

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3524
OFFERED BY MR. BARR**

Add at the end the following new title:

1 **TITLE VII—REVITALIZING MUL-**
2 **TILATERAL EXPORT CON-**
3 **TROL DIPLOMACY FOR CRIT-**
4 **ICAL TECHNOLOGIES ACT**

5 **SEC. 701. SHORT TITLE.**

6 This title may be cited as the “Revitalizing Multilat-
7 eral Export Control Diplomacy for Critical Technologies
8 Act”.

9 **SEC. 702. FINDINGS; SENSE OF CONGRESS; STATEMENT OF**
10 **POLICY.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) The People’s Republic of China (PRC),
13 under the control, direction, and influence of the
14 Chinese Communist Party (CCP), is using legal and
15 illegal means to target, acquire, and access advanced
16 dual-use technologies to support its industrial poli-
17 cies, which seek market and supply chain dominance
18 in critical technologies.

1 (2) The goal of these policies is to artificially
2 create comparative advantage in high-tech sectors
3 critical to economic and national security to increase
4 the CCP’s political leverage by making other coun-
5 tries dependent on the PRC’s manufacturing and
6 technology base.

7 (3) In a speech last year, General Secretary Xi
8 Jinping made clear he wants to increase this lever-
9 age, saying the CCP “must tighten the dependence
10 of international production chains on China” in
11 order to form a “powerful countermeasure and de-
12 terrent capability”.

13 (4) The Office of the United States Trade Rep-
14 resentative’s Section 301 Report on China’s Acts,
15 Policies, and Practices Related to Technology Trans-
16 fer, Intellectual Property, and Innovation explains in
17 detail how the PRC deliberately and systematically
18 uses laws and regulations as well as sub rosa coer-
19 cion—including through forced and induced tech-
20 nology transfer, market access restriction, discrimi-
21 natory standardization, procurement preferences,
22 mandatory joint ventures, and localization policies—
23 to extract critical technologies and capabilities from
24 United States and foreign firms.

1 (5) The PRC’s theft of intellectual property—
2 committed to advance these industrial policies and
3 with the support of the Party-state—was referred to
4 by General Keith B. Alexander as the “greatest
5 transfer of wealth in history” and the Commission
6 on the Theft of American Intellectual Property esti-
7 mates that this theft could be valued as high as
8 \$600 billion annually.

9 (6) The CCP is carrying out these policies and
10 actions because it perceives a strategic opportunity
11 to overtake advanced industrial nations in emerging
12 technology areas, which are core to economic and
13 military preeminence in the 21st century.

14 (7) To ensure that these industrial policies for
15 critical dual-use technologies serve national security
16 goals, the CCP has intertwined its military into its
17 industrial and innovation base, most recently termed
18 Military-Civil Fusion (MCF), to extract technology
19 obtained through commercial and civil licensing,
20 partnerships, and trade interaction to achieve mili-
21 tary superiority over its adversaries.

22 (8) The implementation of MCF has trans-
23 formed the PRC economy—including every entity
24 operating under its jurisdiction—into a military-
25 driven ecosystem that is centrally coordinated by the

1 CCP to advance the country's weapons capabilities,
2 intelligence operations, and security apparatuses.

3 (9) Export controls are an essential tool to pre-
4 vent critical technologies from being exploited by the
5 PRC; however, the PRC is undermining the founda-
6 tions of the United States and international export
7 control regime, which were not designed to protect
8 against such a novel and far-reaching threat.

9 (10) The Wassenaar Arrangement on Export
10 Controls for Conventional Arms and Dual-Use
11 Goods and Technologies is the multilateral, intergov-
12 ernmental body that standardizes export control lists
13 for conventional arms and dual-use goods and tech-
14 nologies.

15 (11) Because all decisions to add, modify, or re-
16 move items from its control list must be done on a
17 consensus basis, the regime has proven unable to
18 keep pace with the breakneck speech of technological
19 innovation.

20 (12) Moreover, each participating member im-
21 plements the control lists via national legislation and
22 maintains "national discretion" with respect to its li-
23 censing policy for that item, resulting in a patch-
24 work of controls where one country may deny a li-
25 cense for the export of an item on the control list

1 and another country may approve a license for the
2 export of the same item.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) United States export control policy and di-
6 plomacy should adapt significantly to respond to the
7 existential threat of technology acquisition efforts of
8 the CCP and failure of the Wassenaar Arrangement
9 regime; and

10 (2) the United States should immediately pur-
11 sue targeted plurilateral and bilateral agreements
12 with allies and partners to unify export controls and
13 licensing policies through the convergence of its legal
14 and regulatory regimes to substantially reduce and
15 eventually eliminate the global availability of critical
16 technologies to any entity under the influence, con-
17 trol, or ownership of the PRC.

