

AMENDMENT TO RULES COMM. PRINT 119-8
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the end of subtitle B of title XVII, add the following:

1 SEC. 17__ . IMPOSITION OF SANCTIONS WITH RESPECT TO
2 ECONOMIC OR INDUSTRIAL ESPIONAGE BY
3 FOREIGN TELECOMMUNICATIONS COMPA-
4 NIES.

5 (a) IN GENERAL.—On and after the date that is 90
6 days after the date of the enactment of this Act, the Presi-
7 dent may exercise all of the powers granted to the Presi-
8 dent under the International Emergency Economic Powers
9 Act (50 U.S.C. 1701 et seq.) to the extent necessary to
10 block and prohibit all significant transactions in property
11 and interests in property of a foreign person described in
12 subsection (b) if such property and interests in property
13 are in the United States, come within the United States,
14 or are or come within the possession or control of a United
15 States person.

16 (b) FOREIGN PERSONS DESCRIBED.—A foreign per-
17 son is described in this subsection if the President deter-
18 mines that the person, on or after the date of the enact-
19 ment of this Act—

1 (1) produces fifth or future generation tele-
2 communications technology; and

3 (2) conducts business relating to such tele-
4 communications technology in a manner contrary to
5 the United States' national security interests.

6 (c) EXCEPTIONS.—

7 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
8 TIES.—Sanctions under this section shall not apply
9 to any activity subject to the reporting requirements
10 under title V of the National Security Act of 1947
11 (50 U.S.C. 3091 et seq.) or any authorized intel-
12 ligence activities of the United States.

13 (2) EXCEPTION RELATING TO THE PROVISION
14 OF HUMANITARIAN ASSISTANCE.—Sanctions under
15 this section may not be imposed with respect to
16 transactions or the facilitation of transactions for—

17 (A) the sale of agricultural commodities,
18 food, medicine, or medical devices;

19 (B) the provision of humanitarian assist-
20 ance;

21 (C) financial transactions relating to hu-
22 manitarian assistance; or

23 (D) transporting goods or services that are
24 necessary to carry out operations relating to
25 humanitarian assistance.

1 (d) WAIVER.—The President may waive the applica-
2 tion of sanctions under this section with respect to a for-
3 eign person for renewable periods of not more than 90
4 days each if the President determines and reports to Con-
5 gress that such a waiver is vital to the national security
6 interests of the United States.

7 (e) IMPLEMENTATION; PENALTIES.—

8 (1) IMPLEMENTATION.—The President may ex-
9 ercise the authorities provided to the President
10 under sections 203 and 205 of the International
11 Emergency Economic Powers Act (50 U.S.C. 1702
12 and 1704) to the extent necessary to carry out this
13 section.

14 (2) PENALTIES.—A person that violates, at-
15 tempts to violate, conspires to violate, or causes a
16 violation of subsection (a) or any regulation, license,
17 or order issued to carry out that subsection shall be
18 subject to the penalties set forth in subsections (b)
19 and (c) of section 206 of the International Emer-
20 gency Economic Powers Act (50 U.S.C. 1705) to the
21 same extent as a person that commits an unlawful
22 act described in subsection (a) of that section.

23 (f) DEFINITIONS.—

24 (1) IN GENERAL.—In this section:

1 (A) FIFTH OR FUTURE GENERATION
2 TELECOMMUNICATIONS TECHNOLOGY.—The
3 term “fifth or future generation telecommuni-
4 cations technology” means telecommunications
5 technology that conforms to the technical stand-
6 ards followed by the telecommunications indus-
7 try for telecommunications technology that is
8 commonly known in the industry as fifth gen-
9 eration or future generation technology.

10 (B) FOREIGN PERSON.—The term “foreign
11 person” means any person that is not a United
12 States person.

13 (C) KNOWINGLY.—The term “knowingly”,
14 with respect to conduct, a circumstance, or a
15 result, means that a person has actual knowl-
16 edge, or should have known, of the conduct, the
17 circumstance, or the result.

18 (D) PERSON.—The term “person” means
19 an individual or entity.

20 (E) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (i) a United States citizen or an alien
23 lawfully admitted for permanent residence
24 to the United States; or

1 (ii) an entity organized under the laws
2 of the United States or any jurisdiction
3 within the United States, including a for-
4 eign branch of such an entity.

5 (F) UNTRUSTED TELECOMMUNICATIONS
6 VENDOR.—The term “untrusted telecommuni-
7 cations vendor” has the meaning given to the
8 term “covered communications equipment or
9 service” in section 9 of the Secure and Trusted
10 Communications Network Act of 2019 (47
11 U.S.C. 1608).

12 (2) DETERMINATION OF SIGNIFICANCE.—For
13 the purposes of this section, in determining if trans-
14 actions are significant, the President may consider
15 the totality of the facts and circumstances, including
16 factors similar to the factors set forth in section
17 561.404 of title 31, Code of Federal Regulations (or
18 any corresponding similar regulation or ruling).

19 (3) RULE OF CONSTRUCTION.—For purposes of
20 this section, a transaction shall not be construed to
21 include—

22 (A) participation in an international stand-
23 ards-setting body or the activities of such a
24 body; or

1 (B) a transaction involving existing third
2 or fourth generation telecommunications net-
3 works.

4 (g) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

6 (1) IN GENERAL.—The authorities and require-
7 ments authorized under this section shall not include
8 the authority or requirement to impose sanctions on
9 the importation of goods.

10 (2) GOOD DEFINED.—In this subsection, the
11 term “good” means any article, natural or man-
12 made substance, material, supply or manufactured
13 product, including inspection and test equipment,
14 and excluding technical data.

