

**AMENDMENT TO COMMITTEE PRINT 117-13**  
**OFFERED BY MR. AUSTIN SCOTT OF GEORGIA**

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

1 **SEC. 8 \_\_ . EXTENSION AND REVISIONS TO NEVER CON-**  
2 **TRACT WITH THE ENEMY PROGRAM.**

3 (a) IN GENERAL.—Section 841 of the Carl Levin and  
4 Howard P. “Buck” McKeon National Defense Authoriza-  
5 tion Act for Fiscal Year 2015 (10 U.S.C. 2302 note) is  
6 amended—

7 (1) in the heading, by striking “**PROHIBITION**  
8 **ON PROVIDING FUNDS TO THE ENEMY**” and in-  
9 sserting “**THREAT MITIGATION IN COMMERCIAL**  
10 **SUPPORT TO OPERATIONS**”;

11 (2) in subsection (a)—

12 (A) in the heading, by striking “**IDENTI-**  
13 **FICATION OF PERSONS AND ENTITIES**” and in-  
14 sserting “**PROGRAM**”;

15 (B) in the matter preceding paragraph (1),  
16 by striking “establish in each covered combat-  
17 ant command a program to identify persons  
18 and entities within the area of responsibility of  
19 such command that—” and inserting the fol-

1           lowing: “establish a program to mitigate threats  
2           posed by vendors supporting operations. The  
3           program shall use available intelligence, secu-  
4           rity, and law enforcement information to iden-  
5           tify persons and entities that—”;

6           (C) in paragraph (1), by striking “; or”  
7           and inserting a semicolon;

8           (D) in paragraph (2), by striking the pe-  
9           riod at the end and inserting a semicolon; and

10          (E) by adding at the end the following new  
11          paragraphs:

12          “(3) directly or indirectly support a covered  
13          person or entity or otherwise pose a force protection  
14          risk to personnel of the United States or coalition  
15          forces; or

16          “(4) pose an unacceptable national security  
17          risk.”;

18          (3) by striking subsection (g);

19          (4) by redesignating subsections (h) and (i) as  
20          subsections (g) and (h), respectively;

21          (5) in subsection (g)(1), as so redesignated, by  
22          striking “may be providing” and all that follows  
23          through “or entity” and inserting “have been identi-  
24          fied under the program established under subsection  
25          (a)”;

1           (6) by amending subsection (h), as so redesignated,  
2           nated, to read as follows:

3                   “(h) WAIVER.—The Secretary of De-  
4                   fense or the Secretary of State, with the  
5                   concurrence of the other Secretary, in con-  
6                   sultation with the Director of National In-  
7                   telligence, may waive any requirement of  
8                   this section upon determining that to do so  
9                   is in the national interest of the United  
10                  States.”;

11           (7) by striking subsection (j);

12           (8) by redesignating subsections (k) and (l) as  
13           subsections (i) and (j), respectively;

14           (9) in subsection (j), as so redesignated, by  
15           striking “Except as provided in subsection (m), the”  
16           and inserting “The”;

17           (10) by striking subsection (m); and

18           (11) by striking subsection (n).

19           (b) AUTHORITIES TO TERMINATE, VOID, AND RE-  
20           STRICT.—Section 841(c) of such Act is further amended—

21           (1) in paragraph (1)—

22                   (A) by inserting “to a person or entity”  
23                   after “concerned”; and

24                   (B) by striking “the contract” and all that  
25                   follows and inserting “the person or entity has

1           been identified under the program established  
2           under subsection (a).”;

3           (2) in paragraph (2), by striking “has failed”  
4           and all that follows and inserting “has been identi-  
5           fied under the program established under subsection  
6           (a).”; and

7           (3) in paragraph (3), by striking “the contract”  
8           and all that follows and inserting “the contractor, or  
9           the recipient of the grant or cooperative agreement,  
10          has been identified under the program established  
11          under subsection (a).”.

12          (c) CONTRACT CLAUSE.—Section 841(d)(2)(B) of  
13          such Act is amended by inserting after “subsection (c)”  
14          the following: “and restrict future award to any con-  
15          tractor, or recipient of a grant or cooperative agreement,  
16          that has been identified under the program established  
17          under subsection (a)”.