18 (c) STATEMENT OF POLICY.—It is the policy of the
19 United States to work with its allies and partners to con-
20 strain efforts of the PRC to acquire critical technologies
21 in order to maintain United States military edge and lead-
22 ership in science and technologies essential to national se-
23 curity and avoid political coercion through supply chain
24 dependencies.

1 **SEC. 703. STRATEGY TO CONTROL THE GLOBAL AVAIL-**
2 **ABILITY OF CRITICAL TECHNOLOGIES TO**
3 **THE PEOPLE'S REPUBLIC OF CHINA.**

4 (a) STATEMENT OF POLICY.—It is the policy of the
5 United States to—

6 (1) work with United States allies and partners
7 to unify export controls and licensing policies to sub-
8 stantially reduce and eliminate the global availability
9 of critical technologies to the People's Republic of
10 China (PRC), including by—

11 (A) expeditiously reaching binding bilateral
12 and plurilateral agreements with appropriate
13 groupings of such allies and partners that re-
14 sult in the convergence of respective legal and
15 regulatory regimes in order to unify export con-
16 trols and licensing policies with respect to spe-
17 cific critical technologies;

18 (B) using various policy tools to provide in-
19 centives to such allies and partners to control
20 such critical technologies; and

21 (C) using, if necessary, existing authori-
22 ties, including authorities available under the
23 International Emergency Economic Powers Act
24 (50 U.S.C. 1701 et seq.), if such allies and
25 partners do not unify their export controls and
26 licensing polices;

1 (2) ensure critical technologies do not advance
2 the national economic and industrial strategies as
3 well as related military development goals and capa-
4 bilities of the PRC;

5 (3) carry out joint research and development
6 projects with covered United States allies and part-
7 ners, with robust safeguards and export controls to
8 protect any resulting intellectual property and
9 knowledge throughout its entire development and
10 commercialization lifecycle from transfer to or acqui-
11 sition by an entity under the ownership, control, or
12 influence of the PRC, to—

13 (A) advance a broad range of scientific and
14 technical disciplines, including with respect to
15 critical technologies that may be affected by the
16 implementation of the strategy required by sub-
17 section (c); and

18 (B) supplement research and develop ef-
19 forts that may be adversely affected in the
20 short-term by export control measures to pro-
21 tect national security;

22 (4) treat the products of such joint research
23 and development projects and the resulting intellec-
24 tual property and knowledge as restricted with re-

1 spect to entities or individuals under the influence,
2 ownership, or control of the PRC; and

3 (5) enhance the sharing of information nec-
4 essary to unify export control policies, including con-
5 cerning end-users and end-uses of technology, with
6 covered United States allies and partners.

7 (b) INTERAGENCY WORKING GROUP.—

8 (1) IN GENERAL.—The President shall establish
9 an interagency working group to develop the strat-
10 egy required by subsection (c).

11 (2) MEMBERSHIP.—The interagency working
12 group shall consist of the Secretary of State, the
13 Secretary of Commerce, and the heads of other Fed-
14 eral departments and agencies that the President de-
15 termines to be appropriate.

16 (3) CHAIRPERSON.—The Secretary of State
17 shall serve as chairperson of the interagency working
18 group.

19 (4) STAKEHOLDER CONSULTATION.—

20 (A) IN GENERAL.—The interagency work-
21 ing group shall—

22 (i) inform and solicit input in writing
23 from the public on the matters to be in-
24 cluded in the strategy required by sub-
25 section (c); and

1 (ii) submit to the appropriate congress-
2 sional committees input received pursuant
3 to clause (i).

4 (B) DISCLOSURE OF BUSINESS CONFIDEN-
5 TIAL INFORMATION PROHIBITED.—No such
6 committee, or member thereof, may disclose any
7 information made available under subparagraph
8 (A)(ii) that is submitted on a confidential basis
9 unless the committee determines that the with-
10 holding of that information is contrary to the
11 national interest of the United States.

12 (c) STRATEGY.—

13 (1) IN GENERAL.—The interagency working
14 group shall develop a strategy to work with United
15 States allies and partners that possess critical tech-
16 nologies to unify export control and licensing policies
17 to substantially reduce and eliminate the global
18 availability of critical technologies to the PRC.

19 (2) MATTERS TO BE INCLUDED.—The strategy
20 required by this subsection shall include the fol-
21 lowing:

22 (A) An identification of critical tech-
23 nologies that are priorities for—

1 (i) the national security and the de-
2 fense industrial base of the United States;
3 and

4 (ii) the economic strategies, industrial
5 policies, and military development of the
6 PRC.

