

119TH CONGRESS
1ST SESSION

S. 2041

To establish the Office of Information and Communications Technology and Services within the Bureau of Industry and Security of the Department of Commerce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2025

Ms. SLOTKIN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To establish the Office of Information and Communications Technology and Services within the Bureau of Industry and Security of the Department of Commerce, and for other purposes.

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 “Information and Com-
5 munications Technology and Services National Security
6 Review Act”.

1 **SEC. 2. OFFICE OF INFORMATION AND COMMUNICATIONS**
 2 **TECHNOLOGY AND SERVICES.**

3 (a) IN GENERAL.—The Export Control Reform Act
 4 of 2018 (50 U.S.C. 4801 et seq.) is amended by adding
 5 at the end the following:

6 **“PART IV—OFFICE OF INFORMATION AND**
 7 **COMMUNICATIONS TECHNOLOGY AND SERVICES**
 8 **“SEC. 1785. DEFINITIONS.**

9 “In this part:

10 “(1) AGENCY.—The term ‘agency’ has the
 11 meaning given that term in section 551 of title 5,
 12 United States Code.

13 “(2) COMMERCE CONTROL LIST.—The term
 14 ‘Commerce Control List’ means the Commerce Con-
 15 trol List set forth in Supplement No. 1 to part 774
 16 of the Export Administration Regulations.

17 “(3) COVERED TRANSACTION.—The term ‘cov-
 18 ered transaction’ means a transaction that—

19 “(A) is conducted by any person subject to
 20 the jurisdiction of the United States or involves
 21 property subject to the jurisdiction of the
 22 United States;

23 “(B) involves—

24 “(i) ICTS (as the term is defined by
 25 Executive Order 13873) that is designed,
 26 developed, manufactured, or supplied by

1 persons owned by, controlled by, or subject
2 to a jurisdiction or direction of a jurisdic-
3 tion of concern; or

4 “(ii) an item on the Commerce Con-
5 trol List; and

6 “(C) is—

7 “(i) an ICTS transaction (as de-
8 scribed in section 791.1 of title 15, Code of
9 Federal Regulations (or any successor reg-
10 ulation)); or

11 “(ii) a transaction relating to the ex-
12 port, reexport, or in-country transfer for
13 an item described in subparagraph (B)(ii).

14 “(4) CRITICAL INFRASTRUCTURE.—The term
15 ‘critical infrastructure’ means systems and assets,
16 whether physical or virtual, so vital to the United
17 States that the incapacity or destruction of such sys-
18 tems and assets would have a debilitating impact on
19 national security, national economic security, na-
20 tional public health or safety, or any combination of
21 those matters.

22 “(5) ENTITY.—The term ‘entity’ means any
23 firm, partnership, trust, joint venture, corporation,
24 or other association or organization.

1 “(6) ENTITY OF CONCERN.—The term ‘entity
2 of concern’ means an entity owned or controlled
3 by—

4 “(A) an entity listed on the Entity List set
5 forth in Supplement No. 4 to part 744 of the
6 Export Administration Regulation; or

7 “(B) a person subject to the jurisdiction of
8 a country that is under a comprehensive United
9 States arms embargo, as listed in Country
10 Group D:5 in Supplement No. 1 to part 740 of
11 the Export Administration Regulations.

12 “(7) INFORMATION AND COMMUNICATIONS
13 TECHNOLOGY AND SERVICES; ICTS.—The terms ‘in-
14 formation and communications technology and serv-
15 ices’ and ‘ICTS’ have the meaning given the term
16 ‘information and communications technology or serv-
17 ices’ in Executive Order 13873 (50 U.S.C. 1701
18 note; relating to securing the information and com-
19 munications technology and services supply chain).

20 “(8) JURISDICTION OF CONCERN.—The term
21 ‘jurisdiction of concern’ means any of the following:

22 “(A) The People’s Republic of China.

23 “(B) The Russian Federation.

24 “(C) The Islamic Republic of Iran.

1 “(D) The Democratic People’s Republic of
2 Korea.

3 “(9) RELEVANT COMMITTEES OF CONGRESS.—
4 The term ‘relevant committees of Congress’ means—

5 “(A) the Committee on Banking, Housing,
6 and Urban Affairs of the Senate; and

7 “(B) the Committee on Foreign Affairs of
8 the House of Representatives.

