AMENDMENT TO DIVISION A OF RULES

COMMITTEE PRINT 116–60

OFFERED BY MR. MALINOWSKI OF NEW JERSEY

At the end of division A (before the short title) insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” may be used to require, pay, or otherwise induce or coerce (as used in section 2635.702 of title 5, Code of Federal Regulations) private sector (as defined in Department of Defense Instruction 8000.01) private manufacturers (as used in Department of Defense Instruction 8500.2) of software and hardware (as defined in Department of Defense Instruction 8510.01, effective May 24, 2016) for consumers (as defined in section 106(1) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(1))) to—

(1) intentionally add security vulnerabilities, as such term is defined in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)) to their items or services;
(2) not add any security function, mechanism, service, or solution, as such term is used in Department of Defense Directive 8500.01E (effective April 23, 2007) to their items or services; or

(3) not add encryption end-to-end, as such term is used in Department of Defense Instruction 8420.01 to their items or services.