

AMENDMENT TO H.R. 6395
OFFERED BY MRS. HARTZLER OF MISSOURI

At the appropriate place in title VIII, add the following new section:

1 **SEC. 8 ____ . SENSE OF CONGRESS ON THE PROHIBITION ON**
2 **CERTAIN TELECOMMUNICATIONS AND VIDEO**
3 **SURVEILLANCE SERVICES OR EQUIPMENT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Prohibiting the use of telecommunications
6 and video surveillance products or services from cer-
7 tain Chinese entities within the Federal Govern-
8 ment’s supply chain is essential to our national secu-
9 rity.

10 (2) Section 889 of the John S. McCain Na-
11 tional Defense Authorization Act for Fiscal Year
12 2019 (Public Law 115–232; 132 Stat. 1917; 41
13 U.S.C. note prec. 3901) restricts Federal agencies
14 from procuring, contracting with entities that use, or
15 funding the purchase of certain telecommunications
16 products of Chinese companies determined by Con-
17 gress to pose a substantial threat to the security of
18 our communication infrastructure.

1 (3) Specifically, section 889(a)(1)(B) of such
2 Act, effective August 13, 2020, will prohibit Federal
3 agencies from entering into, extending, or renewing
4 a contract with an entity that uses covered tele-
5 communications and video surveillance equipment or
6 services from designated Chinese companies, includ-
7 ing Huawei and ZTE, in their supply chains.

8 (4) As of July 1, 2020, the Federal Acquisition
9 Regulatory Council has yet to release a draft rule
10 for public comment on the implementation of the
11 prohibitions described in section 889(a)(1)(B) of
12 such Act, leaving Federal agencies and contractors
13 that provide equipment and services to the Federal
14 Government without implementation guidance nec-
15 essary to adequately plan for or comply with the
16 prohibitions.

17 (5) Belated, and then hurried, implementation
18 of this critical prohibition puts at risk the Federal
19 Government's ability to acquire essential goods and
20 services and increases vulnerability in the supply
21 chain through inconsistent implementation.

22 (6) A senior Department of Defense leader tes-
23 tified on June 10, 2020, that, "I am very concerned
24 about being able to implement [the prohibition] in

1 August, as well as totally comply within two years
2 . . . I believe we need more time”.

3 (7) Subsequent to the enactment of the John S.
4 McCain National Defense Authorization Act for Fis-
5 cal Year 2019 (Public Law 115–232), Congress es-
6 tablished the Federal Acquisition Security Council
7 (FASC)—comprised of senior officials from the Of-
8 fice of Management and Budget, General Services
9 Administration, Department of Defense, Department
10 of Homeland Security and the intelligence commu-
11 nity—to streamline the Federal Government’s sup-
12 ply chain risk management efforts and develop cri-
13 teria and processes for supply chain information
14 sharing among executive agencies.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) successful implementation of the prohibition
18 on using or procuring certain telecommunications
19 and video surveillance equipment under section 889
20 of the John S. McCain National Defense Authoriza-
21 tion Act for Fiscal Year 2019 (Public Law 115–232;
22 132 Stat. 1917; 41 U.S.C. note prec. 3901) is crit-
23 ical to protecting the supply chain of the Federal
24 Government, and Federal agencies should draw upon
25 the expert resources available (such as the Federal

1 Acquisition Security Council established under sub-
2 chapter III of chapter 13 of title 41, United States
3 Code) to ensure implementation of such prohibition
4 is done in a comprehensive and deliberative manner;
5 and

6 (2) the Federal Acquisition Regulatory Council
7 shall ensure successful implementation of such pro-
8 hibition by providing sufficient time for public com-
9 ment and review of any related rulemaking.

