

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

At the appropriate place, insert the following:

1 **SEC. \_\_\_\_ . REVIEW AND CONTROLS ON EXPORT OF ITEMS**  
2 **WITH CRITICAL CAPABILITIES TO ENABLE**  
3 **HUMAN RIGHTS ABUSES.**

4 (a) STATEMENT OF POLICY.—It is the policy of the  
5 United States to use export controls to the extent nec-  
6 essary to further the protection of internationally recog-  
7 nized human rights.

8 (b) REVIEW OF ITEMS WITH CRITICAL CAPABILITIES  
9 TO ENABLE HUMAN RIGHTS ABUSES.—Not later than  
10 180 days after the date of the enactment of this Act, and  
11 as appropriate thereafter, the Secretary, in coordination  
12 with the Secretary of State, the Director of National Intel-  
13 ligence, and the heads of other Federal agencies as appro-  
14 priate, shall conduct a review of items subject to controls  
15 for crime control reasons pursuant to section 742.7 of the  
16 Export Administration Regulations.

17 (c) CONTROLS.—In furtherance of the policy set forth  
18 in subsection (a), not later than 60 days after completing  
19 the review required by subsection (b), the Secretary, in

1 coordination with the heads of other Federal agencies as  
2 appropriate, shall determine whether additional export  
3 controls are needed to protect human rights, including  
4 whether—

5 (1) controls for crime control reasons pursuant  
6 to section 742.7 of the Export Administration Regu-  
7 lations should be imposed on additional items, in-  
8 cluding items with critical capabilities to enable  
9 human rights abuses involving—

10 (A) censorship or social control;

11 (B) surveillance, interception, or restriction  
12 of communications;

13 (C) monitoring or restricting access to or  
14 use of the internet;

15 (D) identification of individuals through  
16 facial or voice recognition or biometric indica-  
17 tors; or

18 (E) DNA sequencing; or

19 (2) end-use and end-user controls should be im-  
20 posed on the export, reexport, or in-country transfer  
21 of certain items with critical capabilities to enable  
22 human rights abuses that are subject to the Export  
23 Administration Regulations if the person seeking to  
24 export, reexport, or transfer the item has knowledge,  
25 or the Secretary determines and so informs that per-

1 son, that the end-user or ultimate consignee will use  
2 the item to enable human rights abuses.

3 (d) COOPERATION OF OTHER AGENCIES.—Upon re-  
4 quest from the Secretary, the head of a Federal agency  
5 shall provide full support and cooperation to the Secretary  
6 in carrying out this section.

7 (e) INTERNATIONAL COORDINATION ON CONTROLS  
8 TO PROTECT HUMAN RIGHTS.—It shall be the policy of  
9 the United States to seek to secure the cooperation of  
10 other governments to impose export controls that are con-  
11 sistent, to the extent possible, with the controls imposed  
12 under this section.

13 (f) CONFORMING AMENDMENT.—Section 1752(2)(A)  
14 of the Export Control Reform Act of 2018 (50 U.S.C. 20  
15 4811(2)(A)) is amended—

16 (1) in clause (iv), by striking “; or” and insert-  
17 ing a semicolon;

18 (2) in clause (v), by striking the period and in-  
19 serting “; or”; and

20 (3) by adding at the end the following:

21 “(vi) serious human rights abuses.”.

22 (g) DEFINITIONS.—In this section:

23 (1) END-USER; KNOWLEDGE; ULTIMATE CON-  
24 SIGNEE.—The terms “end-user”, “knowledge”, and  
25 “ultimate consignee” have the meanings given those

1 terms in section 772.1 of the Export Administration  
2 Regulations.

3 (2) EXPORT; EXPORT ADMINISTRATION REGU-  
4 LATIONS; IN-COUNTRY TRANSFER; ITEM; REEX-  
5 PORT.—The terms “export”, “Export Administra-  
6 tion Regulations”, “in-country transfer”, “item”,  
7 and “reexport” have the meanings given those terms  
8 in section 1742 of the Export Control Reform Act  
9 of 2018 (50 U.S.C. 4801).

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of Commerce.

