

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require an assessment of certain United States-origin technology used by foreign adversaries in foreign espionage programs targeting the United States and to require consideration of that assessment in export control decisions.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 2226**

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TESTER

Viz:

1 At the end of subtitle G of title XII, add the fol-  
2 lowing:

3 **SEC. 1299L. ASSESSMENT OF AND EXPORT CONTROL DECI-**  
4 **SIONS WITH RESPECT TO CERTAIN UNITED**  
5 **STATES-ORIGIN TECHNOLOGY USED BY FOR-**  
6 **EIGN ADVERSARIES.**

7 (a) ASSESSMENT REQUIRED.—

1           (1) IN GENERAL.—The Director of National In-  
2           telligence shall conduct an assessment of technology  
3           described in paragraph (2) that could be or is being  
4           used by foreign adversaries in foreign espionage pro-  
5           grams targeting the United States.

6           (2) TECHNOLOGY DESCRIBED.—Technology de-  
7           scribed in this paragraph is technology of United  
8           States origin that is commercially available and not  
9           subject to export controls.

10          (3) REPORT REQUIRED.—Not later than 180  
11          days after the date of the enactment of this Act, the  
12          Director shall submit a report on the assessment re-  
13          quired by paragraph (1) to—

14                (A) the Committee on Armed Services, the  
15                Committee on Commerce, Science, and Trans-  
16                portation, the Committee on Banking, Housing,  
17                and Urban Affairs, the Committee on Foreign  
18                Relations, and the Select Committee on Intel-  
19                ligence of the Senate; and

20                (B) the Committee on Armed Services, the  
21                Committee on Energy and Commerce, the Com-  
22                mittee on Financial Services, the Committee on  
23                Foreign Affairs, and the Permanent Select  
24                Committee on Intelligence of the House of Rep-  
25                resentatives.

1           (b) CONSIDERATION OF ASSESSMENT IN EXPORT  
2 CONTROL DECISIONS.—The Secretary of Commerce, the  
3 Secretary of State, and the Secretary of the Treasury shall  
4 each use the assessment conducted under subsection (a)  
5 to inform decisions with respect to listing, de-listing, or  
6 changing the control and regulation status of technology  
7 for purposes of export controls within their respective ju-  
8 risdictions.