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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To restrict the use of foreign adversary LiDAR in the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. KRISHNAMOORTHY introduced the following bill; which was referred to the Committee
on _____

A BILL

To restrict the use of foreign adversary LiDAR in the United States.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Adversaries From
Exploiting LiDAR Act of 2025” or the “SAFE LiDAR Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) LiDAR technologies are critical to the successful
development and deployment of autonomous vehicles, defense
systems, critical infrastructure, robotic systems, and advanced

manufacturing systems, as well as other important emerging innovations.

(2) The Chinese Communist Party seeks to dominate LiDAR technologies, which are critical not only for military advancements, but to the People's Republic of China's broader efforts to undermine the national security of the United States.

(3) Foreign adversary dominance of LiDAR technologies, and the widespread use of such technologies in the United States, creates profound opportunities for such adversaries to engage in espionage, technical compromise, and the disruption of sensitive supply chains, presenting an unacceptable threat to our Nation's security.

SEC. 3. PROHIBITION.

(a) IN GENERAL.—

(1) LIMITATION ON FUTURE TRANSACTIONS.—Except as otherwise provided under subsections (b), (c), or (d), beginning on the date that is three years after the date of enactment of this Act, a covered person, or any person knowingly engaging in a transaction with or on behalf of a covered person, shall not engage in a transaction that results in the use of covered foreign adversary light detection and ranging technology in the United States.

(2) LIMITATION ON CRITICAL INFRASTRUCTURE OR FEDERAL GOVERNMENT USE.—Except as otherwise provided under subsections (b), (c), or (d), a critical infrastructure operator or Federal Government entity shall not use covered foreign adversary light detection and ranging technology in the United States—

(A) in the case of a product or system in use by such user prior to the date of enactment of this Act, beginning on the date that is 5 years after the date of enactment; or

(B) in the case of a product or system not in use by such user on the date of enactment of this Act, beginning on the date of enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of Commerce may waive the prohibition under—

(A) subsection (a)(1) if he determines, on a case-by-case basis that—

(i) the issuance of such a waiver is in the national interest of the United States; or

(ii) that the failure to issue such waiver would—

(I) cause undue hardship to a given United States customer or user of a given covered foreign adversary light detection and ranging technology that is disproportionate to the national security benefit achieved through the application of the prohibition; and

(II) such waiver is non-renewable and the duration of such waiver does not exceed three years; and

(B) subsection (a)(2), on a case-by-case basis, if he determines that the issuance of such a waiver is—

(i) in the national security interests of the United States; or

(ii) necessary to avoid the cessation of a critical infrastructure or government function, and the operator or entity providing such function enters into a mitigation agreement with the Secretary outlining a plan for eliminating the prohibited technology or, if elimination is impracticable, mitigating the national security risks associated with its continued use.

(2) PROCEDURE.—Not later than the effective date of any prohibition under this Act, the Secretary of Commerce shall establish procedures and regulations governing the issuance of waivers under this subsection.

(c) EXEMPTIONS.—

(1) IN GENERAL.—The prohibitions under subsection (a) shall not apply in the case of—

(A) testing, evaluation, or cybersecurity activities by or on behalf of the United States Government;

(B) the acquisition of a covered foreign adversary light detection and ranging technology for academic or research purposes;

(C) the acquisition of a covered foreign adversary light detection and ranging technology for purposes of integration into a product manufactured, assembled, or otherwise developed in the United States, provided such products are exported outside of the United States and such covered foreign adversary light detection and ranging technology is not used in the United States; or

(D) the use of a product, including an airplane or automobile, containing a covered foreign adversary light detection and ranging technology in contexts where the principal purpose of such usage is the provision of passenger or cargo transportation services between the United States and a different country.

(2) LEGACY PRODUCTS AND SYSTEMS.—The prohibitions under subsection (a)(1) shall not apply in the case of—

(A) a discrete product in use within the United States prior to the date on which said prohibition is effective, or any covered foreign adversary light detection and ranging technology subsequently necessary to replace a covered

foreign adversary light detection and ranging technology in said product; or

(B) the resale, lease, or use of any product containing covered foreign adversary light detection and ranging technology if such technology was integrated into said discrete product prior to the effective date of a relevant prohibition under this Act.

