AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. KRISHNAMOORTHI OF ILLINOIS

Add at the end of subtitle D of title XVI the following:

SEC. 16___. ASSESSMENT OF ABILITY OF PEOPLE'S REPUBLIC OF CHINA TO HOLD CRITICAL INFRASTRUCTURE SECTORS AT RISK USING COMMERCIAL ENTITIES.

(a) ASSESSMENT.—The National Counterintelligence Officer for Emerging and Disruptive Technologies of the National Counterintelligence and Security Center (in coordination with the Assistant Director of the Counterintelligence Division of the Federal Bureau of Investigation and in consultation with the head of any element of the intelligence community that the National Counterintelligence Officer for Emerging and Disruptive Technologies determines appropriate) shall conduct an assessment regarding the ability of the People's Republic of China to hold at risk, or to substantially disrupt, the critical infrastructure sectors of countries designated as target countries under subsection (c) by directing or requesting that

covered entities withhold commercially available products or services in such countries.

(b) REPORT.—

(1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the National Counterintelligence Officer for Emerging and Disruptive Technologies shall submit to the congressional intelligence committees a report containing the results of the assessment under subsection (a).

(2) FORM.—The report under paragraph (1) may be submitted in classified form.

(c) DESIGNATION OF TARGET COUNTRIES.—The Director of National Intelligence, in consultation with the National Counterintelligence Officer for Emerging and Disruptive Technologies, shall designate 5 foreign countries as target countries for purposes of the assessment under subsection (a).

(d) OBSERVED VERSUS NOTIONAL THREATS.—

(1) DISTINGUISHMENT.—The assessment under subsection (a) shall clearly distinguish between observed threats and notional threats.

(2) CONSULTATION AND NOTIFICATION.—

(A) REQUIRED CONSULTATION.—If, in conducting the assessment under subsection (a), the National Counterintelligence Officer for

Emerging and Disruptive Technologies identifies any observed threat to a critical infrastructure sector of a target country designated under subsection (c), the National Counterintelligence Officer for Emerging and Disruptive Technologies shall consult with the Assistant Secretary of State for Intelligence and Research regarding the advisability of providing to the government of such country a briefing on the identified threat.

(B) NOTIFICATION.—If a briefing described in subparagraph (A) is not provided, the National Counterintelligence Officer for Emerging and Disruptive Technologies shall provide to the appropriate congressional committees an explanation of why such briefing was not provided.

(e) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)); and

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) COVERED ENTITY.—The term ''covered entity'' means any corporation, firm, or other business entity over which control is exercised or exercisable by the People's Republic of China.

(3) CRITICAL INFRASTRUCTURE SECTOR.—The term ''critical infrastructure sector'' means any sector identified in the Presidential Policy Directive titled ''Critical Infrastructure Security and Resilience'' (PPD–21), issued on February 12, 2012, or successor directive.

(4) NOTIONAL THREAT.—The term ''notional threat'' means a threat that the National Counterintelligence Officer for Emerging and Disruptive Technologies determines may occur, but that lacks a strong basis in intelligence collection.

(5) OBSERVED THREAT.—The term ''observed threat'' means a threat with a basis in intelligence collection, including through open-source intelligence collection.

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