

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**116-57**  
**OFFERED BY MS. CLARKE OF NEW YORK**

Add at the end of subtitle E of title VIII the following new section:

1 **SEC. 8\_\_\_. LIMITATION ON THE AVAILABILITY OF FUNDS**  
2 **FOR PROCUREMENT FROM COMPANIES THAT**  
3 **FACILITATE CHINESE, RUSSIAN, AND CER-**  
4 **TAIN OTHER FOREIGN EFFORTS TO**  
5 **EXTRATERRITORIALLY CENSOR FREE**  
6 **SPEECH AND INHIBIT LAWFUL ADVOCACY**  
7 **WITHIN THE UNITED STATES.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) foreign governments, most notably the gov-  
11 ernment of the People’s Republic of China, have in-  
12 creasingly sought to economically coerce private  
13 American entities into policing the free speech rights  
14 of their employees and contractors on topics such  
15 governments deem sensitive;

16 (2) international advocacy for human rights is  
17 a core tenet of American foreign policy and central  
18 to American national security; and

1           (3) the Department of Defense should seek to  
2           combat efforts to silence those who speak out re-  
3           garding conditions in countries such as China and  
4           Russia by not procuring from private entities that  
5           facilitate such extraterritorial censorship.

6           (b) PROHIBITION.—None of the funds authorized to  
7           be appropriated by this Act or otherwise made available  
8           for fiscal year 2021 for the Department of Defense may  
9           knowingly be obligated or expended to procure, purchase,  
10          lease, or otherwise obtain any good or service, the value  
11          of which exceeds \$1,000, from any person conducting  
12          business within the United States which the Secretary of  
13          Defense has reason to believe has, at any date following  
14          the date of the enactment of this Act, discharged, sus-  
15          pended, ceased contracting with, failed to pursue future  
16          contracts with, or adversely altered the terms, conditions,  
17          or privileges of employment or contract of an employee  
18          or contractor on the basis of activities protected under the  
19          First Amendment of the Constitution, in the case that—

20                 (1) such employment or contractual action was  
21                 undertaken because the government of China, Rus-  
22                 sia, or any country which the Secretary of State de-  
23                 termines has repeatedly provided support for acts of  
24                 international terrorism for purposes of section  
25                 1754(e) of the Export Control Reform Act of 2018

1 (50 U.S.C. 4813(c)), section 620A of the Foreign  
2 Assistance Act of 1961 (22 U.S.C. 2371), or section  
3 40 of the Arms Export Control Act (22 U.S.C.  
4 2780) explicitly or implicitly requested such an ac-  
5 tion be undertaken, or because such person pre-  
6 sumed such government desired such an action be  
7 undertaken; and

8 (2) such First Amendment protected activity  
9 occurred within the United States and related to  
10 conditions within or activities of the country which  
11 desired such employment or contractual action be  
12 undertaken, and such activity does not otherwise vio-  
13 late any law or regulation of the United States or  
14 the State or locality where such activity occurred.

15 (c) WAIVER.—The Secretary may waive, on a case-  
16 by-case basis, the requirements of this section if the Sec-  
17 retary determines, after considering the availability of  
18 such goods or services from alternative suppliers, that the  
19 acquisition of such goods or services from a particular per-  
20 son or entity conducting business within the United States  
21 is critical to the national security of the United States,  
22 and provides a notification to such effect to the Armed  
23 Services Committees of the House and the Senate within  
24 30 days of such determination.