(d) EXTENSION.—

(1) IN GENERAL.—The Secretary of Commerce shall grant a two year extension of the effective date of the prohibition under subsection (a)(1) in the event that he determines that alternative sources of light detection and ranging technology are produced in an insufficient quantity to meet domestic demand. Following an initial extension, additional extensions of 180 days may be granted, but only upon a de novo finding of the Secretary of Commerce of insufficient alternative supplies prior to the issuance of each such extension.

(2) REVIEW.—Any extension under paragraph (1) shall be subject to challenge for factual error in a district court of competent jurisdiction.

(e) RULES OF CONSTRUCTION.—Nothing in this Act shall be interpreted to—

(1) preclude, preempt, or abridge the establishment of any other limitation or restriction on covered foreign adversary light detection and ranging technology established under other authorities, including but not limited to such limitations or restrictions that may be promulgated pursuant to state law or existing or future authorities of the Secretary of Commerce or the Office of Information and Communications Technology and Services;

(2) permit an existing joint venture, licensing agreement, technology partnership, or other comparable contractual arrangement with a company that produces, designs, or

otherwise controls covered foreign adversary light detection and ranging technology to be expanded by means of a prohibited transaction; or

(3) prohibit the use of covered foreign adversary light detection and ranging technology by a United States person utilizing such technology outside of the United States.

SEC. 4. LIMITATION ON ADVERSARY PARTNERSHIPS.

(a) IN GENERAL.—

(1) LIMITATION.—Except as provided for under subsections (b) or (c), beginning on the date of enactment of this Act, it shall be unlawful for any covered person, or person knowingly engaging in a transaction with or on behalf of a covered person, to enter into any joint venture, licensing agreement, technology partnership, or other comparable contractual arrangement with a company that produces, designs, or otherwise controls covered foreign adversary light detection and ranging technology for the purpose of—

(A) manufacturing, assembling, or developing light detection and ranging technology that is or is derivative of covered foreign adversary light detection and ranging technology for use in the United States;

(B) licensing intellectual property of a covered foreign adversary light detection and ranging technology for use in products intended to be used in the United States; or

(C) facilitating the design, production, or deployment of light detection and ranging technology for use in the United States.

(2) RULE OF CONSTRUCTION.—The limitation described in paragraph (1) shall not be interpreted to limit ventures, agreements, partnerships, or other arrangements that involve the use of covered foreign adversary light detection and ranging technology in the United States for research purposes, or in connection with the development, manufacturing, or assembly

of products that are intended for export and that will not be sold or leased in the United States.

(b) EXCEPTION.—Notwithstanding subsection (a), a person, including a covered person, is permitted to—

(1) engage in a transaction and enter into an agreement that results in an adversary affiliation termination event with respect to a covered foreign adversary light detection and ranging technology; and

(2) fulfill any existing responsibilities or obligations under any joint venture, licensing agreement, technology partnership, or other comparable contractual arrangement established prior to the date of enactment of this Act, except in the case of such a venture, agreement, partnership, or other arrangement that was entered into with the intent of frustrating a material purpose of this Act.

(c) PRESUMPTION.—A joint venture, licensing agreement, technology partnership, or other comparable contractual arrangement described under subsection (a)(1) shall be presumed to be intended to frustrate a material purpose of this Act if entered into during the 180 day period immediately preceding the date of enactment of this Act, except as otherwise demonstrated by a preponderance of the evidence.

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT OF PROHIBITIONS.—

(1) CIVIL PENALTY.—Any covered person who violates, attempts to violate, conspires to violate, or causes any knowing violation of section 3(a) shall be subject to a civil penalty not to exceed the amount set forth under section 1705 of title 50, United States Code.

(2) INJUNCTIVE RELIEF.—The Secretary of Commerce may seek a declaratory judgment requiring any person (including, but not limited to, a covered person or a critical infrastructure operator) who violates, attempts to violate,

conspires to violate, or causes any violation of section 3 to cease, unwind, or otherwise terminate any violative transaction, use, or action in furtherance of the foregoing. Such an action may be brought in any district court of competent jurisdiction or the district court for the District of Columbia.