9 “(10) UNDUE RISK.—The term ‘undue risk’
10 means any of the following:

11 “(A) The undue risk of sabotage to or sub-
12 version of the design, integrity, manufacturing,
13 production, distribution, installation, operation,
14 or maintenance of ICTS in the United States.

15 “(B) The undue risk of catastrophic effects
16 on the security or resiliency of United States
17 critical infrastructure or the digital economy of
18 the United States.

19 “(C) The undue risk of an entity of con-
20 cern acquiring an item on the Commerce Con-
21 trol List.

22 **“SEC. 1785A. OFFICE OF INFORMATION AND COMMUNICA-**
23 **TIONS TECHNOLOGY AND SERVICES.**

24 “(a) ESTABLISHMENT.—There is established within
25 the Bureau of Industry and Security of the Department

1 of Commerce an Office of Information and Communica-
 2 tions Technology and Services (in this section referred to
 3 as the ‘Office’).

4 “(b) EXECUTIVE DIRECTOR.—The head of the Office
 5 shall be an Executive Director, who shall—

6 “(1) be appointed by the Secretary; and

7 “(2) report to the Assistant Secretary ap-
 8 pointed under section 1782(a)(2).

9 “(c) DUTIES.—The Office shall—

10 “(1) identify and prevent through mitigation or
 11 prohibition the undue risk posed by certain trans-
 12 actions; and

13 “(2) educate industry and other partners on
 14 relevant risks and communicate decisions.

15 “(d) SPECIAL HIRING AUTHORITY.—The Executive
 16 Director may appoint, without regard to the provisions of
 17 sections 3309 through 3318 of title 5, United States Code,
 18 candidates directly to positions in the competitive service
 19 (as defined in section 2102 of that title).

20 “(e) TRANSITION RULES.—

21 “(1) CONTINUATION IN OFFICE OF THE EXECU-
 22 TIVE DIRECTOR.—An individual serving as the Exec-
 23 utive Director before the date of the enactment of
 24 this part may serve as the Executive Director on

1 and after that date without the need for appoint-
2 ment under subsection (b).

3 “(2) REPORTING.—The Executive Director
4 shall report to the Under Secretary for Industry and
5 Security until such time as an Assistant Secretary is
6 appointed, by and with the advice and consent of the
7 Senate, under section 1782(a)(2).

8 **“SEC. 1785B. TRANSACTION REVIEW PROCESS.**

9 “(a) IN GENERAL.—The Secretary, acting through
10 the Office of Information and Communications Tech-
11 nology and Services, shall review covered transactions ac-
12 cording to the following procedures:

13 “(1) REVIEW.—The Secretary may review any
14 covered transaction that the Secretary suspects
15 poses an undue risk.

16 “(2) INVESTIGATIVE AUTHORITY.—In reviewing
17 a covered transaction described in paragraph (1) the
18 Secretary may do the following:

19 “(A) Require any person subject to the ju-
20 risdiction of the United States to furnish under
21 oath, in the form of a report or otherwise, at
22 any time as may be required by the Secretary,
23 complete information relative to any such trans-
24 action.

1 “(B) Require that any such report take a
2 particular form as directed in a request, regula-
3 tion, or other guidance provided by the Sec-
4 retary, which may be required before, during, or
5 after any such transaction.

6 “(C) Through any agency, conduct inves-
7 tigations, hold hearings, administer oaths, ex-
8 amine witnesses, receive evidence, take deposi-
9 tions, and require by subpoena the attendance
10 and testimony of witnesses and the production
11 of any book, contract, letter, paper, and other
12 hard copy or document relating to any matter
13 under investigation, regardless of whether any
14 such report has been required or filed.

15 “(b) MITIGATION OF RISK.—

16 “(1) IN GENERAL.—If the Secretary finds
17 under subsection (a) that a covered transaction
18 poses an undue risk, the Secretary shall mitigate the
19 undue risk as described in paragraph (2) or prohibit
20 the transaction.