7 (B) An identification of United States ex-
8 port controls and licensing policies for critical
9 technologies identified under subparagraph (A).

10 (C) An identification of United States al-
11 lies and partners that have a share of the global
12 market with respect to critical technologies
13 identified under subparagraph (A), including a
14 detailed description of their technical capability
15 and substitutability with United States tech-
16 nology.

17 (D) A description of ongoing and future ef-
18 forts to work with covered United States allies
19 and partners to unify export control policies
20 through the convergence of legal and regulatory
21 systems in accordance with the policy described
22 in subsection (a).

23 (E) An assessment of the effectiveness and
24 methods of past efforts by the PRC to acquire
25 or circumvent export control policies relating to

1 critical technologies identified under subpara-
2 graph (A).

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, and annually
6 thereafter for 10 years, the interagency working
7 group shall submit to the appropriate congressional
8 committees a report in writing that contains the
9 strategy required by subsection (c).

10 (2) FORM.—The report required by this sub-
11 section shall—

12 (A) be submitted in unclassified form, but
13 may contain a classified annex; and

14 (B) be made available on a publicly-acces-
15 sible government website.

16 **SEC. 704. ACTIONS TO SECURE THE GLOBAL SEMICON-**
17 **DUCTOR SUPPLY CHAIN.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The efforts of the People's Republic of
20 China (PRC) to develop global dominance in the
21 production of cutting edge, small geometry chips
22 such as FinFET integrated circuits represent a par-
23 ticularly significant and specific threat to United
24 States leadership in semiconductor development and

1 production and, thus, a threat to United States na-
2 tional security.

3 (2) The development and production of 14nm
4 and smaller geometries requires difficult-to-master
5 FinFET integrated circuits manufacturing capability
6 available primarily from the United States and a
7 small number of other countries.

8 (3) Increased PRC production capacity of
9 FinFET integrated circuits constitutes a threat to
10 United States national security due to both the in-
11 creased ability to manufacture advanced semiconduc-
12 tors for military purposes that would result, and the
13 PRC's manifest history of using state support to
14 build up industrial overcapacity to destroy foreign
15 competitors, which represents a major threat to the
16 United States semiconductor manufacturing indus-
17 try.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) current export controls and licensing poli-
21 cies for semiconductor manufacturing equipment are
22 self-defeating and should adapt to the reality of stra-
23 tegic competition with the PRC;

24 (2) a clear threat to the national security and
25 foreign policy interests of the United States exists to

1 justify the use of immediate unilateral controls over
2 a specific and narrowly tailored type of semicon-
3 ductor production equipment and related commod-
4 ities and technology, namely that which is used for
5 the development or production of FinFET inte-
6 grated circuits;

7 (3) the United States Government should expedi-
8 tiously conclude a plurilateral agreement with a
9 small group of United States allies and partners
10 that have capabilities in such production equipment
11 and related commodities and technology to restrict
12 exports to the PRC in alignment with United States
13 unilateral controls;

14 (4) the United States Government should sub-
15 mit FinFET integrated circuits controls obtained in
16 a plurilateral agreement to the Wassenaar Arrange-
17 ment on Export Controls for Conventional Arms and
18 Dual-Use Goods and Technologies at the earliest op-
19 portunity; and

20 (5) if a plurilateral agreement on FinFET inte-
21 grated circuits controls is not reached within 1 year
22 after the date of the enactment of this Act, the
23 United States Government should submit its unilat-
24 eral FinFet integrated circuits controls described in
25 this Act to the Wassenaar Arrangement.

1 (c) STATEMENT OF POLICY.—It is the policy of the
2 United States to pursue negotiations with United States
3 allies and partners to ensure that the full supply chain,
4 including foreign equipment, commodities, technology,
5 knowhow, related services, materials, testing, open source
6 technology platforms, and underlying research, used to
7 fabricate FinFET integrated circuits is not made available
8 to the PRC or entities under its influence, control, or own-
9 ership.

10 (d) IDENTIFICATION PROVISIONS.—

11 (1) IDENTIFICATION OF THE FINFET INTE-
12 GRATED CIRCUITS SUPPLY CHAIN.—Not later than
13 90 days after the date of the enactment of this Act,
14 and on a periodic basis thereafter, the interagency
15 working group established under section 3(b) shall
16 identify and submit to the appropriate congressional
17 committees a report on the full supply chain for the
18 development and production of FinFET integrated
19 circuits, including foreign equipment, commodities,
20 technology, knowhow, related services, materials,
21 testing, open source technology platforms, and un-
22 derlying research, as well as the parts, components,
23 accessories, and attachments specially designed
24 therefor, as well as any technology required for the
25 development or production of such commodities.