18          (d) DISCLOSURE OF INFORMATION EXCEPTION.—  
19          Section 841(e) of such Act is amended by adding at the  
20          end the following new paragraph:

21                 “(3) To provide that full disclosure of informa-  
22                 tion to the contractor or recipient of a grant or co-  
23                 operative agreement justifying an action taken under  
24                 subsection (c) need not be provided when such dis-  
25                 closure would compromise national security or would

1       pose an unacceptable threat to the personnel of the  
2       United States or coalition forces.”.

3       (e) PARTICIPATION OF SECRETARY OF STATE.—Sec-  
4       tion 841 of such Act (10 U.S.C. 2302 note) is further  
5       amended—

6             (1) in subsection (a) in the matter preceding  
7       paragraph (1), by striking “in consultation with”;  
8       and

9             (2) in subsection (f)(1), by striking “in con-  
10       sultation with”.

11       (f) ADDITIONAL ACCESS TO RECORDS.—Section 842  
12       of such Act (10 U.S.C. 2302 note) is amended—

13             (1) in subsection (a), by striking paragraph (4);

14             (2) by striking subsection (b);

15             (3) by striking subsection (c);

16             (4) by redesignating paragraphs (1) through  
17       (3) of subsection (a) as subsections (a) through (c),  
18       respectively;

19             (5) by striking “(a) CONTRACTS, GRANTS, AND  
20       COOPERATIVE AGREEMENTS.—”;

21             (6) in subsection (a), as so redesignated, by  
22       striking “, except as provided under subsection  
23       (c)(1), the clause described in paragraph (2)” and  
24       inserting “the clause described in subsection (b)”;

25             (7) in subsection (b), as so redesignated—

1 (A) by striking “paragraph (3)” and in-  
2 serting “subsection (e)”; and

3 (B) by striking “ensure that funds” and  
4 all that follows and inserting “support the pro-  
5 gram established under section 841(a).”; and  
6 (8) in subsection (c), as so redesignated—

7 (A) by striking “paragraph (2)” and in-  
8 serting “subsection (b)”; and

9 (B) by striking “that funds” and all that  
10 follows and inserting “that the examination of  
11 such records will support the program estab-  
12 lished under section 841(a).”.

13 (g) INCLUSION OF ALL CONTRACTS.—Sections 841  
14 and 842 of such Act (10 U.S.C. 2302 note) are further  
15 amended by striking “covered contract” each place it ap-  
16 pears and inserting “contract”.

17 (h) INCLUSION OF ALL COMBATANT COMMANDS.—  
18 Sections 841 and 842 of such Act (10 U.S.C. 2302 note)  
19 are further amended by striking “covered combatant com-  
20 mand” each place it appears and inserting “combatant  
21 command”.

22 (i) DELEGATION AUTHORITY OF COMBATANT COM-  
23 MANDER.—Sections 841 and 842 of such Act (10 U.S.C.  
24 2302 note) are further amended by striking “specified  
25 deputies” each place it appears and inserting “designee”.

1 (j) DEFINITION REVISIONS.—Section 843 of such  
2 Act (10 U.S.C. 2302 note) is amended—

3 (1) by striking paragraphs (2), (3), (4), and  
4 (5);

5 (2) by redesignating paragraphs (6), (7), (8),  
6 and (9) as paragraphs (2), (3), (4), and (5), respec-  
7 tively; and

8 (3) by amending paragraph (2), as so redesign-  
9 ated, to read as follows:

10 “(2) COVERED PERSON OR ENTITY.—The term  
11 ‘covered person or entity’ means a person that is—

12 “(A) engaging in acts of violence against  
13 personnel of the United States or coalition  
14 forces;

15 “(B) providing financing, logistics, train-  
16 ing, or intelligence to a person described in sub-  
17 paragraph (A);

18 “(C) engaging in foreign intelligence activi-  
19 ties against the United States or against coali-  
20 tion forces;

21 “(D) engaging in transnational organized  
22 crime or criminal activities; or

23 “(E) engaging in other activities that  
24 present a direct or indirect risk to the national

1 security of the United States or coalition  
2 forces.”.