(b) ENFORCEMENT OF LIMITATION.—Any joint venture, licensing agreement, technology partnership, or comparable contractual arrangement in violation of section 4 of may be blocked, unwound, or otherwise prohibited.

(c) PROCEDURE.—Prior to any enforcement action under this Act, the Secretary of Commerce shall provide the violating party with a written explanation of the violative conduct specifying the laws and regulations allegedly violated and the amount or nature of the proposed penalty or action, and notifying the recipient of a right to make a written petition within 30 days as to why a penalty should not be imposed or such action should not be undertaken.

(d) NON-EXCLUSIVITY OF REMEDIES.—Nothing in this section shall be interpreted to limit or abridge such other enforcement authorities of the Federal Government that may exist pursuant to other authorities.

SEC. 6. TRANSITION MITIGATION.

(a) ASSISTANCE TO CUSTOMERS AND USERS.—

(1) PROGRAM.—Not later than 90 days after the date of enactment, the Secretary of Commerce shall establish and thereafter maintain a program to—

(A) conduct outreach to stakeholders to facilitate compliance with this Act;

(B) issue guidance on compliance, and incorporate feedback from end users impacted by the Act into such guidance; and

(C) establish procedures for entities to seek waivers or clarifications under this Act.

(2) AUTONOMOUS VEHICLE AND ROBOTICS

EXPERTISE.—The Secretary of Commerce shall designate not less than two individuals, one of whom must have substantial expertise in autonomous driving systems and one of whom must have substantial expertise in robotics, responsible for accepting and reviewing petitions by customers or users of covered foreign adversary light detection and ranging technology that develop products that incorporate such technology who contend that their development or production of such product is dependent on continued access to the prohibited technology, and to—

(A) determine whether such contentions are supported by technical evidence, and if so proven, whether a waiver of such prohibition would be in the national interest of the United States; and

(B) suggest technical benchmarks or other indicators that would warrant a recission or extension of such a waiver.

(b) ADVISORY OPINIONS.—Upon petition of a customer or user likely to be impacted by this Act, the Secretary of Commerce shall issue advisory opinions regarding whether their continued use of covered foreign adversary light detection and ranging technology is likely to warrant a waiver under this Act, which shall be provided to such a customer or user not later than 180 days after the submission of such a request.

(c) NATIONAL SECURITY TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish and thereafter maintain a task force to address the national security risks associated with covered foreign adversary light detection and ranging technology—

(A) that remains in use following the effective dates of prohibitions under this Act, whether by means of waiver, exemption, extension, or violation; or

(B) that is in use during the period of time following the date of enactment and the relevant effective dates of prohibitions under this Act.

(2) MANDATE.—The task force shall—

(A) engage with customers and users of covered foreign adversary light detection and ranging technology regarding national security risks and potential partial mitigation measures; and

(B) work with appropriate elements of the Intelligence Community and law enforcement to, in appropriate instances, share information with such customers and users regarding national security risks associated with their use of foreign adversary light detection and ranging technology.

SEC. 7. DEFINITIONS.

(a) ADVERSARY AFFILIATION TERMINATION EVENT.—

(1) CRITERIA.—The term “adversary affiliation termination event” shall refer to a transaction and agreement that constitutes a full and absolute divestment of any interest in a foreign adversary light detection and ranging technology, or full and absolute sale of any interest in a company that controls such technology, provided such transaction and agreement—

(A) is approved by the Secretary of Commerce pursuant to paragraph (2);

(B) results in a person or group of persons who are not affiliated with a foreign adversary country (whether by domicile, citizenship, principal place of business, or otherwise) obtaining full control over the corresponding technology, or as applicable, company;

(C) eliminates any national security threat associated with such technology, including the transmission of any data collected or processed by the technology to a foreign adversary country; and

(D) results in a full transfer of any intellectual property in such technology to a person in the United States or a country otherwise designated as a trusted partner of the United States pursuant a notice and comment rulemaking of the Secretary of Commerce, except to the extent such a designation would contradict subsection (e).