1 (2) IDENTIFICATION OF ENTITIES THAT ARE
2 USING OR PARTICIPATING IN THE FINFET INTE-
3 GRATED CIRCUITS SUPPLY CHAIN.—Not later than
4 90 days after the date of the enactment of this Act,
5 and on an annual basis thereafter, the interagency
6 working group shall identify and submit to the ap-
7 propriate congressional committees a report on enti-
8 ties in the PRC or under the influence, control, or
9 ownership of the PRC that are using or partici-
10 pating in the global supply chain for FinFET inte-
11 grated circuits.

12 (3) STAKEHOLDER CONSULTATION.—

13 (A) IN GENERAL.—The interagency work-
14 ing group shall—

15 (i) inform and solicit input in writing
16 from the public on—

17 (I) identifying the supply chain
18 for FinFET integrated circuits pursu-
19 ant to paragraph (1); and

20 (II) identifying entities pursuant
21 to paragraph (2); and

22 (ii) submit to the appropriate congress-
23 sional committees input received pursuant
24 to clause (i).

1 (B) DISCLOSURE OF BUSINESS CONFIDEN-
2 TIAL INFORMATION PROHIBITED.—No such
3 committee, or member thereof, may disclose any
4 information made available under subparagraph
5 (A)(ii) that is submitted on a confidential basis
6 unless the committee determines that the with-
7 holding of that information is contrary to the
8 national interest of the United States.

9 (e) MULTILATERAL AGREEMENT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the inter-
12 agency working group established under section
13 3(b)—

14 (A) shall seek to establish a multilateral
15 agreement with United States allies and part-
16 ners to unify export controls and licensing poli-
17 cies to substantially reduce and eliminate the
18 global availability of the supply chain for
19 FinFET integrated circuits identified pursuant
20 to subsection (d)(1) to the PRC, including enti-
21 ties identified pursuant to subsection (d)(2);
22 and

23 (B) shall seek to include in the multilateral
24 agreement provisions for non-compliance that

1 provide penalties for any violation of the agree-
2 ment.

3 (2) BRIEFINGS.—The interagency working
4 group shall brief the appropriate congressional com-
5 mittees on negotiations to establish the multilateral
6 agreement beginning not later than 30 days after
7 the date of the enactment of this Act and every 30
8 thereafter until a multilateral agreement described
9 in paragraph (1) is established.

10 (3) ACTIONS IF AGREEMENT REACHED.—

11 (A) IN GENERAL.—Not later than 30 days
12 after the date on which a multilateral agree-
13 ment described in paragraph (1) is established,
14 the Secretary of Commerce—

15 (i) shall exercise the authorities under
16 the Export Control Reform Act of 2018
17 (50 U.S.C. 4801 et seq.)—

18 (I) to include items with respect
19 to which the multilateral agreement
20 applies on the Commerce Control List;

21 (II) to implement a policy of de-
22 nial for exports and reexports to, and
23 in-country transfers within, the PRC
24 or any entities under its influence,

1 control, or ownership for the items de-
2 scribed in subclause (I); and

3 (III) to include entities identified
4 pursuant to the multilateral agree-
5 ment on the Entity List and require a
6 license, except for those items already
7 denied under subclause (II), to be re-
8 viewed on a presumption of denial
9 basis for all items subject to the Ex-
10 port Administration Regulations; and

11 (ii) may amend the Export Adminis-
12 tration Regulations to provide preferential
13 licensing treatment for parties to the mul-
14 tilateral agreement.

15 (B) REPORT.—Not later than 30 days
16 after the date on which a multilateral agree-
17 ment described in paragraph (1) is established,
18 and every 30 days thereafter, the Secretary of
19 Commerce shall submit to the appropriate con-
20 gressional committees a report on license appli-
21 cations and decisions to export items to entities
22 described in subparagraph (A)(i)(III).

23 (C) SENSE OF CONGRESS.—It is the sense
24 of Congress that any United States ally or part-
25 ner that is party to a multilateral agreement

1 described in paragraph (1) should be considered
2 to have satisfied the policies on semiconductor
3 technology described in title XCIX of division H
4 of the William M. (Mac) Thornberry National
5 Defense Authorization Act for Fiscal Year 2021
6 (Public Law 116–283) for purposes of receiving
7 funding from the Multilateral Semiconductors
8 Security Fund established under 9905 of such
9 Act.

