

AMENDMENT TO RULES COMM. PRINT 119-8
OFFERED BY MR. KEAN OF NEW JERSEY

At the end of subtitle B of title XVII, add the following:

1 SEC. 17__ . STRATEGY TO ELIMINATE THE AVAILABILITY TO
2 FOREIGN ADVERSARIES OF ITEMS REQUIRED
3 FOR SUPPORTING UNDERSEA CABLES.

4 (a) IN GENERAL.—The President, acting through the
5 Secretary of Commerce and in coordination with the Sec-
6 retary of State, shall develop a strategy to eliminate the
7 availability to foreign adversaries of items required for
8 supporting undersea cables consistent with United States
9 policy described in section 1752 of the Export Control Re-
10 form Act of 2018 (50 U.S.C. 4811).

11 (b) MATTERS TO BE INCLUDED.—The strategy re-
12 quired under subsection (a) shall include the following:

13 (1) An identification of items required for sup-
14 porting the construction, maintenance, or operation
15 of an undersea cable project.

16 (2) An identification of United States and mul-
17 tilateral export controls and licensing policies for
18 items identified pursuant to paragraph (1) with re-
19 spect to foreign adversaries.

1 (3) An identification of United States allies and
2 partners that have a share of the global market with
3 respect to the items so identified, including a de-
4 tailed description of the availability of such items
5 without restriction in sufficient quantities and com-
6 parable in quality to those produced in the United
7 States.

8 (4) A description of ongoing negotiations with
9 other countries to achieve unified export controls
10 and licensing policies for items so identified to elimi-
11 nate availability to foreign adversaries.

12 (5) To the extent practicable, an identification
13 of all identified entities under the control, ownership,
14 or influence of a foreign adversary that support the
15 construction, operation, or maintenance of undersea
16 cables.

17 (6) A description of efforts taken to promote
18 United States leadership at international standards-
19 setting bodies for equipment, systems, software, and
20 virtually defined networks relevant to undersea ca-
21 bles, taking into account the different processes fol-
22 lowed by such bodies.

23 (7) A description of the presence and activities
24 of foreign adversaries at international standards-set-
25 ting bodies relevant to undersea cables, including in-

1 formation on the differences in the scope and scale
2 of the engagement of foreign adversaries at such
3 bodies compared to engagement at such bodies by
4 the United States and its allies and partners, and
5 the security risks raised by the proposals of foreign
6 adversaries at such bodies.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act and an-
10 nually thereafter for 3 years, the President shall
11 submit to the appropriate congressional committees
12 a report that contains the strategy required under
13 subsection (a).

14 (2) FORM.—Each report required under this
15 subsection shall—

16 (A) be submitted in unclassified form, but
17 may contain a classified annex; and

18 (B) be made available on a publicly acces-
19 sible Federal Government website.

20 (d) AGREEMENT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this Act, the President
23 shall seek to—

24 (A) establish bilateral or multilateral
25 agreements with allies and partners identified

1 pursuant to subsection (b)(3) to seek to elimi-
2 nate the availability to foreign adversaries of
3 items identified pursuant to subsection (b)(1);
4 and

5 (B) include in such agreements penalty
6 provisions for noncompliance.

7 (2) BRIEFINGS.—The President shall brief the
8 congressional committees specified in subsection
9 (c)(1) on negotiations to establish agreements de-
10 scribed in paragraph (1) beginning not later than 30
11 days after receipt of the report required under sub-
12 section (a) and every 180 days thereafter until each
13 such agreement is established.

14 (e) ACTIONS.—

15 (1) IN GENERAL.—The Secretary of Commerce
16 shall evaluate the export, reexport, and in-country
17 transfer of the items identified pursuant to sub-
18 section (b)(1) for appropriate controls under the Ex-
19 port Administration Regulations, including by evalu-
20 ating, for each item so identified, whether to add the
21 technology to the Commerce Control List maintained
22 under title 15, Code of Federal Regulations.

23 (2) LEVELS OF CONTROL.—

24 (A) IN GENERAL.—In determining the
25 level of control appropriate for items identified

1 pursuant to subsection (b)(1), including re-
2 quirements for a license or other authorization
3 for the export, reexport, or in-country transfer
4 of any such technology, the Secretary of Com-
5 merce (in coordination with the Secretary of
6 Defense, the Secretary of State, and the heads
7 of other Federal agencies, as appropriate) shall
8 take into account the potential end uses and
9 end users of the item.

10 (B) STATEMENT OF POLICY.—At a min-
11 imum, it is the policy of the United States to
12 work with its allies and partners to control the
13 export, reexport, or in-country transfer of tech-
14 nologies identified pursuant to subsection (b)(1)
15 to or in a country subject to an embargo, in-
16 cluding an arms embargo, imposed by the
17 United States.

18 (3) NOTIFICATION.—Not later than 1 year
19 after the date of enactment of this Act, and annually
20 thereafter for 3 years, the President, acting through
21 the Secretary of Commerce, shall submit to the ap-
22 propriate congressional committees an unclassified
23 notification describing the results of actions taken
24 pursuant to this subsection in the preceding period,
25 including a description of—

1 (A) the individual items evaluated for con-
2 trols; and

3 (B) the rationale, including United States
4 national security and foreign policy consider-
5 ations, for adding or not adding an item to the
6 Commerce Control List maintained under title
7 15, Code of Federal Regulations, pursuant to
8 the evaluation under paragraph (1) with respect
9 to such item.

10 (f) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs of
15 the House of Representatives; and

16 (B) the Committee on Banking, Housing,
17 and Urban Affairs of the Senate.

18 (2) FOREIGN ADVERSARY.—The term “foreign
19 adversary” has the meaning given such term in sec-
20 tion 8(c) of the Secure and Trusted Communications
21 Networks Act of 2019 (47 U.S.C. 1607(c)).

22 (3) ITEM.—The term “item” has the meaning
23 given such term in the Export Administration Regu-
24 lations (15 CFR 772.1).