(2) APPROVAL.—The Secretary of Commerce shall only issue an approval under the preceding paragraph if the petitioning applicant demonstrates by clear and convincing evidence that the corresponding termination event eliminates the national security threat associated with such technology and results in full control of such technology, including any intellectual property or data collected or processed by the technology, by persons not affiliated with a foreign adversary country.

(3) REVIEW.—Any determination of the Secretary of Commerce under paragraph (2) may be challenged in a district court of competent jurisdiction by an impacted party, including a company, or any shareholder thereof, that operates in a similar or related business as a petitioning party.

(b) COVERED PERSON.—

(1) IN GENERAL.—The term “covered person” shall refer to any person that directly or indirectly engages in commerce or other activities that facilitate commerce—

(A) related to light detection and ranging technology;

(B) related to products, services, or infrastructure that contain, may contain, incorporate, or facilitate the production or development of such technology; or

(C) that routinely utilizes light detection and ranging technology, or routinely utilizes products or services that contain, may contain, incorporate, or facilitate the production or development of such technology, in their ordinary course of business.

(2) LIMITATION.—The term “covered person” shall not be interpreted to include a natural person that utilizes a product containing covered foreign adversary light detection and ranging technology for personal or incidental business purposes, without the intent to circumvent or otherwise abridge a material purpose of this Act.

(3) EVASION.—The term “covered person” shall be interpreted to include any corporate or other structure established or operated with the primary intent of circumventing a material purpose of this Act.

(c) COVERED FOREIGN ADVERSARY LIGHT DETECTION AND RANGING TECHNOLOGY.—

(1) IN GENERAL.—The term “covered foreign adversary light detection and ranging technology” shall refer to any sensor, system, hardware, software, or integrated component that uses light detection and ranging to collect, process, or interpret environmental data, including by means of a pulsed or modulated laser, if such technology was developed, distributed, manufactured by—

(A) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(B) an entity with respect to which a foreign person or combination of foreign persons described in subparagraph (A) directly or indirectly own at least a 25 percent stake; or

(C) a person subject to the direction or control of a foreign person or entity described in subparagraph (A) or (B).

(2) EXCEPTION.—The term “covered foreign adversary light detection and ranging technology” does not include a technology that no longer constitutes a foreign adversary light detection and ranging technology as a result of an adversary affiliation termination event.

(d) CRITICAL INFRASTRUCTURE OPERATOR.—

(1) IN GENERAL.—The term “critical infrastructure operator” shall refer to any operator, or contractor acting on behalf of an operator, of critical infrastructure as such term is interpreted by the Secretary of Commerce pursuant to the public notice required under paragraph (2).

(2) PUBLIC NOTICE.—Not less than annually, the Secretary of Commerce shall publish a document, using the definition provided for under section 5195c(e) of title 42, United States Code, describing the sectors or, as appropriate, functions that are considered critical infrastructure for purposes of this Act.

(3) MINIMUM REQUIRED SECTORS.—The annual document required under paragraph (2), without prejudice to such other sectors or functions that the Secretary of Commerce may designate, shall in all cases include—

(A) the operation or inspection of water, wastewater, power, or other electric utilities or related generation or transmission infrastructure;

(B) the use of digital technology, data, and connected systems to coordinate municipal or other similar functions, including the operation of systems commonly known as smart city systems or systems to regulate traffic or other related functions; or

(C) the operation or inspection of an airport, seaport, railway, or other transportation asset.

(e) FOREIGN ADVERSARY COUNTRY.—The term “foreign adversary country” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, and the Democratic People’s Republic of Korea.

SEC. 8. REPORTING REQUIREMENT.

Not later than one year after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to Congress, which may contain a classified annex, that describes—

(1) all regulatory or enforcement actions undertaken pursuant to the Act;

(2) any waivers granted under the Act, including identifying information regarding the products and persons subject to such waivers;

(3) emerging national security threats related to light detection and ranging technology; and

(4) any efforts of the People's Republic of China, or an entity based therein, to circumvent or otherwise frustrate a material purpose of this Act.
