

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 4681  
OFFERED BY MR. HOLT OF NEW JERSEY**

At the end of subtitle A of title III, add the following new section:

1 **SEC. \_\_\_\_ . ENCRYPTION AND PRIVACY TECHNOLOGY OF**  
2 **ELECTRONIC DEVICES, SOFTWARE, AND**  
3 **STANDARDS.**

4 (a) PROHIBITION ON MANDATE.—Except as provided  
5 in subsection (c), none of the funds authorized to be ap-  
6 propriated by this Act shall be used to fund any element  
7 of the intelligence community, intelligence activity, or in-  
8 telligence-related activity that mandates or requests that  
9 the manufacturer of an electronic device, developer of soft-  
10 ware for an electronic device, or standards organization  
11 build into a device, software, or standard a mechanism  
12 that allows for the bypass of encryption or privacy tech-  
13 nology of such device, such software, or such standard.

14 (b) PROHIBITION ON COVERT INSERTION.—No ele-  
15 ment of the intelligence community shall undertake the  
16 covert implantation of an electronic surveillance device or  
17 technology into an electronic device or software produced

1 in the United States within the supply chain of any United  
2 States company.

3 (c) EXCEPTION FOR THE COMMUNICATIONS ASSIST-  
4 ANCE FOR LAW ENFORCEMENT ACT.—Subsection (a)  
5 shall not apply with respect to mandates or requests au-  
6 thorized under the Communications Assistance for Law  
7 Enforcement Act (47 U.S.C. 1001et seq.).

8 (d) DEFINITIONS.—In this section, the terms “agent  
9 of a foreign power”, “foreign intelligence information”,  
10 “foreign power”, “international terrorism”, and “United  
11 States person” have the meaning given such terms in sec-  
12 tion 101 of the Foreign Intelligence Surveillance Act of  
13 1978 (50 U.S.C. 1801).

