

AMENDMENT TO RULES COMMITTEE PRINT 119-8
OFFERED BY MR. PFLUGER OF TEXAS

At the end of subtitle B of title VIII, insert the following new section:

1 **SEC. 8____. PROHIBITION ON SALE OF INFORMATION TECH-**
2 **NOLOGY DEVICES FROM FOREIGN ADVER-**
3 **SARY CONTROLLED COMPANIES.**

4 (a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the heads of the relevant Federal agencies, shall conduct an assessment of the covered information technology devices that are used on telecommunications networks of the Department of Defense or sold at any commissary store or military exchange.

(2) CONTENTS.—The assessment required under paragraph (1) shall include the following:

(A) The number of covered information technology devices used on telecommunication networks of the Department of Defense.

(B) The number of covered information technology devices sold at commissary stores

1 and military exchanges during the period begin-
2 ning on January 1, 2020, and ending on the
3 date of the enactment of this Act.

4 (C) An assessment of the costs associated
5 with removing covered information technology
6 devices from telecommunication networks of the
7 Department and preventing the use of covered
8 information technology devices on such tele-
9 communication networks.

10 (D) An assessment of the cybersecurity
11 risks associated with the use of covered infor-
12 mation technology devices on telecommunication
13 networks of the Department.

14 (3) BRIEFINGS.—Not later than 30 days after
15 completing the assessment required by paragraph
16 (1), the Secretary of Defense shall provide to the
17 congressional defense committees a briefing on a
18 strategy of the Department of Defense to remove
19 covered information technology devices from the tele-
20 communications networks of the Department and to
21 stop the sale of covered information technology de-
22 vices at commissary stores and military exchanges,
23 including—

24 (A) a timeline and plan for such removal;

1 (B) an explanation of the measures that
2 will be taken to mitigate cybersecurity risks
3 during such removal; and

4 (C) a strategy to mitigate the cybersecurity
5 risks posed by the devices replacing covered in-
6 formation technology devices on telecommuni-
7 cations networks of the Department.

8 (4) PROHIBITION ON USE OF COVERED INFOR-
9 MATION TECHNOLOGY DEVICES.—Beginning 30 days
10 after the Secretary of Defense provides the briefing
11 under paragraph (3), the Department of Defense
12 may not enter into any contract or other agreement
13 for the acquisition of any covered information tech-
14 nology devices for use on telecommunication net-
15 works of the Department.

16 (5) DEFINITIONS.—In this subsection:

17 (A) The term “covered information tech-
18 nology device” means a telecommunications
19 router, modem, or switch that is—

20 (i) a commercial product (as defined
21 under section 103 of title 41, United
22 States Code); and

23 (ii) sold, produced, or manufactured
24 by a foreign adversary controlled company.

1 (B) The term “foreign adversary” has the
2 meaning given such term under section 1607(c)
3 of title 41, United States Code, except that
4 such term also includes—

5 (i) a covered nation (as defined in sec-
6 tion 4872 of title 19, United States Code);
7 and

8 (ii) an individual or entity designated
9 as a foreign adversary under section 791.4
10 of title 15, Code of Federal Regulations.

11 (C) The term “foreign adversary controlled
12 company” means—

13 (i) an entity that is domiciled in, is
14 headquartered in, has its principal place of
15 business in, or is organized under the laws
16 of a country that is a foreign adversary;

17 (ii) a person who is domiciled in a
18 country that is a foreign adversary;

19 (iii) an entity that is not less than 20
20 percent owned, directly or indirectly, by
21 one or more entities described in clause (i)
22 or one or more persons described in clause
23 (ii), or any combination thereof; or

24 (iv) an entity subject to the direction
25 or control of an entity described in clause

1 (i) or (iii) or a person described in clause
2 (ii).

3 (b) PROHIBITION ON SALE OF COVERED INFORMA-
4 TION TECHNOLOGY DEVICES.—

5 (1) IN GENERAL.—Subchapter III of chapter
6 147 of title 10, United States Code, is amended by
7 adding at the end the following new section:

8 **“§ 2497. Sale of certain information technology de-**
9 **vices prohibited**

10 “(a) PROHIBITION.—The Secretary of Defense may
11 not knowingly permit the sale, at a commissary store or
12 military exchange of any covered information technology
13 device.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘covered information technology
16 device’ means a telecommunications router, modem,
17 or switch that is—

18 “(A) a commercial product (as defined
19 under section 103 of title 41); and

20 “(B) sold, produced, or manufactured by a
21 foreign adversary controlled company.

22 “(2) The term ‘foreign adversary’ has the
23 meaning given such term under section 1607(c) of
24 title 41, except that such term also includes—

1 “(A) a covered nation (as defined in sec-
2 tion 4872 of this title); and

3 “(B) an individual or entity designated as
4 a foreign adversary under section 791.4 of title
5 15, Code of Federal Regulations.

6 “(3) The term ‘foreign adversary controlled
7 company’ means—

8 “(A) an entity that is domiciled in, is
9 headquartered in, has its principal place of
10 business in, or is organized under the laws of
11 a country that is a foreign adversary;

12 “(B) a person who is domiciled in a coun-
13 try that is a foreign adversary;

14 “(C) an entity that is not less than 20 per-
15 cent owned, directly or indirectly, by one or
16 more entities described in subparagraph (A) or
17 one or more persons described in subparagraph
18 (B), or any combination thereof; or

19 “(D) an entity subject to the direction or
20 control of an entity described in subparagraph
21 (A) or (C) or a person described in subpara-
22 graph (B).”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions for subchapter III of chapter 147 of title 10,

1 United States Code, is amended by adding at the
2 end the following new item:

“2497. Sale of certain information technology devices prohibited.”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on the date that
5 is 30 days after the Secretary of Defense provides
6 the briefing required under subsection (a)(3).