21 “(2) MITIGATION OF RISK AUTHORITY.—The
22 Secretary may choose to mitigate any undue risk
23 posed by a covered transaction reviewed under sub-
24 section (a). To mitigate the undue risk, the Sec-

1 retary may do any of the following with regard to
2 any party to the covered transaction:

3 “(A) Negotiate, enter into or impose, and
4 enforce any agreement or condition.

5 “(B) Require adherence to certain cyberse-
6 curity standards and other mitigation require-
7 ments determined to be necessary by the Sec-
8 retary.

9 “(C) Require the exclusion (in whole or in
10 part) of certain components, including physical
11 parts or hardware, software, digital services,
12 and digital components, of any ICTS or any
13 sub-component of ICTS from any such trans-
14 action.

15 “(D) Anything else the Secretary deter-
16 mines to be appropriate or necessary to miti-
17 gate the undue risk.

18 “(3) PROHIBITION OF TRANSACTION.—If the
19 Secretary determines that the undue risk posed by
20 a covered transaction cannot be effectively mitigated
21 for any reason, the Secretary—

22 “(A) may prohibit the covered transaction;
23 and

24 “(B) if the Secretary prohibits the trans-
25 action, shall—

1 “(i) notify any party subject to the re-
2 view of the covered transaction of the pro-
3 hibition; and

4 “(ii) publish the prohibition in the
5 Federal Register.

6 **“SEC. 1785C. REGULATING COVERED TRANSACTIONS CON-**
7 **NECTED TO ENTITIES OR JURISDICTIONS OF**
8 **CONCERN.**

9 “(a) AUTHORIZATION TO ISSUE RULES FOR CER-
10 TAIN CLASSES OF COVERED TRANSACTIONS.—The Sec-
11 retary may determine that, for certain classes of covered
12 transactions, a review conducted under section 1785B
13 may not effectively address undue risks and may promul-
14 gate, in accordance with section 553 of title 5, United
15 States Code, regulations that do the following:

16 “(1) Identify particular covered transactions,
17 entities of concern, or jurisdictions of concern that
18 warrant particular scrutiny for undue risk.

19 “(2) Establish mitigation measures to address
20 undue risk, to include prohibitions related to entities
21 of concern or jurisdictions of concern or for classes
22 of covered transactions.

23 “(3) Establish criteria by which particular cov-
24 ered transactions or particular classes of partici-
25 pants in the covered transaction supply chain may

1 be recognized as categorically included in or as cat-
2 egorically excluded from mitigation measures or pro-
3 hibitions.

4 “(4) Establish particular classes of covered
5 transactions or parties to covered transactions that
6 must abide by certain prohibitions or mitigation
7 measures.

8 “(5) Establish procedures to authorize or li-
9 cense transactions otherwise prohibited pursuant to
10 a regulation promulgated under this section.

11 “(6) Any other rule the Secretary determines to
12 be appropriate.

13 “(b) OTHER REVIEW BY SECRETARY PERMITTED.—
14 The promulgation of any regulation under subsection (a)
15 does not preclude the Secretary from initiating a review
16 of any covered transaction, including a covered transaction
17 that belongs to an identified category under this section.

18 **“SEC. 1785D. RISK ASSESSMENTS.**

19 “(a) DNI RISK ASSESSMENTS.—Not later than 180
20 days after the date of the enactment of this part, and an-
21 nually thereafter, the Director of National Intelligence
22 shall submit to the Secretary—

23 “(1) a risk assessment related to the threats
24 posed by entities of concern or jurisdictions of con-

cern to the United States by the supply chain of covered transactions that—

“(A) includes specific criteria to evaluate any risk to the national security of the United States; and

“(B) identifies any entities of concern, jurisdictions of concern, participants in such supply chain, and covered transactions or classes of covered transactions posing the highest risks to the national security of the United States; and

“(2) a risk assessment of the threats posed by the supply chains of covered transactions to the national security of the United States.

“(b) SUBMISSION OF RISK ASSESSMENT.—

“(1) IN GENERAL.—Not later than 90 days after the date on which the risk assessments required by subsection (a) are submitted to the Secretary, the Director of National Intelligence shall submit the risk assessments to the relevant committees of Congress in unclassified format.

