

AMENDMENT NO. _____

Calendar No. _____

Purpose: To prohibit the use of funds made available for rural electrification and telecommunications loans for the purchase of equipment and services posing national security risks.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

H. R. 3055

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SCOTT of Florida to the amendment (No. 948) proposed by Mr. SHELBY

Viz:

- 1 At the appropriate place in title VII of division B,
- 2 insert the following:
- 3 PROHIBITION ON USE OF FUNDS FOR COMMUNICATIONS
- 4 EQUIPMENT AND SERVICES POSING NATIONAL SECUR-
- 5 RITY RISKS
- 6 SEC. 7 _____. (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE NATIONAL SECURITY AGEN-
2 CY.—The term “appropriate national security agen-
3 cy” means—

- 4 (A) the Department of Homeland Security;
5 (B) the Department of Defense;
6 (C) the Office of the Director of National
7 Intelligence;
8 (D) the National Security Agency; and
9 (E) the Federal Bureau of Investigation.

10 (2) CLOUD COMPUTING.—The term “cloud
11 computing” has the meaning given the term in Spe-
12 cial Publication 800–145 of the National Institute of
13 Standards and Technology, entitled “The NIST Def-
14 inition of Cloud Computing”, published September
15 2011, or any successor publication.

16 (3) COMMUNICATIONS NETWORK.—The term
17 “communications network” means—

- 18 (A) a system enabling the transmission,
19 between or among points specified by the user,
20 of information of the choice of the user;
21 (B) cloud computing resources; and
22 (C) a network or system used to access
23 cloud computing resources.

24 (4) COMMUNICATIONS PROVIDER.—

1 (A) IN GENERAL.—The term “communica-
2 tions provider” means any provider of interstate
3 or international communication by wire or
4 radio.

5 (B) INCLUSION.—The term “communica-
6 tions provider” includes a telecommunications
7 carrier, as defined in section 3 of the Commu-
8 nications Act of 1934 (47 U.S.C. 153).

9 (5) COVERED COMPANY.—The term “covered
10 company” means—

11 (A) Huawei Technologies Co., Limited;

12 (B) Zhongxing Telecommunications Equip-
13 ment Corporation;

14 (C) a subsidiary or affiliate of a company
15 described in subparagraph (A) or (B);

16 (D) any communications provider domi-
17 ciled in the People’s Republic of China (or a
18 subsidiary or affiliate of such a company), ex-
19 cluding a communications provider that—

20 (i) is domiciled in the People’s Repub-
21 lic of China; and

22 (ii) is a subsidiary of a company that
23 is not domiciled in the People’s Republic of
24 China; and

1 (E) any entity posing a national security
2 risk, as determined by the Secretary in accord-
3 ance with subsection (d).

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (b) PROHIBITION.—Except as provided in subsection
7 (c), none of the funds made available under the heading
8 “RURAL ELECTRIFICATION AND TELECOMMUNICATIONS—
9 LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF
10 FUNDS)” under the heading “RURAL UTILITIES SERVICE”
11 under the heading “RURAL DEVELOPMENT PRO-
12 GRAMS” in title III may be used to purchase communica-
13 tions equipment and services from—

14 (1) a covered company; or

15 (2) any other company that is subject to
16 extrajudicial direction from a foreign government.

17 (c) EXEMPTIONS.—The Secretary may exempt types
18 or categories of equipment, services, or components of
19 equipment or services that do not pose an undue risk of
20 sabotage to or subversion of the design, integrity, manu-
21 facturing, production, distribution, installation, operation,
22 or maintenance of communications networks in the United
23 States.

24 (d) ENTITIES POSING A NATIONAL SECURITY
25 RISK.—In determining the entities posing a national secu-

1 rity risk under subsection (a)(5)(E), the Secretary shall
2 rely solely on a determination made—

3 (1) by—

4 (A) an appropriate national security agen-
5 cy;

6 (B) an interagency body that includes ap-
7 propriate national security expertise, including
8 the Federal Acquisition Security Council estab-
9 lished under section 1322 of title 41, United
10 States Code; or

11 (C) Congress; or

12 (2) under Executive Order 13873 (84 Fed. Reg.
13 22689; relating to securing the information and
14 communications technology and services supply
15 chain), including any implementing regulations for
16 that Executive Order.

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8-0479

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