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:

SEC. 6013. EXPORT REQUIREMENTS RELATING TO SEMICONDUCTOR MANUFACTURING INTERNATIONAL CORPORATION INCORPORATED AND HUAWEI.

(a) Prohibition on Removal of SMIC From Entity List.—The President may not remove SMIC from the Entity List unless—

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

(A) SMIC has ceased its activities that were the basis for its addition to the Entity List consistent with the standards for the removal of an entity from the Entity List established in the Export Administration Regulations;

(B) SMIC could not reasonably be expected to—

(i) resume activities that were the basis for its addition to the Entity List;
(ii) contribute directly or indirectly to
the military or intelligence efforts of an
arms embargoed country; and

(iii) directly or indirectly develop or
release technologies used to carry out viol-
ations of internationally recognized human
rights, including the surveillance of individ-
uals based on religious, ethnic, cultural, or
political expressions or affiliations; and

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

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

(b) LICENSING.—

(1) To SMIC.—Not later than 60 days after the
date of the enactment of this Act, the Secretary of
Commerce shall publish in the Federal Register a
final rule revising Supplement No. 4 to Part 744 of
the Export Administration Regulations to require an
application for a license or other authorization to ex-
port, re-export, or transfer (in-country) to SMIC,
any of its affiliates, or any of its successor compa-
nies items capable of supporting the development or
production of semiconductors at technology nodes 16 nanometers or below to be subject to a presumption of denial.

(2) To Huawei.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a final rule revising Supplement No. 4 to Part 744 of the Export Administration Regulations to require an application for a license or other authorization to export, re-export, or transfer (in-country) to Huawei, any of its affiliates, or any of its successor companies items capable of supporting the development or production of semiconductors to be subject to a presumption of denial.

(c) Report.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on licenses issued, denied, or returned without action for items destined to SMIC.

(2) Matters to be included.—For each such license, the report required by paragraph (1) shall describe—
(A) the items authorized, denied, or returned without action for export;

(B) the end-uses of the items;

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

(D) the quantity and value of the items;

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

(F) how the approval of the license is consistent with the national security and foreign policy interests of the United States.

(3) CONFIDENTIALITY.—Information made available in the report required by paragraph (1) may not be disclosed further or publicly unless the chairman and ranking member of the standing committee with jurisdiction under the rules of the House of Representatives and the Senate determine that the withholding of that information is contrary to the national interest.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives; and
(B) the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Denied Persons List.—The term “Denied Persons List” means the list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in part 764.3(a)(2) of title 15, Code of Federal Regulations.

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

(4) Export Administration Regulations; Item.—The terms “items” and “Export Administration Regulations” have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(5) SMIC.—The term “SMIC” means Semiconductor Manufacturing International Corporation Incorporated, any of its affiliates, or any of its successor entities.