“(2) CLASSIFIED ANNEX.—The risk assessments submitted under paragraph (1)—

“(A) may include a classified annex; and

“(B) shall include in the classified annex only the identification of specific participants in

1 the supply chain of covered transactions that
2 pose risk to the national security of the United
3 States.

4 **“SEC. 1785E. OTHER AUTHORITIES.**

5 “(a) REGULATIONS.—Any regulation the Secretary
6 promulgated under Executive Order 13873 (50 U.S.C.
7 1701 note; relating to securing the information and com-
8 munications technology and services supply chain) and
9 Executive Order 14034 (50 U.S.C. 1701 note; relating to
10 protecting Americans’ sensitive data from foreign adver-
11 saries) before the date of the enactment of this part shall
12 continue in effect on and after such date of enactment.
13 In carrying out the requirements of this part, the Sec-
14 retary may amend regulations or promulgate new regula-
15 tions and procedures as the Secretary considers appro-
16 priate.

17 “(b) GUIDANCE.—The Secretary may issue guidance
18 and establish procedures to carry out this part.

19 “(c) TECHNICAL ADVISORY COMMITTEE.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this part, the Sec-
22 retary shall establish an ICTS technical advisory
23 committee to report to the Executive Director of the
24 Office of Information and Communications Tech-
25 nology and Services.

1 “(2) MEMBERSHIP.—The ICTS advisory com-
2 mittee established under paragraph (1) shall include
3 the following:

4 “(A) Industry academic experts on covered
5 transaction supply chains.

6 “(B) Representatives of private sector
7 companies, industry associations, and academia.

8 “(C) A designated Federal officer to ad-
9 minister the advisory committee and report to
10 the Executive Director.

11 “(d) CONFIDENTIALITY AND DISCLOSURE OF INFOR-
12 MATION.—Any information or document not otherwise
13 publicly or commercially available that has been submitted
14 to the Secretary under this part shall not be released pub-
15 licly excepted to the extent required by Federal law.

16 **“SEC. 1785F. ENFORCEMENT.**

17 “(a) INVESTIGATIONS.—

18 “(1) IN GENERAL.—The Secretary may conduct
19 an investigation of any violation of an authorization,
20 order, mitigation measure, regulation, or prohibition
21 issued under this part.

22 “(2) ACTIONS BY DESIGNEES.—In conducting
23 an investigation described in paragraph (1), the As-
24 sistant Secretary of Commerce for Export Enforce-
25 ment, or designated officers or employees of the Sec-

1 retary may, to the extent necessary or appropriate to
2 enforce this part, exercise such authority as is con-
3 ferred upon them by any other Federal law, subject
4 to policies and procedures approved by the Attorney
5 General.

6 “(b) PERMITTED ACTIVITIES.—An officer or em-
7 ployee authorized to conduct investigations under sub-
8 section (a) by the Secretary may do any of the following:

9 “(1) Inspect, search, detain, seize, or impose a
10 temporary denial order with respect to any item, in
11 any form, or conveyance on which it is believed that
12 there are items that have been, are being, or are
13 about to be imported into the United States in viola-
14 tion of this part or any other applicable Federal law.

15 “(2) Require, inspect, and obtain any book,
16 record, and any other information from any person
17 subject to the provisions of this part or other appli-
18 cable Federal law.

19 “(3) Administer an oath or affirmation and, by
20 subpoena, require any person to appear and testify
21 or to appear and produce books, records, and other
22 writings.

23 “(4) Obtain a court order and issue legal proc-
24 ess to the extent authorized under chapters 119,

1 121, and 206 of title 18, United States Code, or any
2 other applicable Federal law.

3 “(c) ENFORCEMENT OF SUBPOENAS.—In the case of
4 contumacy by, or refusal to obey a subpoena issued to,
5 any person under subsection (b)(3), a district court of the
6 United States, after notice to such person and a hearing,
7 shall have jurisdiction to issue an order requiring such
8 person to appear and give testimony or to appear and
9 produce books, records, and other writings, regardless of
10 format, that are the subject of the subpoena. Any failure
11 to obey such order of the court may be punished by such
12 court as a contempt thereof.

13 “(d) ACTIONS BY THE ATTORNEY GENERAL.—The
14 Attorney General may bring an action in an appropriate
15 district court of the United States for appropriate relief,
16 including declaratory and injunctive, or divestment relief,
17 against any person who violates this part or any regula-
18 tion, order, direction, mitigation measure, prohibition, or
19 other authorization or directive issued under this part.