10 (D) QUARTERLY MEETINGS.—

11 (i) IN GENERAL.—The interagency
12 working group shall seek to meet on a not
13 less than a quarterly basis and shall de-
14 velop a day-to-day mechanism with covered
15 United States allies and partners that are
16 parties to a multilateral agreement de-
17 scribed in paragraph (1) to—

18 (I) exchange information between
19 and among all parties to—

20 (aa) adopt identical controls
21 and licensing policies on all items
22 and entities subject to the agree-
23 ment to ensure a no-undercut
24 policy; and

1 (bb) share all license appli-
2 cation information, including ap-
3 provals, denials, license excep-
4 tions, and no license required,
5 and agree not to issue a license
6 for an item or to an entity identi-
7 fied in the multilateral agree-
8 ment, unless or until all parties
9 subject to the agreement reach
10 unanimous agreement;

11 (II) develop robust mechanisms
12 to verify that all parties are complying
13 with the terms of their commitments
14 under the agreement, including in
15 areas such as research and develop-
16 ment and open source technology plat-
17 forms; and

18 (III) review the technology con-
19 trols, end-user controls, and licensing
20 policies for the supply chain for
21 FinFET integrated circuits with re-
22 spect to which the agreement applies
23 and as necessary update such controls
24 and licensing policies to prevent eva-
25 sion and ensure effectiveness to miti-

1 gate national security and foreign pol-
2 icy concerns.

3 (ii) STAKEHOLDER CONSULTATION.—

4 The working group shall inform and solicit
5 input in writing from the general public in
6 advance of the meetings described in clause
7 (i).

8 (iii) AVAILABILITY OF INFORMA-
9 TION.—Any information obtained at any
10 time during the meetings described in
11 clause (i) shall be made available to the
12 appropriate congressional committees.

13 (iv) BRIEFINGS.—The interagency
14 working group shall brief the appropriate
15 congressional committees on the implemen-
16 tation of this subparagraph beginning not
17 later than 30 days after the date on which
18 a multilateral agreement described in para-
19 graph (1) is established and every 30 days
20 thereafter.

21 (4) ACTIONS IF AGREEMENT NOT REACHED.—

22 If a multilateral agreement described in paragraph
23 (1) is not established within 180 days after the date
24 of the enactment of this Act, the Secretary of Com-
25 merce shall—

1 (A) amend the Export Administration Reg-
2 ulations—

3 (i) to control equipment or technology
4 used to develop or produce FinFET inte-
5 grated circuits, and parts, components, ac-
6 cessories, and attachments used therefor;
7 and

8 (ii) deny exports and reexports to, and
9 in-country transfers within, the People's
10 Republic of China of the items described in
11 clause (i);

12 (B) designate on the Entity List each enti-
13 ty identified pursuant to subsection (d)(2)
14 and—

15 (i) apply a licensing policy of denial
16 with respect to an export control license
17 for items described in subparagraph (A)
18 that are proposed to be exported to the en-
19 tity; and

20 (ii) apply a licensing policy of a pre-
21 sumption of denial with respect to an ex-
22 port control license for items subject to the
23 Export Administration Regulations, except
24 for those items denied pursuant to sub-

1 paragraph (A)(ii), that are proposed to be
2 exported to the entity; and

3 (C) amend the Export Administration Reg-
4 ulations to block the export, re-export, or in-
5 country transfer of all chip designs at 45nm
6 and below using United States-origin electric
7 design automation software to the PRC.

8 **SEC. 705. IMPOSITION OF SANCTIONS WITH RESPECT TO**
9 **THE SUPPLY CHAIN FOR FINFET INTE-**
10 **GRATED CIRCUITS IN THE PEOPLE'S REPUB-**
11 **LIC OF CHINA.**

12 (a) IN GENERAL.—If a multilateral agreement de-
13 scribed in section 704(e)(1) is not established within 1
14 year after the date of the enactment of this Act, the Presi-
15 dent, in consultation with the interagency working group
16 established under section 703(b) shall submit to the ap-
17 propriate congressional committees a report that identi-
18 fies, for the period specified in subsection (b)—

19 (1) entities identified pursuant to section
20 704(d)(2); and

21 (2) foreign persons that the President, in con-
22 sultation with the interagency working group, deter-
23 mines have knowingly—

24 (A) sold, leased, or provided, or facilitated
25 selling, leasing, or providing, any item, tech-

1 nology, or know-how, including equipment, com-
2 ponents, design tools, or technical data, to such
3 entities that could be used in the research and
4 development, design, fabrication, or operation of
5 a project related to FinFET integrated circuits;

6 (B) facilitated deceptive or structured
7 transactions to provide those items, tech-
8 nologies, or know-how to such entities for such
9 a project;

10 (C) provided to such entities underwriting
11 services or insurance or reinsurance necessary
12 or essential for the completion of such a
13 project;

14 (D) provided to such entities services, in-
15 cluding for the testing, inspection, maintenance,
16 or certification, necessary or essential for the
17 completion or operation of such a project; or

18 (E) provided to such entities any knowl-
19 edge or know-how through any form, including
20 open source technology platforms or collabo-
21 rative basic or applied research, that could be
22 used to facilitate the completion of such a
23 project.

