

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**33**

**OFFERED BY MR. AUSTIN SCOTT OF GEORGIA**

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

1 **SEC. 17\_\_ . CRIMINAL PENALTIES FOR PROVIDING MATE-**  
2 **RIAL SUPPORT TO A COVERED FOREIGN**  
3 **COUNTRY.**

4 (a) **IN GENERAL.**—Chapter 37 of title 18, United  
5 States Code, is amended by inserting before section 792  
6 the following new section:

7 **“§ 791. Providing material support or resources to a**  
8 **covered foreign country**

9 **“(a) OFFENSE.—**

10 **“(1) IN GENERAL.—**Except as provided in para-  
11 graph (2), it shall be unlawful for any of the fol-  
12 lowing persons to provide material support or re-  
13 sources (as defined in section 2339A(b) of this title)  
14 to a covered foreign country with intent or reason to  
15 believe that the material support or resources will be  
16 used to the injury of the United States or to the ad-  
17 vantage of a covered foreign country:

1           “(A) Any person who has or once had eli-  
2           gibility or access to classified United States  
3           Government information.

4           “(B) Any person who is a current or  
5           former member of the armed forces of the  
6           United States who served on active duty.

7           “(C) Any person who is a current or  
8           former civilian employee of the Department of  
9           Defense.

10          “(D) Any person who is employed or for-  
11          merly employed by an entity that held a con-  
12          tract or subcontract with the Department of  
13          Defense during the person’s employment.

14          “(E) Any person who is a current or  
15          former member of foreign armed force or group  
16          (as defined in section 2442 of this title), or ci-  
17          vilian who is or was affiliated with such force  
18          or group, who received formal or informal mili-  
19          tary training provided or authorized by the  
20          United States Government.

21          “(F) Any person who signed a non-disclo-  
22          sure agreement as a condition to access classi-  
23          fied information, or other information related to  
24          national defense (including as described in sec-  
25          tions 793(a) or 794(a) of this title).

1           “(G) Any person who aids or abets any  
2           person over whom jurisdiction exists under this  
3           paragraph in committing an offense under sub-  
4           section (a) or conspires with any person over  
5           whom jurisdiction exists under this paragraph  
6           to commit an offense under subsection (a).

7           “(2) EXCLUSION FOR PERSONS ACTING ON BE-  
8           HALF OF UNITED STATES.—Paragraph (1) does not  
9           apply to a person acting on behalf of, or at the di-  
10          rection of, the United States Government.

11          “(b) PENALTY.—Any person who violates subsection  
12 (a) shall be fined under this title, imprisoned not more  
13 than 20 years, or both.

14          “(c) EXTRATERRITORIAL JURISDICTION.—There is  
15 extraterritorial Federal jurisdiction over an offense under  
16 this section.

17          “(d) DEFINITIONS.—In this section:

18           “(1) COVERED FOREIGN COUNTRY.—The term  
19           ‘covered foreign country’ means the government of a  
20           country listed in subsection (e). The term includes  
21           any agency, instrumentality, political subdivision  
22           thereof, or any company, entity, or other person the  
23           activities of which are directly or indirectly super-  
24           vised, directed, controlled, financed, or subsidized, in

1 whole or in major part by the covered foreign coun-  
2 try.

3 “(2) ADVANTAGE.—The term ‘advantage’  
4 means any material or non-material benefit that im-  
5 proves the military, economic, intelligence-gathering,  
6 or diplomatic capabilities of a covered foreign coun-  
7 try, or that undermines the national security or for-  
8 eign policy interests of the United States.

9 “(3) CLASSIFIED INFORMATION.—The term  
10 ‘classified information’ means any information or  
11 material that has been determined by the United  
12 States Government pursuant to an Executive order,  
13 statute, or regulation, to require protection against  
14 unauthorized disclosure for reasons of national secu-  
15 rity and any restricted data, as defined in paragraph  
16 of section 11 of the Atomic Energy Act of 1954 (42  
17 U.S.C. 2014(y)).

18 “(e) LIST OF COVERED FOREIGN COUNTRIES.—

19 “(1) The Russian Federation.

20 “(2) The Islamic Republic of Iran.

21 “(3) The Democratic People’s Republic of  
22 Korea.

23 “(4) The People’s Republic of China.

24 “(5) Any other foreign country designated by  
25 the Attorney General for purposes of this section,

1 based upon a finding that such designation is in the  
2 national security interests of the United States, and  
3 for which notice of the designation of such country  
4 by the Attorney General has been published in the  
5 Federal Register.”.

6 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
7 sections at the beginning of chapter 37 of title 18, United  
8 States Code, is amended by inserting before the item relat-  
9 ing to section 792 the following new item:

“791. Providing material support or resources to a covered foreign country”.

