

AMENDMENT TO RULES COMM. PRINT 117-13

OFFERED BY MR. McCAUL OF TEXAS

At the end of title LX of division E, add the following:

1 **SEC. 6013. EXPORT REQUIREMENTS RELATING TO SEMI-**
2 **CONDUCTOR MANUFACTURING INTER-**
3 **NATIONAL CORPORATION INCORPORATED**
4 **AND HUAWEI.**

5 (a) PROHIBITION ON REMOVAL OF SMIC FROM EN-
6 TITY LIST.—The President may not remove SMIC from
7 the Entity List unless—

8 (1) the President certifies to the appropriate
9 congressional committees that—

10 (A) SMIC has ceased its activities that
11 were the basis for its addition to the Entity
12 List consistent with the standards for the re-
13 moval of an entity from the Entity List estab-
14 lished in the Export Administration Regula-
15 tions;

16 (B) SMIC could not reasonably be ex-
17 pected to—

18 (i) resume activities that were the
19 basis for its addition to the Entity List;

1 (ii) contribute directly or indirectly to
2 the military or intelligence efforts of an
3 arms embargoed country; and

4 (iii) directly or indirectly develop or
5 release technologies used to carry out vio-
6 lations of internationally recognized human
7 rights, including the surveillance of individ-
8 uals based on religious, ethnic, cultural, or
9 political expressions or affiliations; and

10 (C) SMIC does not pose a threat to the
11 national security or foreign policy interests of
12 the United States or its allies; or

13 (2) the President removes SMIC from the Enti-
14 ty List in order to designate SMIC on the Denied
15 Persons List.

16 (b) LICENSING.—

17 (1) TO SMIC.—Not later than 60 days after the
18 date of the enactment of this Act, the Secretary of
19 Commerce shall publish in the Federal Register a
20 final rule revising Supplement No. 4 to Part 744 of
21 the Export Administration Regulations to require an
22 application for a license or other authorization to ex-
23 port, re-export, or transfer (in-country) to SMIC,
24 any of its affiliates, or any of its successor compa-
25 nies items capable of supporting the development or

1 production of semiconductors at technology nodes 16
2 nanometers or below to be subject to a presumption
3 of denial.

4 (2) TO HUAWEI.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of Commerce shall publish in the Federal Register a
7 final rule revising Supplement No. 4 to Part 744 of
8 the Export Administration Regulations to require an
9 application for a license or other authorization to ex-
10 port, re-export, or transfer (in-country) to Huawei,
11 any of its affiliates, or any of its successor compa-
12 nies items capable of supporting the development or
13 production of semiconductors to be subject to a pre-
14 sumption of denial.

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, and every
18 three months thereafter, the Secretary of Commerce
19 shall submit to the appropriate congressional com-
20 mittees a report on licenses issued, denied, or re-
21 turned without action for items destined to SMIC.

22 (2) MATTERS TO BE INCLUDED.—For each
23 such license, the report required by paragraph (1)
24 shall describe—

1 (A) the items authorized, denied, or re-
2 turned without action for export;

3 (B) the end-uses of the items;

4 (C) a description of the capabilities of the
5 items;

6 (D) the quantity and value of the items;

7 (E) the identities of the companies granted
8 the license; and

9 (F) how the approval of the license is con-
10 sistent with the national security and foreign
11 policy interests of the United States.

12 (3) CONFIDENTIALITY.—Information made
13 available in the report required by paragraph (1)
14 may not be disclosed further or publicly unless the
15 chairman and ranking member of the standing com-
16 mittee with jurisdiction under the rules of the House
17 of Representatives and the Senate determine that
18 the withholding of that information is contrary to
19 the national interest.

20 (d) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Affairs of
25 the House of Representatives; and

1 (B) the Committee on Banking, Housing,
2 and Urban Affairs of the Senate.

3 (2) DENIED PERSONS LIST.—The term “Denied
4 Persons List” means the list maintained by the Bu-
5 reau of Industry and Security of the Department of
6 Commerce and set forth in part 764.3(a)(2) of title
7 15, Code of Federal Regulations.

8 (3) ENTITY LIST.—The term “Entity List”
9 means the list maintained by the Bureau of Industry
10 and Security of the Department of Commerce and
11 set forth in Supplement No. 4 to part 744 of title
12 15, Code of Federal Regulations.

13 (4) EXPORT ADMINISTRATION REGULATIONS;
14 ITEM.—The terms “items” and “Export Administra-
15 tion Regulations” have the meanings given those
16 terms in section 1742 of the Export Control Reform
17 Act of 2018 (50 U.S.C. 4801).

18 (5) SMIC.—The term “SMIC” means Semicon-
19 ductor Manufacturing International Corporation In-
20 corporated, any of its affiliates, or any of its suc-
21 cessor entities.