24 (b) PERIOD SPECIFIED.—The period specified in this
25 subsection is—

1 (1) in the case of the first report required to be
2 submitted by subsection (a), the period beginning on
3 the date of the enactment of this Act and ending on
4 the date on which the report is submitted; and

5 (2) in the case of any subsequent such report,
6 the 180-day period preceding submission of the re-
7 port.

8 (c) SANCTIONS DESCRIBED.—

9 (1) IN GENERAL.—The President shall impose
10 the sanctions described in paragraph (2) with re-
11 spect to any entity identified pursuant to subsection
12 (a)(1) and any foreign person identified pursuant to
13 subsection (a)(2).

14 (2) SANCTIONS DESCRIBED.—The sanctions de-
15 scribed in this paragraph are the following:

16 (A) INELIGIBILITY FOR VISAS, ADMISSION,
17 OR PAROLE OF IDENTIFIED PERSONS AND COR-
18 PORATE OFFICERS.—

19 (i) IN GENERAL.—

20 (I) VISAS, ADMISSION, OR PA-
21 ROLE.—An alien described in sub-
22 clause (III) is—

23 (aa) inadmissible to the
24 United States;

1 (bb) ineligible to receive a
2 visa or other documentation to
3 enter the United States; and

4 (cc) otherwise ineligible to
5 be admitted or paroled into the
6 United States or to receive any
7 other benefit under the Immigra-
8 tion and Nationality Act (8
9 U.S.C. 1101 et seq.).

10 (II) CURRENT VISAS REVOKED.—

11 (aa) IN GENERAL.—The visa
12 or other entry documentation of
13 an alien described in subclause
14 (III) shall be revoked, regardless
15 of when such visa or other entry
16 documentation is or was issued.

17 (bb) IMMEDIATE EFFECT.—
18 A revocation under item (aa)
19 shall—

20 (AA) take effect imme-
21 diately; and

22 (BB) automatically
23 cancel any other valid visa
24 or entry documentation that
25 is in the alien's possession.

1 (III) ALIEN DESCRIBED.—An
2 alien is described in this subclause if
3 the alien is—

4 (aa) a foreign person identi-
5 fied pursuant to subsection
6 (a)(2);

7 (bb) a corporate officer of
8 such a foreign person; or

9 (cc) a principal shareholder
10 with a controlling interest in such
11 a foreign person.

12 (B) BLOCKING OF PROPERTY OF IDENTI-
13 FIED PERSONS.—The President shall exercise
14 all powers granted to the President by the
15 International Emergency Economic Powers Act
16 (50 U.S.C. 1701 et seq.) to the extent nec-
17 essary to block and prohibit all transactions in
18 all property and interests in property of any en-
19 tity identified pursuant to subsection (a)(1) or
20 foreign person identified pursuant to subsection
21 (a)(2) if such property and interests in property
22 are in the United States, come within the
23 United States, or are or come within the pos-
24 session or control of a United States person.

25 (d) WIND-DOWN WAIVER.—

1 (1) IN GENERAL.—The President may waive
2 the application of sanctions described in subsection
3 (c) with respect to an entity identified pursuant to
4 subsection (a)(1) or foreign person identified pursu-
5 ant to subsection (a)(2) in the first report required
6 to be submitted by subsection (a) if the President
7 certifies in the report that the entity or person has,
8 not later than 60 days after the date of the enact-
9 ment of this Act, engaged in good faith efforts to
10 wind down participation in projects that would oth-
11 erwise subject the entity or person to the imposition
12 of sanctions under this section.

13 (2) AGREED TIMETABLE.—The President and
14 such entity or foreign person shall agree to a time-
15 table to completely wind-down and end any partici-
16 pation in projects that would otherwise subject the
17 entity or person to the imposition of sanctions under
18 this section.

19 (3) PERIODIC REPORTING.—The President and
20 such entity or foreign person shall agree that the en-
21 tity or person will report to the President every 30
22 days on progress being made to wind-down partici-
23 pation by the agreed upon timetable described in
24 paragraph (2).

1 (4) IMPOSITION OF SANCTIONS FOR NON-COM-
2 PLIANCE.—If such entity or foreign person does not
3 meet the agreed timetable described in paragraph
4 (2) to wind down participation in such project, the
5 President shall impose sanctions under this section
6 with respect to that entity or person.

