

(3) an identification of the purpose of the sale, licensing, or transfer of covered individually identifiable Department employee data that is the subject of the waiver request.

(d) DEFINITIONS.—In this section:

(1) The term “covered individually identifiable Department employee data” means individually identifiable Department employee data obtained by a contractor or subcontractor described in subsection (a).

(2) The term “individually identifiable Department employee data” means information related to an employee of the Department of Defense, including a member of the Armed Forces, that—

(A) identifies such employee; or

(B) which may be used to infer, by either direct or indirect means, the identity of such an employee to whom the information applies.

(Added Pub. L. 118–31, div. A, title VIII, §803, Dec. 22, 2023, 137 Stat. 312; amended Pub. L. 118–159, div. A, title VIII, §836, Dec. 23, 2024, 138 Stat. 1987.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

##### AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159, §836(1), struck out “and that would be permissible pursuant to statute or guidance from the Director of the Office of Management and Budget” after “or a subcontract under such contract” and inserted at end “This provision does not apply in circumstances where the transfer of such data would otherwise be authorized by law.”

Subsec. (b). Pub. L. 118–159, §836(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary of Defense may waive the requirements of subsection (a) with respect to a sale, licensing, or other transfer of covered individually identifiable Department employee data if the Secretary determines that such waiver is appropriate.”

Subsecs. (c), (d). Pub. L. 118–159, §836(3), (5), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d)(1). Pub. L. 118–159, §836(4), amended par. (1) generally. Prior to amendment, par. (1) defined covered individually identifiable Department employee data.

#### § 4663. Prohibition on contracting with covered entities that contract with lobbyists for Chinese military companies

(a) PROHIBITION ON ENTERING INTO CONTRACTS WITH COVERED ENTITIES.—Except as provided in subsection (c), the Secretary of Defense may not enter into a contract with an entity, a parent company of such entity, or a subsidiary of such entity is<sup>1</sup> a party to a contract with a covered lobbyist.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply with respect to an entity that made reasonable inquiries regarding the lobbying activities of another entity and determined such entity was not a covered lobbyist.

(c) WAIVER.—Upon notification to Congress, the Secretary of Defense may waive the requirements of this section.

<sup>1</sup> So in original.

(d) DEFINITIONS.—In this section:

(1) The term “covered lobbyist” means an entity that engages in lobbying activities for any entity determined to be a Chinese military company listed in accordance with section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note).

(2) The term “lobbying activities” has the meaning given in section 1045(c) of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 971 note prec.).

(Added Pub. L. 118–159, div. A, title VIII, §851(a), Dec. 23, 2024, 138 Stat. 1995.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (d)(1), is section 1260H of Pub. L. 116–283, which is set out as a note under section 113 of this title.

Section 1045(c) of the National Defense Authorization Act for Fiscal Year 2018, referred to in subsec. (d)(2), is section 1045(c) of Pub. L. 115–91, which is set out in a note preceding section 971 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 118–159, div. A, title VIII, §851(b), Dec. 23, 2024, 138 Stat. 1995, provided that: “This section [enacting this section] and the amendments made by this section shall take effect on June 30, 2026.”

#### CHAPTER 365—CONTRACTOR WORKFORCE

Sec. 4701.	Contractor employees: protection from reprisal for disclosure of certain information.
4702.	Incentives and consideration for qualified training programs.
4703.	Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.
4704.	Defense contractors: listing of suitable employment openings with local employment service office.
4705.	Notice of contract cancellation or termination relating to remote or isolated installations.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior chapter 365 “CONTRACTOR WORKFORCE”, consisting of reserved section 4701, was repealed by Pub. L. 116–283, div. A, title XVIII, §1863(a), Jan. 1, 2021, 134 Stat. 4278.

Another prior chapter 365, consisting of sections 3881 to 3889 relating to retirement for age of certain commissioned officers, some of which had previously been repealed, was repealed in its entirety by Pub. L. 96–513, title II, §216, title VII, §701, Dec. 12, 1980, 94 Stat. 2886, 2955, effective Sept. 15, 1981.

##### AMENDMENTS

2024—Pub. L. 118–159, div. A, title VIII, §808, Dec. 23, 2024, 138 Stat. 1977, added item 4705. Amendment was made pursuant to operation of section 102 of this title.

#### Statutory Notes and Related Subsidiaries

##### POLICIES AND PROCEDURES FOR CONTRACTORS TO REPORT GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

Pub. L. 116–92, div. A, title VIII, §888, Dec. 20, 2019, 133 Stat. 1536, provided that: