

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:

1 **SEC. ____ . REPORT AND STUDY ON EXPORTS OF SURVEIL-**
2 **LANCE CAPABILITIES.**

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

5 (1) identify and discusses the effectiveness of
6 existing laws, policies, procedures and any other
7 measures relevant to the ability of the United States
8 Government to—

9 (A) appropriately review applications for li-
10 censes for export of surveillance or related ca-
11 pabilities and services prior to approval for any
12 country the government of which is described in
13 the annual human rights report required under
14 section 116(d) of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2151n(d)) as responsible for
16 systematic acts of political repression, including
17 arbitrary arrest or detention, torture,
18 extrajudicial or politically motivated killing, or
19 other gross violations of human rights, to assess

1 the risk that such capabilities would be used to
2 facilitate such acts of political repression or
3 gross violations of human rights, and ensure
4 that any such licenses are reviewed upon receipt
5 of credible reports of such acts; and

6 (B) prevent or deter entities from facili-
7 tating political repression or gross violations of
8 human rights by offering contracts or providing
9 surveillance or related capabilities and services
10 to any foreign government listed in the annual
11 human rights report required under section
12 116(d) of the Foreign Assistance Act of 1961
13 (22 U.S.C. 2151n(d)) for systematic acts of po-
14 litical repression, including arbitrary arrest or
15 detention, torture, extrajudicial or politically
16 motivated killing, or other gross violations of
17 human rights; and

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

23 (b) REPORT AND PLAN.—Not later than 180 days
24 after the date of the enactment of this Act, the President
25 shall submit to the congressional defense committees, the

1 Committee on Foreign Affairs and the Permanent Select
2 Committee on Intelligence of the House of Representa-
3 tives, and the Committee on Foreign Relations and the
4 Select Committee on Intelligence of the Senate a report
5 on the findings of the study required by subsection (a),
6 and a plan to implement any recommendations to the ex-
7 tent the President may do so under existing law.

8 (c) ANNUAL REPORT.—Not later than 180 days after
9 the date of the enactment of this Act and annually there-
10 after until December 31, 2025, the President shall submit
11 to the congressional defense committees, the Committee
12 on Foreign Affairs and the Permanent Select Committee
13 on Intelligence of the House of Representatives, and the
14 Committee on Foreign Relations and the Select Com-
15 mittee on Intelligence of the Senate a report that includes,
16 with respect to each country the government of which is
17 listed in the applicable annual human rights report re-
18 quired under section 116(d) of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2151n(d)) for systematic acts of polit-
20 ical repression, including arbitrary arrest or detention,
21 torture, extrajudicial or politically motivated killing, or
22 other gross violations of human rights—

23 (1) each instance in which a license was issued
24 by the United States during the previous 1-year pe-

1 riod for export of surveillance or related capabilities
2 and services to such country; and

3 (2) each known instance during such period in
4 which a foreign entity exported surveillance or re-
5 lated capabilities and services to such country.

6 (d) FORM AND PUBLIC AVAILABILITY OF REPORT.—

7 The report required by subsection (c) shall be submitted
8 in unclassified form, with a classified annex as appro-
9 priate. The unclassified portion of the report shall be post-
10 ed by the President not later than 14 days after being
11 submitted to Congress in a text-based, searchable format
12 on a publicly available website.

13 (e) SURVEILLANCE DEFINED.—In this section, the
14 term “surveillance” refers to digital surveillance, cyber-at-
15 tacks, passive or active monitoring, hacking, digital intru-
16 sion, or other intelligence-related programs to infiltrate,
17 exploit, manipulate, or collect data from digital, tele-
18 communications, and computer systems for the purposes
19 of suppressing dissent or intimidating critics of a govern-
20 ment or its policies.