7 (e) EXCEPTIONS.—

8 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
9 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
10 TIES.—Sanctions under this section shall not apply
11 to any authorized intelligence, law enforcement, or
12 national security activities of the United States.

13 (2) EXCEPTION TO COMPLY WITH UNITED NA-
14 TIONS HEADQUARTERS AGREEMENT.—Sanctions
15 under this section shall not apply with respect to the
16 admission of an alien to the United States if the ad-
17 mission of the alien is necessary to permit the
18 United States to comply with the Agreement regard-
19 ing the Headquarters of the United Nations, signed
20 at Lake Success June 26, 1947, and entered into
21 force November 21, 1947, between the United Na-
22 tions and the United States, the Convention on Con-
23 sular Relations, done at Vienna April 24, 1963, and
24 entered into force March 19, 1967, or other applica-
25 ble international obligations.

1 (f) NATIONAL INTERESTS WAIVER.—The President
2 may waive the application of sanctions under this section
3 with respect to an entity identified pursuant to subsection
4 (a)(1) or foreign person identified pursuant to subsection
5 (a)(2) if the President—

6 (1) determines that the waiver is in the national
7 interests of the United States; and

8 (2) not less than 30 days prior to the issuance
9 of a waiver, submits to the appropriate congressional
10 committees a report on the waiver and rationale for
11 the waiver.

12 (g) IMPLEMENTATION; PENALTIES.—

13 (1) IMPLEMENTATION.—The President may ex-
14 ercise all authorities provided to the President under
15 sections 203 and 205 of the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1702 and
17 1704) to carry out this section.

18 (2) PENALTIES.—A person that violates, at-
19 tempts to violate, conspires to violate, or causes a
20 violation of this section or any regulation, license, or
21 order issued to carry out this section, including
22 through the use of blocking statutes to undermine
23 export controls and sanctions, shall be subject to the
24 penalties set forth in section 206 of the Inter-
25 national Emergency Economic Powers Act (50

1 U.S.C. 1705) to the same extent as a person that
2 commits an unlawful act described in subsection (a)
3 of that section.

4 (h) TERMINATION.—The President shall terminate
5 the application of sanctions imposed with respect to an
6 entity identified pursuant to subsection (a)(1) or foreign
7 person identified pursuant to subsection (a)(2) on the date
8 on which the government of the foreign country that has
9 jurisdiction with respect to the entity or person becomes
10 a party to a multilateral agreement described in section
11 704(e)(1).

12 (i) DEFINITIONS.—In this section:

13 (1) ADMISSION; ADMITTED; ALIEN.—The terms
14 “admission”, “admitted”, and “alien” have the
15 meanings given those terms in section 101 of the
16 Immigration and Nationality Act (8 U.S.C. 1101).

17 (2) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Foreign Relations
21 and the Committee on Banking, Housing, and
22 Urban Affairs of the Senate; and

23 (B) the Committee on Foreign Affairs and
24 the Committee on Financial Services of the
25 House of Representatives.

1 (3) FOREIGN PERSON.—The term “foreign per-
2 son” means an individual or entity that is not a
3 United States person.

4 (4) KNOWINGLY.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (5) PERSON.—The term “person” means an in-
10 dividual or entity.

11 (6) UNITED STATES PERSON.—The term
12 “United States person” means—

13 (A) a United States citizen or an alien law-
14 fully admitted for permanent residence to the
15 United States, excluding an individual who is a
16 citizen of the People’s Republic of China;

17 (B) an entity organized under the laws of
18 the United States or any jurisdiction within the
19 United States, including a foreign branch of
20 such an entity; or

21 (C) any person within the United States.

22 **SEC. 706. CRITICAL TECHNOLOGY EXPORT CONTROL FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury of the United States a trust fund, to be known

1 as the “Critical Technology Export Control Fund” (in this
2 section referred to as the “Fund”), consisting of—

3 (1) amounts deposited into the Fund under
4 subsection (b)(1); and

5 (2) amounts that may be credited to the Fund
6 under subsection (b)(2).

7 (b) AMOUNTS.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated
10 \$5,000,000,000 to be deposited in the Fund for fis-
11 cal year 2022.

12 (2) INVESTMENT OF AMOUNTS.—

13 (A) IN GENERAL.—The Secretary of the
14 Treasury shall invest such portion of the Fund
15 as is not required to meet current withdrawals
16 in interest-bearing obligations of the United
17 States or in obligations guaranteed as to both
18 principal and interest by the United States.

19 (B) INTEREST AND PROCEEDS.—The in-
20 terest on, and the proceeds from the sale or re-
21 demption of, any obligations held in the Fund
22 shall be credited to and form a part of the
23 Fund.