20 **“SEC. 1785G. JUDICIAL REVIEW.**

21 “(a) RIGHT OF ACTION.—A claim or petition chal-
22 lenging this part or any action, finding, or determination
23 under this part may be filed only in the United States
24 Court of Appeals for the District of Columbia Circuit.

1 “(b) EXCLUSIVE JURISDICTION.—The United States
2 Court of Appeals for the District of Columbia Circuit shall
3 have exclusive jurisdiction over claims or petitions arising
4 under this part against the United States, any agency, or
5 any component or official of an agency, subject to review
6 by the Supreme Court of the United States under section
7 1254 of title 28, United States Code.

8 “(c) IN CAMERA AND EX PARTE REVIEW.—The fol-
9 lowing information may be included in the administrative
10 record and shall be submitted to the court only ex parte
11 and in camera:

12 “(1) Sensitive security information, as defined
13 in section 1520.5 of title 49, Code of Federal Regu-
14 lations.

15 “(2) Records or information compiled for law
16 enforcement purposes, as described in section
17 552(b)(7) of title 5, United States Code.

18 “(3) Classified information, meaning any infor-
19 mation or material that has been determined by the
20 United States Government pursuant to an Executive
21 order, statute, or regulation, to require protection
22 against unauthorized disclosure for reasons of na-
23 tional security and any restricted data, as defined in
24 section 11 of the Atomic Energy Act of 1954 (42
25 U.S.C. 2014).

1 “(4) Information subject to privilege or protec-
2 tions under any other provision of law, including
3 subchapter II of chapter 53 of title 31, United
4 States Code.

5 “(d) INFORMATION UNDER SEAL.—Any information
6 that is part of the administrative record filed ex parte and
7 in camera under subsection (c), or cited by the court in
8 any decision, shall be treated by the court consistent with
9 the provisions of this section. In no event shall such infor-
10 mation be released to the claimant or petitioner or as part
11 of the public record.

12 “(e) RETURN OF ADMINISTRATIVE RECORD.—After
13 the expiration of the time to seek further review, or the
14 conclusion of further proceedings, the court shall return
15 the administrative record, including any and all copies, to
16 the United States.

17 “(f) EXCLUSIVE REMEDY.—A determination by the
18 court under this section shall be the exclusive judicial rem-
19 edy for any claim or petition for review challenging this
20 part or any action, finding, or determination under this
21 part against the United States, any agency, or any compo-
22 nent or official of any such agency.

23 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed as limiting, superseding, or pre-
25 venting the invocation of, any privileges or defenses that

1 are otherwise available at law or in equity to protect
2 against the disclosure of information.

3 “(h) STATUTE OF LIMITATIONS.—A challenge to any
4 determination under this part may only be brought not
5 later than 180 days after the date of such a determination.

6 **“SEC. 1785H. PENALTIES.**

7 “(a) UNLAWFUL ACTS.—It shall be unlawful for a
8 person to violate, attempt to violate, conspire to violate,
9 or cause a violation of any regulation, order, direction,
10 prohibition, or other authorization or directive issued
11 under this part.

12 “(b) CRIMINAL PENALTIES.—A person who willfully
13 commits, willfully attempts to commit, or willfully con-
14 spires to commit, or aids and abets in the commission of
15 a violation of subsection (a) shall be fined not more than
16 \$1,000,000 for each violation, imprisoned for not more
17 than 20 years, or both.

18 “(c) CIVIL PENALTIES.—

19 “(1) IN GENERAL.—The Secretary may impose
20 the following civil penalties on a person for each vio-
21 lation by that person of a rule promulgated under
22 this section:

23 “(A) A monetary penalty that is the great-
24 er of—

25 “(i) \$250,000; or

1 “(ii) an amount that is twice the value
 2 of the action that is the basis of the viola-
 3 tion with respect to which the penalty is
 4 imposed.

5 “(B) Revocation of any mitigation measure
 6 or authorization issued under this part to the
 7 person.

8 “(C) A prohibition or other restriction on
 9 the ability of the person to engage in any cov-
 10 ered transaction or class of such transactions.

