

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the prohibition on contracting with entities that use certain telecommunications and video surveillance services or equipment.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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. JOHNSON

Viz:

1 At the end of subtitle G of title VIII, add the fol-
2 lowing:

3 **SEC. 894. CLARIFICATION OF PROHIBITION ON CON-**
4 **TRACTING WITH ENTITIES THAT USE CER-**
5 **TAIN TELECOMMUNICATIONS AND VIDEO**
6 **SURVEILLANCE SERVICES OR EQUIPMENT.**

7 Section 889 of the John S. McCain National Defense
8 Authorization Act for Fiscal Year 2019 (41 U.S.C. 3901
9 note prec.; Public Law 115–232) is amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(3) DEFINITION.—For purposes of this sub-
4 section:

5 “(A) IN FULFILLMENT OF THE CON-
6 TRACT.—Equipment, systems, or services are
7 used ‘in fulfillment of the contract’ if the con-
8 tract requires—

9 “(i) their use; or

10 “(ii) to a significant extent, their use
11 in the performance of a service or the fur-
12 nishing of a product.

13 “(B) SYSTEM.—The term ‘system’ means
14 a system used in fulfillment of the contract.

15 “(C) USE.—The term ‘use’ means use that
16 is in fulfillment of the contract.”;

17 (2) in subsection (c), by striking “two years”
18 and inserting “three years”; and

19 (3) in subsection (d)(1)—

20 (A) in the matter preceding subparagraph

21 (A)—

22 (i) by inserting after “The waiver may
23 be provided” the following: “as a class
24 waiver”; and

1 (ii) by striking “two” and inserting
2 “four”; and
3 (B) in subparagraph (A), by striking “;
4 and” and inserting the following: “, and a jus-
5 tification for the possible risk to the executive
6 agency’s desired security capabilities that uses
7 the Risk Management Framework in the Na-
8 tional Institute of Standards and Technology
9 Special Publication 800-37, Revision 2, titled
10 ‘Risk Management Framework for Information
11 Systems and Organizations: A System Life
12 Cycle Approach for Security and Privacy’, pub-
13 lished in December 2018; or”.