24 (3) AVAILABILITY OF AMOUNTS.—

1 (A) IN GENERAL.—Amounts in the Fund
2 shall remain available through the end of the
3 10th fiscal year beginning after the date of the
4 enactment of this Act.

5 (B) REMAINDER.—Any amounts remaining
6 in the Fund after the end of the fiscal year de-
7 scribed in subparagraph (A) shall be deposited
8 in the general fund of the Treasury.

9 (c) USE OF AMOUNTS.—

10 (1) IN GENERAL.—The Secretary of State, in
11 consultation with the working group, shall use
12 amounts in the Fund to carry out projects described
13 in paragraph (2) with one or more covered United
14 States allies and partners that enter into an agree-
15 ment with the United States to unify export controls
16 and licensing policies to substantially reduce and
17 eliminate the global availability of a critical tech-
18 nology identified under section 703(b)(3)(A) to the
19 PRC.

20 (2) PROJECTS DESCRIBED.—The projects de-
21 scribed in this paragraph should advance a broad
22 range of scientific and technical capabilities with re-
23 spect to critical technologies which may be affected
24 by reduced revenues in their commercial applications
25 as a result of export control measures that restrict

1 and prohibit access to the PRC market in order to
2 protect United States national security and foreign
3 policy interests.

4 (3) RESTRICTIONS ON THE USE OF THE
5 FUND.—Nothing in these section shall be construed
6 to authorize the use of amounts in the Fund to sup-
7 port—

8 (A) any entity under the influence, control,
9 or ownership of the PRC; or

10 (B) any entity engaged in joint research
11 and development, technology licensing or trans-
12 fer, joint venture, or investment with an entity
13 under the influence, control, or ownership of the
14 PRC in a critical technology identified under
15 section 703(b)(3)(A).

16 (4) PROHIBITIONS.—No intellectual property
17 deriving from projects supported by the Fund at any
18 point in its development and commercial life-cycle
19 shall be licensed, exported, re-exported, or trans-
20 ferred, including as deemed export, or acquired by
21 an entity under the influence, control, or ownership
22 of the PRC.

23 (5) CONTROLS.—All activities supported with
24 the fund shall be considered controlled technologies
25 by all participants.

1 (d) REPORT BY SECRETARY OF STATE.—Not later
2 than 1 year after the date of the enactment of this Act,
3 and annually thereafter for each fiscal year during which
4 amounts in the Fund are available under subsection
5 (b)(3), the Secretary of State shall submit to the appro-
6 priate congressional committees a report on the implemen-
7 tation of this section.

8 (e) REPORT BY COMPTROLLER GENERAL.—Not later
9 than 2 years after the date of the enactment of this Act,
10 the Comptroller General of the United States shall submit
11 to the appropriate congressional committees a report eval-
12 uating the effectiveness of the Fund, including—

13 (1) the effectiveness of projects supported by
14 the Fund; and

15 (2) an assessment of the merits of continuation
16 of the Fund.

17 **SEC. 7. SENSE OF CONGRESS.**

18 It is the sense of Congress that the interagency work-
19 ing group established under section 703(b) should, as soon
20 as practicable after the date of the enactment of this Act,
21 seek to establish a multilateral agreement in a manner
22 similar to the establishment of the multilateral agreement
23 described in section 704(e) with United States allies and
24 partners to substantially reduce and eliminate the global

1 availability of other critical technologies identified under
2 section 703(c)(2)(A) to the People's Republic of China.

3 **SEC. 708. DEFINITIONS.**

4 In this title:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—Except as otherwise provided, the term “ap-
7 propriate congressional committees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Energy and Commerce of the
10 House of Representatives; and

11 (B) the Committee on Banking, Housing,
12 and Urban Affairs and the Committee on Com-
13 merce, Science, and Transportation of the Sen-
14 ate.

15 (2) COMMERCE CONTROL LIST.—The term
16 “Commerce Control List” means the list set forth in
17 Supplement No. 1 to part 774 of the Export Admin-
18 istration Regulations.

19 (3) COVERED UNITED STATES ALLY OR PART-
20 NER.—The term “covered United States ally or
21 partner” means a foreign country that has a binding
22 bilateral or plurilateral export control agreement
23 with the United States.

24 (4) ENTITY LIST.—The term “Entity List”
25 means the list maintained by the Bureau of Industry

1 and Security and set forth in Supplement No. 4 to
2 part 744 of the Export Administration Regulations.

3 (5) EXPORT ADMINISTRATION REGULATIONS.—

4 The term “Export Administration Regulations”
5 means subchapter C of chapter VII of title 15, Code
6 of Federal Regulations.