11 “(2) PROCEDURES.—Any civil penalty imposed
 12 under paragraph (1) may be imposed only pursuant
 13 to a rule promulgated under this section.

14 “(3) STANDARDS FOR LEVELS OF CIVIL PEN-
 15 ALTY.—The Secretary may, by rule, provide stand-
 16 ards for establishing levels of civil penalty under
 17 paragraph (1) based upon factors, including—

18 “(A) the seriousness of the violation;

19 “(B) the culpability of the violator, includ-
 20 ing any pattern of reckless behavior; and

21 “(C) any mitigating factors, such as the
 22 record of cooperation of the violator with the
 23 Federal Government in disclosing the violation.

24 “(d) PRE-PENALTY NOTICES; SETTLEMENTS.—

25 “(1) PRE-PENALTY NOTICES.—

1 “(A) IN GENERAL.—If the Secretary has
2 reason to believe that there has occurred a vio-
3 lation of subsection (a) and determines that a
4 civil monetary penalty under subsection
5 (c)(1)(A) is warranted, the Secretary shall issue
6 a pre-penalty notice informing the alleged viola-
7 tor of the intent of the Secretary to impose a
8 monetary penalty. The Secretary shall consider
9 any voluntary disclosures of a violation before
10 issuing such notice.

11 “(B) FORM OF NOTICE.—A pre-penalty
12 notice issued under subparagraph (A) shall be
13 in writing and issued either electronically or by
14 mail to the alleged violator.

15 “(C) EFFECTS OF ACTIONS OF OTHER
16 AGENCIES.—A pre-penalty notice may be issued
17 under subparagraph (A) whether or not an
18 agency other than the Department of Com-
19 merce has taken any action with respect to the
20 matter.

21 “(2) RESPONSES.—

22 “(A) RIGHT TO RESPOND.—An alleged vio-
23 lator may respond to a pre-penalty notice issued
24 under paragraph (1)(A) in writing to the Sec-
25 retary.

1 “(B) DEADLINE FOR RESPONSE.—

2 “(i) IN GENERAL.—An alleged viola-
3 tor shall respond to a pre-penalty notice
4 issued under paragraph (1)(A), except as
5 provided by clause (ii), on or before the
6 30th day after the date of the issuance of
7 the notice. Failure to submit a response
8 during the time required by the previous
9 sentence shall be deemed to be a waiver of
10 the right to respond.

11 “(ii) EXTENSIONS OF DEADLINE.—If
12 the deadline under clause (i) for a response
13 to a pre-penalty notice falls on a Federal
14 holiday or weekend, that deadline shall be
15 extended to the following business day.
16 Any other extensions of the deadline shall
17 be granted, at the discretion of the Sec-
18 retary, only upon specific request to the
19 Secretary.

20 “(C) FORM AND METHOD.—A response
21 under subparagraph (A) to a pre-penalty notice
22 need not be in any particular form, but it is re-
23 quired to be typewritten and signed by the al-
24 leged violator or a representative thereof, con-
25 tain information sufficient to indicate that it is

1 in response to the pre-penalty notice, and in-
2 clude the identification number listed on the
3 pre-penalty notice. A digital signature is accept-
4 able.

5 “(D) CONTENT.—Any response under sub-
6 paragraph (A) to a pre-penalty notice is re-
7 quired—

8 “(i) to set forth in detail why the al-
9 leged violator either believes that a viola-
10 tion of subsection (a) did not occur or why
11 a civil monetary penalty under subsection
12 (c)(1)(A) is otherwise unwarranted under
13 the circumstances; and

14 “(ii) to include all documentary or
15 other evidence available to the alleged vio-
16 lator that supports the arguments set forth
17 in the response.

18 “(3) REPRESENTATION.—A representative of
19 the alleged violator may act on behalf of the alleged
20 violator, but any oral communication with the Sec-
21 retary prior to a written submission regarding the
22 specific allegations contained in the pre-penalty no-
23 tice is required to be preceded by a written letter of
24 representation, unless the pre-penalty notice was

1 served upon the alleged violator in care of the rep-
2 resentative.

