

119TH CONGRESS
2D SESSION

S. _____

To require an analysis of threats posed by foreign adversary access to
controlled items within the United States.

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED (for himself and Mr. WARNER) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To require an analysis of threats posed by foreign adversary
access to controlled items within the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Addressing Dangerous
5 Vulnerabilities in Exports and Research to Strategic Ad-
6 versaries, Regimes, and Industrial Entities of Security
7 Concern Act” or “ADVERSARIES Act”.

1 **SEC. 2. ANALYSIS OF THREATS POSED BY FOREIGN ADVER-**
2 **SARY ACCESS TO CONTROLLED ITEMS WITH-**
3 **IN 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, additionally, the na-
13 tional security threats posed by foreign adversary exploi-
14 tation of vulnerabilities in information and communica-
15 tions technology 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 any entity that is directly or indi-
20 rectly, individually or in aggregate, 50 percent or
21 more owned by one or more entities described in
22 subparagraph (B), can acquire items that their ulti-
23 mate parent companies are restricted from accessing
24 due to United States export controls.

25 (B) The entities described in this subparagraph
26 are—

- 1 (i) entities identified on the Entity List; or
2 (ii) entities identified on the Military End
3 User List.

4 (2) If the review concludes affirmatively the
5 question posed in paragraph (1), the extent to which
6 entities described in subparagraph (A) are acquiring
7 items that their ultimate parent companies are re-
8 stricted from accessing due to United States export
9 controls and the impact on the effectiveness of
10 United States export controls.

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

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

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

22 (6) Any recommended change to United States
23 law that would help address any threats found from
24 this review.

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

10 (d) DEFINITIONS.—In this section—

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

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