

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. FINE OF FLORIDA

At the end of subtitle E of title I, add the following
new section:

1 **SEC. 1___ . PROHIBITION ON DEPARTMENT OF DEFENSE**
2 **PROCUREMENT FROM, AND SERVICEMEMBER**
3 **DATA COLLECTION BY, COMPANIES STORING**
4 **DATA IN A COVERED FOREIGN COUNTRY.**

5 (a) AMENDMENT.—Section 164 of the National De-
6 fense Authorization Act for Fiscal Year 2025 (Public Law
7 118-159; 10 U.S.C. note prec. 4651) is amended—

8 (1) in the section heading, by inserting “, **AND**
9 **COMPANIES STORING DATA IN A COVERED**
10 **FOREIGN COUNTRY”** after “**RANGING TECH-**
11 **NOLOGY”**;

12 (2) in subsection (a)—

13 (A) in paragraph (1), by striking “or” at
14 the end;

15 (B) in paragraph (2), by striking the pe-
16 riod at the end and inserting “; or”; and

17 (C) by adding at the end the following new
18 paragraph:

1 “(3) a product or service that—

2 “(A) collects, processes, or transmits cov-
3 ered personnel data; and

4 “(B) stores, processes, or transmits such
5 data in, or relies on operating software, net-
6 work connectivity, or data storage located in or
7 administered by an entity domiciled in, a cov-
8 ered foreign country.”;

9 (3) by amending subsection (d) to read as fol-
10 lows—

11 “(d) EFFECTIVE DATES.—

12 “(4) The prohibition under paragraphs (1) and
13 (2) of subsection (a) shall take effect on June 30,
14 2026; and

15 “(5) The prohibition under subsection (a)(3)
16 shall take effect on June 30, 2028.”; and

17 (4) in subsection (f). by adding at the end the
18 following new paragraph:

19 “(5) The term ‘covered personnel data’ means
20 any record (as defined in section 552a(a)(4) of title
21 5, United States Code) and any protected health in-
22 formation (as defined in section 160.103 of title 45,
23 Code of Federal Regulations) relating to—

24 “(A) a member of the Armed Forces, in-
25 cluding a member of a reserve component;

1 “(B) a civilian employee of the Depart-
2 ment of Defense; or

3 “(C) a dependent of an individual de-
4 scribed in subparagraph (A) or (B).”.

5 (b) **REQUIRED CONTRACT CLAUSES.**—The Secretary
6 of Defense shall ensure that each solicitation, contract,
7 grant, and cooperative agreement entered into by the De-
8 partment of Defense on or after the effective date of the
9 amendments made by subsection (a) includes a clause re-
10 quiring the contractor or recipient to—

11 (1) represent that, with respect to any product
12 or service that collects, processes, or transmits cov-
13 ered personnel data, the contractor or recipient does
14 not store, process, or transmit such data in, and
15 does not rely on operating software, network
16 connectivity, or data storage located in or adminis-
17 tered by an entity domiciled in, a covered foreign
18 country; and

19 (2) promptly notify the contracting officer in
20 the event that the contractor or recipient, or any
21 subcontractor or supplier at any tier, becomes sub-
22 ject to the prohibition under 164(a)(3) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2025 (Public Law 118–159; 10 U.S.C. note prec.
25 4651), as added by subsection (a) of this section.

1 (c) PROHIBITION ON USE BY DEPARTMENT OF DE-
2 FENSE PERSONNEL; IMPLEMENTING REGULATIONS.—

3 (1) PROHIBITION ON GOVERNMENT-FURNISHED
4 DEVICES.—No member of the Armed Forces or civil-
5 ian employee of the Department of Defense may
6 knowingly install, access, or use, on any government-
7 furnished device, system, or network, any product or
8 service that is identified on the list maintained
9 under paragraph (5).

