

117TH CONGRESS
1ST SESSION

S. 1846

To require a review and controls on the export of items with critical capabilities to enable human rights abuses.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. CORNYN (for himself, Mr. CASEY, Mr. WARNER, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require a review and controls on the export of items with critical capabilities to enable human rights abuses.

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 “Surveillance and free
5 speech Protection Enhancement in Export controls for
6 Censorship and Human rights Act of 2021” or the
7 “SPEECH Act of 2021”.

1 **SEC. 2. 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
20 coordination with the heads of other Federal agencies as
21 appropriate, shall determine whether additional export
22 controls are needed to protect human rights, including
23 whether—

24 (1) controls for crime control reasons pursuant
25 to section 742.7 of the Export Administration Regu-
26 lations should be imposed on additional items, in-

1 including items with critical capabilities to enable
2 human rights abuses involving—

3 (A) censorship or social control;

4 (B) surveillance, interception, or restriction
5 of communications;

6 (C) monitoring or restricting access to or
7 use of the internet;

8 (D) identification of individuals through
9 facial or voice recognition or biometric indica-
10 tors; or

11 (E) DNA sequencing; or

12 (2) end-use and end-user controls should be im-
13 posed on the export, reexport, or in-country transfer
14 of certain items with critical capabilities to enable
15 human rights abuses that are subject to the Export
16 Administration Regulations if the person seeking to
17 export, reexport, or transfer the item has knowledge,
18 or the Secretary determines and so informs that per-
19 son, that the end-user or ultimate consignee will use
20 the item to enable human rights abuses.

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

1 (e) INTERNATIONAL COORDINATION ON CONTROLS
 2 TO PROTECT HUMAN RIGHTS.—It shall be the policy of
 3 the United States to seek to secure the cooperation of
 4 other governments to impose export controls that are con-
 5 sistent, to the extent possible, with the controls imposed
 6 under this section.

7 (f) CONFORMING AMENDMENT.—Section 1752(2)(A)
 8 of the Export Control Reform Act of 2018 (50 U.S.C.
 9 4811(2)(A)) is amended—

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

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

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

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

16 (g) DEFINITIONS.—In this section:

17 (1) END-USER; KNOWLEDGE; ULTIMATE CON-
 18 SIGNEE.—The terms “end-user”, “knowledge”, and
 19 “ultimate consignee” have the meanings given those
 20 terms in section 772.1 of the Export Administration
 21 Regulations.

22 (2) EXPORT; EXPORT ADMINISTRATION REGU-
 23 LATIONS; IN-COUNTRY TRANSFER; ITEM; REEX-
 24 PORT.—The terms “export”, “Export Administra-
 25 tion Regulations”, “in-country transfer”, “item”,

1 and “reexport” have the meanings given those terms
2 in section 1742 of the Export Control Reform Act
3 of 2018 (50 U.S.C. 4801).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Commerce.

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