AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. MALINOWSKI OF NEW JERSEY

At the appropriate place in subtitle G of title XII, insert the following:

SEC. _____ . REPORT AND STUDY ON EXPORTS OF SURVEILLANCE CAPABILITIES.

(a) INITIAL STUDY.—The President shall conduct a study to—

(1) identify and discuss the effectiveness of existing laws, policies, procedures and any other measures relevant to the ability of the United States Government to—

(A) appropriately review applications for licenses for export of surveillance or related capabilities and services prior to approval for any country the government of which is described in the annual human rights report required under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) as responsible for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights, to assess
the risk that such capabilities would be used to facilitate such acts of political repression or gross violations of human rights, and ensure that any such licenses are reviewed upon receipt of credible reports of such acts; and

(B) prevent or deter entities from facilitating political repression or gross violations of human rights by offering contracts or providing surveillance or related capabilities and services to any foreign government listed in the annual human rights report required under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights; and

(2) make recommendations for such legislative, regulatory, policy or other change as may be necessary to ensure that the United States consistently meets the objectives described in subparagraphs (A) and (B) of paragraph (1).

(b) REPORT AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees, the
Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a report on the findings of the study required by subsection (a), and a plan to implement any recommendations to the extent the President may do so under existing law.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter until December 31, 2025, the President shall submit to the congressional defense committees, the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a report that includes, with respect to each country the government of which is listed in the applicable annual human rights report required under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights—

(1) each instance in which a license was issued by the United States during the previous 1-year pe-
period for export of surveillance or related capabilities and services to such country; and

(2) each known instance during such period in which a foreign entity exported surveillance or related capabilities and services to such country.

(d) FORM AND PUBLIC AVAILABILITY OF REPORT.—
The report required by subsection (c) shall be submitted in unclassified form, with a classified annex as appropriate. The unclassified portion of the report shall be posted by the President not later than 14 days after being submitted to Congress in a text-based, searchable format on a publicly available website.

(e) SURVEILLANCE DEFINED.—In this section, the term “surveillance” refers to digital surveillance, cyber-attacks, passive or active monitoring, hacking, digital intrusion, or other intelligence-related programs to infiltrate, exploit, manipulate, or collect data from digital, telecommunications, and computer systems for the purposes of suppressing dissent or intimidating critics of a government or its policies.