3 “(4) SETTLEMENT.—Settlement discussions
4 may be initiated by the Secretary, the alleged viola-
5 tor, or the alleged violator’s authorized representa-
6 tive.

7 “(e) PENALTY IMPOSITION.—

8 “(1) IN GENERAL.—If, after considering any
9 written response to a pre-penalty notice under sub-
10 section (d)(2) and any relevant facts, including vol-
11 untary disclosure of a violation of subsection (a), the
12 Secretary determines that there was a violation by
13 the alleged violator named in the pre-penalty notice
14 and that a civil monetary penalty under subsection
15 (c)(1)(A) is appropriate, the Secretary may issue a
16 penalty notice to the violator containing a deter-
17 mination of the violation and the imposition of the
18 monetary penalty.

19 “(2) FINAL AGENCY ACTION.—The issuance of
20 the penalty notice shall constitute final agency ac-
21 tion for purposes of review under section 704 of title
22 5, United States Code.

23 “(3) JUDICIAL REVIEW.—The violator may seek
24 judicial review of that final agency action under sec-
25 tion 1785G.

1 **“SEC. 1785I. RELATIONSHIP TO OTHER LAWS.**

2 “(a) RULE OF CONSTRUCTION RELATING TO OTHER
3 LAW.—Nothing in this part shall be construed to alter or
4 affect any other authority, process, regulation, investiga-
5 tion, enforcement measure, or review provided by or estab-
6 lished under any other provision of Federal law.

7 “(b) PAPERWORK REDUCTION ACT EXCEPTION.—
8 The requirements of chapter 35 of title 44, United States
9 Code (commonly referred to as the ‘Paperwork Reduction
10 Act’), shall not apply to any action by the Secretary to
11 implement this part.

12 “(c) COMMITTEE ON FOREIGN INVESTMENT IN THE
13 UNITED STATES.—Nothing in this part shall prevent or
14 preclude the President or the Committee on Foreign In-
15 vestment in the United States from exercising any author-
16 ity under section 721 of the Defense Production Act of
17 1950 (50 U.S.C. 4565 et seq.) as would be available in
18 the absence of this part.

19 “(d) RULE OF CONSTRUCTION FOR THE OICTS.—
20 Nothing in this part may be construed as altering any of
21 the authority of the Office of Information and Commu-
22 nications Technology and Services under Executive Order
23 13873 (50 U.S.C. 1701 note; relating to securing the in-
24 formation and communications technology and services
25 supply chain) and Executive Order 14034 (50 U.S.C.

1 1701 note; relating to protecting Americans’ sensitive data
 2 from foreign adversaries).”.

3 (b) CONFORMING AMENDMENTS TO EXPORT CON-
 4 TROL REFORM ACT OF 2018.—

5 (1) DEFINITION OF UNITED STATES PERSON.—

6 Section 1742(13)(A) of the Export Control Reform
 7 Act of 2018 (50 U.S.C. 4801(13)(1)) is amended, in
 8 the matter preceding clause (i), by striking “part I”
 9 and inserting “parts I and IV”.

10 (2) ANNUAL REPORT.—Section 1765(a) of the
 11 Export Control Reform Act of 2018 (50 U.S.C.
 12 4824(a)) is amended—

13 (A) in the matter preceding paragraph (1),
 14 by inserting “and part IV” after “this part”;

15 (B) in paragraph (8), by striking “; and”
 16 and inserting a semicolon;

17 (C) in paragraph (9), by striking the pe-
 18 riod and inserting “; and”; and

19 (D) by adding at the end the following:

20 “(10) a summary of how authorities under part
 21 IV are being used to ensure that entities of concern
 22 (as defined in section 1785) cannot undercut United
 23 States export controls by acquiring sensitive tech-
 24 nology within the United States.”.

1 (3) ASSISTANT SECRETARIES OF COMMERCE.—

2 Section 1782(a) of the Export Control Reform Act
3 of 2018 (50 U.S.C. 4852(a)) is amended—

4 (A) by striking “Senate, two” and insert-
5 ing the following: “Senate—

6 “(1) two”;

7 (B) by striking the period at the end and
8 inserting “; and”; and

9 (C) by adding at the end the following:

10 “(2) one Assistant Secretary of Commerce to
11 assist the Under Secretary in carrying out part IV.”.

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