

AMENDMENT TO RULES COMM. PRINT 119-33
OFFERED BY MR. MILLER OF OHIO

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

1 **SEC. 17 ____ . ANALYSIS OF THREATS POSED BY FOREIGN AD-**
2 **VERSARY ACCESS TO CONTROLLED ITEMS**
3 **WITHIN THE UNITED STATES.**

4 (a) IN GENERAL.—The Under Secretary of the Bu-
5 reau of Industry and Security of the Department of Com-
6 merce, acting through the Executive Director of the Office
7 of Information and Communications Technology and Serv-
8 ices (OICTS) shall, not later than 90 days after the date
9 of the enactment of this Act, complete a review of the im-
10 pact on United States export control effectiveness by oper-
11 ations of United States-domiciled affiliates of entities de-
12 scribed in subsection (b)(1)(B) and the national security
13 threats posed by foreign adversary exploitation of
14 vulnerabilities in information and communications tech-
15 nology and services (ICTS).

16 (b) CONTENTS.—The review required by subsection
17 (a) shall address the following:

18 (1)(A) Whether United States-domiciled affili-
19 ates (defined as owned 50 percent or more in the ag-

1 gregate, directly or indirectly) of the entities de-
2 scribed in subparagraph (B) can acquire items that
3 their ultimate parent companies are restricted from
4 accessing due to United States export controls.

5 (B) The entities described in this subparagraph
6 are—

7 (i) entities identified on the Entity List; or

8 (ii) entities identified on the Military End
9 User List.

10 (2) If the review concludes affirmatively the
11 question posed in paragraph (1), the impact on the
12 effectiveness of United States export controls.

13 (3) The risks to United States national security
14 or export control effectiveness, if any, posed by the
15 operation of foreign-adversary controlled ICTS.

16 (4) Whether any specific sectors of foreign-ad-
17 versary controlled ICTS pose undue risk, such as by
18 undermining export control effectiveness.

19 (5) What steps, if any, the Under Secretary of
20 the Bureau of Industry and the Executive Director
21 of the OICTS intend to take within the next year to
22 address the threats found in paragraphs (1) through
23 (4).

1 (6) Any recommended change to United States
2 law that would help address any threats found from
3 this review.

4 (c) REPORT.—The Under Secretary of the Bureau of
5 Industry and Security of the Department of Commerce,
6 acting through the Executive Director of the Office of In-
7 formation and Communications Technology and Services
8 (OICTS) shall, not later than 30 days after completing
9 the review required by subsection (a), provide the results
10 of the review to Committee on Foreign Affairs in the
11 House of Representatives and the Committee on Banking,
12 House, and Urban Affairs in the Senate.

13 (d) DEFINITIONS.—In this section—

14 (1) the term “Entity List” means the list re-
15 quired pursuant to Supplement No. 4 to part 744 of
16 title 15, Code of Federal Regulations, or successor
17 regulations by the Bureau of Industry and Security
18 of the Department of Commerce; and

19 (2) the term “Military End User List” means
20 the list required pursuant to Supplement No. 7 to
21 part 744 of title 15, Code of Federal Regulations, or
22 successor regulations by the Bureau of Industry and
23 Security of the Department of Commerce.

