreign Relations of the Sen-
22 ate; and

23 (B) the Committee on Armed Services and
24 the Committee on Foreign Affairs of the House
25 of Representatives.

1 (2) CHINESE COMPANY.—The term “Chinese
2 company” means a company owned or controlled by
3 a citizen of the People’s Republic of China or the
4 Government of the People’s Republic of China.

5 (3) SIGNIFICANT TRANSACTION OR TRANS-
6 ACTIONS.—The term “significant transaction or
7 transactions” shall be determined, for purposes of
8 this section, in accordance with section 561.404 of
9 title 31, Code of Federal Regulations, as such sec-
10 tion 561.404 was in effect on January 1, 2016.