10 (2) DISCLOSURE OF PERSONAL USE.—

11 (A) IN GENERAL.—Each member of the
12 Armed Forces and each civilian employee of the
13 Department of Defense shall disclose to the De-
14 partment, in accordance with regulations pre-
15 scribed under paragraph (4), any personal use
16 by such member or employee of a product or
17 service identified on the list maintained under
18 paragraph (5), including the identity of the
19 product or service, the dates of such use, the
20 categories of covered personnel data accessed,
21 generated, or transmitted, and any device on
22 which such use occurred.

23 (B) APPLICABILITY.—The disclosure re-
24 quirement under this paragraph shall apply to
25 use occurring on or after the date that is 30

1 days after notice of the addition of such prod-
2 uct or service to the list is made available under
3 paragraph (5), and to use occurring before such
4 date if such use is ongoing as of such date.

5 (3) LIMITATION ON USE OF DISCLOSED INFOR-
6 MATION.—Information disclosed under paragraph
7 (2) may be used by the Department of Defense for
8 counterintelligence, operational security, force pro-
9 tection, and personnel security purposes, and may
10 not be used as the sole basis for an adverse action
11 against a member of the Armed Forces or civilian
12 employee with respect to use that occurred before
13 notice of the addition of the product or service to the
14 list maintained under paragraph (5) was made avail-
15 able, provided that the member or employee makes
16 a timely and complete disclosure.

17 (4) IMPLEMENTING REGULATIONS.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date of the enactment of this
20 Act, the Secretary of Defense shall prescribe
21 regulations to implement this subsection, in-
22 cluding—

23 (i) the form, manner, and timing of
24 disclosures required under paragraph (2);

1 (ii) a process for amnesty disclosures
2 of ongoing personal use consistent with
3 paragraph (3); and

4 (iii) the consequences of violations of
5 this subsection.

6 (B) APPLICABILITY TO UNIFORM CODE OF
7 MILITARY JUSTICE.—The regulations prescribed
8 under this paragraph shall constitute a lawful
9 general order or regulation for purposes of sec-
10 tion 892 of title 10, United States Code (article
11 92 of the Uniform Code of Military Justice).

12 (5) INTERNAL LIST OF PROHIBITED PRODUCTS
13 AND SERVICES.—

14 (A) IN GENERAL.—The Secretary of De-
15 fense shall establish, maintain, and make avail-
16 able to all members of the Armed Forces and
17 civilian employees of the Department of De-
18 fense, on an unclassified basis through Depart-
19 ment of Defense networks, a list of products
20 and services that the Secretary has determined
21 meet the criteria described in 164(a)(3) of the
22 National Defense Authorization Act for Fiscal
23 Year 2025 (Public Law 118–159; 10 U.S.C.
24 note prec. 4651), as added by subsection (a) of
25 this section.

1 (B) UPDATES OF LIST.—The Secretary
2 shall update the list not less frequently than
3 quarterly, and shall ensure that members and
4 employees subject to this subsection receive no-
5 tice of additions to the list through a means
6 reasonably calculated to provide actual notice.

7 (C) APPLICABILITY.—A product or service
8 shall not be subject to the prohibition under
9 paragraph (1) or the disclosure requirement
10 under paragraph (2) until 30 days after the
11 date on which notice of its addition to the list
12 is made available under this paragraph.

13 (6) ADMINISTRATIVE ENFORCEMENT.—A know-
14 ing violation of this subsection by a member of the
15 Armed Forces or a civilian employee of the Depart-
16 ment of Defense shall be subject to applicable ad-
17 ministrative, disciplinary, and, where appropriate,
18 criminal authorities, including, in the case of a mem-
19 ber of the Armed Forces, prosecution under chapter
20 47 of title 10, United States Code (the Uniform
21 Code of Military Justice), and, in the case of a civil-
22 ian employee, the adverse-action procedures of chap-
23 ter 75 of title 5, United States Code.

24 (7) RULE OF CONSTRUCTION.—Nothing in this
25 section limits the authority of the Secretary of De-

1 fense or the Secretary of a military department to
2 impose additional administrative or disciplinary
3 measures for violations of subsection (c) that are
4 otherwise authorized by law.

